

1                   **RESALE OF PROCUREMENT ITEM AMENDMENTS**

2                                   2016 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Karen Mayne**

5                                   House Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9                   This bill modifies provisions related to the resale of a procurement item.

10 **Highlighted Provisions:**

11                   This bill:

12                   ▶ imposes requirements and places limits on a procurement unit that sells a  
13 procurement item to the original seller for more than the purchase price.

14 **Money Appropriated in this Bill:**

15                   None

16 **Other Special Clauses:**

17                   None

18 **Utah Code Sections Affected:**

19 ENACTS:

20                   **63G-6a-110**, Utah Code Annotated 1953

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

23                   Section 1. Section **63G-6a-110** is enacted to read:

24                   **63G-6a-110. Sale of previously purchased procurement item -- Limitations.**

25                   (1) As used in this section:

26                   (a) "Buyback purchaser" means a person who buys a procurement item from the  
27 procurement unit to which the person previously sold the procurement item.



- 28           (b) "Excess repurchase amount" means the difference between:  
29           (i) the amount a buyback purchaser pays to a procurement unit to purchase a  
30 procurement item that the buyback purchaser previously sold to the procurement unit; and  
31           (ii) the amount the procurement unit paid to the buyback purchaser to purchase the  
32 procurement item.
- 33           (2) A procurement unit that sells a procurement item to a buyback purchaser for an  
34 amount that exceeds the amount the procurement unit paid for the procurement item:  
35           (a) shall require the buyback purchaser to pay cash for the procurement item; and  
36           (b) may not accept the excess repurchase amount in the form of a credit, discount, or  
37 other incentive on a future purchase that the procurement unit makes from the buyback  
38 purchaser.
- 39           (3) A procurement unit that receives an excess repurchase amount:  
40           (a) may not use the excess repurchase amount to acquire an additional procurement  
41 item from the person who paid the excess repurchase amount; and  
42           (b) shall deposit the excess repurchase amount into the procurement unit's general  
43 fund.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**