

MEMBERSHIP ON UTAH SPORTS AUTHORITY

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Jordan Tanner

AN ACT RELATING TO ADMINISTRATIVE SERVICES; AMENDING PROVISIONS RELATED TO MEMBERSHIP ON UTAH SPORTS AUTHORITY; AND MAKING TECHNICAL CORRECTIONS.

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

AMENDS:

63A-7-104, as last amended by Chapter 146, Laws of Utah 1997

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

Section 1. Section **63A-7-104** is amended to read:

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

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

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

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

(ii) the personnel procedures contained in Title 67, Chapter 19, Utah State Personnel

Management Act; and

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

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

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

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

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

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

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

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

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

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

(v) four individuals:

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

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

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

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

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

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

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

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

(e) A member of the authority board, any of its employees, or any employees of the

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

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

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

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

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

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

(c) The authority board shall invite the members of the advisory committee and other agencies and individuals listed in Subsection (8)(e) to all of its meetings. The authority shall allow members of the advisory committee and other agencies and individuals listed in Subsection (8)(e) to attend, participate in discussions, and review all materials presented in all meetings of the authority.

(d) The authority shall include at least two members of the advisory committee on each subcommittee the authority board may create.

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

(i) to members of the advisory committee;

(ii) the governor;

- (iii) the attorney general;
- (iv) the Division of Finance;
- (v) the Department of Administrative Services;
- (vi) the Division of Facilities Construction and Management;
- (vii) the state auditor;
- (viii) the legislative auditor general;
- (ix) the Office of Legislative Research and General Counsel; and
- (x) the Office of the Legislative Fiscal Analyst.

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

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

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

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

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

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

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

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

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

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

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

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