

119 have advisory power.

120 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a  
121 meeting that can be used to review the proceedings of the meeting.

122 (13) "Specified body":

123 (a) means an administrative, advisory, executive, or legislative body that:

124 (i) is not a public body;

125 (ii) consists of three or more members; and

126 (iii) includes at least one member who is:

127 (A) a legislator; and

128 (B) officially appointed to the body by the president of the Senate, speaker of the

129 House of Representatives, or governor; and

130 (b) does not include a body listed in Subsection (9)(c)(ii).

131 (14) "Transmit" means to send, convey, or communicate an electronic message by  
132 electronic means.

133 Section 2. Section **53A-1-1601** is enacted to read:

134 **Part 16. Public School Membership in Associations**

135 **53A-1-1601. Definitions.**

136 As used in this part:

137 (1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of  
138 assigning a public school a classification or region.

139 (2) "Appeals panel" means the appeals panel created in Section [53A-1-1606](#).

140 (3) (a) "Association" means an organization that governs or regulates a student's  
141 participation in an ~~S~~→ athletic ←~~S~~ interscholastic activity.

142 (b) "Association" does not include an institution of higher education described in  
143 Section [53B-1-102](#).

144 (4) "Classification" means the designation of a school based on the size of the school's  
145 student enrollment population for purposes of interscholastic activities.

146 (5) "Eligibility" means eligibility to participate in an interscholastic activity regulated  
147 or governed by an association.

148 (6) "Governing body" means a body within an association that:

149 (a) is responsible for:

150 (i) adopting rules or policies that govern interscholastic activities or the administration  
151 of the association;

152 (ii) adopting or amending the association's governing document or bylaws;

153 (iii) enforcing the rules and policies of the association; and

154 (iv) adopting the association's budget; and

155 (b) has oversight of other boards, committees, councils, or bodies within the  
156 association.

157 (7) "Interscholastic activity" means an activity within the state in which:

158 (a) a student that participates represents the student's school in the activity; and

159 (b) the participating student is enrolled in grade 9, 10, 11, or 12.

160 (8) "Public hearing" means a hearing at which members of the public are provided a  
161 reasonable opportunity to comment on the subject of the hearing.

162 (9) "Region" means a grouping of schools of the same classification for purposes of  
163 interscholastic activities.

164 Section 3. Section **53A-1-1602** is enacted to read:

165 **53A-1-1602. Public schools prohibited from membership.**

166 (1) A public school may not be a member of or ~~H~~→ [pays due] pay dues ←~~H~~ to an  
166a association that is not in

167 compliance on or after July 1, 2017, with:

168 (a) this part;

169 (b) Title 52, Chapter 4, Open and Public Meetings Act;

170 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and

171 (d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

172 (2) Unless otherwise specified, an association's compliance with or an association  
173 employee or officer's compliance with the provisions described in Subsection (1) does not alter:

174 (a) the association's public or private status; or

175 (b) the public or private employment status of the employee or officer.

176 Section 4. Section **53A-1-1603** is enacted to read:

177 **53A-1-1603. Governing body membership.**

178 (1) (a) A governing body shall have 15 members as follows:

179 (i) six members who:

180 (A) are each an elected member of a local school board; and

- 212 (3) procedures for alignment or realignment;  
 213 (4) any amendments or changes to the association's governing document or bylaws; and  
 214 (5) any other information requested by the State Board of Education.

215 Section 6. Section **53A-1-1605** is enacted to read:

216 **53A-1-1605. Association budgets.**

217 (1) An association shall:

218 (a) adopt a budget in accordance with this section; and

219 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall  
 220 be in accordance with generally accepted accounting principles or auditing standards.

221 (2) An association budget officer or executive director shall annually prepare a  
 222 tentative budget, with supporting documentation, to be submitted to the governing body.

223 (3) The tentative budget and supporting documents shall include the following items:

224 (a) the revenues and expenditures of the preceding fiscal year;

225 (b) the estimated revenues and expenditures of the current fiscal year;

226 (c) a detailed estimate of the essential expenditures for all purposes for the next  
 227 succeeding fiscal year; and

228 (d) the estimated financial condition of the association by funds at the close of the  
 229 current fiscal year.

230 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,  
 231 before the date of the tentative budget's proposed adoption by the governing body.

232 (5) The governing body shall adopt a budget.

233 (6) Before the adoption or amendment of a budget, the governing body shall hold a  
 234 public hearing on the proposed budget or budget amendment.

235 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings  
 236 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the  
 237 public hearing, a governing body shall:

238 (i) publish a notice of the public hearing electronically in accordance with Section

239 **H→** ~~[45-1-101]~~ [63F-1-701](#) **←H** ; and

240 (ii) post the proposed budget on the association's Internet website.

241 (b) A notice of a public hearing on an association's proposed budget shall include  
 242 information on how the public may access the proposed budget as provided in Subsection

553 Management Act, or other applicable provision of law.

554 (7) "Governmental action" means any action on the part of the state, a political  
555 subdivision, or an agency, including:

556 (a) any decision, determination, finding, ruling, or order; and

557 (b) any grant, payment, award, license, contract, subcontract, transaction, decision,  
558 sanction, or approval, or the denial thereof, or the failure to act in respect to.

559 (8) "Improper disclosure" means disclosure of controlled, private, or protected  
560 information to any person who does not have the right to receive the information.

561 (9) "Legislative employee" means any officer or employee of the Legislature, or any  
562 committee of the Legislature, who is appointed or employed to serve, either with or without  
563 compensation, for an aggregate of less than 800 hours during any period of 365 days.

564 "Legislative employee" does not include legislators.

565 (10) "Legislator" means a member or member-elect of either house of the Legislature  
566 of the state of Utah.

567 (11) "Political subdivision" means a district, school district, or any other political  
568 subdivision of the state that is not an agency, but does not include a municipality or a county.

569 (12) (a) "Public employee" means a person who is not a public officer who is employed  
570 on a full-time, part-time, or contract basis by:

571 (i) the state [~~or any of its political subdivisions.~~];

572 (ii) a ~~§~~ **political** ~~§~~ subdivision of the state; or

573 (iii) an association as defined in Section 53A-1-1601.

574 (b) "Public employee" does not include legislators or legislative employees.

575 (13) (a) "Public officer" means [~~an~~] an elected or appointed [~~officers of the state or any~~  
576 ~~of its political subdivisions who occupy policymaking posts.~~] officer:

577 (i) (A) of the state;

578 (B) of a political subdivision of the state; or

579 (C) an association as defined in Section 53A-1-1601; and

580 (ii) who occupies a policymaking post.

581 (b) "Public officer" does not include legislators or legislative employees.

582 (14) "State" means the state of Utah.

583 (15) "Substantial interest" means the ownership, either legally or equitably, by an

584 individual, the individual's spouse, or the individual's minor children, of at least 10% of the  
 585 outstanding capital stock of a corporation or a 10% interest in any other business entity.

586 Section 11. **Appropriation.**

587 The following sums of money are appropriated for the fiscal year beginning July 1,  
 588 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for  
 589 fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 590 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 591 indicated for the use and support of the government of the state of Utah.

592 To State Board of Education -- State Administrative Office

593 From ~~H~~→ [Education] General ←~~H~~ Fund, Ongoing \$15,000

594 Schedule of Programs:

595 Board and Administration \$15,000

596 The Legislature intends that the State Board of Education use the appropriation to the  
 597 State Board of Education under this section to reimburse an association for per diem and travel  
 598 expenses incurred by a member of an appeals panel described in Section [53A-1-1606](#).