

Representative Craig A. Frank 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 class to create an inventory of activities by June 30, 2010;
- ▶ requires a county or city of the second class to create an inventory of activities by June 30, 2011; and
- ▶ requires reporting and disclosure of the inventory.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2009.

Utah Code Sections Affected:

ENACTS:



26 10-1-119, Utah Code Annotated 1953
27 17-50-106, Utah Code Annotated 1953



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

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

31 **10-1-119. Inventory of competitive activities.**

32 (1) As used in this section:

33 (a) "Applicable city" means:

34 (i) on and after July 1, 2009, a city of the first class; and

35 (ii) on and after July 1, 2010, a city of the first or second class.

36 (b) "Competitive activity" means an activity engaged in by a city or an entity created by
37 the city by which the city or an entity created by the city provides a good or service that is
38 substantially similar to a good or service that is provided by a person:

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

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

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

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

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

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

49 (2) (a) The governing body of an applicable city shall create an inventory of activities
50 of the city or an entity created by the city to:

51 (i) classify whether an activity is a competitive activity; and

52 (ii) identify efforts that have been made to privatize aspects of the activity.

53 (b) An applicable city shall comply with this section by no later than:

54 (i) June 30, 2010, if the applicable city is a city of the first class; and

55 (ii) June 30, 2011, if the applicable city is a city of the second class.

56 (3) The governing body of an applicable city shall update the inventory created under

57 this section at least every two years.

58 (4) An applicable city shall:

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

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

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

63 **17-50-106. Inventory of competitive activities.**

64 (1) As used in this section:

65 (a) "Applicable county" means:

66 (i) on and after July 1, 2009, a county of the first class; and

67 (ii) on and after July 1, 2010, a county of the first or second class.

68 (b) "Competitive activity" means an activity engaged in by a county or an entity created
69 by the county by which the county or an entity created by the county provides a good or service
70 that is substantially similar to a good or service that is provided by a person:

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

73 (ii) within the boundary of the county.

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

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

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

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

81 (2) (a) The governing body of an applicable county shall create an inventory of
82 activities of the county or an entity created by the county to:

83 (i) classify whether an activity is a competitive activity; and

84 (ii) identify efforts that have been made to privatize aspects of the activity.

85 (b) An applicable county shall comply with this section by no later than:

86 (i) June 30, 2010, if the applicable county is a county of the first class; and

87 (ii) June 30, 2011, if the applicable county is a county of the second class.

88 (3) The governing body of an applicable county shall update the inventory created
89 under this section at least every two years.

90 (4) An applicable county shall:

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

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

94 Section 3. **Effective date.**

95 This bill takes effect on July 1, 2009.

Fiscal Note**S.B. 45 2nd Sub. (Salmon) - 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.
