

## SB0072S04 compared with SB0072S02

~~{deleted text}~~ shows text that was in SB0072S02 but was deleted in SB0072S04.

inserted text shows text that was not in SB0072S02 but was inserted into SB0072S04.

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Senator Scott K. Jenkins proposes the following substitute bill:

### PRISON RELOCATION AND DEVELOPMENT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: Brad R. Wilson

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#### LONG TITLE

##### General Description:

This bill addresses the relocation of the state prison, including the development of the former prison land.

##### Highlighted Provisions:

This bill:

- ▶ ~~{creates the Prison Land Management Authority to facilitate the relocation of the state prison and the development of the old prison property;~~
- ~~establishes the powers and duties of the authority;~~
- ~~provides for a board to exercise the powers of the authority, and provides for board membership, appointment, duties, and powers;~~
- ~~repeals~~ modifies provisions relating to the Prison Relocation and Development Authority;

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- ▶ ~~{provides}~~ modifies the duties and responsibilities of the authority;
- ▶ establishes a process for ~~{issuing a request}~~ the authority to issue requests for proposals ~~{on a project to build}~~ for a new prison ~~{, to redevelop the old prison property, or both, and for authority evaluation of bids and its recommendation of a bid}~~ development project, former prison land development project, or master development project, receive and evaluate proposals, and make a recommendation to the Legislature and governor;
- ▶ provides requirements for ~~{the creation of two subcommittees to advise the authority's board on matters relating to a former prison land development project and a new prison development project;~~
- ▶ provides for a property tax increment to be paid to the authority to be applied to specified costs;
- ▶ modifies the distribution of some local option sales tax revenues; and
- ▶ provides a repeal date for the Prison Land Management Act ~~{a request for proposals and for proposals; and~~
- ▶ enacts a provision relating to compensation and expenses of authority members.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides an immediate effective date.

~~{ This bill provides revisor instructions:~~

### ~~{~~Utah Code Sections Affected:

AMENDS:

~~{59-12-205, as last amended by Laws of Utah 2012, Chapter 9~~

——~~63I-1-263 (Superseded 05/01/13), as last amended by Laws of Utah 2012, Chapters 126, 206, 369, and 395~~

——~~63I-1-263 (Effective 05/01/13), as last amended by Laws of Utah 2012, Chapters 126, 206, 347, 369, and 395~~

——~~63J-1-602.4, as last amended}~~ 63C-13-102, as enacted by Laws of Utah 2011, ~~{Chapters 18, 303, 338, and 438}~~ Chapter 408

ENACTS:

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~~{63H-7-101}~~ 63C-13-104.5, Utah Code Annotated 1953

~~{63H-7-102}~~ 63C-13-107, Utah Code Annotated 1953

~~{~~ ~~63H-7-201~~, Utah Code Annotated 1953

~~63H-7-202~~, Utah Code Annotated 1953

~~63H-7-203~~, Utah Code Annotated 1953

~~63H-7-204~~, Utah Code Annotated 1953

~~63H-7-205~~, Utah Code Annotated 1953

~~63H-7-301~~, Utah Code Annotated 1953

~~63H-7-302~~, Utah Code Annotated 1953

~~63H-7-303~~, Utah Code Annotated 1953

~~63H-7-304~~, Utah Code Annotated 1953

~~63H-7-305~~, Utah Code Annotated 1953

~~63H-7-306~~, Utah Code Annotated 1953

~~63H-7-401~~, Utah Code Annotated 1953

~~63H-7-402~~, Utah Code Annotated 1953

~~63H-7-403~~, Utah Code Annotated 1953

~~63H-7-501~~, Utah Code Annotated 1953

~~63H-7-502~~, Utah Code Annotated 1953

~~63H-7-503~~, Utah Code Annotated 1953

~~63H-7-504~~, Utah Code Annotated 1953

~~63H-7-505~~, Utah Code Annotated 1953

~~63H-7-506~~, Utah Code Annotated 1953

~~63H-7-601~~, Utah Code Annotated 1953

### REPEALS:

~~63C-13-101~~, as enacted by Laws of Utah 2011, Chapter 408

~~63C-13-102~~, as enacted by Laws of Utah 2011, Chapter 408

~~63C-13-103~~, as last amended by Laws of Utah 2011, Second Special Session, Chapter 4

~~63C-13-104~~, as last amended by Laws of Utah 2011, Second Special Session, Chapter 4

~~63C-13-105~~, as enacted by Laws of Utah 2011, Chapter 408

~~63C-13-106~~, as enacted by Laws of Utah 2011, Chapter 408

### Utah Code Sections Affected by Revisor Instructions:

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~~63H-7-301, Utah Code Annotated 1953~~

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

Section 1. Section ~~{59-12-205}~~63C-13-102 is amended to read:

~~{ 59-12-205. Ordinances to conform with statutory amendments -- Distribution of tax revenues -- Determination of population:~~

~~—— (1) A county, city, or town, in order to maintain in effect sales and use tax ordinances adopted pursuant to Section 59-12-204, shall, within 30 days of an amendment to an applicable provision of Part 1, Tax Collection, adopt amendments to the county's, city's, or town's sales and use tax ordinances as required to conform to the amendments to Part 1, Tax Collection:~~

~~—— (2) Except as provided in Subsections (3) through (5) and subject to Subsection (6):~~

~~—— (a) 50% of each dollar collected from the sales and use tax authorized by this part shall be distributed to each county, city, and town on the basis of the percentage that the population of the county, city, or town bears to the total population of all counties, cities, and towns in the state; and~~

~~—— (b) (i) except as provided in [Subsection] Subsections (2)(b)(ii) and (iii), 50% of each dollar collected from the sales and use tax authorized by this part shall be distributed to each county, city, and town on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215; [and]~~

~~—— (ii) 50% of each dollar collected from the sales and use tax authorized by this part within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, shall be distributed to the military installation development authority created in Section 63H-1-201[.]; and~~

~~—— (iii) beginning the first day of the calendar quarter that is at least 90 days after the Prison Land Management Authority, created in Section 63H-7-201, gives notice to the tax commission of the Authority's intent to receive sales and use tax revenue under this Subsection (2)(b)(iii), 50% of each dollar collected from the sales and use tax authorized by this part on former prison land, as defined in Section 63H-67-102, shall be distributed to the Prison Land Management Authority.~~

~~—— (3) (a) Beginning on July 1, 2011, and ending on June 30, 2016, the commission shall~~

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~~each year distribute to a county, city, or town the distribution required by this Subsection (3) if:~~

~~—— (i) the county, city, or town is a:~~

~~—— (A) county of the third, fourth, fifth, or sixth class;~~

~~—— (B) city of the fifth class; or~~

~~—— (C) town;~~

~~—— (ii) the county, city, or town received a distribution under this section for the calendar year beginning on January 1, 2008, that was less than the distribution under this section that the county, city, or town received for the calendar year beginning on January 1, 2007;~~

~~—— (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located within the unincorporated area of the county for one or more days during the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget; or~~

~~—— (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection (3)(a)(i)(C), the city or town had located within the city or town for one or more days during the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget; and~~

~~—— (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for one more days during the calendar year beginning on January 1, 2008, was not the holder of a direct payment permit under Section 59-12-107.1; or~~

~~—— (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a city or town for one or more days during the calendar year beginning on January 1, 2008, was not the holder of a direct payment permit under Section 59-12-107.1.~~

~~—— (b) The commission shall make the distribution required by this Subsection (3) to a county, city, or town described in Subsection (3)(a):~~

~~—— (i) from the distribution required by Subsection (2)(a); and~~

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~~—— (ii) before making any other distribution required by this section.~~

~~—— (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.~~

~~—— (ii) For purposes of Subsection (3)(c)(i):~~

~~—— (A) the numerator of the fraction is the difference calculated by subtracting the distribution a county, city, or town described in Subsection (3)(a) received under this section for the calendar year beginning on January 1, 2008, from the distribution under this section that the county, city, or town received for the calendar year beginning on January 1, 2007; and~~

~~—— (B) the denominator of the fraction is \$333,583.~~

~~—— (d) A distribution required by this Subsection (3) is in addition to any other distribution required by this section.~~

~~—— (4) (a) For fiscal years beginning with fiscal year 1983-84 and ending with fiscal year 2005-06, a county, city, or town may not receive a tax revenue distribution less than .75% of the taxable sales within the boundaries of the county, city, or town.~~

~~—— (b) The commission shall proportionally reduce monthly distributions to any county, city, or town that, but for the reduction, would receive a distribution in excess of 1% of the sales and use tax revenue collected within the boundaries of the county, city, or town.~~

~~—— (5) (a) As used in this Subsection (5):~~

~~—— (i) "Eligible county, city, or town" means a county, city, or town that receives \$2,000 or more in tax revenue distributions in accordance with Subsection (4) for each of the following fiscal years:~~

~~—— (A) fiscal year 2002-03;~~

~~—— (B) fiscal year 2003-04; and~~

~~—— (C) fiscal year 2004-05.~~

~~—— (ii) "Minimum tax revenue distribution" means the greater of:~~

~~—— (A) the total amount of tax revenue distributions an eligible county, city, or town receives from a tax imposed in accordance with this part for fiscal year 2000-01; or~~

~~—— (B) the total amount of tax revenue distributions an eligible county, city, or town receives from a tax imposed in accordance with this part for fiscal year 2004-05.~~

~~—— (b) (i) Except as provided in Subsection (5)(b)(ii), beginning with fiscal year 2006-07 and ending with fiscal year 2012-13, an eligible county, city, or town shall receive a tax~~

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revenue distribution for a tax imposed in accordance with this part equal to the greater of:

—— (A) the payment required by Subsection (2); or

—— (B) the minimum tax revenue distribution.

—— (ii) If the tax revenue distribution required by Subsection (5)(b)(i) for an eligible county, city, or town is equal to the amount described in Subsection (5)(b)(i)(A) for three consecutive fiscal years, for fiscal years beginning with the fiscal year immediately following that three consecutive fiscal year period, the eligible county, city, or town shall receive the tax revenue distribution equal to the payment required by Subsection (2).

—— (c) For a fiscal year beginning with fiscal year 2013-14 and ending with fiscal year 2015-16, an eligible county, city, or town shall receive the minimum tax revenue distribution for that fiscal year if for fiscal year 2012-13 the payment required by Subsection (2) to that eligible county, city, or town is less than or equal to the product of:

—— (i) the minimum tax revenue distribution; and

—— (ii) .90.

—— (6) (a) Population figures for purposes of this section shall be based on the most recent official census or census estimate of the United States Census Bureau.

—— (b) If a needed population estimate is not available from the United States Census Bureau, population figures shall be derived from the estimate from the Utah Population Estimates Committee created by executive order of the governor.

—— (c) The population of a county for purposes of this section shall be determined only from the unincorporated area of the county.

### ‡ **63C-13-102. Definitions.**

As used in this chapter:

(1) "Authority" means the Prison Relocation and Development Authority, created in Section 63C-13-103.

1(2) "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 2. Section ~~63H-7-101~~ is enacted to read:

## ~~CHAPTER 7. PRISON LAND MANAGEMENT AUTHORITY ACT~~

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### **Part 1. General Provisions**

~~63H-7-101.~~ **Title:**

~~This chapter is known as the "Prison Land Management Authority Act."~~

~~Section 3. Section 63H-7-102 is enacted to read:~~

~~63H-7-102.~~ **Definitions:**

~~As used in this chapter:~~

~~(1) "Authority" means the Prison Land Management Authority, created in Section 63H-7-201.~~

~~(2) "Base taxable value" means, for former prison land that is exempt from property tax at the time the authority accepts a proposal for a former prison land development project, as provided in this chapter, a taxable value of zero.~~

~~(3) "Board" means the authority's governing body established under Section 63H-7-301.~~

~~(4) "Conceptual plan" means a plan that provides the conceptual framework for the development of the former prison land.~~

~~(5)~~

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

(3) "Former prison" means the state prison operating as of February 1, 2013 in Salt Lake County.

(4) "Former prison land" means all the land owned or controlled by the state on which the former prison is located or that is contiguous to and surrounding the former prison, including land owned by the Utah Department of Transportation but not used by the Utah Department of Transportation for a right-of-way.

(5) "Former prison land development project" means a project to develop the former prison land, including:

- (a) the transfer of the former prison land into private ownership; and
- (b) the demolition of the former prison after it is vacated.

~~(9) "Host city" means the city in which the former prison land is located.~~

~~(10) "Host county" means the county in which the former prison land is located.~~

~~(6)~~ (6) "Master development project" means a former prison land development project

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and a new prison development project.

~~(12)7~~ "New prison" means a prison to be built to replace the former prison.

~~(13)8~~ "New prison development project":

(a) means a project to construct a new prison at a suitable location in the state other than the location of the former prison; and

(b) includes the acquisition of the land on which the new prison will be built.

~~(14)9~~ "New prison land" means land on which a new prison is or is projected to be built.

~~(15)10~~ "Prison programming" means a policy, plan, or program that, if implemented by the Department of Corrections at a new prison, is calculated to reduce recidivism or lead to greater efficiencies or lower costs in prison operations.

~~(16) "Property tax" includes privilege tax and each levy on an ad valorem basis on tangible or intangible personal or real property.~~

~~(17) "Public entity" means:~~

~~(a) the state, including any department, division, agency, or other instrumentality of the state; or~~

~~(b) a political subdivision of the state, including a county, city, town, school district, local district, special service district, or interlocal entity.~~

~~(18) "Publicly owned infrastructure and improvements" means water, sewer, storm drainage, electrical, telecommunications, and other similar systems and lines, streets, roads, curbs, gutters, sidewalks, walkways, parking facilities, public transportation facilities, and other buildings, facilities, infrastructure, and improvements that:~~

~~(a) benefit the public; and~~

~~(b) are:~~

~~(i) publicly owned or owned by a utility; or~~

~~(ii) publicly owned or publicly maintained or operated by the authority or another public entity.~~

~~(19)11~~ "State ownership" means ownership by the state or any department, division, or agency of the state.

~~(20) "Taxable value" means the value of property as shown on the last equalized assessment roll as certified by the county assessor.~~

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- ~~———— (21) "Tax increment" means the difference between:~~
- ~~———— (a) the amount of property tax revenues generated each tax year by all taxing entities from the former prison land, using the current assessed value of the property; and~~
- ~~———— (b) the amount of property tax revenues that would be generated from that same land, using the base taxable value of the property.~~
- ~~———— (22) "Taxing entity" means a public entity that levies a tax on former prison land.~~
- ‡ Section ~~{4}~~2. Section ~~{63H-7-201}~~63C-13-104.5 is enacted to read:
- ~~{Part 2. Creation and Powers of Prison Land Management Authority~~
- ‡ ~~{63H-7-201. Creation of Prison Land Management Authority -- Status and powers of authority -- Limitation.~~
- ~~———— (1) There is created a Prison Land Management 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) The authority may:~~
- ~~———— (a) as provided in this chapter:~~
- ~~———— (i) formulate and adopt a conceptual plan;~~
- ~~———— (ii) issue a request for proposals as provided in Part 4, Proposals and Awarding of Contract for Projects;~~
- ~~———— (iii) evaluate proposals it receives pursuant to the request for proposals; and~~
- ~~———— (iv) accept a proposal or combination of proposals and award one or more contracts pursuant to the accepted proposal or combination of proposals;~~
- ~~———— (b) sue and be sued;~~
- ~~———— (c) enter into contracts generally;~~
- ~~———— (d) subject to the same statutory provisions that apply to the division, sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or personal property;~~
- ~~———— (e) exercise powers and perform functions under a contract, as authorized in the contract;~~
- ~~———— (f) receive tax increment and other taxes and fees as provided in this chapter;~~

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~~(g) accept financial or other assistance from any public or private source for the authority's activities, powers, and duties, and expend any funds so received for any of the purposes of this chapter;~~

~~(h) borrow money on a short-term basis, contract with, or accept financial or other assistance from the federal government, a public entity, or any other source for any of the purposes of this chapter and comply with any conditions of the loan, contract, or assistance;~~

~~(i) hire employees, including:~~

~~(A) contract employees; and~~

~~(B) a chief administrative officer;~~

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

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

~~Section 5. Section 63H-7-202 is enacted to read:~~

~~63H-7-202. Applicability of other law:~~

~~(1) As provided in Subsection (2), the authority, former prison land, and new prison land are not subject to:~~

~~(a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;~~

~~(b) Title 17, Chapter 27a, County Land Use, Development, and Management Act;~~

~~(c) any ordinances or regulations of a county or municipality, including those relating to land use, health, business license, or franchise; or~~

~~(d) the jurisdiction of any local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act.~~

~~(2) Subsection (1) applies:~~

~~(a) with respect to the former prison land and the authority in its dealings relating to the former prison land, as long as the former prison land remains under state ownership; and~~

~~(b) with respect to the new prison land and the authority in its dealings relating to~~

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~~the new prison land, as long as the new prison land remains under state ownership:~~

~~—— (3) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.~~

~~—— Section 6. Section 63H-7-203 is enacted to read:~~

~~—— 63H-7-203. Allowable uses of tax increment and other funds.~~

~~—— (1) The authority may use tax increment and other funds available to the authority:~~

~~—— (a) for any purpose authorized under this chapter, including a new prison development project;~~

~~—— (b) for administrative, overhead, legal, and other operating expenses of the authority;~~

~~—— (c) to pay for all or part of the development of the former prison land from which the tax increment funds or other funds were collected, including assisting the ongoing operation of any development or facility on the former prison land;~~

~~—— (d) to pay the cost of the installation and construction of any publicly owned infrastructure and improvements on the former prison land from which the tax increment funds were collected;~~

~~—— (e) to pay the cost of the installation of publicly owned infrastructure and improvements outside the former prison land if the authority board determines by resolution that the infrastructure and improvements are of benefit to the former prison land; and~~

~~—— (f) to pay costs associated with a master development project, a new prison development project, or a former prison land development project.~~

~~—— (2) The authority may use revenue generated from the operation of publicly owned infrastructure operated by the authority or improvements operated by the authority to:~~

~~—— (a) operate and maintain the infrastructure or improvements; and~~

~~—— (b) pay for authority operating expenses, including administrative, overhead, and legal expenses.~~

~~—— (3) For purposes of Subsection (1), the authority may use tax revenues received~~

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~~under Subsection 59-12-205(2)(b)(iii):~~

~~— (4) The determination of the authority board under Subsection (1)(c) regarding benefit to the project area is final and conclusive:~~

~~— (5) The authority may give to another state or local government entity any of the funds it receives, if the funds are used for a purpose listed in Subsections (1) through (4):~~

~~— Section 7. Section 63H-7-204 is enacted to read:~~

~~— 63H-7-204. Authority receipt and use of tax increment -- Distribution of tax increment:~~

~~— (1) (a) The authority may:~~

~~— (i) subject to Subsection (1)(b), receive up to 50% of tax increment for up to 25 years, as provided in this part; and~~

~~— (ii) use tax increment during and after the period described in Subsection (1)(a)(i):~~

~~— (b) With respect to a parcel located on former prison land, the 25-year period described in Subsection (1)(a)(i) begins on the day on which the authority receives the first tax increment from that parcel:~~

~~— (2) Improvements on a parcel on former prison land become subject to property tax on January 1 immediately following the day on which the authority issues a certificate of occupancy with respect to those improvements:~~

~~— (3) A county that collects property tax on former prison land shall pay and distribute to the authority the tax increment that the authority is entitled to collect under this title, in the manner and at the time provided in Section 59-2-1365:~~

~~— (4) The board shall determine by resolution when the entire former prison land or an individual parcel on former prison land is subject to tax increment:~~

~~— Section 8. Section 63H-7-205 is enacted to read:~~

~~— 63H-7-205; **63C-13-104.5**. Authority {funds nonlapsing:~~

~~— All funds received by the authority are nonlapsing:~~

~~— Section 9. Section 63H-7-301 is enacted to read:~~

~~Part 3. Authority Board and Subcommittees~~

~~— 63H-7-301. Board duties and powers -- Chair -- Delegation of power:~~

~~— (1) The authority shall be governed by a board, which shall manage and conduct~~

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~~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 shall appoint from among its members:~~

~~— (a) a chair of the board; and~~

~~— (b) a chair of each of the subcommittees under Section 63H-7-303.~~

~~— (4) In addition to the subcommittees created in Section 63H-7-303, the board may appoint one or more subcommittees of its members to act on matters under the board's authority, but any action of a subcommittee is subject to board approval:~~

~~— (5) The board may adopt bylaws to govern its operations and the operations of subcommittees:~~

~~— (6) The board may by resolution assign administrative functions to authority staff:~~

~~— (7) The board shall hold its first meeting no later than:~~

~~— (a) April 15, 2013, if this section takes effect on or before March 25, 2013; or~~

~~— (b) June 15, 2013, if this section takes effect after March 25, 2013.~~

~~Section 10. Section 63H-7-302 is enacted to read:~~

~~63H-7-302. Board membership -- Vacancies -- Removal -- Nonvoting members.~~

~~— (1) (a) The authority's board consists of 11 members.~~

~~— (b) Eight members of the board shall be appointed by the governor as follows:~~

~~— (i) an individual from the Department of Corrections;~~

~~— (ii) an individual from the Governor's Office of Economic Development;~~

~~— (iii) four individuals, two with commercial construction experience and two with experience in the real estate industry;~~

~~— (iv) a member of the State Commission on Criminal and Juvenile Justice, created in Section 63M-7-201; and~~

~~— (v) an individual who would not qualify for appointment under Subsections (1)(b)(i) through (iv):~~

~~— (c) The other three members of the board shall be:~~

~~— (i) a member of the Senate, appointed by the president of the Senate;~~

~~— (ii) a member of the House of Representatives, appointed by the speaker of the~~

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House of Representatives; and

~~—— (iii) an individual appointed by the host city.~~

~~—— (2) (a) A vacancy on the board shall be filled in the same manner as the appointment of the member whose departure from the board will cause the vacancy.~~

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

~~—— (3) A member of the board appointed by the governor, president of the Senate, or speaker of the House of Representatives serves at the pleasure of and may be removed and replaced at any time, with or without cause, by the governor, president of the Senate, or speaker of the House of Representatives, respectively.~~

~~—— (4) The authority may:~~

~~—— (a) appoint nonvoting members of the board; and~~

~~—— (b) set terms for nonvoting members appointed under Subsection (4)(a).~~

~~—— Section 11. Section 63H-7-303 is enacted to read:~~

~~—— 63H-7-303. Subcommittees:~~

~~—— (1) There are created, to act in an advisory capacity to the board:~~

~~—— (a) the Former Prison Land Development Subcommittee; and~~

~~—— (b) the New Prison Development Subcommittee.~~

~~—— (2) The Former Prison Land Development Subcommittee consists of:~~

~~—— (a) the board member from the Governor's Office of Economic Development appointed under Subsection 63H-7-302(1)(b)(ii);~~

~~—— (b) one of the board members with commercial construction experience appointed under Subsection 63H-7-302(1)(b)(iii);~~

~~—— (c) one of the board members with experience in the real estate industry appointed under Subsection 63H-7-302(1)(b)(iii);~~

~~—— (d) the board member appointed under Subsection 63H-7-302(1)(b)(v), if the governor assigns that board member to serve on the Former Prison Land Development Subcommittee;~~

~~—— (e) the board member who is a member of the House of Representatives appointed under Subsection 63H-7-302(1)(c)(ii);~~

~~—— (f) the board member appointed by the host city under Subsection~~

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~~63H-7-302(1)(c)(iii);~~

~~—— (g) a member of the Senate appointed to the subcommittee by the president of the Senate;~~

~~—— (h) an individual appointed to the subcommittee by the host city; and~~

~~—— (i) an individual appointed to the subcommittee by the host county;~~

~~—— (3) The New Prison Development Subcommittee consists of:~~

~~—— (a) the board member from the Department of Corrections appointed under Subsection 63H-7-302(1)(b)(i);~~

~~—— (b) one of the board members with commercial construction experience appointed under Subsection 63H-7-302(1)(b)(iii);~~

~~—— (c) one of the board members with experience in the real estate industry appointed under Subsection 63H-7-302(1)(b)(iii);~~

~~—— (d) the board member, appointed under Subsection 63H-7-302(1)(b)(iv), who is a member of the of the State Commission on Criminal and Juvenile Justice;~~

~~—— (e) the board member appointed under Subsection 63H-7-302(1)(b)(v), if the governor assigns that board member to serve on the New Prison Development Subcommittee;~~

~~—— (f) the board member who is a member of the Senate appointed under Subsection 63H-7-302(1)(c)(i);~~

~~—— (g) a member of the House of Representatives appointed to the subcommittee by the speaker of the House of Representatives; and~~

~~—— (h) an individual appointed to the subcommittee by the Utah Association of Counties;~~

~~—— (4) The governor may appoint the board member referred to in Subsection 63H-7-302(1)(b)(v) to only one subcommittee;~~

~~—— (5) (a) The Former Prison Land Development Subcommittee shall advise the board concerning:~~

~~—— (i) the formulation of a conceptual plan for the former prison land;~~

~~—— (ii) the formulation of a request for proposals under Section 63H-7-402, to the extent that the request relates to a former prison land development project; and~~

~~—— (iii) the board's evaluation of and decision on proposals that the board receives~~

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~~pursuant to a request for proposals, to the extent proposals relate to a former prison land development project, whether as a separate project or as a part of a master development project.~~

~~(b) The New Prison Development Subcommittee shall advise the board concerning:~~

~~(i) the formulation of any prison programming proposals;~~

~~(ii) the formulation of a request for proposals under Section 63H-7-402, to the extent that the request relates to a new prison development project; and~~

~~(iii) the board's evaluation of and decision on proposals that the board receives pursuant to a request for proposals, to the extent proposals relate to a new prison development project, whether as a separate project or as a part of a master development project.~~

~~Section 12. Section 63H-7-304 is enacted to read:~~

~~63H-7-304. Term of board members.~~

~~(1) Subject to Subsection 63H-7-302(3), the term of board members is four years.~~

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

~~Section 13. Section 63H-7-305 is enacted to read:~~

~~63H-7-305. Compensation and expenses of board members.~~

~~(1) Salaries and expenses of board or subcommittee members who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Expense and Mileage Reimbursement for Authorized Legislative Meetings, Special Sessions, and Veto Override Sessions.~~

~~(2) A board or subcommittee member who is not a legislator may not receive compensation or benefits for the member's service on the board or subcommittee, but may receive per diem and reimbursement for travel expenses incurred as a board or subcommittee member at the rates established by the Division of Finance under:~~

~~(a) Sections 63A-3-106 and 63A-3-107; and~~

~~(b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~

~~Section 14. Section 63H-7-306 is enacted to read:~~

~~63H-7-306. Board member ethics and conflicts of interest.~~

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~~—— (1) A board or subcommittee member is subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.~~

~~—— (2) An individual may not be appointed to or serve on the board or a subcommittee if the individual:~~

~~—— (a) has an ownership interest in or is an officer or employee of an entity that:~~

~~—— (i) anticipates submitting a proposal or submits a proposal for a new prison development project, former prison land development project, or master development project; or~~

~~—— (ii) anticipates providing material or labor under a contract awarded pursuant to a proposal for a new prison development project, former prison land development project, or master development project;~~

~~—— (b) has a spouse, child, parent, or sibling who has an ownership interest in or is an officer or employee of an entity described in Subsection (2)(a); or~~

~~—— (c) has a direct or indirect interest in or derives or will derive any direct or indirect financial benefit from any work done in pursuit of a new prison development project, former prison land development project, or master development project.~~

~~—— Section 15. Section 63H-7-401 is enacted to read:~~

~~Part 4. Proposals and Awarding of Contract for Projects~~

~~—— 63H-7-401. Formulation and adoption of a conceptual plan:~~

~~—— (1) The authority shall formulate and adopt a conceptual plan, as provided in this section:~~

~~—— (2) (a) In a request for proposals under Section 63H-7-402, the authority may request offerors to include a proposed conceptual plan:~~

~~—— (b) A proposed conceptual plan included in a proposal submitted under this part is a public record if it is considered at a public hearing under Subsection (4):~~

~~—— (3) The authority may incorporate into a conceptual plan some or all of the features of a general plan described in Title 10, Chapter 9a, Part 4, General Plan:~~

~~—— (4) The authority shall hold at least two public hearings at least one week apart on the proposed conceptual plan or plans it is considering adopting:~~

~~—— (5) Before adopting a conceptual plan, the authority shall consult with and consider the suggestions of the host city:~~

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~~(6) Following the public hearings required under Subsection (4), the authority may adopt a conceptual plan that it formulates or that is proposed in a proposal submitted in response to a request for proposals.~~

~~(7) Upon the authority's adoption of a conceptual plan:~~

~~(a) the conceptual plan governs the development of the former prison land; and~~

~~(b) the development of the former prison land shall be consistent with the adopted conceptual plan.~~

~~(8) Nothing in this section may be construed to limit the authority from modifying a proposed conceptual plan before the authority adopts the conceptual plan.~~

~~Section 16. Section 63H-7-402 is enacted to read:~~

~~63H-7-402. Process relating to proposals on projects:~~

~~duties and responsibilities.~~

(1) The authority shall:

(a) consult with the ~~{Division of Facilities Construction Management}~~division in formulating a request for proposals under this part;

(b) ~~{as soon as reasonably possible and }~~with the approval of the director of the ~~{Division of Facilities Construction and Management}~~division, issue a request for proposals inviting persons to submit proposals on a new prison development project, former prison land development project, or master development project;

(c) provide a process for persons to submit proposals and for the authority to receive proposals;

(d) evaluate the proposals that are submitted;

(e) in evaluating and making a decision on proposals, give additional weight to a proposal that contemplates using contractors, material providers, and laborers from within the state;

(f) decide whether to ~~{accept}~~recommend that one of the proposals or a combination of proposals ~~{and award a contract}~~ for a new prison development project, former prison land development project, or master development project be accepted and that a contract be awarded to the person or persons who submitted the proposal or combination of proposals; and

(g) if the authority decides to ~~{accept}~~recommend a proposal or combination of proposals ~~{and to award}~~for awarding a contract for a new prison development project, former

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prison land development project, or master development project to the person or persons who submitted the proposal or combination of proposals, immediately submit ~~its~~ written ~~notification~~ ~~recommendation~~ to the governor and the Legislative Management Committee ~~of the authority's decision; and~~

~~\_\_\_\_\_ (h) subject to Subsection (4), accept the proposal or combination of proposals and award a contract to the person or persons who submitted the proposal or combination of proposals;~~

~~\_\_\_\_\_ (2);~~

(2) (a) In a request for proposals under Subsection (1), the authority shall request offerors to include a proposed conceptual plan.

(b) A conceptual plan included in a proposal may incorporate some or all of the features of a general plan described in Title 10, Chapter 9a, Part 4, General Plan.

(c) A proposed conceptual plan included in a proposal submitted under this part is a public record.

(3) (a) The authority may not consider or ~~accept~~ ~~recommend~~ a proposal that is based on the former prison land remaining under state ownership beyond the conceptual plan stage of the former prison land development project.

(b) The authority shall include in a request for proposals under Subsection (1) the limitation imposed by Subsection ~~(2)~~ ~~3~~ (a).

~~(3)~~ ~~4~~ (a) A request for proposals for a new prison development project:

(i) may include a request for prison programming proposals; and

(ii) shall allow an offeror to include, as part of the proposal, the operation of the new prison.

(b) A person submitting a proposal for a new prison development project may include, as part of the proposal:

(i) prison programming proposals; or

(ii) the operation of a new prison.

~~{ \_\_\_\_\_ (4) The authority may not accept a proposal or award a contract under the proposal unless the governor and Legislature indicate their approval, through the adoption of a concurrent resolution or other legislation indicating approval, of the feasibility, overall cost, cost-effectiveness, and concepts involved in the new prison development project, former prison~~

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~~land development project, or master development project, as set forth in the winning proposal or combination of proposals:~~

~~—— (5) If the Legislature and governor do not indicate their approval, as provided in Subsection (4), the authority:~~

~~—— (a) may cancel the previously issued request for proposals and repeat the process described in this section, issuing a new and revised request for proposals; or~~

~~—— (b) is dissolved, if the authority has undertaken the process described in this section more than once.~~

~~—— (6) (a) Subject to Subsection (6)(b), the provisions of Title 63G, Chapter 6a, Utah Procurement Code, do not apply with respect to the process described in this section:~~

~~—— (b) The authority shall adopt procurement rules substantially similar to the requirements of Title 63G, Chapter 6a, Utah Procurement Code, to govern the process described in this section.~~

~~—— Section 17. Section **63H-7-403** is enacted to read:~~

~~—— **63H-7-403. Sources of funds for master development project -- Additional proposal requirements:**~~

‡ ~~(~~ff~~5)~~ A proposal submitted in response to a request for proposals under ~~‡Section 63H-7-401~~ Subsection (1) shall identify and quantify sources of funds that the proposal relies on for its financial feasibility, including identifying and quantifying which of the following possible sources of funds the proposal relies on:

(a) money derived from the sale of the former prison land;

~~‡ —— (b) tax increment;~~

~~—— (c) sales tax revenue under Subsection 59-12-205(2)(b)(iii);~~

‡ ~~(~~fd~~b)~~ savings realized from funds that had been intended for maintenance and upkeep of the former prison but that will not be spent on the former prison due to the construction of a new prison:

(~~fe~~c) the amount of future construction costs anticipated to be spent for prison facilities but that will not be spent due to the construction of a new prison;

(~~ff~~d) reductions in future years' budgets of the Department of Corrections that equal the savings realized due to greater efficiencies in the operation of a new prison over the anticipated cost of operating the former prison;

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(f)g)e proceeds from the issuance of bonds;

(f)h)f legislative appropriations;

(f)h)g financing provided by the developer; and

(f)h)h any other source of funds that the offeror proposes to be made available in order to implement the new prison development project, former prison land development project, or master development project.

(f)2)6 (a) In issuing a request for proposals under Section 63H-7-401 Subsection (1), the authority shall request persons submitting proposals to:

(i) specify and quantify which sources of funds the proposal relies on for its financial feasibility;

(ii) identify any changes in state law the offeror recommends be made in order to facilitate the implementation of the new prison development project, former prison land development project, or master development project; and

(iii) comply with all other requirements of the request for proposals.

(b) Recommended changes to state law that a proposal identifies under Subsection (f)2)6(a)(ii) are for informational purposes only, and the authority may not give more or less weight to a proposal based on any recommended changes it contains or does not contain.

(7) A contract may not be awarded for a new prison development project, former prison land development project, or master development project unless the governor and Legislature indicate their approval, through the adoption of a concurrent resolution or other legislation indicating approval, of the feasibility, overall cost, cost-effectiveness, and concepts involved in the new prison development project, former prison land development project, or master development project, as set forth in the recommended proposal or combination of proposals.

(8) (a) Subject to Subsection (8)(b), the provisions of Title 63G, Chapter 6a, Utah Procurement Code, do not apply with respect to the process described in this section.

(b) The authority shall adopt procurement rules substantially similar to the requirements of Title 63G, Chapter 6a, Utah Procurement Code, to govern the process described in this section.

(9) The former prison land may not be sold, exchanged, leased, or made subject to an option without the Legislature's prior approval.

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Section ~~{18}~~3. Section ~~{63H-7-501}~~63C-13-107 is enacted to read:

### ~~{Part 5. Authority Budget~~

~~—— 63H-7-501. Annual authority budget -- Fiscal year -- Public hearing required -- Auditor forms -- Requirement to file form:~~

~~—— (1) The authority shall prepare and its board adopt an annual budget of revenues and expenditures for the authority for each fiscal year:~~

~~—— (2) Each annual authority budget shall be adopted before June 22.~~

~~—— (3) The authority's fiscal year shall be the period from July 1 to the following June 30:~~

~~—— (4) (a) Before adopting an annual budget, the authority board shall hold a public hearing on the annual budget:~~

~~—— (b) The authority shall provide notice of the public hearing on the annual budget by:~~

~~—— (i) publishing notice:~~

~~—— (A) at least once in a newspaper of general circulation within the authority boundaries, one week before the public hearing; and~~

~~—— (B) on the Utah Public Notice Website created in Section 63F-1-701, for at least one week immediately before the public hearing; or~~

~~—— (ii) if there is no newspaper of general circulation within the authority boundaries as described in Subsection (4)(b)(i)(A), posting a notice of the public hearing in at least three public places within the authority boundaries:~~

~~—— (c) The authority shall make the annual budget available for public inspection at least three days before the date of the public hearing:~~

~~—— (5) The state auditor shall prescribe the budget forms and the categories to be contained in each authority budget, including:~~

~~—— (a) revenues and expenditures for the budget year;~~

~~—— (b) legal fees; and~~

~~—— (c) administrative costs, including rent, supplies, and other materials, and salaries} 63C-13-107. Compensation and expenses of authority ~~{personnel:~~~~

~~—— (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a copy of the annual budget with the auditor of the county in which the authority is~~

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~~located, the State Tax Commission, the state auditor, the State Board of Education, and each taxing entity that levies a tax on property from which the authority collects tax increment.~~

~~— (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the state as a taxing entity is met if the authority files a copy with the State Tax Commission and the state auditor.~~

~~— Section 19. Section 63H-7-502 is enacted to read:~~

~~— 63H-7-502. Amending the authority annual budget.~~

~~— (1) The board may by resolution amend an annual authority budget.~~

~~— (2) An amendment of the annual authority budget that would increase the total expenditures may be made only after public hearing by notice published as required for initial adoption of the annual budget.~~

~~— (3) The authority may not make expenditures in excess of the total expenditures established in the annual budget as it is adopted or amended.~~

~~— Section 20. Section 63H-7-503 is enacted to read:~~

~~— 63H-7-503. Authority report.~~

~~— (1) (a) On or before November 1 of each year, the authority shall prepare and file a report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies a tax on property from which the authority collects tax increment.~~

~~— (b) The requirement of Subsection (1)(a) to file a copy of the report with the state as a taxing entity is met if the authority files a copy with the State Tax Commission and the state auditor.~~

~~— (2) Each report under Subsection (1) shall contain:~~

~~— (a) an estimate of the tax increment to be paid to the authority for the calendar year ending December 31; and~~

~~— (b) an estimate of the tax increment to be paid to the authority for the calendar year beginning the next January 1.~~

~~— Section 21. Section 63H-7-504 is enacted to read:~~

~~— 63H-7-504. Audit requirements.~~

~~— The authority shall comply with the audit requirements of Title 51, Chapter 2a.~~

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Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act:

~~Section 22. Section 63H-7-505 is enacted to read:~~

~~63H-7-505. Audit report:~~

~~(1) The authority shall, within 180 days after the end of the authority's fiscal year, file a copy of the audit report with the county auditor, the State Tax Commission, the State Board of Education, and each taxing entity that levies a tax on property from which the authority collects tax increment.~~

~~(2) Each audit report under Subsection (1) shall include:~~

~~(a) the tax increment collected by the authority for each project area;~~

~~(b) the outstanding principal amount of bonds issued or other loans incurred to finance the costs associated with the authority's project areas; and~~

~~(c) the actual amount expended for:~~

~~(i) acquisition of property;~~

~~(ii) site improvements or site preparation costs;~~

~~(iii) installation of public utilities or other public improvements; and~~

~~(iv) administrative costs of the authority.~~

~~Section 23. Section 63H-7-506 is enacted to read:~~

~~63H-7-506. Authority chief financial officer is a public treasurer -- Certain authority funds are public funds:~~

~~(1) The authority's chief financial officer:~~

~~(a) is a public treasurer, as defined in Section 51-7-3; and~~

~~(b) shall invest the authority funds specified in Subsection (2) as provided in Subsection (2):~~

~~(2) Notwithstanding Subsection 63E-2-110(2)(a), tax increment funds, municipal services revenue, and appropriations that the authority receives from the state:~~

~~(a) are public funds; and~~

~~(b) shall be invested as provided in Title 51, Chapter 7, State Money Management Act.~~

~~Section 24. Section 63H-7-601 is enacted to read:~~

~~Part 6. Dissolution of Authority~~

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~~63H-7-601. Restrictions on dissolution of authority -- Filing copy of ordinance -- Authority records -- Dissolution expenses:~~

~~(1) The authority may not be dissolved unless the authority has no unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with persons or entities other than the state:~~

~~(2) Upon the dissolution of the authority:~~

~~(a) the Governor's Office of Economic Development shall publish a notice of dissolution:~~

~~(i) in a newspaper of general circulation in the county in which the dissolved authority is located; and~~

~~(ii) as required in Section 45-1-101; and~~

~~(b) all title to property owned by the authority vests in the state:~~

~~(3) The books, documents, records, papers, and seal of each dissolved authority shall be deposited for safekeeping and reference with the state auditor:~~

~~(4) The authority shall pay all expenses of the deactivation and dissolution:~~

~~Section 25. Section 63I-1-263 (Superseded 05/01/13) is amended to read:~~

~~63I-1-263 (Superseded 05/01/13). 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) 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.]~~

~~[(5)] (4) 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:~~

~~[(6)] (5) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020:~~

~~[(7)] (6) The Resource Development Coordinating Committee, created in Section~~

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~~63J-4-501, is repealed July 1, 2015.~~

~~———— [(8)] (7) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.~~

~~———— [(9)] (8) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is repealed January 1, 2021.~~

~~———— (b) Subject to Subsection [(9)] (8)(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 [(9)] (8)(b) and (c), a person may carry forward a tax credit}members.~~

~~(1) Salaries and expenses of board members who are legislators shall be paid 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.~~

~~———— [(10)] (9) (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 [(10)] (9)(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~~

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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;~~

~~—— (I) 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;~~

~~—— [(11)] (10) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2017.~~

~~—— [(12)] (11) Title 63M, Chapter 9, Families, Agencies, and Communities Together for~~

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Children and Youth At Risk Act, is repealed July 1, 2016:

——— [(13)] (12) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.

——— Section 26. Section **63I-1-263 (Effective 05/01/13)** is amended to read:

——— **63I-1-263 (Effective 05/01/13). 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) 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.]

——— [(5)] (4) 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.

——— [(6)] (5) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2020.

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

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

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

——— (b) Subject to Subsection [(9)] (8)(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 [(9)] (8)(b) and (c), a person may carry forward a tax credit in accordance with Section 59-7-610 or 59-10-1007 if:

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- ~~—— (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;~~
- ~~—— [(10)] (9) (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 [(10)] (9)(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~~

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### 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;~~

~~— (I) 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;~~

~~— [(11)] (10) The Crime Victim Reparations and Assistance Board, created in Section 63M-7-504, is repealed July 1, 2017.~~

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

~~— [(13)] (12) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.~~

~~— Section 27. Section **63J-1-602.4** is amended to read:~~

~~— **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**~~

~~— (1) Funds paid to} 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Expense and Mileage Reimbursement for Authorized Legislative Meetings, Special Sessions, and Veto Override Sessions.~~

~~— (2) A board member who is not a legislator may not receive compensation or benefits for the member's service on the board, but may receive per diem and reimbursement for travel expenses incurred as a board member at the rates established by the Division of {Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.~~

~~— (2) Funds paid to} Finance under:~~

~~— (a) Sections 63A-3-106 and 63A-3-107; and~~

~~— (b) rules made by the Division of {Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.~~

## SB0072S04 compared with SB0072S02

~~—— (3) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.~~

~~—— (4) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.~~

~~—— (5) Appropriations from the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.~~

~~—— (6) Appropriations to the Division of Services for People with Disabilities, as provided in Section 62A-5-102.~~

~~—— (7) A portion of the funds appropriated to the Utah Seismic Safety Commission, as provided in Section 63C-6-104.~~

~~—— (8) Funding for the Medical Education Program administered by the Medical Education Council, as provided in Section 63C-8-102.~~

~~—— (9) Certain money payable for commission expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63C-11-301.~~

~~—— (10) Funds appropriated or collected for publishing the Division of Administrative Rules' publications, as provided in Section 63G-3-402.~~

~~—— (11) The Immigration Act Restricted Account created in Section 63G-12-103.~~

~~—— (12) Money received by the military installation development authority, as provided in Section 63H-1-504.~~

~~—— (13) Money received by the prison land management authority, as provided in Section 63H-7-205.~~

~~—— [(13)] (14) The appropriation to fund the Governor's Office of Economic Development's Enterprise Zone Act, as provided in Section 63M-1-416.~~

~~—— [(14)] (15) The Motion Picture Incentive Account created in Section 63M-1-1803.~~

~~—— [(15)] (16) Appropriations to the Utah Science Technology and Research Governing Authority, created under Section 63M-2-301, as provided under Section 63M-2-302.~~

~~—— **Section 28. Repealer:**~~

~~—— This bill repeals:~~

~~—— **Section 63C-13-101, Title:**~~

~~—— **Section 63C-13-102, Definitions:**~~

~~—— **Section 63C-13-103, Creation of Prison Relocation and Development Authority ==**~~

## SB0072S04 compared with SB0072S02

### Members:

~~Section 63C-13-104, Authority duties:~~

~~Section 63C-13-105, Authority staff and expenses:~~

~~Section 63C-13-106, No effect on local land use authority:~~

~~Section 29} Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~

### Section 4. 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.

~~{ Section 30. Revisor instructions:~~

~~The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, revise Subsection 63H-7-301(7) to read:~~

~~(1) if the actual effective date of this bill is March 25, 2013 or earlier, "(7) The board shall hold its first meeting no later than April 15, 2013."; or~~

~~(2) if the actual effective date of this bill is after March 25, 2013, "(7) The board shall hold its first meeting no later than June 15, 2013.".~~

~~}~~