

Senator Howard A. Stephenson 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 ~~H~~→ [or-second] ←~~H~~ class to create an inventory of activities; and

▶ requires reporting and disclosure of the inventory.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

10-1-119, Utah Code Annotated 1953

17-50-106, Utah Code Annotated 1953

1st Sub. S.B. 45



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

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

10-1-119. Inventory of competitive activities.

(1) As used in this section:

(a) "Competitive activity" means an activity engaged in by a city or an entity created by the city ~~that is not a core governmental activity; and~~ ~~(ii)~~ ~~by which the city or an entity created by the city provides a good or service that is substantially similar to a good or service that is provided by a person:~~

~~(i)~~ ~~who is not an entity of the federal government, state government, or a political~~

subdivision of the state; and

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

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

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

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

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

(2) The governing body of a city of the first ~~or second~~ class shall by no later than June

30, 2009, create an inventory of activities of the city or an entity created by the city to :

(a) ~~classify~~ whether an activity is ~~whether an activity is~~ :

~~(a)~~ ~~a competitive activity; ~~or~~~~ ~~(b) an inherently governmental activity] and~~

~~(b) identify efforts that have been made to privatize aspects of the activity~~ .

(3) The governing body of a city of the first ~~or second~~ class shall update the inventory created under this section at least every two years.

(4) The city shall:

(a) provide a copy of the inventory and an update to the inventory to the Privatization

55 Policy Board created in Title 63, Chapter 55a, Privatization Policy Board; and

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

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

58 **17-50-106. Inventory of competitive activities.**

59 (1) As used in this section:

60 (a) "Competitive activity" means an activity engaged in by a county or an entity created

61 by the county ~~H→~~ [:

62 —— ~~(i) that is not a core governmental activity; and~~

63 —— ~~(ii)~~ ~~←H~~ by which the county or an entity created by the county provides a good or service

64 that is substantially similar to a good or service that is provided by a person:

65 ~~H→~~ [~~(A)~~] (i) ~~←H~~ who is not an entity of the federal government, state government,

65a or a political

66 subdivision of the state; and

67 ~~H→~~ [~~(B)~~] (ii) ~~←H~~ within the boundary of the county.

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

69 (A) an entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal

70 Cooperation Act, in which the county participates; and

71 (B) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special

72 Service District Act.

73 (ii) "Entity created by the county" does not include a local district created by a county

74 under Title 17B, Limited Purpose Local Government Entities - Local Districts.

75 (2) The governing body of a county of the first ~~H→~~ [~~or-second~~] ~~←H~~ class shall by no

75a later than

76 June 30, 2009, create an inventory of activities of the county or an entity created by the county

77 to ~~H→~~ :

77a (a) ~~←H~~ classify whether an activity is ~~H→~~ [:

78 —— ~~(a)~~ ~~←H~~ a competitive activity; ~~H→~~ [~~or~~

79 —— ~~(b) an inherently governmental activity] and~~

79a ~~(b) identify efforts that have been made to privatize aspects of the activity~~ ~~←H~~ .

80 (3) The governing body of a county of the first ~~H→~~ [~~or-second~~] ~~←H~~ class shall update the

81 inventory created under this section at least every two years.

82 (4) The county shall:

83 (a) provide a copy of the inventory and an update to the inventory to the Privatization

84 Policy Board created in Title 63, Chapter 55a, Privatization Policy Board; and

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

Fiscal Note**S.B. 45 1st Sub. (Green) - 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.
