

1 **PRISON RELOCATION COMMISSION**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jerry W. Stevenson**

5 House Sponsor: Brad R. Wilson

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7 **LONG TITLE**

8 **General Description:**

9 This bill addresses the creation of a Prison Relocation Commission.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ enacts provisions creating the Prison Relocation Commission;
- 13 ▶ provides for commission membership, duties, and responsibilities;
- 14 ▶ requires the commission to study and make recommendations on how and where to
- 15 move the state prison; and
- 16 ▶ provides for the repeal of commission provisions.

17 **Money Appropriated in this Bill:**

18 This bill appropriates in fiscal year 2013-14:

- 19 ▶ to the Senate, as a one-time appropriation:
- 20 • from the General Fund, \$14,000, to pay salaries of senators serving on the
- 21 Prison Relocation Commission;
- 22 ▶ to the House of Representatives, as a one-time appropriation:
- 23 • from the General Fund, \$19,000, to pay salaries of representatives serving on
- 24 the Prison Relocation Commission;
- 25 ▶ to the Office of Legislative Research and General Counsel, as a one-time
- 26 appropriation:
- 27 • from the General Fund, \$50,000, to pay for staff services for the Prison



28 Relocation Commission; and

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

31 • from the General Fund,  $\hat{H} \rightarrow$  [~~\$5,000,000~~] \$3,417,000  $\leftarrow \hat{H}$  , to pay for new prison  
31a siting  $\hat{H} \rightarrow$  and for other  $\leftarrow \hat{H}$  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

59 in Section [63A-5-201](#).

60 (4) "Justice commission" means the Commission on Criminal and Juvenile Justice,  
61 created in Section [63M-7-201](#).

62 (5) "State prison" means the prison that the state operates in Salt Lake County.

63 Section 3. Section **63C-15-201** is enacted to read:

64 **Part 2. Commission Provisions**

65 **63C-15-201. Commission created -- Membership -- Cochairs -- Removal --**  
66 **Vacancy.**

67 (1) There is created an advisory commission known as the Prison Relocation  
68 Commission, composed of:

69 (a) three members of the Senate, appointed by the president of the Senate, no more  
70 than two of whom may be from the same political party;

71 (b) four members of the House of Representatives, appointed by the speaker of the  
72 House of Representatives, no more than three of whom may be from the same political party;

73 (c) the executive director of the justice commission, appointed under Section  
74 [63M-7-203](#); and

75 (d) the executive director of the department, appointed under Section [64-13-3](#), or the  
76 executive director's designee.

77 (2) The commission members from the Senate and House of Representatives are voting  
78 members of the commission, and the members appointed under Subsections (1)(c) and (d) are  
79 nonvoting members of the commission.

80 (3) The president of the Senate shall appoint one of the commission members from the  
81 Senate as cochair of the commission, and the speaker of the House of Representatives shall  
82 appoint one of the commission members from the House of Representatives as cochair of the  
83 commission.

84 (4) The president of the Senate may remove a member appointed under Subsection  
85 (1)(a), and the speaker of the House of Representatives may remove a member appointed under  
86 Subsection (1)(b).

87 (5) A vacancy of a member appointed under Subsection (1)(a) or (b) shall be filled in  
88 the same manner as an appointment of the member whose departure from the commission  
89 creates the vacancy.

90 (6) A commission member shall serve until a successor is duly appointed and qualified.

91 Section 4. Section **63C-15-202** is enacted to read:

92 **63C-15-202. Quorum and voting requirements -- Bylaws -- Salaries and expenses**  
93 **-- Staff.**

94 (1) A majority of the voting commission members constitutes a quorum, and the action  
95 of a majority of a quorum constitutes action of the commission.

96 (2) The commission may adopt bylaws to govern its operations and proceedings.

97 (3) (a) Salaries and expenses of commission members who are legislators shall be paid  
98 in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislative  
99 Compensation.

100 (b) A commission member who is not a legislator may not receive compensation,  
101 benefits, per diem, or expense reimbursement for the member's service on the commission.

102 (4) The Office of Legislative Research and General Counsel shall provide staff support  
103 to the commission.

104 Section 5. Section **63C-15-203** is enacted to read:

105 **63C-15-203. Commission duties and responsibilities.**

106 (1) The commission shall:

107 (a) carefully and deliberately consider, study, and evaluate how and where to move the  
108 state prison, and in that process:

109 (i) consider whether to locate new prison facilities on land already owned by the state  
110 or on land that is currently in other public or private ownership but that the state may acquire or  
111 lease, whether to locate new prison facilities at one location or multiple locations, and to what  
112 extent future corrections needs may be met by existing state and county facilities; and

113 (ii) take into account relevant objectives, including:

114 (A) coordinating the commission's efforts with the efforts of the justice commission  
115 and the department to evaluate criminal justice policies to increase public safety, reduce  
116 recidivism, and reduce prison population growth;

117 (B) ensuring that new prison facilities are conducive to future inmate programming that  
118 encourages a reduction in recidivism;

119 (C) locating new prison facilities to help facilitate an adequate level of volunteer and  
120 staff support that will allow for a correctional program that is commensurate with the high

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

- 183 any public school district which chooses to participate, is repealed July 1, 2016.
- 184 (2) Subsections [63A-5-104](#)(4)(d) and (e) are repealed on July 1, 2014.
- 185 (3) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2016.
- 186 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
187 1, 2018.
- 188 (5) Section [53B-24-402](#), rural residency training program, is repealed July 1, 2015.
- 189 (6) Title 63C, Chapter 13, Prison Relocation and Development Authority Act, is  
190 repealed July 1, 2014.
- 191 (7) Title 63C, Chapter 14, Federal Funds Commission, is repealed July 1, 2018.
- 192 (8) Title 63C, Chapter 15, Prison Relocation Commission, is repealed July 1, 2017.
- 193 ~~[(8)]~~ (9) Subsection [63G-6a-1402](#)(7) authorizing certain transportation agencies to  
194 award a contract for a design-build transportation project in certain circumstances, is repealed  
195 July 1, 2015.
- 196 ~~[(9)]~~ (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed  
197 July 1, 2020.
- 198 ~~[(10)]~~ (11) The Resource Development Coordinating Committee, created in Section  
199 [63J-4-501](#), is repealed July 1, 2015.
- 200 ~~[(11)]~~ (12) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.
- 201 ~~[(12)]~~ (13) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone  
202 Act, is repealed January 1, 2021.
- 203 (b) Subject to Subsection ~~[(12)]~~ (13)(c), Sections [59-7-610](#) and [59-10-1007](#) regarding  
204 tax credits for certain persons in recycling market development zones, are repealed for taxable  
205 years beginning on or after January 1, 2021.
- 206 (c) A person may not claim a tax credit under Section [59-7-610](#) or [59-10-1007](#):
- 207 (i) for the purchase price of machinery or equipment described in Section [59-7-610](#) or  
208 [59-10-1007](#), if the machinery or equipment is purchased on or after January 1, 2021; or
- 209 (ii) for an expenditure described in Subsection [59-7-610](#)(1)(b) or [59-10-1007](#)(1)(b), if  
210 the expenditure is made on or after January 1, 2021.
- 211 (d) Notwithstanding Subsections ~~[(12)]~~ (13)(b) and (c), a person may carry forward a  
212 tax credit in accordance with Section [59-7-610](#) or [59-10-1007](#) if:
- 213 (i) the person is entitled to a tax credit under Section [59-7-610](#) or [59-10-1007](#); and

214 (ii) (A) for the purchase price of machinery or equipment described in Section  
215 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,  
216 2020; or

217 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the  
218 expenditure is made on or before December 31, 2020.

219 ~~[(13)]~~ (14) (a) Section 63M-1-2507, Health Care Compact is repealed on July 1, 2014.

220 (b) (i) The Legislature shall, before reauthorizing the Health Care Compact:

221 (A) direct the Health System Reform Task Force to evaluate the issues listed in  
222 Subsection ~~[(13)]~~ (14)(b)(ii), and by January 1, 2013, develop and recommend criteria for the  
223 Legislature to use to negotiate the terms of the Health Care Compact; and

224 (B) prior to July 1, 2014, seek amendments to the Health Care Compact among the  
225 member states that the Legislature determines are appropriate after considering the  
226 recommendations of the Health System Reform Task Force.

227 (ii) The Health System Reform Task Force shall evaluate and develop criteria for the  
228 Legislature regarding:

229 (A) the impact of the Supreme Court ruling on the Affordable Care Act;

230 (B) whether Utah is likely to be required to implement any part of the Affordable Care  
231 Act prior to negotiating the compact with the federal government, such as Medicaid expansion  
232 in 2014;

233 (C) whether the compact's current funding formula, based on adjusted 2010 state  
234 expenditures, is the best formula for Utah and other state compact members to use for  
235 establishing the block grants from the federal government;

236 (D) whether the compact's calculation of current year inflation adjustment factor,  
237 without consideration of the regional medical inflation rate in the current year, is adequate to  
238 protect the state from increased costs associated with administering a state based Medicaid and  
239 a state based Medicare program;

240 (E) whether the state has the flexibility it needs under the compact to implement and  
241 fund state based initiatives, or whether the compact requires uniformity across member states  
242 that does not benefit Utah;

243 (F) whether the state has the option under the compact to refuse to take over the federal  
244 Medicare program;



- 245 (G) whether a state based Medicare program would provide better benefits to the
- 246 elderly and disabled citizens of the state than a federally run Medicare program;
- 247 (H) whether the state has the infrastructure necessary to implement and administer a
- 248 better state based Medicare program;
- 249 (I) whether the compact appropriately delegates policy decisions between the
- 250 legislative and executive branches of government regarding the development and
- 251 implementation of the compact with other states and the federal government; and
- 252 (J) the impact on public health activities, including communicable disease surveillance
- 253 and epidemiology.

254 [~~14~~] (15) The Crime Victim Reparations and Assistance Board, created in Section  
 255 63M-7-504, is repealed July 1, 2017.

256 [~~15~~] (16) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,  
 257 2017.

258 Section 8. **Appropriation.**

259 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
 260 the fiscal year beginning July 1, 2013 and ending June 30, 2014, the following sums of money  
 261 are appropriated from resources not otherwise appropriated, or reduced from amounts  
 262 previously appropriated, out of the funds or accounts indicated. These are additions to any  
 263 amounts previously appropriated for fiscal year 2014.

264	<u>To Legislature - Senate</u>	
265	<u>From General Fund, one-time</u>	<u>\$14,000</u>
266	<u>Schedule of Programs:</u>	
267	<u>Administration</u>	<u>\$14,000</u>
268	<u>To Legislature - House of Representatives</u>	
269	<u>From General Fund, one-time</u>	<u>\$19,000</u>
270	<u>Schedule of Programs:</u>	
271	<u>Administration</u>	<u>\$19,000</u>
272	<u>To Legislature - Office of Legislative Research</u>	
273	<u>and General Counsel</u>	
274	<u>From General Fund, one-time</u>	<u>\$50,000</u>
275	<u>Schedule of Programs:</u>	

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**