

**GOVERNMENT RELATIONSHIP TO OLYMPICS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Alarik Myrin**

AN ACT RELATING TO PUBLIC SAFETY AND STATE AFFAIRS; DEFINING TERMS; CREATING THE STATE OLYMPIC PUBLIC SAFETY COMMAND; ESTABLISHING THE POWERS OF THE COMMAND; PROVIDING FOR AN OLYMPIC LAW ENFORCEMENT COMMANDER; DEFINING POWERS OF THE OLYMPIC LAW ENFORCEMENT COMMANDER; ADDRESSING RELATIONSHIP WITH STATE AND LOCAL GOVERNMENT AGENCIES; AMENDING OLYMPIC REPORTING REQUIREMENTS; MAKING TECHNICAL CORRECTIONS; PROVIDING A REPEAL DATE; AND PROVIDING A COORDINATION CLAUSE.

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

AMENDS:

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

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

**63A-7-106**, as last amended by Chapter 186, Laws of Utah 1996

ENACTS:

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

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

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

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

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

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

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

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

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

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

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

- (1) The following are the policymaking boards within the department:
  - (a) the Driver License Medical Advisory Board, created in Section 53-3-303;
  - (b) the Concealed Weapon Review Board, created in Section 53-5-703;
  - (c) the Utah Fire Prevention Board, created in Section 53-7-203;
  - (d) the Liquified Petroleum Gas Board, created in Section 53-7-304; and
  - (e) the Private Investigator Hearing and Licensure Board, created in Section 53-9-104.
- (2) The following are the councils within the department:
  - (a) the Peace Officer Standards and Training Council, created in Section 53-6-106; and
  - (b) the Motor Vehicle Safety Inspection Advisory Council, created in Section 53-8-203.
- (3) The following are the divisions within the department:
  - (a) the Administrative Services Division, created in Section 53-1-203;
  - (b) the Management Information Services Division, created in Section 53-1-303;
  - (c) the Comprehensive Emergency Management Division, created in Section 53-2-103;
  - (d) the Driver License Division, created in Section 53-3-103;
  - (e) the Investigations Division, created in Section 53-4-103;
  - (f) the Law Enforcement and Technical Services Division, created in Section 53-5-103;
  - (g) the Peace Officers Standards and Training Division, created in Section 53-6-103;
  - (h) the State Fire Marshal Division, created in Section 53-7-103; and
  - (i) the Utah Highway Patrol Division, created in Section 53-8-103.
- (4) The Office of Executive Protection is created in Section 53-1-112.
- (5) The State Olympic Public Safety Command is created within the department by Section 53-10-201.

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

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

**Part 1. General Provisions**

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

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

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

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

As used in this chapter:

(1) "Command" means the State Olympic Public Safety Command created in Section 53-10-201.

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

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

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

(ii) other law enforcement and public safety agencies are required to provide or may provide by law.

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

(i) reduce or prevent crime;

(ii) reduce death and injuries on highways;

(iii) prepare for and respond to an emergency;

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

(v) provide for crowd and traffic safety;

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

(vii) improve criminal justice processes.

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

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

(a) fire service; and

(b) emergency medical services.

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

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

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

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

(a) a state institution of higher education; and

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

(10) "State law enforcement agency" means any entity administered by the state that exists primarily to prevent and detect crime and enforce criminal laws, statutes, and ordinances, and for the purposes of this chapter includes a state institution of higher education.

(11) "State public safety agency" means an entity administered by the state that exists to provide:

(a) fire service; and

(b) emergency medical services.

(12) "State Olympic coordinator" means the state Olympic coordinator appointed under Section 63A-10-103.

Section 4. Section **53-10-201** is enacted to read:

**Part 2. State Olympic Public Safety Command**

**53-10-201. State Olympic Public Safety Command -- Creation -- Membership -- Chair -- Quorum -- Compensation.**

(1) (a) There is created within the department the "State Olympic Public Safety Command" consisting of the following members:

(i) the commissioner;

(ii) the Deputy Adjutant General of the Utah National Guard;

(iii) the chief law enforcement officer of each of the following:

(A) Salt Lake City Police Department;

(B) Salt Lake County Sheriff's Office;

(C) Summit County Sheriff's Office;

(D) University of Utah Police Department;

(E) Weber County Sheriff's Office;

(F) West Valley City Police Department;

(G) Wasatch County Sheriff's Office;

(H) Provo City Police Department; and

(I) Ogden City Police Department;

(iv) as determined by the Park City Council, either the:

(A) chief law enforcement officer of the Park City Police Department; or

(B) Olympics services director of the Park City Public Safety Department;

(v) the local special agents-in-charge of the Federal Bureau of Investigation;

(vi) the security director of the organizing committee;

(vii) the Olympic Coordinator for the Comprehensive Emergency Management Division;

(viii) one individual to represent public works appointed by the commander based on

recommendations received as follows:

(A) the Utah Association of Counties shall recommend an individual;

(B) the Utah League of Cities and Towns shall recommend an individual; and

(C) the recommendations made under Subsections (1)(a)(viii)(A) and (B) shall be from municipalities and counties in which an Olympic venue is located;

(ix) two individuals appointed by the Utah State Fire Chiefs Association, as follows:

(A) one representing fire services; and

(B) one representing emergency medical services; and

(x) any other member appointed by the command with the concurrence of the governor based on a finding of the command that the member is important to the planning process of the Olympics.

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

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

(2) (a) The commissioner as the commander appointed under Section 53-10-301 shall serve

as chair of the command and call all necessary meetings.

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

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

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

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

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

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

(b) (i) A local government member who does not receive salary, per diem, or expenses from the entity that the member represents for the member's service may receive per diem and expenses incurred in the performance of the member's official duties as a member of the command 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.

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

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

(1) (a) The command shall:

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

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

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

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

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

(a) the organizing committee; or

(b) an agency of the federal government.

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

(4) (a) The commander shall:

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

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

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

(i) vote on matters before the command;

(ii) be a member of the command; or

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

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

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

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

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

(2) The Olympic law enforcement commander shall:

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

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

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

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

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

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

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

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

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

**53-10-302. Cooperation of state and local government agencies.**

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

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

Act.

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



- (a) personnel;
- (b) equipment;
- (c) information; or
- (d) other assistance.

(3) A request by the command or Olympic law enforcement commander for assistance from a local law enforcement or public safety agency is subject to the requirements of this section.

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

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

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

- (1) take any action permitted during a declared state of emergency under Section 63-5a-3;

or

- (2) waive the requirements of Section 53-10-302.

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

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

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

Section 10. Section **63A-7-106** is amended to read:

**63A-7-106. Financial plan approval by governor and mayor.**

(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 approval;

(ii) annually provide to the State Olympic Coordinator in a form that meets generally accepted accounting principles, except as noted in the audit opinion, the public sports entity's balance sheet, income statement, cash flow statement, and the entity's current operating performance as

compared to its budget; and

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

(b) The State Olympic Coordinator may request from the public sports entity access to any other financial records not disclosed under Subsection (1)(a). The public sports entity shall provide the coordinator access to the records if the board of trustees of the public sports entity approves the request.

(2) The State Olympic Coordinator shall:

(a) distribute the information provided in Subsection (1)(a)(ii) to:

(i) the Division of Finance;

(ii) the state auditor;

(iii) the legislative auditor general;

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

(v) the Office of the Legislative Fiscal Analyst; and

(b) review the information provided under Subsection (1); and

(c) report annually to the Sports Advisory Committee and Executive Appropriations Committee concerning the financial plan for hosting the games required under Subsection (1)(a)(i), including reporting on the source, timing, reliability of projections, financial soundness, security position, and contractual status of projected revenues and projected expenditures.

(3) At the request of a public sports entity, information obtained by the State Olympic Coordinator from the public sports entity shall be a protected record under Title 63, Chapter 2, Government Records Access Management Act, if:

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

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

Section 11. Section **63A-10-108** is enacted to read:

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

(1) The coordinator shall annually report to the Sports Advisory Committee and Legislative Management Committee on:

(a) specific services or property related to the Olympics that will be provided by state agencies prior to, during, and after the Olympics;

(b) the estimated budgetary impact on state agencies providing services or property related to the Olympics including the estimated cost of providing services or property:

(i) requested by the organizing committee; and

(ii) not requested by the organizing committee but that state agencies will be required to provide because of Olympic related activities;

(c) the estimated budgetary impact on local government entities providing services or property related to the Olympics and how these impacts may affect the state budget;

(d) in conjunction with the Governor's Office of Planning and Budget, the estimated economic benefits to the state of hosting the Olympics including the:

(i) type of benefits;

(ii) recipient of the benefits; and

(iii) timing of the benefits;

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

(f) recommendations regarding:

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

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

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

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

**Section 12. Coordination clause.**

(1) If this bill and S.B. 188, State Olympic Coordination Amendments, both pass, it is the intent of the Legislature that any reference to the "state Olympic coordinator" in this bill be changed to the "State Olympic Officer."

(2) If this bill and H.B. 308, Peace Officer Amendments, both pass, it is the intent of the Legislature that Subsection 53-10-301(2)(b)(i) through (vii) should be modified as follows:

(a) in Subsection 53-10-301(2)(b)(i) after "peace officers" insert ", as listed in Section 53-10-102";

(b) delete Subsections 53-10-301(2)(b)(ii), (iii), (iv), and (v); and

(c) renumber Subsections 53-10-301(2)(b)(i) through (vii) accordingly.