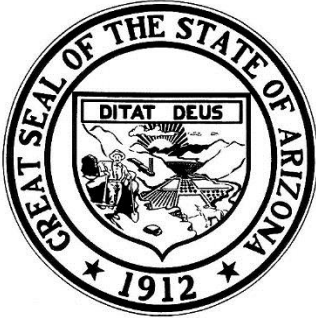


## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2133**

Carter Floor Amendment

1. Requires ADC to meet notification requirements before incurring an obligation for a significant change of use of a correctional facility, rather than any change of use.
2. Requires notification of any proposed facility to be provided to each:
  - a. Household within a 2-mile radius, rather than each property owner within a 10-mile radius, as determined by the County Assessor's online database.
    - i. Specifies that the two-mile radius excludes any natural or man-made feature that prevents parcels of land from being practically or reasonably united.
    - ii. Permits this notice to be provided by non-written means.
  - b. State Senator and Representative whose Legislative District is located within 5 miles, rather than 2 miles.
  - c. Each member of the governing board of any charter school, operator of any private school and operator of any daycare center located within a 5-mile radius, rather than a 10-mile radius.
3. Requires ADE or another governmental entity to provide ADC with an accurate list of charter schools and private schools within a five-mile radius of the proposed facility.
4. Requires ADHS or another governmental entity to provide ADC with an accurate list of any day care centers within a five-mile radius of the proposed facility.
5. Permits a BOS member, school superintendent or operator of a private school that receives notification of a proposed correctional facility to distribute notice to the members of their community, by text message, social media, notice on monthly utility bills, e-mails or website.
6. Permits ADC to work with other governmental entities to meet notice requirements for correctional facilities.
7. Requires provided notice to include the date, time and location of the public hearing regarding the proposed correctional facility.
8. Permits any person who receives notice of a proposed correctional facility to request an administrative law hearing or contest the establishment or significant change of use of the facility by written objection filed with ADC within 30 days after the public hearing.

Amendment explanation prepared by Mike Hans

Phone Number (602) 926-3848

lcs

2/20/2017

9. Defines *establishment* and *significant change of use*.

CARTER FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2133  
(Reference to printed bill)

1 Page 1, line 34, after "establishment" insert "OR ANY SIGNIFICANT CHANGE OF USE"

2 Page 2, line 3, strike "definition" insert "definitions"

3 Line 5, after "ANY" insert "SIGNIFICANT"

4 Strike lines 8 through 10, insert:

5 "1. EACH HOUSEHOLD, AS LISTED IN THE COUNTY ASSESSOR'S ONLINE  
6 DATABASE, WITHIN A TWO-MILE RADIUS OF THE PROPOSED SITE OR OF THE SITE FOR  
7 WHICH THE SIGNIFICANT CHANGE OF USE IS PROPOSED. THE TWO-MILE RADIUS  
8 EXCLUDES ANY NATURAL OR MAN-MADE FEATURE THAT PREVENTS PARCELS OF LAND FROM  
9 BEING PRACTICALLY AND REASONABLY UNITED. THE NOTICE PROVIDED PURSUANT TO  
10 THIS PARAGRAPH MAY BE PROVIDED BY MEANS OTHER THAN WRITTEN COMMUNICATION."

11 Line 16, after the third "THE" insert "SIGNIFICANT"

12 Line 19, strike "TWO" insert "FIVE"

13 Line 20, after "THE" insert "SIGNIFICANT"

14 Line 22, after the second "THE" insert "SIGNIFICANT"

15 Lines 24 and 27, after the third "THE" insert "SIGNIFICANT"

16 Line 30, after the second "THE" insert "SIGNIFICANT"

17 Line 33, strike "TEN-MILE" insert "FIVE-MILE"

18 Line 34, after "THE" insert "SIGNIFICANT"

19 Lines 36 and 39, strike "TEN-MILE" insert "FIVE-MILE"; after the third "THE"  
20 insert "SIGNIFICANT"

21 Between lines 40 and 41, insert:

22 "B. ON REQUEST, THE DEPARTMENT OF EDUCATION, THE COUNTY SCHOOL  
23 SUPERINTENDENT'S OFFICE OR ANY OTHER GOVERNMENTAL ENTITY THAT MAY HAVE THE  
24 INFORMATION SHALL PROVIDE TO THE STATE DEPARTMENT OF CORRECTIONS AN

1 ACCURATE LIST OF CHARTER SCHOOLS AND PRIVATE SCHOOLS WITHIN THE BOUNDARIES  
2 PRESCRIBED IN SUBSECTION A, PARAGRAPHS 10 AND 11 OF THIS SECTION.

3 C. ON REQUEST, THE DEPARTMENT OF HEALTH SERVICES OR ANY OTHER  
4 GOVERNMENTAL ENTITY THAT MAY HAVE THE INFORMATION SHALL PROVIDE TO THE  
5 STATE DEPARTMENT OF CORRECTIONS AN ACCURATE LIST OF DAY CARE CENTERS WITHIN  
6 THE BOUNDARIES PRESCRIBED IN SUBSECTION A, PARAGRAPH 12 OF THIS SECTION.

7 D. ANY PARTY THAT RECEIVES NOTICE UNDER SUBSECTION A, PARAGRAPH 7, 9  
8 OR 11 MAY USE EXISTING MEANS OF COMMUNICATION TO DISTRIBUTE THE NOTICE TO  
9 MEMBERS OF THE PARTY'S COMMUNITY. THESE MEANS OF COMMUNICATION MAY INCLUDE  
10 SOCIAL MEDIA, TEXT MESSAGES, NOTICES WITH MONTHLY UTILITY BILLS, E-MAILS OR  
11 WEBSITES.

12 E. THE DEPARTMENT MAY WORK WITH OTHER GOVERNMENTAL ENTITIES TO MEET  
13 THE NOTICE REQUIREMENTS OF THIS SECTION."

14 Reletter to conform

15 Page 3, between lines 2 and 3, insert:

16 "3. THE DATE, TIME AND LOCATION OF THE PUBLIC HEARING THAT IS  
17 REQUIRED BY SUBSECTION H OF THIS SECTION."

18 Line 4, strike "A" insert "THREE"; after "CONSPICUOUS" strike remainder of  
19 line

20 Line 5, strike "FOR WHICH THE CHANGE OF USE IS PROPOSED" insert "LOCATIONS IN  
21 WHICH THE PUBLIC IS MOST LIKELY TO OBSERVE THE SIGN"

22 Line 6, strike "D" insert "H"

23 Line 10, after the second "THE" insert "SIGNIFICANT"

24 Line 15, after the first "THE" insert "SIGNIFICANT"

25 Between lines 15 and 16, insert:

26 "I. ANY PERSON THAT RECEIVES NOTICE PURSUANT TO THIS SECTION MAY  
27 CONTEST THE ESTABLISHMENT OF ANY CORRECTIONAL FACILITY OR ANY SIGNIFICANT  
28 CHANGE OF USE OF A CORRECTIONAL FACILITY BY WRITTEN OBJECTION FILED WITH  
29 THE DEPARTMENT WITHIN THIRTY DAYS AFTER THE PUBLIC HEARING AND MAY REQUEST  
30 A HEARING TO BE CONDUCTED PURSUANT TO CHAPTER 6, ARTICLE 6 OF THIS TITLE."

31 Reletter to conform

32 Strike lines 17 through 24

1 Renumber to conform

2 Page 3, between lines 33 and 34, insert:

3           "2. "ESTABLISHMENT" INCLUDES THE CONSTRUCTION OR RENOVATION OF OR  
4           SIGNIFICANT CHANGE OF USE FOR A CORRECTIONAL FACILITY OR THE INTRODUCTION  
5           OF ADULT INMATES OR OFFENDERS INTO A JUVENILE CORRECTIONAL FACILITY.

6           3. "SIGNIFICANT CHANGE OF USE" MEANS TO REDUCE THE SECURITY LEVEL OF  
7           A CORRECTIONAL FACILITY OR TO TRANSFER ADULT OFFENDERS TO A SECURE CARE  
8           FACILITY THAT PREVIOUSLY HOUSED COMMITTED YOUTH."

9 Page 4, line 31, after "establishment" insert "OR ANY SIGNIFICANT CHANGE OF USE"

10 Page 6, line 1, after "establishment" insert "OR ANY SIGNIFICANT CHANGE OF USE"

11 Amend title to conform

HEATHER CARTER

2133FloorCARTER  
02/21/2017  
8:45 AM  
C: ns