

Senator Scott K. Jenkins proposes the following substitute bill:

PRISON RELOCATION AND DEVELOPMENT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Brad R. Wilson

LONG TITLE

General Description:

This bill addresses the relocation of the state prison, including the development of the former prison land.

Highlighted Provisions:

This bill:

- ▶ modifies provisions relating to the Prison Relocation and Development Authority;
- ▶ modifies the duties and responsibilities of the authority;
- ▶ establishes a process for the authority to issue requests for proposals for a new prison development project, former prison land development project, or master development project, receive and evaluate proposals, and make a recommendation to the Legislature and governor;
- ▶ provides requirements for a request for proposals and for proposals; and
- ▶ enacts a provision relating to compensation and expenses of authority members.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:



26 AMENDS:

27 **63C-13-102**, as enacted by Laws of Utah 2011, Chapter 408

28 ENACTS:

29 **63C-13-104.5**, Utah Code Annotated 1953

30 **63C-13-107**, Utah Code Annotated 1953

31

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

33 Section 1. Section **63C-13-102** is amended to read:

34 **63C-13-102. Definitions.**

35 As used in this chapter:

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

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

42 (2) "Division" means the Division of Facilities Construction and Management created
43 in Section 63A-5-201.

44 (3) "Former prison" means the state prison operating as of February 1, 2013 in Salt
45 Lake County.

46 (4) "Former prison land" means all the land owned or controlled by the state on which
47 the former prison is located or that is contiguous to and surrounding the former prison,
48 including land owned by the Utah Department of Transportation but not used by the Utah
49 Department of Transportation for a right-of-way.

50 (5) "Former prison land development project" means a project to develop the former
51 prison land, including:

52 (a) the transfer of the former prison land into private ownership; and

53 (b) the demolition of the former prison after it is vacated.

54 (6) "Master development project" means a former prison land development project and
55 a new prison development project.

56 (7) "New prison" means a prison to be built to replace the former prison.

57 (8) "New prison development project":

58 (a) means a project to construct a new prison at a suitable location in the state other
59 than the location of the former prison; and

60 (b) includes the acquisition of the land on which the new prison will be built.

61 (9) "New prison land" means land on which a new prison is or is projected to be built.

62 (10) "Prison programming" means a policy, plan, or program that, if implemented by
63 the Department of Corrections at a new prison, is calculated to reduce recidivism or lead to
64 greater efficiencies or lower costs in prison operations.

65 (11) "State ownership" means ownership by the state or any department, division, or
66 agency of the state.

67 Section 2. Section **63C-13-104.5** is enacted to read:

68 **63C-13-104.5. Authority duties and responsibilities.**

69 (1) The authority shall:

70 (a) consult with the division in formulating a request for proposals under this part;

71 (b) with the approval of the director of the division, issue a request for proposals
72 inviting persons to submit proposals on a new prison development project, former prison land
73 development project, or master development project;

74 (c) provide a process for persons to submit proposals and for the authority to receive
75 proposals;

76 (d) evaluate the proposals that are submitted;

77 (e) in evaluating and making a decision on proposals, give additional weight to a
78 proposal that contemplates using contractors, material providers, and laborers from within the
79 state;

80 (f) decide whether to recommend that one of the proposals or a combination of
81 proposals for a new prison development project, former prison land development project, or
82 master development project be accepted and that a contract be awarded to the person or persons
83 who submitted the proposal or combination of proposals; and

84 (g) if the authority decides to recommend a proposal or combination of proposals for
85 awarding a contract for a new prison development project, former prison land development
86 project, or master development project to the person or persons who submitted the proposal or
87 combination of proposals, immediately submit its written recommendation to the governor and

88 the Legislative Management Committee.

89 (2) (a) In a request for proposals under Subsection (1), the authority shall request
90 offerors to include a proposed conceptual plan.

91 (b) A conceptual plan included in a proposal may incorporate some or all of the
92 features of a general plan described in Title 10, Chapter 9a, Part 4, General Plan.

93 (c) A proposed conceptual plan included in a proposal submitted under this part is a
94 public record.

95 (3) (a) The authority may not consider or recommend a proposal that is based on the
96 former prison land remaining under state ownership beyond the conceptual plan stage of the
97 former prison land development project.

98 (b) The authority shall include in a request for proposals under Subsection (1) the
99 limitation imposed by Subsection (3)(a).

100 (4) (a) A request for proposals for a new prison development project:

101 (i) may include a request for prison programming proposals; and

102 (ii) shall allow an offeror to include, as part of the proposal, the operation of the new
103 prison.

104 (b) A person submitting a proposal for a new prison development project may include,
105 as part of the proposal:

106 (i) prison programming proposals; or

107 (ii) the operation of a new prison.

108 (5) A proposal submitted in response to a request for proposals under Subsection (1)
109 shall identify and quantify sources of funds that the proposal relies on for its financial
110 feasibility, including identifying and quantifying which of the following possible sources of
111 funds the proposal relies on:

112 (a) money derived from the sale of the former prison land;

113 (b) savings realized from funds that had been intended for maintenance and upkeep of
114 the former prison but that will not be spent on the former prison due to the construction of a
115 new prison;

116 (c) the amount of future construction costs anticipated to be spent for prison facilities
117 but that will not be spent due to the construction of a new prison;

118 (d) reductions in future years' budgets of the Department of Corrections that equal the

119 savings realized due to greater efficiencies in the operation of a new prison over the anticipated
120 cost of operating the former prison;

121 (e) proceeds from the issuance of bonds;

122 (f) legislative appropriations;

123 (g) financing provided by the developer; and

124 (h) any other source of funds that the offeror proposes to be made available in order to
125 implement the new prison development project, former prison land development project, or
126 master development project.

127 (6) (a) In issuing a request for proposals under Subsection (1), the authority shall
128 request persons submitting proposals to:

129 (i) specify and quantify which sources of funds the proposal relies on for its financial
130 feasibility;

131 (ii) identify any changes in state law the offeror recommends be made in order to
132 facilitate the implementation of the new prison development project, former prison land
133 development project, or master development project; and

134 (iii) comply with all other requirements of the request for proposals.

135 (b) Recommended changes to state law that a proposal identifies under Subsection
136 (6)(a)(ii) are for informational purposes only, and the authority may not give more or less
137 weight to a proposal based on any recommended changes it contains or does not contain.

138 (7) A contract may not be awarded for a new prison development project, former
139 prison land development project, or master development project unless the governor and
140 Legislature indicate their approval, through the adoption of a concurrent resolution or other
141 legislation indicating approval, of the feasibility, overall cost, cost-effectiveness, and concepts
142 involved in the new prison development project, former prison land development project, or
143 master development project, as set forth in the recommended proposal or combination of
144 proposals.

145 (8) (a) Subject to Subsection (8)(b), the provisions of Title 63G, Chapter 6a, Utah
146 Procurement Code, do not apply with respect to the process described in this section.

147 (b) The authority shall adopt procurement rules substantially similar to the
148 requirements of Title 63G, Chapter 6a, Utah Procurement Code, to govern the process
149 described in this section.

150 (9) The former prison land may not be sold, exchanged, leased, or made subject to an
151 option without the Legislature's prior approval.

152 Section 3. Section **63C-13-107** is enacted to read:

153 **63C-13-107. Compensation and expenses of authority members.**

154 (1) Salaries and expenses of board members who are legislators shall be paid in
155 accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Expense and
156 Mileage Reimbursement for Authorized Legislative Meetings, Special Sessions, and Veto
157 Override Sessions.

158 (2) A board member who is not a legislator may not receive compensation or benefits
159 for the member's service on the board, but may receive per diem and reimbursement for travel
160 expenses incurred as a board member at the rates established by the Division of Finance under:

161 (a) Sections 63A-3-106 and 63A-3-107; and

162 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
163 63A-3-107.

164 Section 4. **Effective date.**

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