

HB0454S01 compared with HB0454

~~{deleted text}~~ shows text that was in HB0454 but was deleted in HB0454S01.

inserted text shows text that was not in HB0454 but was inserted into HB0454S01.

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Representative Brad R. Wilson proposes the following substitute bill:

PRISON DEVELOPMENT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies and enacts provisions relating to the development of a new prison.

Highlighted Provisions:

This bill:

- ▶ modifies the duties and authority of the Prison Relocation Commission;
- ▶ creates the Prison Development Commission and provides for its membership, duties, and operation;
- ▶ provides for Division of Facilities Construction and Management oversight of the prison design and construction project, in consultation with the Prison Development Commission ~~{, and through contracts with a project manager, construction manager, and architect}~~;
- ▶ creates a restricted account and capital projects fund for the prison project;

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- ▶ provides a process for the choice of a new prison site; and
- ▶ modifies a repeal provision relating to the Prison Relocation Commission and enacts a repeal provision relating to the Prison Development Commission.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2015:

- ▶ to the Senate, as a one-time appropriation:
 - from the General Fund, \$10,000 to pay per diem and expenses of senators serving on the Prison Development Commission;
- ▶ to the House of Representatives, as a one-time appropriation:
 - from the General Fund, \$13,000 to pay per diem and expenses of representatives serving on the Prison Development Commission; and
- ▶ to the Office of Legislative Research and General Counsel, as a one-time appropriation:
 - from the General Fund, \$40,000 to pay for staff services for the Prison Development Commission.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

63C-15-102, as enacted by Laws of Utah 2014, Chapter 211

63C-15-201, as enacted by Laws of Utah 2014, Chapter 211

63C-15-203, as enacted by Laws of Utah 2014, Chapter 211

~~{ **63G-6a-707**, as last amended by Laws of Utah 2014, Chapter 196~~

{ **63I-1-263**, as last amended by Laws of Utah 2014, Chapters 113, 189, 195, 211, 419, 429, and 435

63I-2-263, as last amended by Laws of Utah 2014, Chapters 172, 423, and 427

ENACTS:

63A-5-225, Utah Code Annotated 1953

63C-16-101, Utah Code Annotated 1953

63C-16-102, Utah Code Annotated 1953

63C-16-201, Utah Code Annotated 1953

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63C-16-202, Utah Code Annotated 1953

63C-16-203, Utah Code Annotated 1953

63C-16-204, Utah Code Annotated 1953

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

Section 1. Section **63A-5-225** is enacted to read:

63A-5-225. Development of new correctional facilities.

(1) As used in this section:

(a) "Commission" means the Prison Development Commission, created in Section 63C-16-201.

(b) "New correctional facilities" means a new prison and related facilities to be constructed to replace the state prison located in Draper.

(c) "Prison project" means a project for the design and construction of new correctional facilities on the selected site.

(d) "Selected site" means the same as that term is defined in Section 63C-16-102.

(2) In consultation with the commission, the division shall oversee the prison project, as provided in this section.

(3) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, and this section, the division shall:

(i) ~~engage a project manager; and~~

~~(ii) following engagement of;~~ enter into contracts with a project manager and ~~in consultation with the project manager, engage a construction manager and an architect, in that order.~~

~~(b) An evaluation committee appointed under Section 63G-6a-707 for the evaluation of proposals for the project manager position on;~~ others providing professional and construction services for the prison project ~~shall be composed of at least seven members, three of whom shall be appointed from recommendations by the commission.};~~

~~(c) ii) In formulating contracts with the project manager, construction manager, and architect, the division shall;~~ in determining contract types for the prison project, consult with and consider recommendations from the commission or ~~a designee of the commission.~~

~~(d) A contract with a project manager under this section shall include a provision~~

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requiring the project manager to:

~~(i) the commission's designee;~~

(iii) provide reports to the commission regarding the prison project, as requested by the commission; and

~~(iii)iv) consider input from the commission on the prison project, subject to~~

Subsection (3)(b).

(b) The division may not consult with or receive input from the commission regarding:

(i) the evaluation of proposals for the project manager position or to provide other professional and construction services; or

(ii) the selection of persons to provide professional and construction services for the prison project.

(c) A contract with a project manager on the prison project shall include a provision that requires the project manager to provide reports to the commission regarding the prison project, as requested by the commission.

(4) All contracts associated with the design or construction of new correctional facilities shall be awarded and managed by the division in accordance with Title 63G, Chapter 6a, Utah Procurement Code, and this section~~, in consultation with the commission~~.

(5) The division shall coordinate with~~, and require the project manager to coordinate with,~~ the Department of Corrections, created in Section 64-13-2, and the State Commission on Criminal and Juvenile Justice, created in Section 63M-7-201, during the prison project to help ensure that the design and construction of new correctional facilities are conducive to and consistent with, and help to implement any reforms of or changes to, the state's corrections system and corrections programs.

(6) (a) There is created within the General Fund a restricted account known as the "Prison Development Restricted Account."

(b) The account created in Subsection (6)(a) is funded by legislative appropriations.

(c) (i) The account shall earn interest or other earnings.

(ii) The Division of Finance shall deposit interest or other earnings derived from the investment of account funds into the account.

(d) Upon appropriation from the Legislature, money from the account shall be used to fund the Prison Project Fund created in Subsection (7).

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(7) (a) There is created a capital projects fund known as the "Prison Project Fund."

(b) The fund consists of:

(i) money appropriated to the fund by the Legislature; and

(ii) proceeds from the issuance of bonds authorized to provide funding for the prison project.

(c) (i) The fund shall earn interest or other earnings.

(ii) The Division of Finance shall deposit interest or other earnings derived from the investment of fund money into the fund.

(d) Money in the fund shall be used by the division to fund the prison project.

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

63C-15-102. Definitions.

As used in this chapter:

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

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

(3) "Division" means the Division of Facilities Construction and Management, created in Section 63A-5-201.

(4) "Justice commission" means the State Commission on Criminal and Juvenile Justice, created in Section 63M-7-201.

(5) "New prison facilities" means correctional facilities to be constructed to replace the state prison.

~~[(5)]~~ (6) "State prison" means the prison that the state operates in [~~Salt Lake County~~]
Draper.

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

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

(1) There is created [~~an advisory~~] a commission known as the Prison Relocation Commission, composed of:

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

(b) four members of the House of Representatives, appointed by the speaker of the

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House of Representatives, no more than three of whom may be from the same political party;

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

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

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

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

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

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

(6) A commission member shall serve until a successor is duly appointed and qualified. Section 4. Section **63C-15-203** is amended to read:

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

(1) The commission shall:

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

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

(ii) take into account relevant objectives, including:

(A) coordinating the commission's efforts with the efforts of the justice commission and the department to evaluate criminal justice policies to increase public safety, reduce

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recidivism, and reduce prison population growth;

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

(C) locating new prison facilities to help facilitate an adequate level of volunteer and staff support that will allow for a correctional program that is commensurate with the high standards that should be maintained in the state;

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

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

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

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

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

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

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

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

(c) formulate recommendations concerning:

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

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

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

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

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(d) sponsor one or more public information and feedback events in communities within which or adjacent to which a site under final consideration for new prison facilities is located, as the commission or its chairs consider appropriate.

(2) (a) On or before August 1, 2015, the commission shall:

(i) choose the site for the construction of new prison facilities from among the sites that the commission recommended as potential sites in the commission's report to the governor and the Legislature, adopted on and dated February 27, 2015; and

(ii) report the commission's choice to the president of the Senate, the speaker of the House of Representatives, and the governor.

(b) ~~(i)~~ The site chosen by the commission under Subsection (2)(a) shall be the site for the construction of new prison facilities ~~{unless, within 30 days after the commission reports its choice under Subsection (2)(a)(ii), the governor issues a proclamation convening} if the site is approved by~~ the Legislature ~~{into special session for the purpose of considering legislation to address the selection of a site for new prison facilities.~~

~~— (ii) The president of the Senate and the speaker of the House of Representatives may request the governor to issue a proclamation convening} at:~~

~~(i) a special session of the Legislature {, as provided in Subsection (2)(b)(i), if a poll of their respective members indicates that a majority of each house favors convening} that the governor convenes for that purpose; or~~

~~(ii) an annual general session of the Legislature.~~

~~[(2)] (3) The commission may:~~

~~(a) meet as many times as the commission considers necessary or advisable in order to fulfill its responsibilities under this part;~~

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

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

(c) extend the deadline under Subsection (2)(a) for a one-month period, as many times as the commission considers appropriate and necessary.

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~~(3)~~ (4) The commission may not:

- (a) consider or evaluate future uses of the property on which the state prison is currently located;
- (b) make recommendations concerning the future use or development of the land on which the state prison is currently located;
- (c) make any commitments or enter into any contracts for the acquisition of land for new state prison facilities or regarding the construction of new state prison facilities; or
- (d) initiate or pursue the procurement of a person to design or construct new prison facilities.

Section 5. Section **63C-16-101** is enacted to read:

CHAPTER 16. PRISON DEVELOPMENT COMMISSION ACT

63C-16-101. Title.

This chapter is known as the "Prison Development Commission Act."

Section 6. Section **63C-16-102** is enacted to read:

63C-16-102. Definitions.

As used in this chapter:

- (1) "Commission" means the Prison Development Commission, created in Section 63C-16-201.
- (2) "Department" means the Department of Corrections, created in Section 64-13-2.
- (3) "Division" means the Division of Facilities Construction and Management, created in Section 63A-5-201.
- (4) "Justice commission" means the State Commission on Criminal and Juvenile Justice, created in Section 63M-7-201.
- (5) "New correctional facilities" means a new prison and related facilities to be constructed to replace the state prison located in Draper.
- (6) "Prison project" means a project for the design and construction of new correctional facilities on the selected site.
- (7) "Selected site" means the site selected under Subsection 63C-15-203(2) as the site for new correctional facilities.

Section 7. Section **63C-16-201** is enacted to read:

63C-16-201. Commission created -- Membership -- Cochairs -- Removal --

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Vacancy.

(1) There is created a commission known as the Prison Development Commission, composed of:

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

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

(c) the executive director of the justice commission, appointed under Section 63M-7-203;

(d) the executive director of the department, appointed under Section 64-13-3, or the executive director's designee; and

(e) a citizen member who is a resident of the community in or near which the selected site is located, appointed by the governor.

(2) The president of the Senate shall appoint one of the commission members from the Senate as cochair of the commission, and the speaker of the House of Representatives shall appoint one of the commission members from the House of Representatives as cochair of the commission.

(3) The president of the Senate may remove a member appointed under Subsection (1)(a), the speaker of the House of Representatives may remove a member appointed under Subsection (1)(b), and the governor may remove a member appointed under Subsection (1)(e).

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

(5) A commission member shall serve until a successor is duly appointed and qualified.
Section 8. Section **63C-16-202** is enacted to read:

63C-16-202. Quorum and voting requirements -- Bylaws -- Per diem and expenses -- Staff.

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

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

(3) (a) Per diem and expenses of commission members who are legislators shall be

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paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislative Compensation.

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

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

Section 9. Section **63C-16-203** is enacted to read:

63C-16-203. Commission duties and responsibilities.

(1) The commission shall:

(a) advise and consult with the division as the division oversees the prison project as provided in Section 63A-5-225;

(b) consult with, make recommendations to, and receive reports from the ~~project manager of~~ division regarding the prison project, consistent with Section 63A-5-225;

(c) fulfill other responsibilities specified in Section 63A-5-225; and

(d) undertake any other action the commission considers appropriate to support or help facilitate the successful completion of the prison project, consistent with Section 63A-5-225.

(2) The commission may:

(a) meet as many times as the commission or its chairs consider necessary or advisable in order to fulfill the commission's responsibilities under this part; and

(b) hire or direct the hiring of one or more consultants or experts to assist the commission in fulfilling ~~fits~~ the commission's responsibilities under this part.

(3) The commission may not consider or evaluate future uses or development of the property in Draper on which a state prison is located.

Section 10. Section **63C-16-204** is enacted to read:

63C-16-204. Other agencies' cooperation and actions.

All state agencies and political subdivisions of the state shall, upon the commission's request:

(1) reasonably cooperate with the commission to facilitate the fulfillment of the commission's responsibilities; and

(2) provide information or assistance to the commission that the commission reasonably needs to fulfill its responsibilities.

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Section 11. Section ~~{63G-6a-707}~~ 63I-1-263 is amended to read:

~~{~~ ~~63G-6a-707. Evaluation of proposals -- Evaluation committee.~~

~~_____ (1) To determine which proposal provides the best value to the procurement unit, the evaluation committee shall evaluate each responsive and responsible proposal that has not been disqualified from consideration under the provisions of this chapter, using the criteria described in the request for proposals, which may include:~~

- ~~_____ (a) experience;~~
- ~~_____ (b) performance ratings;~~
- ~~_____ (c) inspection;~~
- ~~_____ (d) testing;~~
- ~~_____ (e) quality;~~
- ~~_____ (f) workmanship;~~
- ~~_____ (g) time, manner, or schedule of delivery;~~
- ~~_____ (h) references;~~
- ~~_____ (i) financial solvency;~~
- ~~_____ (j) suitability for a particular purpose;~~
- ~~_____ (k) management plans;~~
- ~~_____ (l) cost; or~~
- ~~_____ (m) other subjective or objective criteria specified in the request for proposals.~~

~~_____ (2) Criteria not described in the request for proposals may not be used to evaluate a proposal.~~

~~_____ (3) The conducting procurement unit shall:~~

~~_____ (a) appoint an evaluation committee consisting of at least three individuals, except as provided in Subsection 63A-5-225(3)(b); and~~

~~_____ (b) ensure that the evaluation committee and each member of the evaluation committee:~~

- ~~_____ (i) does not have a conflict of interest with any of the offerors;~~
- ~~_____ (ii) can fairly evaluate each proposal;~~
- ~~_____ (iii) does not contact or communicate with an offeror concerning the procurement outside the official evaluation committee process; and~~
- ~~_____ (iv) conducts the evaluation in a manner that ensures a fair and competitive process~~

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and avoids the appearance of impropriety:

~~—— (4) The evaluation committee may, with the approval of the head of the conducting procurement unit, enter into discussions or conduct interviews with, or attend presentations by, the offerors:~~

~~—— (5) (a) Except as provided in Subsections (5)(b) and (8), each member of the evaluation committee is prohibited from knowing, or having access to, any information relating to the cost, or the scoring of the cost, of a proposal until after the evaluation committee submits its final recommended scores on all other criteria to the issuing procurement unit.~~

~~—— (b) The issuing procurement unit shall:~~

~~—— (i) if applicable, assign an individual who is not a member of the evaluation committee to calculate scores for cost based on the applicable scoring formula, weighting, and other scoring procedures contained in the request for proposals;~~

~~—— (ii) review the evaluation committee's scores and correct any errors, scoring inconsistencies, and reported noncompliance with this chapter;~~

~~—— (iii) add the scores calculated for cost, if applicable, to the evaluation committee's final recommended scores on criteria other than cost to derive the total combined score for each responsive and responsible proposal; and~~

~~—— (iv) provide to the evaluation committee the total combined score calculated for each responsive and responsible proposal, including any applicable cost formula, weighting, and scoring procedures used to calculate the total combined scores.~~

~~—— (c) The evaluation committee may not:~~

~~—— (i) change its final recommended scores described in Subsection (5)(a) after the evaluation committee has submitted those scores to the issuing procurement unit; or~~

~~—— (ii) change cost scores calculated by the issuing procurement unit.~~

~~—— (6) (a) As used in this Subsection (6), "management fee" includes only the following fees of the construction manager/general contractor:~~

~~—— (i) preconstruction phase services;~~

~~—— (ii) monthly supervision fees for the construction phase; and~~

~~—— (iii) overhead and profit for the construction phase.~~

~~—— (b) When selecting a construction manager/general contractor for a construction project, the evaluation committee:~~

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~~—— (i) may score a construction manager/general contractor based upon criteria contained in the solicitation, including qualifications, performance ratings, references, management plan, certifications, and other project specific criteria described in the solicitation;~~

~~—— (ii) may, as described in the solicitation, weight and score the management fee as a fixed rate or as a fixed percentage of the estimated contract value;~~

~~—— (iii) may, at any time after the opening of the responses to the request for proposals, have access to, and consider, the management fee proposed by the offerors; and~~

~~—— (iv) except as provided in Subsection (7), may not know or have access to any other information relating to the cost of construction submitted by the offerors, until after the evaluation committee submits its final recommended scores on all other criteria to the issuing procurement unit.~~

~~—— (7) (a) The deliberations of an evaluation committee may be held in private.~~

~~—— (b) If the evaluation committee is a public body, as defined in Section 52-4-103, the evaluation committee shall comply with Section 52-4-205 in closing a meeting for its deliberations.~~

~~—— (8) An issuing procurement unit is not required to comply with Subsection (5) if the head of the issuing procurement unit or a person designated by rule made by the applicable rulemaking authority:~~

~~—— (a) signs a written statement:~~

~~—— (i) indicating that, due to the nature of the proposal or other circumstances, it is in the best interest of the procurement unit to waive compliance with Subsection (5); and~~

~~—— (ii) describing the nature of the proposal and the other circumstances relied upon to waive compliance with Subsection (5); and~~

~~—— (b) makes the written statement available to the public, upon request.~~

~~—— Section 12. Section **63I-1-263** is amended to read:~~

‡ **63I-1-263. Repeal dates, Titles 63A 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) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.

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

(4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July

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1, 2018.

(5) Title 63C, Chapter 14, Federal Funds Commission, is repealed July 1, 2018.

~~[(6) Title 63C, Chapter 15, Prison Relocation Commission, is repealed July 1, 2017.]~~

(6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1, 2020.

(7) Subsection 63G-6a-1402(7) authorizing certain transportation agencies to award a contract for a design-build transportation project in certain circumstances, is repealed July 1, 2015.

(8) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020.

(9) The Resource Development Coordinating Committee, created in Section 63J-4-501, is repealed July 1, 2015.

(10) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

(11) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is repealed January 1, 2021.

(b) Subject to Subsection (11)(c), 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, 2021.

(c) 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 January 1, 2021; or

(ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if the expenditure is made on or after January 1, 2021.

(d) Notwithstanding Subsections (11)(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 December 31, 2020; 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 December 31, 2020.

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(12) Section 63M-1-3412 is repealed on July 1, 2021.

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

~~[(b)(i) The Legislature shall, before reauthorizing the Health Care Compact:]~~

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

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

~~[(ii) The Health System Reform Task Force shall evaluate and develop criteria for the Legislature regarding:]~~

~~[(A) the impact of the Supreme Court ruling on the Affordable Care Act;]~~

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

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

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

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

~~[(F) whether the state has the option under the compact to refuse to take over the federal Medicare program;]~~

~~[(G) whether a state based Medicare program would provide better benefits to the elderly and disabled citizens of the state than a federally run Medicare program;]~~

~~[(H) whether the state has the infrastructure necessary to implement and administer a better state based Medicare program;]~~

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~~[(f) whether the compact appropriately delegates policy decisions between the legislative and executive branches of government regarding the development and implementation of the compact with other states and the federal government; and]~~

~~[(j) the impact on public health activities, including communicable disease surveillance and epidemiology.]~~

~~[(14)]~~ (13) (a) Title 63M, Chapter 1, Part 35, Utah Small Business Jobs Act, is repealed January 1, 2021.

(b) Section 59-9-107 regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.

(c) Notwithstanding Subsection ~~[(14)]~~ (13)(b), an entity may carry forward a tax credit in accordance with Section 59-9-107 if:

(i) the person is entitled to a tax credit under Section 59-9-107 on or before December 31, 2020; and

(ii) the qualified equity investment that is the basis of the tax credit is certified under Section 63M-1-3503 on or before December 31, 2023.

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

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

Section ~~{13}~~12. Section **63I-2-263** is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63M.

~~[(1) Section 63A-1-115 is repealed on July 1, 2014.]~~

~~[(2)]~~ (1) Section 63C-9-501.1 is repealed on July 1, 2015.

(2) Title 63C, Chapter 15, Prison Relocation Commission, is repealed on January 1, 2016.

~~[(3) Subsection 63J-1-218(3) is repealed on December 1, 2013.]~~

~~[(4) Subsection 63J-1-218(4) is repealed on December 1, 2013.]~~

~~[(5) Section 63M-1-207 is repealed on December 1, 2014.]~~

~~[(6)]~~ (3) Subsection 63M-1-903(1)(d) is repealed on July 1, 2015.

~~[(7) Subsection 63M-1-1406(9) is repealed on January 1, 2015.]~~

Section ~~{14}~~13. **Appropriation.**

HB0454S01 compared with HB0454

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2014 and ending June 30, 2015, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2015.

To Legislature - Senate

From General Fund, One-time \$10,000

Schedule of Programs:

Administration \$10,000

To Legislature - House of Representatives

From General Fund, One-time \$13,000

Schedule of Programs:

Administration \$13,000

To Legislature - Office of Legislative Research and General Counsel

From General Fund, One-time \$40,000

Schedule of Programs:

Administration \$40,000

Section ~~{15}~~14. **Effective date.**

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

†

Legislative Review Note

~~as of 3-4-15 9:27 AM~~

~~Office of Legislative Research and General Counsel~~