

**FREE MARKET PROTECTION AND PRIVATIZATION  
BOARD ACT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: Johnny Anderson

---

---

**LONG TITLE**

**General Description:**

This bill modifies ~~the~~ **provisions related to** the Free Market Protection and Privatization Board Act ~~to~~ **[by expanding the agencies that are subject to review for privatization of activities]**.

**Highlighted Provisions:**

This bill:

~~to~~ **[ expands the agencies that are subject to review by the Free Market Protection and Privatization Board to include an institution of higher education and the School and Institutional Trust Lands Administration;]**

▶ authorizes the Free Market Protection and Privatization Board to review privatization of an activity of an exempted state entity if the entity requests that the board review privatization of the activity provided by the entity; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63I-4a-102**, as last amended by Laws of Utah 2015, Chapters 223, 226, 283, and 411



- 59 (xi) the Workers' Compensation Fund created in Section 31A-33-102;
- 60 (xii) the Utah State Retirement Office created in Section 49-11-201;
- 61 (xiii) a charter school chartered by the State Charter School Board or a board of
- 62 trustees of a higher education institution under Title 53A, Chapter 1a, Part 5, The Utah Charter
- 63 Schools Act;
- 64 (xiv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b,
- 65 Utah Schools for the Deaf and the Blind;
- 66 **H→ [f] (xv) an institution of higher education as defined in Section 53B-3-102; [f]**
- 67 **[f] (xvi) the School and Institutional Trust Lands Administration created in Section**
- 68 **53C-1-201; [f]**
- 69 **[f] (xvii) [f] [~~xv~~] ←H** the Utah Communications Authority created in
- 69a Section 63H-7a-201; or
- 70 **H→ [f] (xviii) [f] [~~xvi~~] ←H** the Utah Capital Investment Corporation created in Section
- 70a 63N-6-301.
- 71 (3) "Agency head" means the chief administrative officer of an agency.
- 72 (4) "Board" means the Free Market Protection and Privatization Board created in
- 73 Section 63I-4a-202.
- 74 (5) "Commercial activity" means to engage in an activity that can be obtained in whole
- 75 or in part from a private enterprise.
- 76 (6) "Local entity" means:
- 77 (a) a political subdivision of the state, including a:
- 78 (i) county;
- 79 (ii) city;
- 80 (iii) town;
- 81 (iv) local school district;
- 82 (v) local district; or
- 83 (vi) special service district;
- 84 (b) an agency of an entity described in this Subsection (6), including a department,
- 85 office, division, authority, commission, or board; or
- 86 (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13,
- 87 Interlocal Cooperation Act, between two or more entities described in this Subsection (6).
- 88 (7) "Private enterprise" means a person that engages in an activity for profit.
- 89 (8) "Privatize" means that an activity engaged in by an agency is transferred so that a