

HB0445S01 compared with HB0445

~~{deleted text}~~ shows text that was in HB0445 but was deleted in HB0445S01.

inserted text shows text that was not in HB0445 but was inserted into HB0445S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Gregory H. Hughes proposes the following substitute bill:

PRISON RELOCATION AND DEVELOPMENT~~}~~

AUTHORITY~~{~~

~~}~~ACT

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Prison Relocation and Development Authority Act.

Highlighted Provisions:

This bill:

▶ creates the prison relocation and development authority with its membership;

▶ provides duties for the prison relocation and development authority;~~{~~

~~—▶ provides duties and responsibilities for the prison relocation and development authority;~~

~~—▶ establishes the authority board; and~~

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~~provides budget, audit, and other provisions relating to the authority} and
provides for authority staff and expenses.~~

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-263, as last amended by Laws of Utah 2010, Chapters 319 and 358

ENACTS:

~~{63H-3-101}~~63C-13-101, Utah Code Annotated 1953

~~{63H-3-102}~~63C-13-102, Utah Code Annotated 1953

~~{63H-3-201}~~63C-13-103, Utah Code Annotated 1953

~~{63H-3-301}~~63C-13-104, Utah Code Annotated 1953

~~{63H-3-302}~~63C-13-105, Utah Code Annotated 1953

~~{63H-3-303}~~63C-13-106, Utah Code Annotated 1953

~~{63H-3-304, Utah Code Annotated 1953}~~

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

Section 1. Section ~~{63H-3-101}~~63C-13-101 is enacted to read:

**CHAPTER ~~{3}~~13. PRISON RELOCATION AND DEVELOPMENT AUTHORITY
ACT**

~~{Part 1. General Provisions}~~

~~{~~ ~~{63H-3-101}~~63C-13-101. **Title.**

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

Section 2. Section ~~{63H-3-102}~~63C-13-102 is enacted to read:

~~{63H-3-102}~~63C-13-102. **Definitions.**

As used in this chapter:

(1) "Authority" means the Prison Relocation and Development Authority, created
~~{under}~~in Section ~~{63H-3-201}~~63C-13-103.

(2) "Board" means the governing body of the authority created under Section

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~~63H-3-301.~~

~~(3)~~ "Prison relocation project" means a project or potential project to relocate the state prison to another suitable location in the state in order to allow private development of the land on which the state prison is presently located, subject to applicable local land use and other ordinances.

Section 3. Section ~~{63H-3-201}~~ 63C-13-103 is enacted to read:

~~{Part 2. Creation of Authority~~

~~{~~ 63H-3-201} 63C-13-103. **Creation of {prison-relocation} Prison Relocation and {development authority} Development Authority -- {Status and powers of authority == Limitation} Members.**

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

(2) ~~{The authority is:~~

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

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

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

~~(3){(a) The authority {may:~~

~~(a) as provided in this chapter, pursue the feasibility of various options to realize a prison relocation project;~~

~~(b) sue and be sued;~~

~~(c) enter into contracts generally;~~

~~(d) transact other business and exercise all other powers provided for in this chapter;~~

~~(e) prepare and issue requests inviting interested persons to submit proposals regarding the fulfillment of a prison relocation project;~~

~~(f) receive and evaluate any proposals received in response to a request under Subsection (3)(e); and~~

~~(g) exercise powers and perform functions that the authority is authorized by statute to exercise or perform.~~

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

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

Part 3. Board

~~63H-3-301. Authority board:~~

~~(1) The authority shall be governed by a board that shall manage and conduct the business and affairs of the authority and shall determine all questions of authority policy.~~

~~(2) All powers of the authority are exercised through the board.~~

~~(3) The board may by resolution delegate powers to authority staff.~~

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

~~63H-3-302. Number of board members -- Appointment:~~

~~(1) The authority's board shall consist}consists of {seven}nine members.~~

~~{2} (a) b} {Four}Three members of the {board}authority shall be appointed by the legislative body of the municipality in whose boundary the prison property is presently located.~~

~~{b}c} (i) {Two}Five members of the {board}authority shall be appointed by the governor.~~

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

~~{c}d} One member{ of the board} shall be appointed by the {legislative body of the county in which the prison property is located.~~

~~(3) (a) Each}Utah Association of Counties.~~

~~(3) Any vacancy shall be filled in the same manner under this section as the appointment of the member whose vacancy is being filled.~~

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

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

~~63H-3-303. Term of board members:~~

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

~~{ {2}4} Each {board}member of the authority shall serve until a successor is duly~~

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appointed and qualified.

(5) A member may not receive compensation for service on the authority.

(6) A majority of members present at a meeting constitutes a quorum.

Section ~~{7}4~~. Section ~~{63H-3-304}~~63C-13-104 is enacted to read:

~~{63H-3-304. Board staff -- Expenses}~~63C-13-104. Authority duties.

(1) As provided in this chapter, the authority shall pursue the feasibility of various options to realize a prison relocation project.

(2) The authority shall:

(a) prepare and issue requests inviting interested persons to submit proposals regarding the fulfillment of a prison relocation project; and

(b) receive and evaluate any proposals received in response to a request under Subsection (2)(a).

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

(4) After the authority makes a report under Subsection (3) and subject to any necessary legislation to implement a proposal, the governor may accept a proposal submitted to the authority without any further process to request and receive proposals for the prison relocation project.

Section 5. Section 63C-13-105 is enacted to read:

63C-13-105. Authority staff and expenses.

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

(1) provide any necessary staff support for the ~~{board}~~authority; and

(2) cover ~~{board expenses}~~.

Legislative Review Note

as of 2-23-11 9:55 AM

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~~Office of Legislative Research and General Counsel~~ authority expenses.

Section 6. Section 63C-13-106 is enacted to read:

63C-13-106. No effect on local land use authority.

Nothing in this chapter may be construed to limit or otherwise affect a municipality's authority under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, with respect to the private development of the land on which the state prison is presently located.

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

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

(1) Section 63A-4-204, authorizing the Risk Management Fund to provide coverage to any public school district which chooses to participate, is repealed July 1, 2016.

(2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2016.

(3) Section 63C-8-106, Rural residency training program, is repealed July 1, 2015.

(4) Title 63C, Chapter 13, Prison Relocation and Development Authority Act, is repealed July 1, 2014.

~~[(4)]~~ (5) Subsection 63G-6-502(5)(b)(ii) authorizing certain transportation agencies to award a contract for a design-build transportation project in certain circumstances, is repealed July 1, 2015.

~~[(5)]~~ (6) The Resource Development Coordinating Committee, created in Section 63J-4-501, is repealed July 1, 2015.

~~[(6)]~~ (7) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

~~[(7)]~~ (8) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is repealed July 1, 2020.

(b) Sections 59-7-610 and 59-10-1007 regarding tax credits for certain persons in recycling market development zones, are repealed for taxable years beginning on or after January 1, 2011.

(c) Notwithstanding Subsection ~~[(7)]~~ (8)(b), a person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

(i) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, if the machinery or equipment is purchased on or after July 1, 2010; or

(ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if

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the expenditure is made on or after July 1, 2010.

(d) Notwithstanding Subsections ~~[(7)]~~ (8)(b) and (c), a person may carry forward a tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

(i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

(ii) (A) for the purchase price of machinery or equipment described in Section 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before June 30, 2010;

or

(B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the expenditure is made on or before June 30, 2010.

~~[(8)]~~ (9) Title 63M, Chapter 7, Part 4, Sentencing Commission, is repealed January 1, 2012.

~~[(9)]~~ (10) The Crime Victim Reparations Board, created in Section 63M-7-504, is repealed July 1, 2017.

~~[(10)]~~ (11) Title 63M, Chapter 8, Utah Commission for Women and Families Act, is repealed July 1, 2011.

~~[(11)]~~ (12) Title 63M, Chapter 9, Families, Agencies, and Communities Together for Children and Youth At Risk Act, is repealed July 1, 2016.

~~[(12)]~~ (13) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2012.