

1 **GOVERNMENT RELATIONSHIP TO OLYMPICS**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Alarik Myrin**

5 AN ACT RELATING TO PUBLIC SAFETY AND STATE AFFAIRS; CREATING THE STATE
6 OLYMPIC PUBLIC SAFETY COMMAND; ESTABLISHING THE POWERS OF THE
7 COMMAND; PROVIDING FOR AN OLYMPIC LAW ENFORCEMENT COMMANDER;
8 DEFINING POWERS OF THE OLYMPIC LAW ENFORCEMENT COMMANDER;
9 ADDRESSING RELATIONSHIP WITH OTHER STATE AGENCIES; AMENDING
10 OLYMPIC REPORTING REQUIREMENTS; MAKING TECHNICAL CORRECTIONS;
11 PROVIDING AN EFFECTIVE DATE; AND PROVIDING A REPEAL DATE.

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

13 AMENDS:

14 **53-1-104**, as last amended by Chapters 215 and 314, Laws of Utah 1995

15 **63-55b-5301**, as enacted by Chapter 26, Laws of Utah 1997

16 ENACTS:

17 **53-10-101**, Utah Code Annotated 1953

18 **53-10-102**, Utah Code Annotated 1953

19 **53-10-201**, Utah Code Annotated 1953

20 **53-10-202**, Utah Code Annotated 1953

21 **53-10-301**, Utah Code Annotated 1953

22 **53-10-302**, Utah Code Annotated 1953

23 **53-10-303**, Utah Code Annotated 1953

24 **63A-10-108**, Utah Code Annotated 1953

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

26 Section 1. Section **53-1-104** is amended to read:

27 **53-1-104. Boards, councils, divisions, and offices.**

- 1 (1) The following are the policymaking boards within the department:
- 2 (a) the Driver License Medical Advisory Board, created in Section 53-3-303;
- 3 (b) the Concealed Weapon Review Board, created in Section 53-5-703;
- 4 (c) the Utah Fire Prevention Board, created in Section 53-7-203;
- 5 (d) the Liquified Petroleum Gas Board, created in Section 53-7-304; and
- 6 (e) the Private Investigator Hearing and Licensure Board, created in Section 53-9-104.
- 7 (2) The following are the councils within the department:
- 8 (a) the Peace Officer Standards and Training Council, created in Section 53-6-106; and
- 9 (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section 53-8-203.
- 10 (3) The following are the divisions within the department:
- 11 (a) the Administrative Services Division, created in Section 53-1-203;
- 12 (b) the Management Information Services Division, created in Section 53-1-303;
- 13 (c) the Comprehensive Emergency Management Division, created in Section 53-2-103;
- 14 (d) the Driver License Division, created in Section 53-3-103;
- 15 (e) the Investigations Division, created in Section 53-4-103;
- 16 (f) the Law Enforcement and Technical Services Division, created in Section 53-5-103;
- 17 (g) the Peace Officers Standards and Training Division, created in Section 53-6-103;
- 18 (h) the State Fire Marshal Division, created in Section 53-7-103; and
- 19 (i) the Utah Highway Patrol Division, created in Section 53-8-103.
- 20 (4) The Office of Executive Protection is created in Section 53-1-112.
- 21 (5) The State Olympic Public Safety Command is created within the department by

22 Section 53-10-201.

23 Section 2. Section **53-10-101** is enacted to read:

24 **CHAPTER 10. STATE OLYMPIC PUBLIC SAFETY COMMAND ACT**

25 **Part 1. General Provisions**

26 **53-10-101. Title.**

27 This chapter shall be known as the "State Olympic Public Safety Command Act."

28 Section 3. Section **53-10-102** is enacted to read:

29 **53-10-102. Definitions.**

30 As used in this chapter:

- 31 (1) "Command" means the State Olympic Public Safety Command created in Section

1 53-10-201.

2 (2) "Emergency" means a situation requiring immediate state government assistance to
3 save lives or to protect property, public health, welfare, and safety because of a disaster, as that
4 term is defined in Section 53-2-102.

5 (3) (a) "Law enforcement and public safety services" means those services that:

6 (i) the department is required to provide or may provide by law; and

7 (ii) other state law enforcement agencies are required to provide or may provide by law.

8 (b) "Law enforcement and public safety services" includes programs and services to:

9 (i) reduce or prevent crime;

10 (ii) reduce death and injuries on highways;

11 (iii) prepare for and respond to an emergency;

12 (iv) provide forensic, communications, and records support services;

13 (v) provide for crowd and traffic safety;

14 (vi) provide for or assist in criminal investigation; and

15 (vii) improve criminal justice processes.

16 (4) "Local law enforcement agency" means any political subdivision of the state that exists
17 primarily to prevent and detect crime and enforce criminal laws, statutes, and ordinances.

18 (5) "Local public safety agency" means a political subdivision of the state that exists to
19 provide:

20 (a) fire service; and

21 (b) emergency medical services.

22 (6) "Olympic law enforcement commander" means the commander appointed under
23 Section 53-10-301.

24 (7) "Olympics" means the 2002 Winter Olympic Games to be hosted by Salt Lake City.

25 (8) "Organizing committee" means the Salt Lake Organizing Committee for the Olympic
26 Winter Games of 2002.

27 (9) "State agency" means any department, division, commission, council, board, bureau,
28 committee, institution, government corporation, or other establishment or official of this state,
29 except the Legislature, and for purposes of this chapter includes:

30 (a) a state institution of higher education; and

31 (b) the Utah Sports Authority created in Section 63A-7-104.

1 (vi) the security director of the organizing committee; and
2 (vii) any other member appointed by the command with the concurrence of the governor
3 based on a finding of the command that the member is important to the planning process of the
4 Olympics.

5 (b) (i) A member appointed under Subsections (1)(a)(i) through (vi) is an ex officio
6 member.

7 (ii) All members of the command are voting members.

8 (2) (a) The commissioner as the commander appointed under Section 53-10-301 shall
9 serve as chair of the command and call all necessary meetings.

10 (b) A vice-commander shall be elected by the command.

11 (3) A majority of the members constitutes a quorum for the transaction of business. The
12 action of a majority of a quorum constitutes the action of the command.

13 (4) The Utah Attorney General's Office shall provide legal counsel for the command.

14 (5) (a) (i) A state government member who does not receive salary, per diem, or expenses
15 from the state for the member's service may receive per diem and expenses incurred in the
16 performance of the member's official duties as a member of the command at the rates established
17 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

18 (ii) A state government member who is a member because of the member's state
19 government position may not receive per diem or expenses for the member's service.

20 (iii) A state government member may decline to receive per diem and expenses for the
21 member's service.

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

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

28 Section 5. Section **53-10-202** is enacted to read:

29 **53-10-202. Duties and powers of the command -- Contracting for law enforcement**
30 **or public safety services.**

31 (1) (a) The command shall:

1 (i) establish a written plan for law enforcement and public safety services related to the
2 Olympics, including the coordination of personnel and resources of state and local law
3 enforcement or public safety agencies;

4 (ii) develop any policies necessary to inform and direct the Olympic law enforcement
5 commander in the implementation of the plan; and

6 (iii) allow latitude and flexibility in the plan to promote the effective, efficient, and
7 cooperative implementation of the plan and the preservation of public safety.

8 (b) The command may contract with the organizing committee and federal agencies for
9 the provision of law enforcement and public safety services.

10 (2) Unless authorized by the command, a state or local law enforcement or public safety
11 agency other than the command may not enter into a contractual agreement providing for law
12 enforcement and public safety services related to the Olympics with:

13 (a) the organizing committee; or

14 (b) an agency of the federal government.

15 (3) The command shall comply with Title 63A, Chapter 10, State Olympic Coordination
16 Act, in entering into any contract, financial arrangement, or agreement under this chapter.

17 (4) (a) The commander shall:

18 (i) notify the state Olympic coordinator of all meetings of the command; and

19 (ii) permit the state Olympic coordinator to attend and participate in all meetings of the
20 command.

21 (b) Notwithstanding Subsection (4)(a), the state Olympic coordinator may not:

22 (i) vote on matters before the command;

23 (ii) be a member of the command; or

24 (iii) be considered a law enforcement officer for purposes of this chapter.

25 Section 6. Section **53-10-301** is enacted to read:

26 **Part 3. Law Enforcement and Public Safety Services for Olympics**

27 **53-10-301. Olympic law enforcement commander.**

28 (1) The commissioner shall serve as the Olympic law enforcement commander.

29 (2) The Olympic law enforcement commander shall:

30 (a) oversee state law enforcement and public safety agency activities in providing law
31 enforcement and public safety services during the Olympics; and

1 (b) execute and direct the execution of the plan established by the command under Section
2 53-10-202, including the coordination of the following personnel:

- 3 (i) peace officers;
- 4 (ii) correctional officers;
- 5 (iii) reserve officers;
- 6 (iv) special function officers;
- 7 (v) federal peace officers;
- 8 (vi) members of the Utah National Guard; and
- 9 (vii) all other security and public safety personnel.

10 (3) (a) If the action is in conflict with or not contemplated by the written plan of the
11 command but the conditions of Subsection (3)(b) are met, the commander may under the authority
12 of the command:

- 13 (i) implement a procedure;
- 14 (ii) direct or reassign a resource or personnel; or
- 15 (iii) carry out any other action.

16 (b) The commander may take an action described in Subsection (3)(a) if:

- 17 (i) the action is taken in consultation with the vice-commander; and
- 18 (ii) the action is immediately necessary to protect the health, safety, and welfare of the
19 public.

20 (4) The Olympic law enforcement commander may not receive compensation in addition
21 to the compensation the commander receives as the commissioner.

22 Section 7. Section **53-10-302** is enacted to read:

23 **53-10-302. Cooperation of state agencies.**

24 (1) The command or Olympic law enforcement commander may request assistance from
25 agencies other than state and local law enforcement or public safety agencies for law enforcement
26 and public safety services for the Olympics if the command or Olympic law enforcement
27 commander:

- 28 (a) enters into a written contract for the assistance; and
- 29 (b) complies with the requirements of Title 63A, Chapter 10, State Olympic Coordination
30 Act.

31 (2) Assistance that may be requested under this section includes:

- 1 (a) personnel;
- 2 (b) equipment;
- 3 (c) information; or
- 4 (d) other assistance.

5 Section 8. Section **53-10-303** is enacted to read:

6 **53-10-303. Emergency law enforcement services.**

7 If the governor determines that an emergency exists that requires state government
8 emergency assistance as part of the law enforcement services provided for the Olympics, the
9 governor may:

- 10 (1) take any action permitted during a declared state of emergency under Section 63-5a-3;
- 11 or
- 12 (2) waive the requirements of Section 53-10-302.

13 Section 9. Section **63-55b-5301** is amended to read:

14 **63-55b-5301. Repeal Date -- Title 53A.**

- 15 (1) Section 53A-1-403.5 is repealed July 1, 2007.
- 16 (2) Title 53, Chapter 10, State Olympic Public Safety Command Act, is repealed July 1,
- 17 2002.

18 Section 10. Section **63A-10-108** is enacted to read:

19 **63A-10-108. Determination of services or property to be provided.**

- 20 (1) The coordinator shall annually report to the Sports Advisory Committee and
- 21 Legislative Management Committee on:
 - 22 (a) specific services or property related to the Olympics that will be provided by state
 - 23 agencies prior to, during, and after the Olympics;
 - 24 (b) the estimated budgetary impact on state agencies providing services or property related
 - 25 to the Olympics including the estimated cost of providing services or property:
 - 26 (i) requested by the organizing committee; and
 - 27 (ii) not requested by the organizing committee but that state agencies will be required to
 - 28 provide because of Olympic related activities;
 - 29 (c) the estimated budgetary impact on local government entities providing services or
 - 30 property related to the Olympics and how these impacts may affect the state budget.
 - 31 (d) in conjunction with the Governor's Office of Planning and Budget, the estimated

1 economic benefits to the state of hosting the Olympics including the:

2 (i) type of benefits;

3 (ii) recipient of the benefits; and

4 (iii) timing of the benefits;

5 (e) any other estimated costs or benefits to the state related to hosting the Olympics; and

6 (f) recommendations regarding:

7 (i) what state services, costs, or property should be paid for by the organizing committee;

8 (ii) what state services, costs, or property should be provided by the state without

9 compensation; and

10 (iii) potential ways to mitigate impact on state agency budgets through fees or other
11 charges to entities, other than the organizing committee, which will require state services or
12 property related to the Olympics.

13 (2) The coordinator shall make the report for 1998 required by Subsection (1) on or before
14 the July 1998 interim day.

15 **Section 11. Effective date.**

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

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

Legislative Review Note
as of 2-2-98 11:13 AM

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

Office of Legislative Research and General Counsel