

1                                   **STATE PROHIBITION OF SUDAN RELATED**

2   **CONTRACTS**

3   2009 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: David Litvack**

6   Senate Sponsor: Luz Robles

---

7

8                                   **LONG TITLE**

9                                   **General Description:**

10                                   This bill modifies the Utah Procurement Code by requiring the State Procurement  
11 Policy Board to make certain rules related to contracting with companies doing  
12 business in Sudan.

13                                   **Highlighted Provisions:**

14                                   This bill:

15                                   ▶ requires the State Procurement Policy Board to make rules that are consistent with  
16 provisions of the federal Sudan Accountability and Divestment Act of 2007  
17 forbidding a state agency from contracting with a person who does business in  
18 Sudan;

19                                   ▶ requires the board to make an annual report to the Legislature concerning the  
20 establishment, implementation, and enforcement of rules; and

21                                   ▶ makes technical changes.

22                                   **Monies Appropriated in this Bill:**

23                                   None

24                                   **Other Special Clauses:**

25                                   None

26                                   **Utah Code Sections Affected:**

27                                   AMENDS:



28 **63G-6-202**, as renumbered and amended by Laws of Utah 2008, Chapter 382

29 **63G-6-208**, as renumbered and amended by Laws of Utah 2008, Chapter 382



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

32 Section 1. Section **63G-6-202** is amended to read:

33 **63G-6-202. Powers and duties of board.**

34 (1) Except as otherwise provided in [~~Sections 63G-6-104 and 63G-6-208~~] Section  
35 63G-6-104 and Subsection 63G-6-208(1)(b), the policy board shall:

36 (a) make rules, consistent with this chapter, governing the procurement, management,  
37 and control of any and all supplies, services, and construction to be procured by the state; and

38 (b) consider and decide matters of policy within the provisions of this chapter,  
39 including those referred to it by the chief procurement officer.

40 (2) (a) The policy board may:

41 (i) audit and monitor the implementation of its rules and the requirements of this  
42 chapter;

43 (ii) upon the request of a local public procurement unit, review that procurement unit's  
44 proposed rules to ensure that they are not inconsistent with the provisions of this chapter; and

45 (iii) approve the use of innovative procurement methods proposed by local public  
46 procurement units.

47 (b) The policy board may not exercise authority over the award or administration of:

48 (i) any particular contact; or

49 (ii) over any dispute, claim, or litigation pertaining to any particular contract.

50 Section 2. Section **63G-6-208** is amended to read:

51 **63G-6-208. Rules and regulations of policy board and building board.**

52 (1) (a) Except as provided in Subsection (2), the policy board shall make rules  
53 governing state procurement by complying with the procedures and requirements of Title 63G,  
54 Chapter 3, the Utah Administrative Rulemaking Act.

55 (b) [~~The~~] Except for rules made under Subsection (1)(c), the procurement rules adopted  
56 by the policy board under this section apply to all local public procurement units unless the  
57 local public procurement unit's legislative body has adopted separate rules governing  
58 procurement.

59           (c) The rules shall include provisions consistent with federal contract prohibition  
60 provisions of the Sudan Accountability and Divestment Act of 2007 (Pub. L. No. 110-174) that  
61 prohibit a state agency from contracting with a person doing business in Sudan.

62           (2) The State Building Board rules governing procurement of construction,  
63 architect-engineer services, and leases apply to the procurement of construction,  
64 architect-engineer services, and leases of real property by the Division of Facilities  
65 Construction and Management.

66           (3) The board shall make a report by July 1 of each year to an appropriate legislative  
67 interim committee designated by the Legislative Management Committee created under  
68 Section 36-12-6 on the establishment, implementation, and enforcement of the rules made  
69 under Subsection (1)(c).

---

---

**Legislative Review Note**  
as of 2-23-09 4:06 PM

**Office of Legislative Research and General Counsel**

---

---

**H.B. 436 - State Prohibition of Sudan Related Contracts**

**Fiscal Note**

2009 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, businesses, or local governments.

---