

SB0133S01 compared with SB0133

~~{deleted text}~~ shows text that was in SB0133 but was deleted in SB0133S01.

inserted text shows text that was not in SB0133 but was inserted into SB0133S01.

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~~{PUBLIC-PRIVATE}~~ Senator Daniel Hemmert proposes the following substitute bill:

PUBLIC-PRIVATE PARTNERSHIPS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions relating to public-private partnerships.

Highlighted Provisions:

This bill:

- ▶ requires the Governor's Office of Economic Development to engage a person to act as a facilitator for public-private partnerships in the state; and
- ▶ provides for requirements for a facilitator under a contract with the Governor's Office of Economic Development.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

ENACTS:

63N-13-301, Utah Code Annotated 1953

63N-13-302, Utah Code Annotated 1953

63N-13-303, Utah Code Annotated 1953

63N-13-304, Utah Code Annotated 1953

63N-13-305, Utah Code Annotated 1953

63N-13-306, Utah Code Annotated 1953

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

Section 1. Section **63N-13-301** is enacted to read:

Part 3. Facilitating Public-Private Partnerships Act

63N-13-301. Title.

This part is known as the "Facilitating Public-Private Partnerships Act."

Section 2. Section **63N-13-302** is enacted to read:

63N-13-302. Definitions.

As used in this part:

(1) "Facilitator" means a person engaged by the office to perform the functions and responsibilities described in Section 63N-13-304.

(2) "Government entity" means:

(a) the state or any department, division, agency, or other instrumentality of the state;

or

(b) a political subdivision of the state.

(3) "Public-private partnership" means an arrangement or agreement between a government entity and one or more private persons to fund and provide for a public need through the development or operation of a public project in which the private person or persons share with the government entity the responsibility or risk of developing, owning, maintaining, financing, or operating the project.

Section 3. Section **63N-13-303** is enacted to read:

63N-13-303. Contract with facilitator.

(1) Within legislative appropriations, the office shall enter into a contract with a person

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to act as a facilitator.

(2) The office shall use a request for proposals process under Title 63G, Chapter 6a, Utah Procurement Code, to select a qualified person to act as facilitator.

(3) The term of a contract under Subsection (1) may not exceed three years.

Section 4. Section **63N-13-304** is enacted to read:

63N-13-304. Contract requirements for a facilitator.

In a contract under Section 63N-13-303, the office shall require a facilitator to:

(1) be a single point of contact and information on public-private partnerships in the state for:

(a) government entities exploring the possibility of filling a public need through a public-private partnership; and

(b) private persons exploring investment opportunities in a public project in the state through a public-private partnership;

(2) work actively throughout the state to identify government entities that may have an interest in seeking to fill a public need through a public-private partnership;

(3) work actively to identify private persons who may have an interest in investment opportunities in public projects in the state through a public-private partnership;

(4) facilitate the matching of government entities seeking to fill a public need through a public-private partnership with private persons seeking investment opportunities in public projects through a public-private partnership; ~~and~~

(5) facilitate and assist with the establishment of public-private partnerships for government entities who request the facilitator's assistance in establishing a public-private partnership~~;~~ and

(6) make recommendations for the Legislature to consider at the 2021 legislative general session relating to public-private partnerships:

(a) to enhance the statutory framework for the establishment of public-private partnerships for public infrastructure projects; and

(b) with the goal of moving the state to the forefront throughout the country in the area of private participation in public infrastructure development.

Section 5. Section **63N-13-305** is enacted to read:

63N-13-305. Office oversight over contract performance of facilitator.

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The office shall monitor and oversee a facilitator's performance under a contract under Section 63N-13-303 to ensure that the facilitator is fulfilling the requirements of Section 63N-13-304.

Section 6. Section 63N-13-306 is enacted to read:

63N-13-306. Limits on application of this part.

Nothing in this part:

(1) requires a government entity to use the facilitator to explore the possibility of filling a public need through a public-private partnership; or

(2) limits the ability of a government entity to directly:

(a) solicit a public-private partnership; or

(b) respond to a private person exploring an investment opportunity in a public project through a public-private partnership.