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STATE OLYMPIC COORDINATION

AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Jordan Tanner

AN ACT RELATING TO STATE OLYMPIC COORDINATION; MODIFYING THE MEMBERSHIP AND DUTIES OF THE UTAH SPORTS ADVISORY COMMITTEE; CREATING THE OLYMPIC COORDINATION COMMITTEE; PROVIDING FOR MEMBERSHIP AND DUTIES; AMENDING PROVISIONS RELATING TO THE APPROVAL OF OLYMPIC ORGANIZING COMMITTEE BUDGETS; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

63A-7-106, as last amended by Chapters 202 and 343, Laws of Utah 1998

63A-7-111, as last amended by Chapters 146 and 276, Laws of Utah 1997

63A-7-112, as renumbered and amended by Chapter 215, Laws of Utah 1995

ENACTS:

63A-10-109, Utah Code Annotated 1953

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

Section 1. Section **63A-7-106** is amended to read:

63A-7-106. Financial plan approval by governor and mayor -- State Olympic Officer access to and report on financial information.

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

(i) quarterly submit the financial plan for hosting the games to the governor and the mayor of Salt Lake City for review and written approval;

(ii) annually provide to the State Olympic Officer in a form that meets generally accepted

28 accounting principles, except as noted in the audit opinion, the public sports entity's balance sheet,
 29 income statement, cash flow statement, and the entity's current operating performance as compared
 30 to its budget; and

31 (iii) provide the State Olympic Officer reasonable access during normal business hours to
 32 the financial ledgers of the public sports entity.

33 (b) The governor's written approval of the financial plan, required by Subsection (1)(a)(i),

34 ~~h [shall include a finding that the financial plan:~~

35 ~~—— (i) includes reliable and financially sound revenue projections that are adequate to cover~~

36 ~~the expenditures of the financial plan;] SHALL INCLUDE A STATEMENT THAT BASED ON~~

36a ~~INFORMATION AVAILABLE TO THE GOVERNOR AT THE TIME OF THE GOVERNOR'S REVIEW, THE~~
 36b ~~FINANCIAL PLAN:~~

36c ~~(i) INCLUDES FINANCIALLY SOUND REVENUE PROJECTIONS THAT ARE ESTIMATED TO BE~~
 36d ~~ADEQUATE TO COVER ANTICIPATED EXPENDITURES UNDER THE FINANCIAL PLAN; h~~

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

40 (iii) provides for payment of all obligations of the Salt Lake Organizing Committee for the
 41 Olympic Winter Games of 2002 that are due to:

42 (A) the state, including:

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

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

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

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

52 (C) the University of Utah, for use of the university's stadium for opening and closing
 53 ceremonies in accordance with the requirements of the Ceremonies Agreement dated July 28,
 54 1997.

55 (c) The governor shall provide a copy of his quarterly written approval of the financial
 56 plans as required by Subsection (1)(a)(i), to:

57 (i) the president of the Senate;

58 (ii) the speaker of the House of Representatives; and

59 (iii) the Olympic Coordination Committee created pursuant to Section 63A-10-109.

60 (d) The State Olympic Officer shall quarterly report to the Olympic Coordination

61 Committee. That report shall include:

62 (i) the governor's approval of the financial plan, required by Subsection (1)(a)(i); and

63 (ii) ~~h~~ [findings] STATEMENTS ~~h~~ related to the governor's approval, required by
Subsection (1)(b).

64 (e) The approval of the financial plan by the mayor of Salt Lake City, as required by

65 Subsection (1)(a)(i), shall be in accordance with guidelines established by the Salt Lake City

66 Council.

67 ~~[(b)]~~ (f) The State Olympic Officer may request from the public sports entity access to any

68 other financial records not disclosed under Subsection (1)(a). The public sports entity shall

69 provide the coordinator access to the records if the board of trustees of the public sports entity

70 approves the request.

71 (2) The State Olympic Officer shall:

72 (a) distribute the information provided ~~[in]~~ pursuant to Subsection (1)(a)(ii) to:

73 (i) the Division of Finance;

74 (ii) the state auditor;

75 (iii) the legislative auditor general;

76 (iv) the Office of Legislative Research and General Counsel; and

77 (v) the Office of the Legislative Fiscal Analyst; ~~[and]~~

78 (b) review the information provided ~~[under]~~ pursuant to Subsection (1); and

79 (c) report annually to the Sports Advisory Committee and Executive Appropriations

80 Committee concerning the financial plan for hosting the games required under Subsection (1)(a)(i),

81 including reporting on the source, timing, reliability of projections, financial soundness, security

82 position, and contractual status of projected revenues and projected expenditures.

83 (3) At the request of a public sports entity, information obtained by the State Olympic

84 Officer from the public sports entity shall be a protected record under Title 63, Chapter 2,

85 Government Records Access Management Act, if:

86 (a) the record is designated as protected by the public sports entity; and

87 (b) the information is not public information under this chapter or other state or federal

88 laws.

89 Section 2. Section **63A-7-111** is amended to read:

90 **63A-7-111. Utah Sports Advisory Committee.**

91 (1) There is created the Utah Sports Advisory Committee.

92 (2) The advisory committee shall consist of the following [17] members:

93 (a) five representatives of the Utah League of Cities and Towns, appointed by the Utah

94 League of Cities and Towns;

95 (b) two representatives of the Utah Association of Counties, appointed by the Utah

96 Association of Counties;

97 (c) two representatives of Salt Lake City, appointed by the mayor of Salt Lake City;

98 (d) two individuals jointly appointed by the president of the Senate and speaker of the

99 House:

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

101 (ii) that the president of the Senate and the speaker of the House jointly determine fairly
102 represent the interests of athletes that will be served by state programs or facilities related to the
103 responsibilities of the advisory committee; and104 (e) [~~three members of the Senate, appointed by the president of the Senate, not more than~~
105 ~~two of whom may be from the same political party;~~] the members of the Olympic Coordination
106 Committee, created pursuant to Section 63A-10-109.107 [~~(f) three members of the House of Representatives, appointed by the speaker of the~~
108 ~~House, not more than two of whom may be from the same political party.~~]109 (3) The president of the Senate and the speaker of the House shall each appoint a legislator
110 to serve as cochairs of the advisory committee.111 (4) (a) Except as required by Subsection (4)(b), each advisory committee member, except
112 the legislative members, shall serve a four-year term.113 (b) Notwithstanding the requirements of Subsection (4)(a), the chairs of the committee
114 shall, at the time of appointment or reappointment of the members appointed under Subsections
115 (2)(a) through (d), adjust the length of terms to ensure that the terms of those committee members
116 appointed under Subsections (2)(a) through (d) are staggered so that approximately half are
117 appointed every two years.118 (5) (a) If [~~the~~] a member serving pursuant to Subsection (2)(e) no longer serves in the
119 Legislature, a vacancy is created.

120 (b) When a vacancy occurs in the membership for any reason, the replacement shall be

121 appointed for the unexpired term in the same manner as the original appointment.

122 (c) An advisory committee member shall continue to hold office until the advisory
123 committee member's successor has been appointed and qualified.

124 (d) (i) When a vacancy occurs or a term expires in the membership of an individual
125 appointed under Subsection (2)(a) or (b), the appointing authority shall reappoint the individual
126 or appoint a replacement within 90 days of the date the vacancy occurs or member's term expires.

127 (ii) If the appointing authority fails to appoint a member within the 90 days required by
128 Subsection (5)(d)(i), the president of the Senate and the speaker of the House shall jointly make
129 the appointment.

130 (6) Any advisory committee member is eligible for reappointment but may not serve more
131 than four full consecutive terms.

132 (7) (a) The advisory committee shall meet at least [~~quarterly~~] semiannually and at other
133 times at the call of the cochairs.

134 (b) A majority of the membership on the advisory committee is required for a quorum to
135 conduct committee business. A majority vote of the quorum is required for any action to be taken
136 by the advisory committee.

137 (c) Any member of the advisory committee may attend, participate in discussions, and
138 review all materials presented in any of the meetings of the authority board.

139 (8) The staff to the advisory committee shall be from within the professional legislative
140 staff offices as determined by the president of the Senate and the speaker of the House.

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

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

146 (b) (i) A state government officer or employee member who does not receive salary, per
147 diem, or expenses from the officer's or employee's agency for the officer's or employee's service
148 may receive per diem and expenses incurred in the performance of the officer's or employee's
149 official duties from the committee at the rates established by the Division of Finance under
150 Sections 63A-3-106 and 63A-3-107.

151 (ii) A state government officer or employee member may decline to receive per diem and

152 expenses for the officer's or employee's service.

153 (c) Legislators on the committee shall receive compensation and expenses as provided by
154 law and legislative rule.

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

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

161 Section 3. Section **63A-7-112** is amended to read:

162 **63A-7-112. Committee duties.**

163 The advisory committee [~~shall: (1)~~] has authority to review and make recommendations
164 to the Legislature, the governor, the authority board, and to local governments concerning any
165 activity, function, power, duty, policy, procedure, process, expenditure, or other [aspect of the
166 authority, any public sports event, or any public sports entity or any issue related to the
167 implementation of this chapter; and] issue that significantly relates to the coordination of state and
168 local governments in hosting the Olympic Winter Games of 2002.

169 [~~(2) advise the Legislature and governor concerning any activity, function, power, duty,~~
170 ~~policy, procedure, process, expenditures, or other aspect of the authority, any public sports event,~~
171 ~~or any public sports entity, or any other issue related to the implementation of this chapter.]~~

172 Section 4. Section **63A-10-109** is enacted to read:

173 **63-A-10-109. Olympic Coordination Committee -- Creation -- Membership --**
174 **Quorum -- Compensation -- Staff -- Committee duties.**

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

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

179 (b) seven members of the House of Representatives, appointed by the speaker of the House
180 of Representatives, not more than ~~h [five]~~ **FOUR** ~~h~~ of whom may be of the same political party.

181 (2) The cochairs of the Sports Advisory Committee, created pursuant to Section
182 63A-7-111, shall serve as cochairs of the Olympic Coordination Committee.

183 (3) The committee shall determine committee quorum and voting requirements in
184 accordance with Legislative Rules.

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

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

190 (6) The committee may review and make recommendations to the Legislature and the
191 governor on any issue that relates to:

192 (a) the state's involvement in hosting the Olympics;

193 (b) the state's role as a creditor and a secured party in relationship to the Olympics and the
194 Organizing Committee;

195 (c) the Olympics;

196 (d) the Organizing Committee; or

197 (e) the impact of the Olympics on the state after the Olympic games have concluded.

198 (7) A final report, including any proposed legislation shall be presented to the Legislative
199 Management Committee on or before November 30 of each year.

200 **Section 5. Effective date.**

201 If approved by two-thirds of all the members elected to each house, this act takes effect
202 upon approval by the governor, or the day following the constitutional time limit of Utah

203 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
204 date of veto override.

Legislative Review Note

as of 1-13-99 4:49 PM

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

Office of Legislative Research and General Counsel