

Representative Greg J. Curtis proposes to substitute the following bill:

GOVERNMENTAL LAW AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Greg J. Curtis

This act requires that the Legislature pass a resolution regarding a proposed contract between the Department of Corrections and a county government to house inmates in county facilities not currently under construction or in existence. The act also clarifies that the resolution does not bind the Legislature or the department regarding the proposed contract. The effective date of this act is upon approval.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

64-13c-302, as enacted by Chapter 287, Laws of Utah 1999

ENACTS:

64-13c-401, Utah Code Annotated 1953

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

Section 1. Section **64-13c-302** is amended to read:

64-13c-302. Procedures for setting county reimbursement for core inmate incarceration costs, and medical and transportation costs.

(1) (a) In order for counties to receive reimbursement under this chapter, the Utah Sheriffs Association and the department shall annually before ~~[July]~~ January 1 negotiate for the fiscal year beginning on July 1 of the same year a single reimbursement rate, applicable to all counties, for daily core inmate incarceration costs.

(b) The reimbursement rate negotiated under Subsection (1)(a) shall be approved by the Legislature in the annual appropriations act before the rate may be implemented.

(2) Each county shall negotiate directly with the department to establish reimbursement



26 rates for providing transportation services and medical care for inmates housed under Section
27 64-13c-201.

28 Section 2. Section **64-13c-401** is enacted to read:

29 **64-13c-401. Legislative approval of contracting.**

30 (1) Except as provided under Subsection (2), the department may enter into a contract with
31 a county government to house inmates only if the Legislature has previously passed a joint
32 resolution which includes the following information regarding the proposed agreement:

33 (a) the approximate number of beds to be contracted;

34 (b) the county's average daily rate the department will pay the county per inmate, as
35 determined under Title 64, Chapter 13c, Part 3, Reimbursement of Inmate Costs; and

36 (c) the approximate amount of the county's long-term debt and the length of that debt for
37 the facility where the inmates are to be housed.

38 (2) The department may enter into a contract with a county government to house inmates
39 without complying with the approval process in Subsection (1) only if the county facility is
40 currently under construction or currently exists as of the effective date of this act.

41 (3) Any resolution passed by the Legislature under Subsection (1) does not bind or obligate
42 the Legislature or the department regarding the proposed contract.

43 Section 3. **Effective date.**

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