

Representative Gregory H. Hughes proposes the following substitute bill:

PRISON RELOCATION AND DEVELOPMENT

AUTHORITY ACT

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill enacts the Prison Relocation and Development Authority Act.

Highlighted Provisions:

This bill:

- ▶ creates the prison relocation and development authority with its membership;
- ▶ provides duties for the prison relocation and development authority; and
- ▶ provides for authority staff and expenses.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-263, as last amended by Laws of Utah 2010, Chapters 319 and 358

ENACTS:

63C-13-101, Utah Code Annotated 1953

63C-13-102, Utah Code Annotated 1953



26 **63C-13-103**, Utah Code Annotated 1953

27 **63C-13-104**, Utah Code Annotated 1953

28 **63C-13-105**, Utah Code Annotated 1953

29 **63C-13-106**, Utah Code Annotated 1953

30

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

32 Section 1. Section **63C-13-101** is enacted to read:

33 **CHAPTER 13. PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT**

34 **63C-13-101. Title.**

35 This chapter is known as the "Prison Relocation and Development Authority Act."

36 Section 2. Section **63C-13-102** is enacted to read:

37 **63C-13-102. Definitions.**

38 As used in this chapter:

39 (1) "Authority" means the Prison Relocation and Development Authority, created in
40 Section 63C-13-103.

41 (2) "Prison relocation project" means a project or potential project to relocate the state
42 prison to another suitable location in the state in order to allow private development of the land
43 on which the state prison is presently located, subject to applicable local land use and other
44 ordinances.

45 Section 3. Section **63C-13-103** is enacted to read:

46 **63C-13-103. Creation of Prison Relocation and Development Authority --**

47 **Members.**

48 (1) There is created a prison relocation and development authority.

49 (2) (a) The authority consists of ~~Ŧ~~ ~~[nine]~~ **10** ~~Ŧ~~ members.

50 (b) ~~Ŧ~~ ~~[Three]~~ **Two** ~~Ŧ~~ members of the authority shall be appointed by the legislative
50a body of the

51 municipality in whose boundary the prison property is presently located.

52 (c) ~~Ŧ~~ ~~[(i) Five]~~ **Three** ~~Ŧ~~ members of the authority shall be appointed by the governor.

53 ~~Ŧ~~ ~~[(ii) At least one of the members appointed under Subsection (2)(c)(i) shall be from the~~
54 ~~Governor's Office of Economic Development, at least one shall be from the Division of~~
55 ~~Facilities Construction and Management, at least one shall be from the Department of~~
56 ~~Corrections, and at least one shall be from the Governor's Office of Planning and Budget.]~~ ~~Ŧ~~

57 (d) One member shall be appointed by the Utah Association of Counties.

57a **§→ (e) Two members shall be members of the Senate appointed by the president of the Senate.**

57b **(f) Two members shall be members of the House of Representatives appointed by the**
 57c **speaker of the House of Representatives. ←§**

58 (3) Any vacancy shall be filled in the same manner under this section as the
 59 appointment of the member whose vacancy is being filled.

60 (4) Each member of the authority shall serve until a successor is duly appointed and
 61 qualified.

62 (5) A member may not receive compensation for service on the authority.

63 (6) A majority of members present at a meeting constitutes a quorum.

64 Section 4. Section **63C-13-104** is enacted to read:

65 **63C-13-104. Authority duties.**

66 **§→ [(1) As provided in this chapter, the authority shall pursue the feasibility of various**
 67 **options to realize a prison relocation project.**

68 ~~——(2)]~~ **(1) ←§** The authority shall:

69 (a) prepare and issue requests inviting interested persons to submit proposals regarding
 70 the fulfillment of a prison relocation project; and

71 (b) receive and evaluate any proposals received in response to a request under

72 Subsection **§→ [(2)] (1) ←§** (a) **§→ [:]** ;

72a **(c) review and evaluate any proposals relating to a prison relocation project that the**
 72b **executive branch submits; and**

72c **(d) complete its review and evaluation of proposals within 90 days after receiving**
 72d **proposals.**

73 ~~[(3)]~~ **(2)(a) ←§** Upon completing its evaluation of proposals submitted concerning a prison
 74 relocation project, the authority shall report the results of its evaluation and any
 75 recommendations to the **§→ [Legislative Management Committee and] ←§** governor.

75a **§→ (b) The process of the authority's issuing requests and reviewing and evaluating proposals**
 75b **is to provide a public forum for considering the feasibility of and proposals for a prison**
 75c **relocation project.**

75d **(c) The authority's recommendations under Subsection (2)(a) are advisory only.**

76 ~~[(4)]~~ **(3)(a) ←§** After **§→ [the authority makes a report under Subsection (3) and subject to**
 76a **any**

77 **necessary legislation to implement a proposal, the governor may accept a proposal submitted to**
 78 **the authority without any further process to request and receive proposals for the prison**

79 relocation project] receiving the authority's report under Subsection (3), the governor shall
79a make a recommendation to the Legislative Management Committee with respect to any
79b implementation of a proposal for the prison relocation project ←§ .
79c §→ (b) The acceptance of a proposal and any implementation of a proposal for a prison
79d relocation project are subject to legislative approval. ←§

80 Section 5. Section **63C-13-105** is enacted to read:

81 **63C-13-105. Authority staff and expenses.**

82 The §→ [municipality in whose boundary the prison property is presently located]

82a Governor's Office of Planning and Budget ←§ shall:

83 (1) provide any necessary staff support for the authority; and

84 (2) cover authority expenses.

85 Section 6. Section **63C-13-106** is enacted to read:

86 **63C-13-106. No effect on local land use authority.**

87 Nothing in this chapter may be construed to limit or otherwise affect a municipality's

88 authority under Title 10, Chapter 9a, Municipal Land Use, Development, and Management
89 Act, with respect to the private development of the land on which the state prison is presently
90 located.

91 Section 7. Section **63I-1-263** is amended to read:

92 **63I-1-263. Repeal dates, Titles 63 to 63M.**

93 (1) Section 63A-4-204, authorizing the Risk Management Fund to provide coverage to
94 any public school district which chooses to participate, is repealed July 1, 2016.

95 (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2016.

96 (3) Section 63C-8-106, Rural residency training program, is repealed July 1, 2015.

97 (4) Title 63C, Chapter 13, Prison Relocation and Development Authority Act, is
98 repealed July 1, 2014.

99 [~~4~~] (5) Subsection 63G-6-502(5)(b)(ii) authorizing certain transportation agencies to
100 award a contract for a design-build transportation project in certain circumstances, is repealed
101 July 1, 2015.

102 [~~5~~] (6) The Resource Development Coordinating Committee, created in Section
103 63J-4-501, is repealed July 1, 2015.

104 [~~6~~] (7) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

105 [~~7~~] (8) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act,
106 is repealed July 1, 2020.

107 (b) Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in
108 recycling market development zones, are repealed for taxable years beginning on or after
109 January 1, 2011.

110 (c) Notwithstanding Subsection [~~7~~] (8)(b), a person may not claim a tax credit under
111 Section 59-7-610 or 59-10-1007:

112 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
113 59-10-1007, if the machinery or equipment is purchased on or after July 1, 2010; or

114 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
115 the expenditure is made on or after July 1, 2010.

116 (d) Notwithstanding Subsections [~~7~~] (8)(b) and (c), a person may carry forward a tax
117 credit in accordance with Section 59-7-610 or 59-10-1007 if:

118 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

119 (ii) (A) for the purchase price of machinery or equipment described in Section
120 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before June 30, 2010;
121 or

122 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
123 expenditure is made on or before June 30, 2010.

124 [~~8~~] (9) Title 63M, Chapter 7, Part 4, Sentencing Commission, is repealed January 1,
125 2012.

126 [~~9~~] (10) The Crime Victim Reparations Board, created in Section 63M-7-504, is
127 repealed July 1, 2017.

128 [~~10~~] (11) Title 63M, Chapter 8, Utah Commission for Women and Families Act, is
129 repealed July 1, 2011.

130 [~~11~~] (12) Title 63M, Chapter 9, Families, Agencies, and Communities Together for
131 Children and Youth At Risk Act, is repealed July 1, 2016.

132 [~~12~~] (13) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
133 2012.

FISCAL NOTE

H.B. 445 1st Sub. (Buff)

SHORT TITLE: Prison Relocation and Development Authority Act

SPONSOR: Hughes, G.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill may require certain municipalities to incur additional costs as a result of covering expenses of and/or providing staff to support a newly created authority.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.