



Bill Number: S.B. 1155

Barto Floor Amendment

Reference to: printed bill

Amendment drafted by: Jake Agron

## FLOOR AMENDMENT EXPLANATION

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- 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.
- Defines *significant change of use*.
- Requires the ADC notice to be provided to:
  - households within a two mile radius, rather than each property owner within a ten mile radius, as determined by the County Assessor's online database, and allows the notice to be provided by non-written means.
  - State Senators and Representatives whose legislative district is located within five miles, rather than two miles.
  - each member of the governing board of a charter school, operator of a private school and operator of a daycare center located within a five mile radius, rather than a ten mile radius.
- Requires the Department of Education, a county school superintendent's office or any other governmental entity that may have necessary information relating to charter schools and private schools to provide that information to ADC.
- Requires the Department of Health Services or any other governmental entity that may have necessary information relating to daycare centers to provide that information to ADC.
- Requires the notice provided by ADC to include the date, time and location of the public hearing required by the bill.
- Permits any person that receives notice from ADC as outlined in the bill to contest the establishment or significant change of use of a correctional facility by written objection within 30 days after the public hearing.
- Defines establishment.

Amendment explanation prepared by Jake Agron

2/22/2017

BARTO FLOOR AMENDMENT  
SENATE AMENDMENTS TO S.B. 1155  
(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  
25 ACCURATE LIST OF CHARTER SCHOOLS AND PRIVATE SCHOOLS WITHIN THE BOUNDARIES  
26 PRESCRIBED IN SUBSECTION A, PARAGRAPHS 10 AND 11 OF THIS SECTION.

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

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

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

12 Reletter to conform

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

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

16 Line 4, strike "A" insert "THREE"; after "CONSPICUOUS" strike remainder of  
17 line

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

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

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

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

23 Between lines 15 and 16, insert:

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

29 Reletter to conform

30 Strike lines 17 through 24

31 Renumber to conform

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

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

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

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

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

10 Amend title to conform

NANCY BARTO

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