

1 **PRISON RELOCATION AND DEVELOPMENT**

2 **AUTHORITY ACT**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Gregory H. Hughes**

6 Senate Sponsor: Curtis S. Bramble

8 **LONG TITLE**

9 **General Description:**

10 This bill enacts the Prison Relocation and Development Authority Act.

11 **Highlighted Provisions:**

12 This bill:

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

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **63I-1-263**, as last amended by Laws of Utah 2010, Chapters 319 and 358

23 ENACTS:

24 **63C-13-101**, Utah Code Annotated 1953

25 **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

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

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

CHAPTER 13. PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT

63C-13-101. Title.

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

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

63C-13-102. Definitions.

As used in this chapter:

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

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

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

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

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

(2) (a) The authority consists of 10 members.

(b) Two members of the authority shall be appointed by the legislative body of the municipality in whose boundary the prison property is presently located.

(c) Three members of the authority shall be appointed by the governor.

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

(e) Two members shall be members of the Senate appointed by the president of the Senate.

(f) Two members shall be members of the House of Representatives appointed by the 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) The authority shall:

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

69 (b) receive and evaluate any proposals received in response to a request under
70 Subsection (1)(a);

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

73 (d) complete its review and evaluation of proposals within 90 days after receiving
74 proposals.

75 (2) (a) Upon completing its evaluation of proposals submitted concerning a prison
76 relocation project, the authority shall report the results of its evaluation and any
77 recommendations to the governor.

78 (b) The process of the authority's issuing requests and reviewing and evaluating
79 proposals is to provide a public forum for considering the feasibility of and proposals for a
80 prison relocation project.

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

82 (3) (a) After receiving the authority's report under Subsection (3), the governor shall
83 make a recommendation to the Legislative Management Committee with respect to any
84 implementation of a proposal for the prison relocation project.

85 (b) The acceptance of a proposal and any implementation of a proposal for a prison

86 relocation project are subject to legislative approval.

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

88 **63C-13-105. Authority staff and expenses.**

89 The Governor's Office of Planning and Budget shall:

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

91 (2) cover authority expenses.

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

93 **63C-13-106. No effect on local land use authority.**

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

95 authority under Title 10, Chapter 9a, Municipal Land Use, Development, and Management

96 Act, with respect to the private development of the land on which the state prison is presently

97 located.

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

99 **63I-1-263. Repeal dates, Titles 63 to 63M.**

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

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

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

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

106 [~~4~~] (5) Subsection 63G-6-502(5)(b)(ii) authorizing certain transportation agencies to
107 award a contract for a design-build transportation project in certain circumstances, is repealed
108 July 1, 2015.

109 [~~5~~] (6) The Resource Development Coordinating Committee, created in Section
110 63J-4-501, is repealed July 1, 2015.

111 [~~6~~] (7) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

112 [~~7~~] (8) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act,
113 is repealed July 1, 2020.

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

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

119 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
120 59-10-1007, if the machinery or equipment is purchased on or after July 1, 2010; or

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

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

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

126 (ii) (A) for the purchase price of machinery or equipment described in Section
127 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before June 30, 2010;
128 or

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

131 [~~(8)~~] (9) Title 63M, Chapter 7, Part 4, Sentencing Commission, is repealed January 1,
132 2012.

133 [~~(9)~~] (10) The Crime Victim Reparations Board, created in Section 63M-7-504, is
134 repealed July 1, 2017.

135 [~~(10)~~] (11) Title 63M, Chapter 8, Utah Commission for Women and Families Act, is
136 repealed July 1, 2011.

137 [~~(11)~~] (12) Title 63M, Chapter 9, Families, Agencies, and Communities Together for
138 Children and Youth At Risk Act, is repealed July 1, 2016.

139 [~~(12)~~] (13) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
140 2012.