

Part 1 General Provisions

63I-4a-101 Title.

- (1) This chapter is known as the "Free Market Protection and Privatization Board Act."
- (2) This part is known as "General Provisions."

Renumbered and Amended by Chapter 325, 2013 General Session

63I-4a-102 Definitions.

- (1)
 - (a) "Activity" means to provide a good or service.
 - (b) "Activity" includes to:
 - (i) manufacture a good or service;
 - (ii) process a good or service;
 - (iii) sell a good or service;
 - (iv) offer for sale a good or service;
 - (v) rent a good or service;
 - (vi) lease a good or service;
 - (vii) deliver a good or service;
 - (viii) distribute a good or service; or
 - (ix) advertise a good or service.
- (2)
 - (a) Except as provided in Subsection (2)(b), "agency" means:
 - (i) the state; or
 - (ii) an entity of the state including a department, office, division, authority, commission, or board.
 - (b) "Agency" does not include:
 - (i) the Legislature;
 - (ii) an entity or agency of the Legislature;
 - (iii) the state auditor;
 - (iv) the state treasurer;
 - (v) the Office of the Attorney General;
 - (vi) the Utah Dairy Commission created in Section 4-22-2;
 - (vii) the Heber Valley Historic Railroad Authority created in Section 63H-4-102;
 - (viii) the Utah State Railroad Museum Authority created in Section 63H-5-102;
 - (ix) the Utah Housing Corporation created in Section 63H-8-201;
 - (x) the Utah State Fair Corporation created in Section 63H-6-103;
 - (xi) the Workers' Compensation Fund created in Section 31A-33-102;
 - (xii) the Utah State Retirement Office created in Section 49-11-201;
 - (xiii) a charter school chartered by the State Charter School Board or a board of trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act;
 - (xiv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b, Utah Schools for the Deaf and the Blind;
 - (xv) an institution of higher education as defined in Section 53B-3-102;
 - (xvi) the School and Institutional Trust Lands Administration created in Section 53C-1-201;

- (xvii) the Utah Communications Authority created in Section 63H-7a-201; or
- (xviii) the Utah Capital Investment Corporation created in Section 63N-6-301.
- (3) "Agency head" means the chief administrative officer of an agency.
- (4) "Board" means the Free Market Protection and Privatization Board created in Section 63I-4a-202.
- (5) "Commercial activity" means to engage in an activity that can be obtained in whole or in part from a private enterprise.
- (6) "Local entity" means:
 - (a) a political subdivision of the state, including a:
 - (i) county;
 - (ii) city;
 - (iii) town;
 - (iv) local school district;
 - (v) local district; or
 - (vi) special service district;
 - (b) an agency of an entity described in this Subsection (6), including a department, office, division, authority, commission, or board; or
 - (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13, Interlocal Cooperation Act, between two or more entities described in this Subsection (6).
- (7) "Private enterprise" means a person that engages in an activity for profit.
- (8) "Privatize" means that an activity engaged in by an agency is transferred so that a private enterprise engages in the activity, including a transfer by:
 - (a) contract;
 - (b) transfer of property; or
 - (c) another arrangement.
- (9) "Special district" means:
 - (a) a local district, as defined in Section 17B-1-102;
 - (b) a special service district, as defined in Section 17D-1-102; or
 - (c) a conservation district, as defined in Section 17D-3-102.

Amended by Chapter 223, 2015 General Session

Amended by Chapter 226, 2015 General Session

Amended by Chapter 283, 2015 General Session

Amended by Chapter 411, 2015 General Session