

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; 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.

Utah Code Sections Affected:

AMENDS:

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



28 ENACTS:

29 [63A-2-106](#), Utah Code Annotated 1953

30

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

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

33 **63A-2-106. Privatization of state golf course operations.**

34 (1) As used in this section:

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

37 (b) "Parks division" means the Division of Parks and Recreation created in Section
38 [79-4-201](#).

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

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

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

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

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

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

50 (3) No later than 90 days after the effective date of this section, the division shall, with
51 the assistance of the golf course consultant and in consultation with the parks division, prepare
52 and issue a request for proposals, in accordance with the procurement code and this section, for
53 a private golf course operator.

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

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

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

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

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

63 (b) operating the state golf courses without leasing the land on which the state golf
64 courses are located.

65 (6) The division shall, in accordance with the procurement code and with the assistance
66 of the golf course consultant:

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

69 (b) determine whether any proposal provides better value to the state than continuing
70 the operation of the state golf courses by the parks division; and

71 (c) deliver to the parks division the proposal that the division determines to provide
72 better value, as provided in Subsection (6)(b), if the division makes that determination.

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

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

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

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

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

83 **79-4-203. Powers and duties of division.**

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

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

89 (3) The division shall permit multiple use of state parks and property controlled by it

90 for purposes such as grazing, fishing, hunting, mining, and the development and utilization of
91 water and other natural resources.

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

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

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

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

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

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

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

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

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

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

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

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

119 (12) The division shall:

120 (a) cooperate with and provide assistance to the Division of Purchasing and General

121 Services, created in Section 63A-2-101, throughout the process described in Section
122 63A-2-106 relating to privatizing state golf course operations; and
123 (b) as applicable, comply with Subsections 63A-2-106(2)(b) and (7).
124 **Section 3. Effective date.**
125 If approved by two-thirds of all the members elected to each house, this bill takes effect
126 upon approval by the governor, or the day following the constitutional time limit of Utah
127 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
128 the date of veto override.
129 **Section 4. Revisor instructions.**
130 The Legislature intends that the Office of Legislative Research and General Counsel, in
131 preparing the Utah Code database for publication, replace the language "45 days after the
132 effective date of this section" in Subsection 63A-2-106(2)(a), as enacted in this bill, and the
133 language "90 days after the effective date of this section" in Subsection 63A-2-106(3), as
134 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