

SENATE FILE NO. SF0027

Government competition.

Sponsored by: Senator(s) Case and Representative(s) Miller
and Wallis

A BILL

for

1 AN ACT relating to administration of government; providing
2 a process for lodging concerns with and for review of
3 competition by government entities with the private sector;
4 requiring a report to the legislature; providing a sunset
5 date; and providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 9-1-224 is created to read:

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11 **9-1-224. Unfair competition; lodging of concerns;**
12 **review; report.**

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14 (a) The governor's office shall establish a process
15 to allow Wyoming citizens to lodge concerns relating to
16 Wyoming state or local government entities unfairly

1 competing with the private sector in providing commercial
2 activities. At a minimum the process shall include:

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4 (i) A link entitled "government competition
5 concerns" accessible from the main page of the official
6 state website which includes a summary of this act and a
7 means for a citizen to lodge a concern with governmental
8 competition including:

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10 (A) The entity involved;

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12 (B) The activity involved;

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14 (C) Whether the concern is a result of a
15 specific instance or ongoing activity;

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17 (D) The effect of the competition on the
18 citizen's commercial activity, if applicable;

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20 (E) A means to contact the citizen for
21 further information, if necessary.

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23 (ii) A review by the governor's office of each
24 concern lodged. A state or local government entity shall

1 provide information requested by the governor's office to
2 conduct inquiries as it deems necessary to determine the
3 cause for the concern. The state or local government entity
4 may submit any other information it deems appropriate
5 related to a review under this paragraph.

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7 (b) No hearing or appeal shall be permitted under the
8 Wyoming Administrative Procedure Act for any omission or
9 any action taken under this act.

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11 (c) The governor's office shall annually report to
12 the legislature not later than July 1, 2010. The report
13 shall include:

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15 (i) The number of concerns with unfair
16 competition received;

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18 (ii) For each government entity subject to a
19 lodged concern, the number of concerns lodged and number of
20 citizens lodging concerns;

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22 (iii) For each state entity which is the subject
23 of a concern, a summary of whether the program, function or
24 activity complained of was identified in the entity's

1 strategic plan as one which could be implemented more
2 effectively by another level of government or by a private
3 entity as required by W.S. 28-1-115(a)(ii)(D)(I), if
4 applicable;

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6 (iv) Any recommended legislation to restrict a
7 state government entity's authorized powers and duties or a
8 local government's authority to provide the program,
9 function or activity subject of a concern.

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11 (d) As used in this section:

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13 (i) "Commercial activity" means performing
14 services or providing goods within a state or local
15 government entity or to other state or local government
16 entities or the general public which can normally be
17 obtained from private enterprise but does not include the
18 maintenance or minor renovation to maintain or repair of
19 existing facilities owned, operated or normally maintained
20 by a state or local government entity when the size type or
21 extent of the existing facility is not thereby changed;

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1 (ii) "Local government entity" means any county,
2 municipality, joint powers board or special district of
3 Wyoming;

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5 (iii) "Private enterprise" means an individual
6 or any legal entity engaged in the manufacturing,
7 processing, sale, offering for sale, rental, leasing,
8 delivery, dispensing, distributing or advertising of goods
9 or services for profit;

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11 (iv) "Special district" means any special
12 district specified under W.S. 22-29-103(a) and any other
13 district authorized to be formed as a political subdivision
14 under the laws of this state;

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16 (v) "State government entity" means the state of
17 Wyoming or any of its branches, agencies, authorities,
18 departments, boards, commissions, councils,
19 instrumentalities, offices, separate operating agencies or
20 units, or institutions, including the University of
21 Wyoming.

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23 (e) This section is repealed effective July 2, 2012.

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1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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6

(END)