

ANTITRUST EXEMPTION

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard W. Wheeler

Senate Sponsor: Lyle W. Hillyard

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LONG TITLE

General Description:

This bill modifies the Criminal Code's Antitrust Act regarding the definition of a municipality.

Highlighted Provisions:

This bill:

► provides that an entity is considered to be a municipality for specified purposes of the Antitrust Act if the entity was formed under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity is:

- a project entity as defined in Section 11-13-103;
- an electric interlocal entity as defined in Section 11-13-103; or
- an energy services interlocal entity as defined in Section 11-13-103; and

► provides that these listed entities are authorized or directed by state law.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

**76-10-915**, as last amended by Chapter 298, Laws of Utah 2003

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

Section 1. Section **76-10-915** is amended to read:

30           **76-10-915. Exempt activities.**

31           (1) ~~[No provision of this act shall]~~ This act may not be construed to prohibit:

32           (a) the activities of any public utility to the extent that those activities are subject to  
33 regulation by the public service commission, the state or federal department of transportation,  
34 the federal energy regulatory commission, the federal communications commission, the  
35 interstate commerce commission, or successor agencies;

36           (b) the activities of any insurer, insurance producer, independent insurance adjuster, or  
37 rating organization including, but not limited to, making or participating in joint underwriting  
38 or reinsurance arrangements, to the extent that those activities are subject to regulation by the  
39 commissioner of insurance;

40           (c) the activities of securities dealers, issuers, or agents, to the extent that those  
41 activities are subject to regulation under the laws of either this state or the United States;

42           (d) the activities of any state or national banking institution, to the extent that ~~[such]~~  
43 the activities are regulated or supervised by state government officers or agencies under the  
44 banking laws of this state or by federal government officers or agencies under the banking laws  
45 of the United States;

46           (e) the activities of any state or federal savings and loan association to the extent that  
47 those activities are regulated or supervised by state government officers or agencies under the  
48 banking laws of this state or federal government officers or agencies under the banking laws of  
49 the United States;

50           (f) the activities of a municipality to the extent authorized or directed by state law; or

51           (g) the activities of an emergency medical service provider licensed under Title 26,  
52 Chapter 8a, Utah Emergency Medical ~~[Service]~~ Services System Act, to the extent that those  
53 activities are regulated by state government officers or agencies under that act.

54           (2) (a) The labor of a human being is not a commodity or article of commerce.

55           (b) Nothing contained in the antitrust laws shall be construed to forbid the existence  
56 and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of  
57 mutual help and not having capital stock or conducted for profit, or to forbid or restrain

58 individual members of ~~[such]~~ these organizations from lawfully carrying out ~~[the]~~ their  
59 legitimate ~~[object thereof]~~ objects; nor ~~[shall such]~~ may these organizations or membership in  
60 them be held to be illegal combinations or conspiracies in restraint of trade under the antitrust  
61 laws.

62 (3) (a) As used in this section, an entity is also a municipality if the entity was formed  
63 under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity  
64 is:

- 65 (i) a project entity as defined in Section 11-13-103;
- 66 (ii) an electric interlocal entity as defined in Section 11-13-103; or
- 67 (iii) an energy services interlocal entity as defined in Section 11-13-103.

68 (b) The activities of the entities under Subsection (3)(a) are authorized or directed by  
69 state law.