

SENATE FILE NO. SF0044

Government competition.

Sponsored by: Senator(s) Case and Nutting and
Representative(s) 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 reports 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. The process shall be in operation before July
3 1, 2011. At a minimum the process shall include:

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

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11 (A) The entity involved;

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13 (B) The activity involved;

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

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

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

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1 (ii) A review by the governor's office of each
2 concern lodged. A state or local government entity shall
3 provide information reasonably related to the complaint and
4 requested by the governor's office to conduct inquiries as
5 necessary to determine the cause for the concern. The state
6 or local government entity may submit any other information
7 it deems appropriate related to a review under this
8 paragraph.

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

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14 (c) Beginning July 1, 2011, the governor's office
15 shall annually report to the legislature not later than
16 July 1. The reports shall include:

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18 (i) The number of concerns with unfair
19 competition received;

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21 (ii) For each government entity subject to a
22 lodged concern, the number of concerns lodged and number of
23 citizens lodging concerns;

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1 (iii) For each state entity which is the subject
2 of a concern, a summary of whether the program, function or
3 activity complained of was identified in the entity's
4 strategic plan as one which could be implemented more
5 effectively by another level of government or by a private
6 entity as required by W.S. 28-1-115(a)(ii)(D)(I), if
7 applicable;

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

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14 (d) As used in this section:

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16 (i) "Commercial activity" means performing
17 services or providing goods within a state or local
18 government entity or to other state or local government
19 entities or the general public which can normally be
20 obtained from private enterprise;

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22 (ii) "Local government entity" means any county,
23 municipality, joint powers board or special district of
24 Wyoming;

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

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

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13 (v) "State government entity" means the
14 executive branch of the state of Wyoming, any of its
15 agencies, authorities, departments, boards, commissions,
16 councils, instrumentalities, offices, separate operating
17 agencies or units, or institutions, including the
18 University of Wyoming.

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20 (e) This section is repealed effective July 2, 2013.

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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)