

1 **INVENTORY FOR COMPETITIVE**
2 **ACTIVITIES OF LOCAL ENTITIES**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: Craig A. Frank

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions applicable to specified local entities to address inventories
11 for competitive activities.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ requires a county or city of the first class to create an inventory of activities by June
16 30, 2010;
- 17 ▶ requires a county or city of the second class to create an inventory of activities by
18 June 30, 2011; and
- 19 ▶ requires reporting and disclosure of the inventory.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill takes effect on July 1, 2009.

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **10-1-119**, Utah Code Annotated 1953

27 **17-50-106**, Utah Code Annotated 1953

28
29 *Be it enacted by the Legislature of the state of Utah:*

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

31 **10-1-119. Inventory of competitive activities.**

32 (1) As used in this section:

33 (a) "Applicable city" means:

34 (i) on and after July 1, 2009, a city of the first class; and

35 (ii) on and after July 1, 2010, a city of the first or second class.

36 (b) "Competitive activity" means an activity engaged in by a city or an entity created by

37 the city by which the city or an entity created by the city provides a good or service that is

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

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

40 subdivision of the state; and

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

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

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

44 Cooperation Act, in which the city participates; and

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

46 Service District Act.

47 (ii) "Entity created by the city" does not include a local district created by a city under

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

49 (2) (a) The governing body of an applicable city shall create an inventory of activities of

50 the city or an entity created by the city to:

51 (i) classify whether an activity is a competitive activity; and

52 (ii) identify efforts that have been made to privatize aspects of the activity.

53 (b) An applicable city shall comply with this section by no later than:

54 (i) June 30, 2010, if the applicable city is a city of the first class; and

55 (ii) June 30, 2011, if the applicable city is a city of the second class.

56 (3) The governing body of an applicable city shall update the inventory created under

57 this section at least every two years.

58 (4) An applicable city shall:
59 (a) provide a copy of the inventory and an update to the inventory to the Privatization
60 Policy Board created in Title 63, Chapter 55a, Privatization Policy Board; and
61 (b) make the inventory available to the public through electronic means.
62 Section 2. Section **17-50-106** is enacted to read:
63 **17-50-106. Inventory of competitive activities.**
64 (1) As used in this section:
65 (a) "Applicable county" means:
66 (i) on and after July 1, 2009, a county of the first class; and
67 (ii) on and after July 1, 2010, a county of the first or second class.
68 (b) "Competitive activity" means an activity engaged in by a county or an entity created
69 by the county by which the county or an entity created by the county provides a good or service
70 that is substantially similar to a good or service that is provided by a person:
71 (i) who is not an entity of the federal government, state government, or a political
72 subdivision of the state; and
73 (ii) within the boundary of the county.
74 (c) (i) Subject to Subsection (1)(c)(ii), "entity created by the county" includes:
75 (A) an entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
76 Cooperation Act, in which the county participates; and
77 (B) a special service district created under Title 17A, Chapter 2, Part 13, Utah Special
78 Service District Act.
79 (ii) "Entity created by the county" does not include a local district created by a county
80 under Title 17B, Limited Purpose Local Government Entities - Local Districts.
81 (2) (a) The governing body of an applicable county shall create an inventory of
82 activities of the county or an entity created by the county to:
83 (i) classify whether an activity is a competitive activity; and
84 (ii) identify efforts that have been made to privatize aspects of the activity.
85 (b) An applicable county shall comply with this section by no later than:

- 86 (i) June 30, 2010, if the applicable county is a county of the first class; and
87 (ii) June 30, 2011, if the applicable county is a county of the second class.
88 (3) The governing body of an applicable county shall update the inventory created
89 under this section at least every two years.
90 (4) An applicable county shall:
91 (a) provide a copy of the inventory and an update to the inventory to the Privatization
92 Policy Board created in Title 63, Chapter 55a, Privatization Policy Board; and
93 (b) make the inventory available to the public through electronic means.
94 **Section 3. Effective date.**
95 This bill takes effect on July 1, 2009.