

ENROLLED ACT NO. 29, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2010 BUDGET SESSION

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

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

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

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

(a) The governor's office shall establish a process to allow Wyoming citizens to lodge concerns relating to Wyoming state or local government entities unfairly competing with the private sector in providing commercial activities. The process shall be in operation before July 1, 2010. At a minimum the process shall include:

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

(A) The entity involved;

(B) The activity involved;

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

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

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

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

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

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

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

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

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

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

(d) As used in this section:

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

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

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

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

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk