

Senator Howard A. Stephenson proposes the following substitute bill:

**INVENTORY FOR COMPETITIVE
ACTIVITIES OF LOCAL ENTITIES**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Craig A. Frank

LONG TITLE

General Description:

This bill modifies provisions applicable to specified local entities to address inventories for competitive activities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a county or city of the first or second class to create an inventory of activities; and
- ▶ requires reporting and disclosure of the inventory.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-1-119, Utah Code Annotated 1953

17-50-106, Utah Code Annotated 1953

1st Sub. S.B. 45



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

Section 1. Section **10-1-119** is enacted to read:

10-1-119. Inventory of competitive activities.

(1) As used in this section:

(a) "Competitive activity" means an activity engaged in by a city or an entity created by the city:

(i) that is not a core governmental activity; and

(ii) by which the city or an entity created by the city provides a good or service that is substantially similar to a good or service that is provided by a person:

(A) who is not an entity of the federal government, state government, or a political subdivision of the state; and

(B) within the boundary of the county in which the city is located.

(b) (i) Subject to Subsection (1)(b)(ii), "entity created by the city" includes:

(A) an entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, in which the city participates; and

(B) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special Service District Act.

(ii) "Entity created by the city" does not include a local district created by a city under Title 17B, Limited Purpose Local Government Entities - Local Districts.

(2) The governing body of a city of the first or second class shall by no later than June 30, 2009, create an inventory of activities of the city or an entity created by the city to classify whether an activity is:

(a) a competitive activity; or

(b) an inherently governmental activity.

(3) The governing body of a city of the first or second class shall update the inventory created under this section at least every two years.

(4) The city shall:

(a) provide a copy of the inventory and an update to the inventory to the Privatization Policy Board created in Title 63, Chapter 55a, Privatization Policy Board; and

(b) make the inventory available to the public through electronic means.

57 Section 2. Section **17-50-106** is enacted to read:

58 **17-50-106. Inventory of competitive activities.**

59 (1) As used in this section:

60 (a) "Competitive activity" means an activity engaged in by a county or an entity created
61 by the county:

62 (i) that is not a core governmental activity; and

63 (ii) by which the county or an entity created by the county provides a good or service
64 that is substantially similar to a good or service that is provided by a person:

65 (A) who is not an entity of the federal government, state government, or a political
66 subdivision of the state; and

67 (B) within the boundary of the county.

68 (b) (i) Subject to Subsection (1)(b)(ii), "entity created by the county" includes:

69 (A) an entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
70 Cooperation Act, in which the county participates; and

71 (B) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special
72 Service District Act.

73 (ii) "Entity created by the county" does not include a local district created by a county
74 under Title 17B, Limited Purpose Local Government Entities - Local Districts.

75 (2) The governing body of a county of the first or second class shall by no later than
76 June 30, 2009, create an inventory of activities of the county or an entity created by the county
77 to classify whether an activity is:

78 (a) a competitive activity; or

79 (b) an inherently governmental activity.

80 (3) The governing body of a county of the first or second class shall update the
81 inventory created under this section at least every two years.

82 (4) The county shall:

83 (a) provide a copy of the inventory and an update to the inventory to the Privatization
84 Policy Board created in Title 63, Chapter 55a, Privatization Policy Board; and

85 (b) make the inventory available to the public through electronic means.

Fiscal Note**S.B. 45 1st Sub. (Green) - Inventory for Competitive Activities of Local Entities**

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local governments could experience some increases in administrative costs.
