

STATE OLYMPIC AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Beverly Ann Evans

This act modifies the Utah Sports Authority Act and the State Olympic Coordination Act.

The act repeals the Utah Sports Advisory Committee and modifies the responsibilities of the

Olympic Coordination Committee. The act modifies reporting requirements of the State

Olympic Officer. The act repeals obsolete language and makes technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63A-7-103, as last amended by Chapter 186, Laws of Utah 1996

63A-7-104, as last amended by Chapters 202 and 216, Laws of Utah 1998

63A-7-106, as last amended by Chapter 294, Laws of Utah 1999

63A-10-109, as enacted by Chapter 294, Laws of Utah 1999

REPEALS:

63A-7-111, as last amended by Chapter 294, Laws of Utah 1999

63A-7-112, as last amended by Chapter 294, Laws of Utah 1999

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63A-7-103** is amended to read:

63A-7-103. Definitions.

As used in this chapter:

(1) "Acquire" or "acquisition" means, with respect to any right, title, or interest in or to any property, to gain or obtain the right, title, or interest by purchase, lease, construction, gift, appropriation, or otherwise.

~~[(2) "Advisory committee" means the Utah Sports Advisory Committee created by Section 63A-7-111.]~~

~~[(3) "Advisory committee member" means a member of the advisory committee.]~~

28 [~~(4)~~] (2) "Authority" means the Utah Sports Authority created by this chapter.

29 [~~(5)~~] (3) "Authority board" or "board" means the Utah Sports Authority Board created in
30 accordance with Section 63A-7-104.

31 (4) "Coordination committee" means the Olympic Coordination Committee created
32 pursuant to Section 63A-10-109.

33 [~~(6)~~] (5) "Member" means a member of the authority board.

34 [~~(7)~~] (6) (a) "Public sports entity" means any public or private agency, corporation,
35 organization, association, person, or other entity that borrows or otherwise uses or seeks to borrow
36 or otherwise use state money to solicit, attract, organize, schedule, conduct, book, provide, operate,
37 or create any public sports event, and any Olympic bid committee or any Olympic organizing
38 committee.

39 (b) "Public sports entity" does not include:

40 (i) the authority or any county, city, or town, or the summer games residing in Cedar City;
41 or

42 (ii) a regional service area or county service area which owns or operates, directly or
43 indirectly, any facility that is constructed or renovated with Utah Sports Authority funds.

44 [~~(8)~~] (7) (a) "Public sports event" means any organized athletic competition, organized
45 athletic training, recreational activity, sports or recreation related educational activity,
46 sports-related entertainment activity, or other sports-related activity that:

47 (i) is conducted in any public sports facility; or

48 (ii) uses any state funding in any amount.

49 (b) "Public sports event" does not include games of Utah professional franchise teams,
50 collegiate athletics, or high school athletics.

51 [~~(9)~~] (8) "Public sports facility" means any state-funded ski jump, bobsled run, luge run,
52 speed skating rink, or any other winter sports facility constructed in whole or in part with state
53 funds and for the purpose of hosting or seeking the right to host the Olympic Winter Games,
54 including all real and personal property, structures, driveways, roads, approaches, parking
55 facilities, mechanical equipment, utilities, improvements, and all appurtenances and facilities
56 either on, above, or under the ground that are constructed in whole or in part with public money
57 and are used in connection with the facility, and suitable for use in connection with athletic
58 training, education, housing, or competition. The fact that a facility is also suitable for other uses

59 in addition to those specified does not exclude the facility from the scope of this definition.

60 Section 2. Section **63A-7-104** is amended to read:

61 **63A-7-104. Utah Sports Authority -- State controls -- Board -- Membership --**
62 **Meetings -- Removal -- Per diem and expenses.**

63 (1) (a) There is created within the department the Utah Sports Authority.

64 (b) The authority is subject to all laws, rules, policies, and other conditions and limitations
65 that govern agencies of state government, including:

66 (i) the procurement procedures contained in Title 63, Chapter 56, Utah Procurement Code;

67 (ii) Title 63A, Chapter 10, State Olympic Coordination Act;

68 (iii) the personnel procedures contained in Title 67, Chapter 19, Utah State Personnel
69 Management Act; and

70 (iv) the laws, rules, policies, and other conditions or limitations from oversight
71 departments, divisions, agencies, or offices such as the Division of Finance, the Division of
72 Facilities Construction and Management, the state treasurer, the state auditor, and the attorney
73 general.

74 (c) (i) Notwithstanding any other provisions of this chapter, the Division of Finance shall
75 provide or contract for all accounting related to public sports facilities, including budgeting,
76 financial reporting, and internal controls of both state and nonstate funds of the authority.

77 (ii) All nonstate funds may be accounted for and controlled outside of the state accounting
78 system.

79 (d) (i) After May 4, 1998, any contract, agreement, or financial arrangement entered into
80 by the authority shall be reviewed by the State Olympic Officer and approved by the governor if
81 the contract, agreement, or financial arrangement involves:

82 (A) the transfer or conveyance of real or personal property or any interest in real or
83 personal property held by the authority on behalf of the state;

84 (B) the lease or use of a public sports facility by any person other than the authority;

85 (C) construction at a public sports facility; or

86 (D) the management of a public sports facility.

87 (ii) A contract, agreement, or financial arrangement entered into after May 4, 1998, that
88 is not reviewed and approved in accordance with this Subsection (1)(d) is voidable at the option
89 of the governor.

90 (iii) The State Olympic Officer may establish a policy that exempts a contract, agreement,
91 or financial arrangement from the requirements of this Subsection (1)(d) if:

92 (A) the size of a project, the scope of the activities, or the amount of money or state
93 resources involved is of minimal or insignificant nature; and

94 (B) the exemption is in the public interest.

95 (iv) The requirements of this Subsection (1)(d) are in addition to any other requirements
96 imposed on the authority by law, including approval by the Legislature of any conveyance under
97 Subsection 63A-7-105(20).

98 (2) The policy of the authority shall be determined by the authority board rather than the
99 executive director.

100 (3) There is created a Utah Sports Authority Board that shall consist of 19 members as
101 follows:

102 (a) 18 individuals appointed by the governor, with the advice and consent of the Senate,
103 as follows:

104 (i) five individuals from a list of ten nominees provided by the Utah League of Cities and
105 Towns, with not more than one being a resident of any given county;

106 (ii) two individuals from a list of four nominees provided by the Utah Association of
107 Counties;

108 (iii) three individuals from a list of six nominees provided by the mayor of Salt Lake City;

109 (iv) four individuals from the state at large; and

110 (v) four individuals:

111 (A) who prior to or at the time of appointment are athletes; and

112 (B) that the governor determines fairly represent the interests of athletes that will be served
113 by state programs or facilities overseen by the authority; and

114 (b) the executive director of the Department of Community and Economic Development.

115 (4) The authority board membership shall include representatives of private business and
116 industry. Examples of industries that may be represented on the board include the banking,
117 accounting, legal, financial services, and amateur sports industries.

118 (5) (a) In making appointments to the authority board, the governor shall consider
119 geographical representation.

120 (b) A member of the authority board may not hold an elective public office.

121 (c) Each board member shall be a resident of the state as defined in Section 20A-2-105.

122 (d) No more than ten board members may have the same political party affiliation and the
123 political party affiliation of each board member and any change in that affiliation shall be disclosed
124 to the board.

125 (e) A member of the authority board, any of its employees, or any employees of the
126 department or the Department of Community and Economic Development may not be on the board
127 of, be employed by, contract with, or in any way be affiliated with any private entity that is using
128 or seeking to use state funds to solicit, attract, organize, schedule, conduct, book, provide, operate,
129 or create any public sports event, or that uses or seeks to use any public sports facility, unless any
130 affiliation with the private entity is fully disclosed to the authority board and the advisory
131 committee in an open and public meeting.

132 (6) (a) Except as required by Subsection (6)(b), each board member shall serve a four-year
133 term beginning January 1, 1990.

134 (b) Notwithstanding the requirements of Subsection (6)(a), the governor shall, at the time
135 of appointment or reappointment, adjust the length of terms to ensure that the terms of authority
136 members are staggered so that approximately half of the authority is appointed every two years.

137 (7) The governor shall appoint one of the members appointed to a four-year term as the
138 chair of the authority board. The members shall elect from among their number a vice chair and
139 other officers they may determine. The chair shall serve at the pleasure of the governor.

140 (8) (a) The authority board shall meet at least quarterly unless otherwise determined by a
141 majority of the members and at other times at the discretion of the chair.

142 (b) A majority of the authority board is a quorum for conducting authority business. A
143 majority vote of those present is required for any action to be taken by the authority.

144 (c) The authority board shall invite the members of the [~~advisory~~] coordination committee
145 and other agencies and individuals listed in Subsection (8)(e) to all of its meetings. The authority
146 shall allow members of the [~~advisory~~] coordination committee and other agencies and individuals
147 listed in Subsection (8)(e) to attend, participate in discussions, and review all materials presented
148 in all meetings of the authority.

149 (d) The authority shall include at least two members of the [~~advisory~~] coordination
150 committee on each subcommittee the authority board may create.

151 (e) The authority board shall provide meeting notices, agendas, and minutes of meetings:

- 152 (i) to members of the [~~advisory~~] coordination committee;
- 153 (ii) the governor;
- 154 (iii) the attorney general;
- 155 (iv) the Division of Finance;
- 156 (v) the Department of Administrative Services;
- 157 (vi) the Division of Facilities Construction and Management;
- 158 (vii) the state auditor;
- 159 (viii) the legislative auditor general;
- 160 (ix) the Office of Legislative Research and General Counsel;
- 161 (x) the Office of the Legislative Fiscal Analyst; and
- 162 (xi) the State Olympic Officer.

163 (9) (a) Any member may be removed from office with cause by the governor or for cause
164 by an affirmative vote of eight members.

165 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
166 appointed for the unexpired term in the same manner as the original appointment, subject to the
167 consent of the Senate.

168 (c) A member shall continue to hold office until the member's successor has been
169 appointed and qualified.

170 (d) Any member is eligible for reappointment, but may not serve more than four full
171 consecutive terms.

172 (10) The authority shall exist as long as it has obligations outstanding and until its
173 existence is terminated by law. Upon the termination of the existence of the authority, all its rights
174 and properties shall pass to and be vested in the state.

175 (11) (a) (i) A member who is not a government employee shall receive no compensation
176 or benefits for that member's services, but may receive per diem and expenses incurred in the
177 performance of the member's official duties at the rates established by the Division of Finance
178 under Sections 63A-3-106 and 63A-3-107.

179 (ii) A member may decline to receive per diem and expenses for the member's service.

180 (b) (i) A state government officer or employee member who does not receive salary, per
181 diem, or expenses from the officer's or employee's agency for the officer's or employee's service
182 may receive per diem and expenses incurred in the performance of the officer's or employee's

183 official duties from the authority at the rates established by the Division of Finance under Sections
184 63A-3-106 and 63A-3-107.

185 (ii) A state government officer or employee member may decline to receive per diem and
186 expenses for the officer's or employee's service.

187 (c) (i) A local government member who does not receive salary, per diem, or expenses from
188 the entity that the member represents for the service may receive per diem and expenses incurred
189 in the performance of the member's official duties at the rates established by the Division of
190 Finance under Sections 63A-3-106 and 63A-3-107.

191 (ii) A local government member may decline to receive per diem and expenses for the
192 member's service.

193 Section 3. Section **63A-7-106** is amended to read:

194 **63A-7-106. Financial plan -- Approval by governor and mayor -- Requirements for**
195 **review -- State Olympic Officer access to and report on financial information -- Governor's**
196 **responsibilities.**

197 (1) Any public sports entity that hosts, organizes, conducts, or operates the Olympic
198 Winter Games shall:

199 (a) no later than 45 days after the last day of each calendar quarter, submit a budget for
200 hosting the games, including any substantive or material changes to the budget since it was last
201 submitted, to the governor and the mayor of Salt Lake City for review and approval;

202 (b) submit to the State Olympic Officer:

203 (i) financial information requested by the State Olympic Officer that is substantially
204 similar to monthly and quarterly reports that are prepared by the public sports entity for a financial
205 institution providing the public sports entity with one or more revolving or other lines of credit;

206 (ii) by no later than December 31, 2000, written identification of contracts and payment
207 amounts, which the public sports entity intends to use to fully fund its obligations described in
208 Subsection (2)(e); and

209 (iii) any other financial records requested by the State Olympic Officer;

210 (c) annually provide to the State Olympic Officer in a form that meets generally accepted
211 accounting principles, except as noted in the audit opinion, the public sports entity's balance sheet,
212 income statement, cash flow statement, and the entity's current operating performance as compared
213 to its budget; and

214 (d) provide the State Olympic Officer reasonable access during normal business hours to
215 the financial ledgers of the public sports entity.

216 (2) The budget submitted by a public sports entity pursuant to Subsection (1)(a) shall
217 contain any information requested by the governor, and the mayor of Salt Lake City, as well as
218 documentation that the budget and accompanying information:

219 (a) includes reliable revenue projections that are estimated to adequately cover anticipated
220 expenditures under the budget;

221 (b) includes projected cash flow estimates;

222 (c) includes reasonably prudent budget contingencies;

223 (d) maintains, supports, and protects the state's security interest in revenues of the Salt
224 Lake Organizing Committee for the Olympic Winter Games of 2002, in accordance with joint
225 resolutions adopted by the Legislature; and

226 (e) provides for payment of all obligations of the Salt Lake Organizing Committee for the
227 Olympic Winter Games of 2002 that are due to:

228 (i) the state, including:

229 (A) repayment to the Utah Sports Authority of the actual total funds expended or incurred
230 by the Utah Sports Authority through April 15, 1999, from the Olympics Special Revenue Fund,
231 not to exceed \$59,000,000, in accordance with joint resolutions adopted by the Legislature;

232 (B) payment to the state of an amount equal to the bond obligations owed with respect to
233 the State Building Ownership Authority bond, in accordance with the requirements of S.J.R.14
234 passed by the Legislature in the 1998 General Session; and

235 (C) payment for services or property in accordance with Section 63A-10-107;

236 (ii) the Utah Athletic Foundation, including the payment of \$40,000,000 in accordance with
237 joint resolutions adopted by the Legislature; and

238 (iii) the University of Utah, for use of the university's stadium for opening and closing
239 ceremonies in accordance with the requirements of the Ceremonies Agreement dated July 28,
240 1997.

241 (3) (a) Beginning the first of fiscal year 1999-2000, the governor shall, no less often than
242 semi-annually, provide a written review and determination regarding his decision whether to
243 approve the budget described in Subsection (1)(a). Based on information available at the time of
244 the governor's review, the governor shall determine whether the budget and accompanying

245 information includes the requirements described in Subsection (2).

246 (b) The governor shall provide a copy of his written semi-annual review and also, if
247 approved, his written approval to the:

248 [~~(i) president of the Senate;~~]

249 [~~(ii) speaker of the House of Representatives; and]~~

250 [~~(iii) Olympic Coordination Committee, created pursuant to Section 63A-10-109;]~~

251 (i) Legislative Management Committee; and

252 (ii) coordination committee.

253 (c) The governor's written review and approval, as described in this Subsection (3), does
254 not constitute a guarantee or certification by the governor regarding the public sports entity's
255 budget.

256 (4) (a) No later than 15 days following the submission of the budget pursuant to
257 Subsection (1)(a), the State Olympic Officer shall report in writing to the [~~Olympic Coordination~~
258 ~~Committee]~~ coordination committee. That report shall include a summary of:

259 (i) the quarterly budget provided by a public sports entity, as required by Subsection (1)(a);
260 and

261 (ii) the documentation described in Subsection (2).

262 (b) The State Olympic Officer's report required by this Subsection (4) does not constitute
263 a guarantee or certification by the State Olympic Officer regarding the public sports entity's budget.

264 (5) The review and determination of approval of the budget by the mayor of Salt Lake
265 City, as required by Subsection (1)(a), shall be in accordance with policy guidelines established
266 by the Salt Lake City Council.

267 (6) The State Olympic Officer may request from the public sports entity access to any other
268 financial records not disclosed under Subsection (1)(a). The public sports entity shall provide the
269 coordinator access to the records if the board of trustees of the public sports entity approves the
270 request.

271 [~~(7) The State Olympic Officer shall:~~]

272 [~~(a) distribute the information provided pursuant to Subsection (1) (b) to:~~]

273 [~~(i) the Division of Finance;~~]

274 [~~(ii) the state auditor;~~]

275 [~~(iii) the legislative auditor general;~~]

276 ~~[(iv) the Office of Legislative Research and General Counsel; and]~~
277 ~~[(v) the Office of the Legislative Fiscal Analyst;]~~
278 ~~[(b) review the information provided pursuant to Subsections (1) and (2); and]~~
279 ~~[(c) report annually to the Sports Advisory Committee and Executive Appropriations~~
280 ~~Committee concerning the financial plan for hosting the games required under Subsection (1)(a),~~
281 ~~including reporting on the source, timing, reliability of projections, financial soundness, security~~
282 ~~position, and contractual status of projected revenues and projected expenditures.]~~

283 ~~[(8)]~~ (7) At the request of a public sports entity, information obtained by the State Olympic
284 Officer from the public sports entity shall be a protected record under Title 63, Chapter 2,
285 Government Records Access Management Act, if:

- 286 (a) the record is designated as protected by the public sports entity; and
287 (b) the information is not public information under this chapter or other state or federal
288 laws.

289 Section 4. Section **63A-10-109** is amended to read:

290 **63A-10-109. Olympic Coordination Committee -- Creation -- Membership --**
291 **Quorum -- Compensation -- Staff -- Committee duties.**

292 (1) There is created the Olympic Coordination Committee consisting of the following 12
293 members:

294 (a) five members of the Senate, appointed by the president of the Senate, not more than
295 three of whom may be of the same political party; and

296 (b) seven members of the House of Representatives, appointed by the speaker of the House
297 of Representatives, not more than four of whom may be of the same political party.

298 (2) The president of the Senate and the speaker of the House of Representatives shall each
299 appoint a legislator to serve as cochairs of the Olympic Coordination Committee.

300 (3) The committee shall determine committee quorum and voting requirements in
301 accordance with legislative rules.

302 (4) Salaries and expenses of the members of the committee shall be paid in accordance
303 with Section 36-2-2 and Legislative Joint Rule 15.03.

304 (5) The Office of Legislative Research and General Counsel shall provide staff support to
305 the committee and shall consult with the Office of Legislative Fiscal Analyst on fiscal issues
306 studied by the committee.

307 (6) The committee may review and make recommendations [~~to the Legislature and the~~
308 ~~governor~~] on any issue that relates to the:
309 (a) [~~the~~] state's involvement in hosting the Olympics;
310 (b) coordination of state and local governments in hosting the Olympics;
311 (c) interests of athletes served by Olympic-related state programs or facilities;
312 [~~(b) the~~] (d) state's role as a creditor and a secured party in relationship to the Olympics
313 and the Organizing Committee;
314 [~~(c) the~~] (e) Olympics;
315 [~~(d) the~~] (f) Organizing Committee; or
316 [~~(e) the~~] (g) impact of the Olympics on the state after the Olympic games have concluded.
317 (7) The committee may report any recommendations, including any proposed legislation,
318 to the Legislative Management Committee.

Section 5. **Repealer.**

This act repeals:

Section **63A-7-111, Utah Sports Advisory Committee.**

Section **63A-7-112, Committee authority.**

Legislative Review Note
as of 1-25-01 6:11 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel