

GOVERNMENTAL LAW AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Greg J. Curtis**

**This act requires that the Legislature pass a resolution regarding a proposed contract between the Department of Corrections and a county government to house inmates in county facilities not currently under construction or in existence. The act also clarifies that the resolution does not bind the Legislature or the department regarding the proposed contract. The effective date of this act is upon approval.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**64-13c-302**, as enacted by Chapter 287, Laws of Utah 1999

ENACTS:

**64-13c-401**, Utah Code Annotated 1953

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

Section 1. Section **64-13c-302** is amended to read:

**64-13c-302. Procedures for setting county reimbursement for core inmate incarceration costs, and medical and transportation costs.**

(1) (a) In order for counties to receive reimbursement under this chapter, the Utah Sheriffs Association and the department shall annually before [~~July~~] January 1 negotiate for the fiscal year beginning on July 1 of the same year a single reimbursement rate, applicable to all counties, for daily core inmate incarceration costs.

(b) The reimbursement rate negotiated under Subsection (1)(a) shall be approved by the Legislature in the annual appropriations act before the rate may be implemented.

(2) Each county shall negotiate directly with the department to establish reimbursement rates for providing transportation services and medical care for inmates housed under Section 64-13c-201.

Section 2. Section **64-13c-401** is enacted to read:

**64-13c-401. Legislative approval of contracting.**

(1) Except as provided under Subsection (2), the department may enter into a contract with a county government to house inmates only if the Legislature has previously passed a joint resolution which includes the following information regarding the proposed agreement:

(a) the approximate number of beds to be contracted;

(b) the county's average daily rate the department will pay the county per inmate, as determined under Title 64, Chapter 13c, Part 3, Reimbursement of Inmate Costs; and

(c) the approximate amount of the county's long-term debt and the length of that debt for the facility where the inmates are to be housed.

(2) The department may enter into a contract with a county government to house inmates without complying with the approval process in Subsection (1) only if the county facility is currently under construction or currently exists as of the effective date of this act.

(3) Any resolution passed by the Legislature under Subsection (1) does not bind or obligate the Legislature or the department regarding the proposed contract.

**Section 3. Effective date.**

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.