

1                   **STATE OLYMPIC COORDINATION AMENDMENTS**

2                                   2023 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Jon Hawkins**

5                                   Senate Sponsor: Michael K. McKell

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7   **LONG TITLE**

8   **General Description:**

9           This bill enacts the Olympic and Paralympic Winter Games Act.

10 **Highlighted Provisions:**

11       This bill:

- 12       ▶ defines terms;
- 13       ▶ creates and describes the duties of the Olympic and Paralympic Winter Games

14   Coordination Committee;

- 15       ▶ renames the "Winter Sports Venue Grant Fund" to the "Olympic and Paralympic
- 16   Venues Grant Fund";

17       ▶ subject to certain requirements, authorizes the governor to sign agreements and  
18   make other assurances concerning the state's hosting of the Olympic and Paralympic  
19   Winter Games;

20       ▶ addresses the state's liability under agreements and assurances concerning the state's  
21   hosting of the Olympic and Paralympic Winter Games;

- 22       ▶ includes reporting requirements; and
- 23       ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25       None

26 **Other Special Clauses:**

27       None

28 **Utah Code Sections Affected:**

29   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



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,

58 that may:

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

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

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

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

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

68 **Part 2. Olympic and Paralympic Winter Games Coordination Committee**  
69 **63G-28-201. Olympic and Paralympic Winter Games Coordination Committee --**  
70 **Creation -- Membership -- Chairs -- Quorum -- Compensation -- Staff.**

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

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

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

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

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

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

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

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

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

86 with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

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

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

89 (b) consult with the Office of the Legislative Fiscal Analyst on fiscal issues reviewed

90 by the games committee.

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

92 **63G-28-202. Games committee duties.**

93 The games committee shall:

94 (1) review issues related to:

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

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

97 (c) any state security;

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

99 (3) review a host agreement or host assurance provided to the games committee under

100 Section 63G-28-401; and

101 (4) make recommendations to the Legislature regarding a host agreement, a host

102 assurance, and the state's role in hosting the games.

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

104 **63G-28-203. Host committee reports to games committee.**

105 At least twice each year and at the request of the games committee, the host committee

106 shall provide a report to the games committee regarding:

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

108 (2) the projected budget for the games; and

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

110 Section 5. Section **63G-28-301**, which is renumbered from Section 51-11-102 is

111 renumbered and amended to read:

112 **Part 3. Funds, Accounts, and Grant Programs**

113 **[51-11-102]. 63G-28-301. Definitions.**

114 As used in this ~~[chapter]~~ part:

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

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

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

121 (4) "Venue" means a facility:

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

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

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

127 (a) operates a venue that is exempt from federal income taxation under Section  
128 501(c)(3), Internal Revenue Code; or

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

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

133 ~~[51-11-201]~~. **63G-28-302. Olympic and Paralympic Venues Grant Fund.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

184 **Part 4. Agreements**

185 **63G-28-401. Governor authority to execute host agreement -- Legislative notice.**

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

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

188 (i) state security for:

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

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

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

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

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

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

- 198           (b) the limits of any available insurance policy are expended and exhausted.
- 199           (3) The governor shall:
- 200           (a) ensure a host agreement includes:
- 201           (i) a requirement that a signatory of the host agreement mitigate damages if the
- 202 signatory breaches the host agreement;
- 203           (ii) a provision allowing the state to terminate the host agreement for another
- 204 signatory's unlawful activity; and
- 205           (iii) other provisions that protect:
- 206           (A) the state against liability under the host agreement; and
- 207           (B) the state's financial assets; and
- 208           (b) provide a copy of a host agreement or host assurance to the games committee and
- 209 the Legislative Management Committee at least 72 hours before entering into the host
- 210 agreement or making the host assurance.

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

212           **63G-28-402. Host committee insurance agreements -- State liability under host**

213 **committee agreements.**

- 214           (1) The host committee shall:
- 215           (a) list the state as an additional insured on any insurance policy purchased by the host
- 216 committee to be in effect in connection with the preparation for and conduct of the games; and
- 217           (b) include in any agreement signed by the host committee that the state is not liable
- 218 for the host committee's failure to perform the duties under the agreement.
- 219           (2) An insurance policy or other agreement that violates Subsection (1) is void.

220           Section 9. **Repealer.**

221           This bill repeals:

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