

28 Relocation Commission; and

29 ▶ to the Division of Facilities Construction and Management, as a one-time
30 appropriation:

31 • from the General Fund, ~~H→~~ [~~\$5,000,000~~] \$3,417,000 ~~←H~~, to pay for new prison
31a siting ~~H→~~ and for other ~~←H~~ services.

32 **Other Special Clauses:**

33 This bill provides an immediate effective date.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **63I-1-263**, as last amended by Laws of Utah 2013, Chapters 28, 62, 101, 167, 250, and
37 413

38 ENACTS:

39 **63C-15-101**, Utah Code Annotated 1953

40 **63C-15-102**, Utah Code Annotated 1953

41 **63C-15-201**, Utah Code Annotated 1953

42 **63C-15-202**, Utah Code Annotated 1953

43 **63C-15-203**, Utah Code Annotated 1953

44 **63C-15-204**, Utah Code Annotated 1953



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

47 Section 1. Section **63C-15-101** is enacted to read:

48 **CHAPTER 15. PRISON RELOCATION COMMISSION**

49 **Part 1. General Provisions**

50 **63C-15-101. Title.**

51 This chapter is known as "Prison Relocation Commission."

52 Section 2. Section **63C-15-102** is enacted to read:

53 **63C-15-102. Definitions.**

54 As used in this chapter:

55 (1) "Commission" means the Prison Relocation Commission, created in Section
56 63C-15-201.

57 (2) "Department" means the Department of Corrections, created in Section 64-13-2.

58 (3) "Division" means the Division of Facilities Construction and Management, created

121 standards that should be maintained in the state;

122 (D) locating new prison facilities within a reasonable distance of comprehensive
 123 medical facilities;

124 (E) locating new prison facilities to be compatible with surrounding land uses for the
 125 foreseeable future;

126 (F) locating new prison facilities with careful consideration given to the concerns of
 127 access to courts, visiting and public access, expansion capabilities, emergency response factors,
 128 and the availability of infrastructure;

129 (G) supporting new prison facilities by one or more appropriations from the
 130 Legislature;

131 (H) developing performance specifications for new prison facilities that facilitate a
 132 high quality correctional program;

133 (I) phasing in construction over a period of time; and

134 (J) making every reasonable effort to maximize efficiencies and cost savings that result
 135 from building and operating newer, more efficient prison facilities;

136 (b) invite the participation in commission meetings of interested parties, the public,
 137 experts in the area of prison facilities, and any others the commission considers to have
 138 information or ideas that would be useful to the commission;

139 (c) formulate recommendations concerning:

140 (i) the location or locations to which the new prison facilities should be moved;

141 (ii) the type of facilities that should be constructed to accommodate the prison
 142 population and to facilitate implementation of any new corrections programs; and

143 (iii) the extent to which future corrections needs can be met by existing state or county
 144 facilities; and

145 (d) before the start of the 2015 General Session of the Legislature, report the
 146 commission's recommendations in writing to the Legislature and governor.

147 (2) The commission may:

148 (a) meet as many times as the commission considers necessary or advisable in order to
 149 fulfill its responsibilities under this part; ~~H~~→ [and] ←~~H~~

150 (b) hire or direct the hiring of one or more consultants with experience or expertise in a
 151 subject under consideration by the commission, to assist the commission in fulfilling its duties

152 under this part ~~H~~→ [] ; and

152a (c) in its discretion, elect to succeed to the position of the Prison Relocation and
 152b Development Authority under a contract that the Prison Relocation and Development
 152c Authority is a party to, subject to applicable contractual provisions. ←~~H~~

153 (3) The commission may not:

154 (a) consider or evaluate future uses of the property on which the state prison is
 155 currently located;

156 (b) make recommendations concerning the future use or development of the land on
 157 which the state prison is currently located;

158 (c) make any commitments or enter into any contracts for the acquisition of land for
 159 new state prison facilities or regarding the construction of new state prison facilities; or

160 (d) initiate or pursue the procurement of a person to design or construct new prison
 161 facilities.

162 Section 6. Section **63C-15-204** is enacted to read:

163 **63C-15-204. Other agencies' cooperation and actions.**

164 (1) The department and the justice commission shall work cooperatively with the
 165 commission to help ensure that the location and nature of new prison facilities that the
 166 commission recommends are conducive to and consistent with any anticipated reforms of or
 167 changes to the state's corrections system and correction programs.

168 (2) As the commission works to formulate recommendations on how and where to
 169 relocate the state prison, the division may, in consultation with the commission, undertake
 170 efforts, consistent with the recommendations being formulated by the commission:

171 (a) to develop performance specifications for future prison facilities; and

172 (b) to identify and secure the rights to land that appears to be suitable for future prison
 173 facilities.

174 (3) All state agencies and political subdivisions of the state shall, upon the
 175 commission's request:

176 (a) reasonably cooperate with the commission to facilitate the fulfillment of its
 177 responsibilities; and

178 (b) provide information or assistance that the commission reasonably needs in order to
 179 fulfill its responsibilities.

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

181 **63I-1-263. Repeal dates, Titles 63A to 63M.**

182 (1) Section 63A-4-204, authorizing the Risk Management Fund to provide coverage to

276 Administration \$50,000

277 To Administrative Services - DFCM Administration ~~H→~~ ~~[\$5,000,000]~~ \$3,417,000 ~~←H~~

278 From General Fund, one-time

279 Schedule of Programs:

280 DFCM Administration ~~H→~~ ~~[\$5,000,000]~~ \$3,417,000 ~~←H~~

281 The Legislature intends that the appropriation of ~~H→~~ ~~[\$5,000,000]~~ \$3,417,000 ~~←H~~ to the

281a Division of

282 Facilities Construction and Management be used ~~H→~~ ~~[for]~~ by the division, in cooperation and

282a consultation with the Prison Relocation Commission, in fulfilling the division's responsibilities

282b under Subsection 63C-15-204(2), including the ~~←H~~ analysis and selection of, ~~H→~~ ~~[and]~~ ~~←H~~

282c planning

283 related to, ~~H→~~ and securing the rights to land suitable for ~~←H~~ one or more new prison sites.

283a Under terms of Subsection 63J-1-603(3)(a), the

284 Legislature intends that the ~~H→~~ ~~[\$5,000,000]~~ \$3,417,000 ~~←H~~ appropriation provided in this bill not

284a lapse at the close

285 of fiscal year 2014. The use of any nonlapsing funds is limited to the analysis and selection of,

286 ~~H→~~ ~~[and]~~ ~~←H~~ planning related to, ~~H→~~ and securing the rights to land suitable for ~~←H~~ one or

286a more new prison sites.

287 **Section 9. Effective date.**

288 If approved by two-thirds of all the members elected to each house, this bill takes effect

289 upon approval by the governor, or the day following the constitutional time limit of Utah

290 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

291 the date of veto override.

Legislative Review Note
as of 3-4-14 6:01 AM

Office of Legislative Research and General Counsel