

1                   **PRISON RELOCATION AND DEVELOPMENT AUTHORITY**

2                                   **ACT**

3   2011 GENERAL SESSION

4   STATE OF UTAH

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

6                                   Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11                   This bill:

- 12                   ▶ creates the prison relocation and development authority;
- 13                   ▶ provides duties and responsibilities for the prison relocation and development
- 14 authority;
- 15                   ▶ establishes the authority board; and
- 16                   ▶ provides budget, audit, and other provisions relating to the authority.

17 **Money Appropriated in this Bill:**

18                   None

19 **Other Special Clauses:**

20                   None

21 **Utah Code Sections Affected:**

22 ENACTS:

- 23                   **63H-3-101**, Utah Code Annotated 1953
- 24                   **63H-3-102**, Utah Code Annotated 1953
- 25                   **63H-3-201**, Utah Code Annotated 1953
- 26                   **63H-3-301**, Utah Code Annotated 1953
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- 28           **63H-3-302**, Utah Code Annotated 1953
- 29           **63H-3-303**, Utah Code Annotated 1953
- 30           **63H-3-304**, Utah Code Annotated 1953



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

33           Section 1. Section **63H-3-101** is enacted to read:

34           **CHAPTER 3. PRISON RELOCATION AND DEVELOPMENT AUTHORITY ACT**

35   **Part 1. General Provisions**

36           **63H-3-101. Title.**

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

38           Section 2. Section **63H-3-102** is enacted to read:

39           **63H-3-102. Definitions.**

40           As used in this chapter:

41           (1) "Authority" means the Prison Relocation and Development Authority, created  
42 under Section 63H-3-201.

43           (2) "Board" means the governing body of the authority created under Section  
44 63H-3-301.

45           (3) "Prison relocation project" means a project or potential project to relocate the state  
46 prison to another suitable location in the state in order to allow private development of the land  
47 on which the state prison is presently located.

48           Section 3. Section **63H-3-201** is enacted to read:

49   **Part 2. Creation of Authority**

50           **63H-3-201. Creation of prison relocation and development authority -- Status and**  
51 **powers of authority -- Limitation.**

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

53           (2) The authority is:

54           (a) an independent, nonprofit, separate body corporate and politic, with perpetual  
55 succession;

56           (b) a political subdivision of the state; and

57           (c) a public corporation, as defined in Section 63E-1-102.

58           (3) The authority may:

- 59 (a) as provided in this chapter, pursue the feasibility of various options to realize a  
 60 prison relocation project;  
 61 (b) sue and be sued;  
 62 (c) enter into contracts generally;  
 63 (d) transact other business and exercise all other powers provided for in this chapter;  
 64 (e) prepare and issue requests inviting interested persons to submit proposals regarding  
 65 the fulfillment of a prison relocation project;  
 66 (f) receive and evaluate any proposals received in response to a request under  
 67 Subsection (3)(e); and  
 68 (g) exercise powers and perform functions that the authority is authorized by statute to  
 69 exercise or perform.

70 (4) Upon completing its evaluation of proposals submitted concerning a prison  
 71 relocation project, the authority shall report the results of its evaluation and any  
 72 recommendations to the Legislative Management Committee.

73 Section 4. Section **63H-3-301** is enacted to read:

74 **Part 3. Board**

75 **63H-3-301. Authority board.**

- 76 (1) The authority shall be governed by a board that shall manage and conduct the  
 77 business and affairs of the authority and shall determine all questions of authority policy.  
 78 (2) All powers of the authority are exercised through the board.  
 79 (3) The board may by resolution delegate powers to authority staff.

80 Section 5. Section **63H-3-302** is enacted to read:

81 **63H-3-302. Number of board members -- Appointment.**

- 82 (1) The authority's board shall consist of ~~H~~ **[seven] eight** ~~H~~ members.  
 83 (2) (a) Four members of the board shall be appointed by the legislative body of the  
 84 municipality in whose boundary the prison property is located.

85 (b) ~~H~~ **[Two] (i) Four** ~~H~~ members of the board shall be appointed by the governor  
 85a ~~H~~ **[from the Governor's**  
 86 **Office of Economic Development]** ~~H~~ .

87 ~~H~~ **[ (c) One member of the board shall be appointed by the legislative body of the county in**  
 88 **which the prison property is located:]**

88a **(ii) At least one of the members appointed under Subsection (2)(b)(i) shall be from the**  
 88b **Governor's Office of Economic Development, one shall be from the Division of Facilities**  
 88c **Construction and Management, and one shall be from the Department of Corrections.** ~~H~~

89 (3) (a) Each vacancy shall be filled in the same manner under this section as the

90 appointment of the member whose vacancy is being filled.

91 (b) Each person appointed to fill a vacancy shall serve the remaining unexpired term of  
92 the member whose vacancy the person is filling.

93 Section 6. Section **63H-3-303** is enacted to read:

94 **63H-3-303. Term of board members.**

95 (1) The term of board members is four years, except that the term of the members of  
96 the initial board shall be staggered so that the term of approximately half the board members  
97 expires every two years.

98 (2) Each board member shall serve until a successor is duly appointed and qualified.

99 Section 7. Section **63H-3-304** is enacted to read:

100 **63H-3-304. Board staff -- Expenses.**

101 The municipality in whose boundary the prison property is located shall:

102 (1) provide any necessary staff support for the board; and

103 (2) cover board expenses.

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**Legislative Review Note**  
as of 2-23-11 9:55 AM

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 445

SHORT TITLE: **Prison Relocation and Development Authority Act**

SPONSOR: **Hughes, G.**

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill may require certain municipalities to incur additional costs as a result of covering expenses of and/or providing staff to support a newly created board.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.