

STATE OLYMPIC COORDINATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Hawkins

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill enacts the Olympic and Paralympic Winter Games Act.

Highlighted Provisions:

This bill:

- defines terms;
- creates and describes the duties of the Olympic and Paralympic Winter Games Coordination Committee;
- renames the "Winter Sports Venue Grant Fund" to the "Olympic and Paralympic Venues Grant Fund";
- subject to certain requirements, authorizes the governor to sign agreements and make other assurances concerning the state's hosting of the Olympic and Paralympic Winter Games;
- addresses the state's liability under agreements and assurances concerning the state's hosting of the Olympic and Paralympic Winter Games;
- includes reporting requirements; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

30 **63G-28-101**, Utah Code Annotated 1953

31 **63G-28-201**, Utah Code Annotated 1953

32 **63G-28-202**, Utah Code Annotated 1953

33 **63G-28-203**, Utah Code Annotated 1953

34 **63G-28-401**, Utah Code Annotated 1953

35 **63G-28-402**, Utah Code Annotated 1953

36 RENUMBERS AND AMENDS:

37 **63G-28-301**, (Renumbered from 51-11-102, as last amended by Laws of Utah 2020,
38 Chapters 152, 354)

39 **63G-28-302**, (Renumbered from 51-11-201, as enacted by Laws of Utah 2018, Chapter
40 253)

41 REPEALS:

42 **51-11-101**, as enacted by Laws of Utah 2018, Chapter 253

43

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

45 Section 1. Section **63G-28-101** is enacted to read:

46 **CHAPTER 28. OLYMPIC AND PARALYMPIC WINTER GAMES ACT**

47 **Part 1. General Provisions**

48 **63G-28-101. Definitions.**

49 As used in this chapter:

50 (1) "Games" means the 2030 or 2034 Olympic and Paralympic Winter Games.

51 (2) "Games committee" means the Olympic and Paralympic Winter Games

52 Coordination Committee created in Section **63G-28-201**.

53 (3) "Host agreement" means an agreement with a site selection committee that is made
54 in connection with the selection of the state for the location of the games.

55 (4) "Host assurance" means a written assurance to a site selection committee that is
56 made in connection with the selection of the state for the location of the games.

57 (5) "Host committee" means a nonprofit corporation, including a successor in interest,

that may:

(a) provide an application and bid to a site selection committee for selection of the state as the location of the games; and

(b) execute an agreement with the United States Olympic and Paralympic Committee regarding a bid and the bid process to host the games.

(6) "Site selection committee" means the International Olympic Committee or the International Paralympic Committee.

(7) "State security" means a financial obligation undertaken by the state under a host agreement.

Section 2. Section **63G-28-201** is enacted to read:

Part 2. Olympic and Paralympic Winter Games Coordination Committee

63G-28-201. Olympic and Paralympic Winter Games Coordination Committee -- Creation -- Membership -- Chairs -- Quorum -- Compensation -- Staff.

(1) There is created the Olympic and Paralympic Winter Games Coordination Committee to review and advise the Legislature on issues related to the state's hosting of the games.

(2) The games committee consists of the following members:

(a) three members of the Senate, appointed by the president of the Senate, no more than two of whom may be from the same political party; and

(b) three members of the House of Representatives, appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party.

(3) (a) The president of the Senate shall designate a member of the Senate appointed under Subsection (2) as co-chair of the games committee.

(b) The speaker of the House of Representatives shall designate a member of the House of Representatives appointed under Subsection (2) as co-chair of the games committee.

(4) (a) A majority of the members of the games committee constitutes a quorum.

(b) The action of a majority of a quorum constitutes action of the games committee.

(5) A member of the games committee shall be paid salary and expenses in accordance

with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

(6) The Office of Legislative Research and General Counsel shall:

(a) provide staff support to the games committee; and

(b) consult with the Office of the Legislative Fiscal Analyst on fiscal issues reviewed by the games committee.

Section 3. Section **63G-28-202** is enacted to read:

63G-28-202. Games committee duties.

The games committee shall:

(1) review issues related to:

(a) the state's bid to host or hosting of the games;

(b) the impact of hosting the games on the state; and

(c) any state security;

(2) review a report provided to the games committee under Section [63G-28-203](#);

(3) review a host agreement or host assurance provided to the games committee under Section [63G-28-401](#); and

(4) make recommendations to the Legislature regarding a host agreement, a host assurance, and the state's role in hosting the games.

Section 4. Section **63G-28-203** is enacted to read:

63G-28-203. Host committee reports to games committee.

At least twice each year and at the request of the games committee, the host committee shall provide a report to the games committee regarding:

(1) the state's bid to host or hosting of the games;

(2) the projected budget for the games; and

(3) the financial impact of the games on the state.

Section 5. Section **63G-28-301**, which is renumbered from Section 51-11-102 is renumbered and amended to read:

Part 3. Funds, Accounts, and Grant Programs

~~[51-11-102].~~ **63G-28-301. Definitions.**

As used in this ~~chapter~~ part:

(1) "Division" means the Division of Facilities Construction and Management created in Section ~~63A-5b-301~~.

(2) "Fund" means the ~~[Winter Sports Venue]~~ Olympic and Paralympic Venues Grant Fund.

(3) "Improve" or "improvements" means the replacement or addition to infrastructure, buildings, building components, or facility equipment.

(4) "Venue" means a facility:

(a) designed and currently approved under standards developed by a generally recognized sports federation to host world-class level, international winter sports competitions; and

(b) used for recreational, developmental, and competitive athletic training.

(5) "Venue operator" means a person who:

(a) operates a venue that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; or

(b) owns a venue or operates a venue under contract with the public owner of the venue.

Section 6. Section ~~63G-28-302~~, which is renumbered from Section 51-11-201 is renumbered and amended to read:

~~[51-11-201]~~. **63G-28-302. Olympic and Paralympic Venues Grant Fund.**

(1) ~~(a)~~ ~~[(a)]~~ (i) There is created an expendable special revenue fund known as the ~~["Winter Sports Venue"]~~ "Olympic and Paralympic Venues Grant Fund."

~~[(b)]~~ (ii) The fund shall consist of:

~~[(i)]~~ (A) money appropriated to the fund by the Legislature;

~~[(ii)]~~ (B) money donated to the fund from public or private individuals or entities; and

~~[(iii)]~~ (C) interest on fund money.

(2) The division shall award grants from the fund to a venue operator to provide funding for construction, improvements, and repairs~~[-and improvements]~~ to a venue.

(3) A venue operator's application for a grant award under this section shall include:

(a) the number of venues the venue operator plans to construct, [~~repair, or~~] improve, or repair;

(b) the venue operator's proposed improvements, repairs, or construction plans for a venue;

(c) the estimated cost of the venue operator's proposed improvements, repairs, or construction plans for a venue;

(d) any plan to use funding sources in addition to a grant award under this section to construct, improve, or repair [~~or construct~~] a venue;

(e) the amount of [~~grant money~~] the requested grant award to fund the construction, improvements, or repairs [~~or construction~~] for each venue; and

(f) existing or planned contracts or partnerships between the venue operator and other individuals or entities to complete venue construction, improvements, or repairs [~~or construction~~].

(4) The division may only award and distribute [~~fund money~~] a grant award to a venue operator that submits an application in accordance with Subsection (3).

(5) (a) As a condition of an award of a grant [~~money~~], the venue operator shall sign an agreement with the division governing:

(i) the venue operator's responsibilities for expending the grant [~~money~~] award; and

(ii) the division's and the state's right to review and audit the venue operator's use of the grant [~~money~~] award and the venue operator's performance under the grant award.

(b) The division shall ensure that the agreement contains:

(i) a requirement for an annual report and the required contents of [~~that~~] the report in accordance with Subsection (6)(b);

(ii) a right for the division or [~~its~~] the division's designee to visit and inspect the venue as often as needed before, during, and after construction [~~repairs,~~] or improvements, or repairs begin or are complete; and

(iii) an absolute right for the division, the state auditor, and the legislative auditor to

access and audit ~~[all]~~ the financial records relevant to the grant award.

(6) (a) A venue operator that receives ~~[fund money]~~ a grant award under this section may only use the grant ~~[money]~~ award to construct, improve, or repair~~[-or construct]~~ a venue.

(b) A venue operator that receives ~~[fund money]~~ a grant award under this section shall annually file a report with the division ~~[before October 1, 2019, and each year thereafter,]~~ that details for the immediately preceding calendar year:

(i) the construction, improvements, and repairs, in process or completed, that were wholly or partially funded by a grant award under this section;

(ii) the total dollar amount expended from the grant award;

(iii) an itemized accounting that describes how the venue operator expended the grant ~~[money]~~ award;

(iv) the intended use for a grant ~~[money]~~ award that has not been expended; and

(v) the results of any evaluations of venue construction, improvements, or repairs.

Section 7. Section **63G-28-401** is enacted to read:

Part 4. Agreements

63G-28-401. Governor authority to execute host agreement -- Legislative notice.

(1) Subject to Subsection (3), the governor may:

(a) enter into a host agreement on behalf of the state that provides:

(i) state security for:

(A) amounts owed by the state to a site selection committee for claims by third parties arising out of or relating to the games; and

(B) a financial deficit accruing to the state as a result of hosting the games; and

(ii) other terms necessary for the state to host the games; and

(b) make a host assurance on behalf of the state that is necessary for the state to host the games.

(2) The state security under a host agreement may not be paid until after:

(a) any security provided by the host committee or another person is expended and exhausted; and

(b) the limits of any available insurance policy are expended and exhausted.

(3) The governor shall:

(a) ensure a host agreement includes:

(i) a requirement that a signatory of the host agreement mitigate damages if the signatory breaches the host agreement;

(ii) a provision allowing the state to terminate the host agreement for another signatory's unlawful activity; and

(iii) other provisions that protect:

(A) the state against liability under the host agreement; and

(B) the state's financial assets; and

(b) provide a copy of a host agreement or host assurance to the games committee and the Legislative Management Committee at least 72 hours before entering into the host agreement or making the host assurance.

Section 8. Section **63G-28-402** is enacted to read:

63G-28-402. Host committee insurance agreements -- State liability under host committee agreements.

(1) The host committee shall:

(a) list the state as an additional insured on any insurance policy purchased by the host committee to be in effect in connection with the preparation for and conduct of the games; and

(b) include in any agreement signed by the host committee that the state is not liable for the host committee's failure to perform the duties under the agreement.

(2) An insurance policy or other agreement that violates Subsection (1) is void.

Section 9. **Repealer.**

This bill repeals:

Section **51-11-101**, Title.