

OVERSIGHT OF BONDING BY COUNTIES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jerry W. Stevenson

House Sponsor: Brad R. Wilson

LONG TITLE

General Description:

This bill amends a county legislative body's authority to create a board of directors for certain types of facilities and the board's authority.

Highlighted Provisions:

This bill:

- ▶ amends a county legislative body's authority to create a board of directors for certain types of facilities;
- ▶ amends the board's authority; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-12-4, as last amended by Laws of Utah 1993, Chapter 227

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

Section 1. Section **17-12-4** is amended to read:

17-12-4. Bond issue for auditoriums, etc., and "convention complex" facilities --



28 **Required -- Board of directors -- Use of revenues from facilities -- Purpose of act -- Rights**
29 **of bondholders.**

30 ~~[Any]~~ (1) (a) A county legislative body adopting proceedings authorizing the issuance
31 of county bonds for the purpose of acquiring, improving, extending, furnishing, and equipping
32 auditoriums, sports arenas, stadiums, convention centers, and all properties and facilities
33 ordinarily forming part of a so-called "convention complex," or for any part or combination of
34 the foregoing~~[, shall in the proceedings authorizing such bonds: (1) Provide]~~ may, by
35 resolution, provide for the creation of a board of directors which, so long as any of the bonds
36 remain outstanding either in original or refunded form~~[, shall]~~ may:

37 (i) have complete management and control of the facilities acquired with the proceeds
38 of the bonds~~[, Such board]; or~~

39 (ii) act as an advisory board to the county executive and legislative body regarding the
40 management and operation of a property or facility described in Subsection (1)(a).

41 (b) (i) The board of directors described in Subsection (1)(a) shall have the number of
42 members, possessing such qualifications and selected for such terms, and shall operate
43 pursuant to such rules and regulations as ~~[may be provided in such proceedings.]~~ adopted by
44 the county legislative body.

45 (ii) The members of ~~[such board]~~ the board of directors described in Subsection (1)(a)
46 shall serve without compensation except for reimbursement of expenses actually incurred in
47 the performance of their duties.

48 (iii) After the appointment and organization of ~~[any]~~ the board of directors, all
49 vacancies thereafter occurring, whether by expiration of term or otherwise, shall be filled by
50 majority vote of the remaining members of the board. ~~[Subject to the provisions of such~~
51 ~~proceedings;]~~

52 (iv) Subject to provisions adopted by the county legislative body, the members of the
53 board of directors ~~[shall]~~ may have the powers and duties ordinarily enjoyed by the directors of
54 a private corporation operating similar facilities.

55 (2) ~~[Provide]~~ A county legislative body that adopts proceedings for the purpose of and
56 as described in Subsection (1)(a) shall provide that all revenues of every nature derived from
57 the operation of the facilities so acquired with bond proceeds and not expended in the
58 reasonable and proper costs of maintaining and operating the facilities, including the making of

59 necessary repairs and replacements, be pledged to and utilized for the payment of principal of
60 and interest on the bonds and, if so provided, the creation of a reserve for such purpose.

61 (3) This act is adopted for the purpose of eliminating or reducing so far as possible the
62 ad valorem taxes necessary to be levied for the payment of such bonds and for the purpose of
63 improving the security of such bonds, and accordingly the holders of the bonds from time to
64 time shall have a vested and enforceable contract right in the provisions of this act and in the
65 provisions of the bond proceedings adopted pursuant hereto.

Legislative Review Note
as of 1-11-11 9:20 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 49

SHORT TITLE: **Oversight of Bonding by Counties**

SPONSOR: **Stevenson, J.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.