

HB0145S01 compared with HB0145

~~{deleted text}~~ shows text that was in HB0145 but was deleted in HB0145S01.

inserted text shows text that was not in HB0145 but was inserted into HB0145S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

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;

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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.

Utah Code Sections Affected:

AMENDS:

79-4-203, as last amended by Laws of Utah 2012, Chapter 347

ENACTS:

63A-2-106, Utah Code Annotated 1953

Utah Code Sections Affected by Revisor Instructions:

63A-2-106, Utah Code Annotated 1953

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

Section 1. Section **63A-2-106** is enacted to read:

63A-2-106. Privatization of state golf course operations.

(1) As used in this section:

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

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

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

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

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

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

(2) (a) No later than 45 days after the effective date of this section, the division shall, in accordance with the procurement code, hire a golf course consultant to assist the division in the

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process of preparing a request for proposals for a private golf course operator.

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

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

(a) any existing contracts for concessions; and

(b) any applicable provisions of the Land and Water Conservation Fund Act, 16 U.S.C. Sec. 4601, et seq.

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

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

~~— (b) allow offerors to include in their proposals the operation of concessions at the state golf courses, subject to any existing contract for concessions.~~

~~— (5) A proposal submitted in response to a request for proposals under Subsection (3) may propose any arrangement for the operation of the state golf courses, including:~~

~~— (a) leasing the land on which the state golf courses are located for the purpose of operating the state golf courses; and~~

~~— (b) operating;~~

(b) require proposals to ensure that the state golf courses ~~without leasing the land on which the state golf courses are located.~~

~~— (6) will remain devoted to public outdoor recreation uses; and~~

(c) require compliance with the Land and Water Conservation Fund Act, 16 U.S.C. Sec. 4601, et seq.

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

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

(b) ~~determine whether~~ identify any ~~proposal provides~~ proposals that provide better

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value to the state than continuing the operation of the state golf courses by the parks division;
and

(c) determine which proposal offers the best value to the state and deliver that proposal
to the parks division ~~{ the proposal that the division determines to provide better value, as~~
 ~~provided }.~~

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

(7) Within ~~{30 days}~~ a reasonable time after receiving the proposal and the division's
determination under Subsection (~~{6}~~ 5)(c), the parks division shall negotiate ~~{ and enter into }~~ a
contract with the offeror of that proposal, in accordance with the procurement code, for the
operation of the state golf courses.

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

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

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

(9) Nothing in this section may be construed to require action of the division or the
parks division if that action would be considered a conversion of one or more of the state golf
courses to other than public outdoor recreation uses under the Land and Water Conservation
Fund Act, 16 U.S.C. Sec. 460l, et seq.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The division may conduct and operate those services necessary for the comfort and convenience of the public.

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

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

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

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

(12) The division shall:

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

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(b) as applicable, comply with Subsections 63A-2-106(2)(b) and (7).

Section 3. **Effective date.**

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

Section 4. **Revisor instructions.**

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

†

Legislative Review Note

~~as of 2-5-14 9:39 AM~~

~~Office of Legislative Research and General Counsel}~~