

SB0197S01 compared with SB0197

~~deleted text~~ shows text that was in SB0197 but was deleted in SB0197S01.

inserted text shows text that was not in SB0197 but was inserted into SB0197S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Karen Mayne proposes the following substitute bill:

RESALE OF PROCUREMENT ITEM AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ imposes requirements and places limits on a ~~procurement unit~~ state or local government entity that sells a procurement item to the original seller for more than the purchase price.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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ENACTS:

11-54-101, Utah Code Annotated 1953

11-54-102, Utah Code Annotated 1953

11-54-103, Utah Code Annotated 1953

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

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

Section 1. Section ~~{63G-6a-110}~~ 11-54-101 is enacted to read:

CHAPTER 54. LOCAL GOVERNMENT SALE OF PROCUREMENT ITEM

11-54-101. Title.

This chapter is known as "Local Government Sale of Procurement Item."

Section 2. Section 11-54-102 is enacted to read:

11-54-102. Definitions.

As used in this chapter:

(1) "Buyback purchaser" means a person who buys a procurement item from the local government entity to which the person previously sold the procurement item.

(2) "Excess repurchase amount" means the difference between:

(a) the amount a buyback purchaser pays to a local government entity to purchase a procurement item that the buyback purchaser previously sold to the local government entity;
and

(b) the amount the local government entity paid to the buyback purchaser to purchase the procurement item.

(3) "Local government entity" means a county, city, town, metro township, local district, special service district, community development and renewal agency, conservation district, or school district that is not subject to Title 63G, Chapter 6a, Utah Procurement Code.

(4) "Procurement item" means the same as that term is defined in Section 63G-6a-103.

Section 3. Section 11-54-103 is enacted to read:

11-54-103. Sale of previously purchased item -- Limitations.

A local government entity that sells a procurement item to a buyback purchaser for an amount that exceeds the amount the local government entity paid for the procurement item:

(1) shall require the buyback purchaser to pay cash for the procurement item;

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(2) may not accept the excess repurchase amount in the form of a credit, discount, or other incentive on a future purchase that the local government entity makes from the buyback purchaser; and

(3) may not use the excess repurchase amount to acquire an additional procurement item from the person who paid the excess repurchase amount.

Section 4. Section 63G-6a-110 is enacted to read:

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

(1) As used in this section:

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

(b) "Excess repurchase amount" means the difference between:

(i) the amount a buyback purchaser pays to a procurement unit to purchase a procurement item that the buyback purchaser previously sold to the procurement unit; and

(ii) the amount the procurement unit paid to the buyback purchaser to purchase the procurement item.

(2) A procurement unit that sells a procurement item to a buyback purchaser for an amount that exceeds the amount the procurement unit paid for the procurement item:

(a) shall require the buyback purchaser to pay cash for the procurement item; ~~and~~

(b) may not accept the excess repurchase amount in the form of a credit, discount, or other incentive on a future purchase that the procurement unit makes from the buyback purchaser; ~~and~~

~~(3) A procurement unit that receives an excess repurchase amount:~~

~~(a) c may not use the excess repurchase amount to acquire an additional procurement item from the person who paid the excess repurchase amount; ~~and~~~~

~~(b) shall deposit the excess repurchase amount into the procurement unit's general fund.~~

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