

**Representative Kay J. Christofferson** proposes the following substitute bill:

**PRIVATIZATION OF STATE GOLF COURSE**

**OPERATIONS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay J. Christofferson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to the potential privatization of the operation of state golf courses.

**Highlighted Provisions:**

This bill:

- ▶ requires the Division of Purchasing and General Services to hire a golf course consultant to help with the process of determining whether to privatize the operations of state golf courses;
  - ▶ provides a process for issuing a request for proposals for the private operation of state golf courses and for evaluating proposals submitted in response to the request;
- and
- ▶ modifies powers and duties of the Division of Parks and Recreation.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

This bill provides revisor instructions.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 [79-4-203](#), as last amended by Laws of Utah 2012, Chapter 347

29 ENACTS:

30 [63A-2-106](#), Utah Code Annotated 1953

31 **Utah Code Sections Affected by Revisor Instructions:**

32 [63A-2-106](#), Utah Code Annotated 1953

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

35 Section 1. Section [63A-2-106](#) is enacted to read:

36 **[63A-2-106](#). Privatization of state golf course operations.**

37 (1) As used in this section:

38 (a) "Golf course consultant" means a person with demonstrated expertise in the private  
39 operation of a golf course.

40 (b) "Parks division" means the Division of Parks and Recreation created in Section  
41 [79-4-201](#).

42 (c) "Private golf course operator" means a person in the private sector qualified to  
43 operate and maintain state golf courses.

44 (d) "Procurement code" means Title 63G, Chapter 6a, Utah Procurement Code.

45 (e) "Request for proposals" has the same meaning as defined in Section [63G-6a-103](#).

46 (f) "State golf courses" means all golf courses that the state owns and that are operated  
47 by the parks division.

48 (2) (a) No later than 45 days after the effective date of this section, the division shall, in  
49 accordance with the procurement code, hire a golf course consultant to assist the division in the  
50 process of preparing a request for proposals for a private golf course operator.

51 (b) The parks division shall pay the golf course consultant's fee from money within the  
52 parks division's existing budget.

53 (3) No later than 90 days after the effective date of this section, the division shall, with  
54 the assistance of the golf course consultant and in consultation with the parks division, prepare  
55 and issue a request for proposals, in accordance with the procurement code and this section,  
56 seeking proposals from private golf course operators to operate, maintain, and manage the state

57 golf courses, subject to:

58 (a) any existing contracts for concessions; and

59 (b) any applicable provisions of the Land and Water Conservation Fund Act, 16 U.S.C.

60 Sec. 4601, et seq.

61 (4) A request for proposals under Subsection (3) shall:

62 (a) provide for proposals responding to the request for proposals to be submitted to the  
63 division no later than October 15, 2014;

64 (b) require proposals to ensure that the state golf courses will remain devoted to public  
65 outdoor recreation uses; and

66 (c) require compliance with the Land and Water Conservation Fund Act, 16 U.S.C.

67 Sec. 4601, et seq.

68 (5) The division shall, in accordance with the procurement code, with the assistance of  
69 the golf course consultant, and in consultation with the parks division:

70 (a) evaluate proposals submitted in response to the request for proposals under  
71 Subsection (3);

72 (b) identify any proposals that provide better value to the state than continuing the  
73 operation of the state golf courses by the parks division; and

74 (c) determine which proposal offers the best value to the state and deliver that proposal  
75 to the parks division.

76 (6) Nothing in Subsection (5) may be construed to require the division to conclude that  
77 any proposal offers better value to the state than continuing the operation of the state golf  
78 courses by the parks division.

79 (7) Within a reasonable time after receiving the proposal and the division's  
80 determination under Subsection (5)(c), the parks division shall negotiate a contract with the  
81 offeror of that proposal, in accordance with the procurement code, for the operation of the state  
82 golf courses.

83 (8) The division shall report on its activities under this section:

84 (a) at each meeting of the Privatization Policy Board, created in Section [63I-4a-202](#),  
85 held before the division enters a contract under Subsection (7), and annually thereafter; and

86 (b) to each interim committee of the Legislature that requests the division to make a  
87 report.

88           (9) Nothing in this section may be construed to require action of the division or the  
89 parks division if that action would be considered a conversion of one or more of the state golf  
90 courses to other than public outdoor recreation uses under the Land and Water Conservation  
91 Fund Act, 16 U.S.C. Sec. 4601, et seq.

92           Section 2. Section **79-4-203** is amended to read:

93           **79-4-203. Powers and duties of division.**

94           (1) As used in this section, "real property" includes land under water, upland, and all  
95 other property commonly or legally defined as real property.

96           (2) The Division of Wildlife Resources shall retain the power and jurisdiction  
97 conferred upon it by law within state parks and on property controlled by the Division of Parks  
98 and Recreation with reference to fish and game.

99           (3) The division shall permit multiple use of state parks and property controlled by it  
100 for purposes such as grazing, fishing, hunting, mining, and the development and utilization of  
101 water and other natural resources.

102           (4) (a) The division may acquire real and personal property in the name of the state by  
103 all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange,  
104 or otherwise, subject to the approval of the executive director and the governor.

105           (b) In acquiring any real or personal property, the credit of the state may not be pledged  
106 without the consent of the Legislature.

107           (5) (a) Before acquiring any real property, the division shall notify the county  
108 legislative body of the county where the property is situated of its intention to acquire the  
109 property.

110           (b) If the county legislative body requests a hearing within 10 days of receipt of the  
111 notice, the division shall hold a public hearing in the county concerning the matter.

112           (6) Acceptance of gifts or devises of land or other property is at the discretion of the  
113 division, subject to the approval of the executive director and the governor.

114           (7) The division shall acquire property by eminent domain in the manner authorized by  
115 Title 78B, Chapter 6, Part 5, Eminent Domain.

116           (8) (a) The division may make charges for special services and use of facilities, the  
117 income from which is available for park and recreation purposes.

118           (b) The division may conduct and operate those services necessary for the comfort and

119 convenience of the public.

120 (9) (a) ~~[The]~~ Subject to Section [63A-2-106](#), the division may lease or rent concessions  
121 of all lawful kinds and nature in state parks and property to persons, partnerships, and  
122 corporations for a valuable consideration upon the recommendation of the board.

123 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in  
124 selecting concessionaires.

125 (10) The division shall proceed without delay to negotiate with the federal government  
126 concerning the Weber Basin and other recreation and reclamation projects.

127 (11) The division shall receive and distribute voluntary contributions collected under  
128 Section [41-1a-422](#) in accordance with Section [79-4-404](#).

129 (12) The division shall:

130 (a) cooperate with and provide assistance to the Division of Purchasing and General  
131 Services, created in Section [63A-2-101](#), throughout the process described in Section  
132 [63A-2-106](#) relating to privatizing state golf course operations; and

133 (b) as applicable, comply with Subsections [63A-2-106\(2\)\(b\)](#) and (7).

134 Section 3. **Effective date.**

135 If approved by two-thirds of all the members elected to each house, this bill takes effect  
136 upon approval by the governor, or the day following the constitutional time limit of Utah  
137 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
138 the date of veto override.

139 Section 4. **Revisor instructions.**

140 The Legislature intends that the Office of Legislative Research and General Counsel, in  
141 preparing the Utah Code database for publication, replace the language "45 days after the  
142 effective date of this section" in Subsection [63A-2-106\(2\)\(a\)](#), as enacted in this bill, and the  
143 language "90 days after the effective date of this section" in Subsection [63A-2-106\(3\)](#), as  
144 enacted in this bill, with the actual applicable dates based on the bill's actual effective date.