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TITLE 64

STATE INSTITUTIONS

Chapter

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CHAPTER 1

GENERAL PROVISIONS

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64-1-1.	Governing boards — Governor to appoint.	64-1-6.	Monthly expenses — Payment.
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64-1-5.	Advertising for bids — Proposals — Awards.		

64-1-1. Governing boards — Governor to appoint.

Members of the governing board of each state institution shall be appointed by the governor, by and with the consent of the Senate, except as otherwise provided.

History: R.S. 1898 & C.L. 1907, § 2064; C.L. 1917, § 5204; R.S. 1933 & C. 1943, 85-1-1.

COLLATERAL REFERENCES

Am. Jur. 2d. — 63A Am. Jur. 2d Public Officers and Employees §§ 87 to 90, 95 to 109.
C.J.S. — 81A C.J.S. States §§ 84, 144.
A.L.R. — Public contracts: authority of state

or its subdivision to reject all bids, 52 A.L.R.4th 186.
Key Numbers. — States ⇌ 45, 82.

64-1-2. Vacancies — Term of office.

A vacancy in a governing board may occur by the expiration of a term, by death, by lawful removal from office, by the permanent departure of a member thereof from the state, by his incapacity to act, or by his resignation. Such vacancy, other than by the expiration of a term, shall be filled by the governor for the remainder of the term, with the consent of the Senate, if in session. If the Senate is not in session, the appointment shall be made and shall continue until the next regular session of the Senate. Each member of the board shall hold office until his successor is appointed and qualified.

History: R.S. 1898 & C.L. 1907, § 2065; C.L. 1917, § 5205; R.S. 1933 & C. 1943, 85-1-2.

Cross-References. — Impeachment, Utah Const., Art. VI, Secs. 16 to 21.

Removal from office by judicial proceedings, Utah Const., Art. VI, Sec. 21; § 77-6-1 et seq.

COLLATERAL REFERENCES

Am. Jur. 2d. — 63A Am. Jur. 2d Public Officers and Employees §§ 135 to 146.

C.J.S. — 81A C.J.S. States § 87.
Key Numbers. — States ⇌ 51.

64-1-3. Repealed.

Repeals. — Section 64-1-3 (R.S. 1898 & C.L. 1907, § 2066; C.L. 1917, § 5206; R.S. 1933 & C. 1943, 85-1-3), relating to the personal interest of a member of the governing board of a

state institution in contracts entered into by the institution, was repealed by Laws 1969, ch. 128, § 15. For present provisions, see § 67-16-1 et seq.

64-1-4. Buildings — Repairs and construction — Contracts for.

Whenever the needs of a state institution require a building to be repaired or erected, or any work amounting to more than \$1,000 to be done, the governing board of such institution, unless otherwise provided by law, shall advertise for at least ten days, in some newspaper published in this state and having general circulation therein, for sealed proposals for repairing or erecting such building, or performing such work, in accordance with plans and specifications to be had at the office of the board; provided, that repairs or construction contemplating an expenditure of \$8,000 or more shall be made under the direction of the Utah State Building Board.

History: R.S. 1898 & C.L. 1907, § 2068; C.L. 1917, § 5208; R.S. 1933 & C. 1943, 85-1-4; L. 1959, ch. 128, § 1.

Cross-References. — Energy Conservation Code, §§ 63-9-45 to 63-9-52.

Passenger Tramway Safety Committee con-

struction contracts not subject to this section, § 63-11-23.

Sales tax license number included with bid, § 59-12-106.

State Building Board, § 63A-5-101 et seq.

Utah Procurement Code, Title 63, Chapter 56.

NOTES TO DECISIONS

Failure to comply.

When construction company proceeded to demolish race track and install a soccer field for Utah Golden Spikers and the state of Utah without an executed agreement and without compliance with this section, there was no con-

tract with the state of Utah by which it was obliged to require the Golden Spikers to furnish a bond to guarantee payment of laborers and materialmen. *Breitling Bros. Constr., Inc. v. Utah Golden Spikers, Inc.*, 597 P.2d 869 (Utah 1979).

COLLATERAL REFERENCES

Am. Jur. 2d. — 64 Am. Jur. 2d Public Works and Contracts § 30 et seq.

C.J.S. — 81A C.J.S. States §§ 147, 160 to 167.

A.L.R. — Contract for personal services as within requirement of submission of bids as condition of public contract, 15 A.L.R.3d 733.

Public utility, requirement that public contracts be awarded on competitive bidding as applicable to contract for, 81 A.L.R.3d 979.

Public contracts: authority of state or its subdivision to reject all bids, 52 A.L.R.4th 186.

Key Numbers. — States ⇌ 86, 98.

64-1-5. Advertising for bids — Proposals — Awards.

The advertisement must state the place where and the day and hour when the proposals will be opened, must reserve the right in the board to reject any or all proposals, and shall require a certified check for not less than five per cent of the amount of the bid to accompany the same. Such check shall be made payable to the order of the board, and the check of the successful bidder shall be forfeited in case he fails or refuses to enter into the contract and furnish the bond required. At the time and place specified in such notice the board shall publicly open and read all proposals received and shall award the contract to the lowest responsible bidder. In case none of the proposals are satisfactory, all must be rejected, and the board shall advertise anew in the same manner as before until a satisfactory proposal is submitted.

History: R.S. 1898 & C.L. 1907, § 2069; C.L. 1917, § 5209; R.S. 1933 & C. 1943, 85-1-5.

Cross-References. — Passenger Tramway Safety Committee construction contracts not subject to this section, § 63-11-23.

COLLATERAL REFERENCES

Am. Jur. 2d. — 64 Am. Jur. 2d Public Works and Contracts § 30 et seq.

C.J.S. — 81A C.J.S. States §§ 163, 165, 166.

A.L.R. — Validity of state statute prohibiting award of government contract to person or business entity previously convicted of bribery

or attempting to bribe state public employee, 7 A.L.R.4th 1202.

Public contracts: low bidder's monetary relief against state or local agency for nonaward of contract, 65 A.L.R.4th 93.

Key Numbers. — States ⇌ 98.

64-1-6. Monthly expenses — Payment.

On the first day of each month, or as soon thereafter as the bills for the expenses for the previous month have been audited, the governing board of each state institution, or the proper committee thereof duly authorized by the board for such purpose, shall make a requisition upon the state auditor for a warrant in sufficient amount to pay the bills so audited, and thereupon the state auditor shall draw his warrant against the appropriation made for such institution for the amount named in the requisition in favor of the treasurer of the governing board of the institution, or, in case of the state prison, in favor of the warden thereof. To obtain such warrant, the treasurer of the board or the warden must present to the state auditor a written authorization from the board.

History: R.S. 1898, § 2070; L. 1899, ch. 53, § 1; C.L. 1907, § 2070; C.L. 1917, § 5210; R.S. 1933 & C. 1943, 85-1-6.

Cross-References. — Budgetary procedures, § 63-38-1 et seq.

Preparation, issuance and drawing of warrants, § 67-4-4.

COLLATERAL REFERENCES

Am. Jur. 2d. — 72 Am. Jur. 2d States, Territories, and Dependencies §§ 75 to 77.

C.J.S. — 81A C.J.S. States §§ 226, 242 to 244.

Key Numbers. — States ⇄ 123, 135 to 139.

64-1-7. Annual reports to Division of Archives.

The governing board of each institution shall make annually to the Division of Archives, not later than the 1st day of October of each year, a detailed statement of its important official acts, the growth and condition of the institution, the report of the chief executive officer thereof, a list of officials and their salaries, and an estimate of the cash value of the real and personal property of the institution, or of the state in connection therewith, together with an inventory of the same. The statement shall be edited with regard to contents, brevity, and uniformity and the Division of Archives shall cause a digest of the same to be compiled and included in its published report as provided in Title 67, Chapter 10, for the use of the Legislature, the governor, and for other essential purposes. The Division of Archives shall determine the size and number of copies to be published for circulation and it shall not include in the published report financial data which is included in the state auditor's report prepared in accordance with Section 67-3-1.

History: R.S. 1898 & C.L. 1907, § 2071; C.L. 1917, § 5211; R.S. 1933 & C. 1943, 85-1-7; L. 1957, ch. 153, § 1; 1984, ch. 67, § 42.

Cross-References. — Division of Archives and Records Service, § 63-2-901 et seq.

64-1-8. Biennial accounts — Estimate of income and requirements.

At such time each governing board shall also furnish to the governor and to the state auditor detailed accounts of its receipts and expenditures during the preceding two years, ending June 30, as well as an itemized estimate of the income and requirements of the institution for the coming biennial period. Such accounts and estimates must be countersigned by the chief executive officer of the institution, and by the secretary or clerk of the same, if there is one.

History: R.S. 1898 & C.L. 1907, § 2072; C.L. 1917, § 5212; R.S. 1933 & C. 1943, 85-1-8. **Cross-References.** — Budgetary Procedures Act, § 63-38-1 et seq.

COLLATERAL REFERENCES

C.J.S. — 81A C.J.S. States § 229.
Key Numbers. — States ⇌ 76.

64-1-9. Remittance of proceeds of sales of products.

All moneys received by the state industrial school, the state schools for the deaf and the blind, and the Utah state hospital, for the sale of products and livestock shall be paid into the state treasury at the close of each month and placed to the credit of the maintenance account of the institution from which such moneys are received. A detailed report, under oath, of the moneys so collected by the aforesaid institutions shall be filed with the state auditor and the state treasurer at the time such moneys are deposited with the state treasurer.

History: C.L. 1907, § 2090x, added by L. 1915, ch. 32, § 1; C.L. 1917, § 5213; R.S. 1933 & C. 1943, 85-1-9.

CHAPTER 2

DIVISION OF FINE ARTS

(Renumbered by Laws 1992, ch. 241, §§ 228 to 239.)

64-2-1 to 64-2-16. Renumbered.

Renumbered. — Laws 1992, ch. 241, §§ 228 to 239 renumbered §§ 64-2-1, 64-2-2, 64-2-4, 64-2-7, and 64-2-9 to 64-2-16, creating a Division and Board of Fine Arts, as §§ 9-6-201, 9-6-203, 9-6-204, 9-6-202, 9-6-205, and 9-6-301 to 9-6-307, and § 376 repealed § 64-2-3, as last amended by L. 1969, ch. 199, § 48, specifying the objects and purposes of the Division of Fine

Arts, and §§ 64-2-5 and 64-2-8, Utah Code Annotated 1953, relating to the appointment, terms, compensation, and qualifications of board members, effective March 13, 1992.

Section 64-2-6, Utah Code Annotated 1953, relating to the fiscal year of the State Institute of Fine Arts, was repealed by Laws 1969, ch. 199, § 56.

CHAPTER 2a

PERCENT-FOR-ART ACT

(Renumbered by Laws 1992, ch. 241, §§ 240 to 248.)

64-2a-1 to 64-2a-9. Renumbered.

Renumbered. — Laws 1992, ch. 241, §§ 240 to 248 renumbered these sections, relating to the acquisition of art for public buildings, as §§ 9-6-401 to 9-6-409, effective March 13, 1992.

CHAPTER 2b

ARTS ENDOWMENT

(Renumbered by Laws 1992, ch. 241, §§ 249 to 256.)

64-2b-1 to 64-2b-8. Renumbered.

Renumbered. — Laws 1992, ch. 241, §§ 249 to 256 renumbered these sections, relating to arts endowment funds, as §§ 9-6-501 to 9-6-508, effective March 13, 1992.

CHAPTER 3

SCHOOLS FOR THE DEAF AND THE BLIND

(Repealed by Laws 1987, ch. 40, § 5; 1988, ch. 2, § 345.)

64-3-1 to 64-3-28. Repealed.

Repeals. — Laws 1988, ch. 2, § 345 repeals § 64-3-1, as amended by Laws 1963, ch. 158, § 1; § 64-3-2, Utah Code Annotated 1953; § 64-3-3, as amended by Laws 1963, ch. 158, § 1; § 64-3-4, as enacted by Laws 1987, ch. 40, § 1; §§ 64-3-5 and 64-3-6, as amended by Laws 1963, ch. 158, § 1; §§ 64-3-7 and 64-3-8, Utah Code Annotated 1953; §§ 64-3-9 to 64-3-11, as amended by Laws 1963, ch. 158, § 1; and § 64-3-12, Utah Code Annotated 1953, relating to the school for the deaf, effective February 2, 1988. For present comparable provisions, see §§ 53A-25-101 to 53A-25-110.

Laws 1988, ch. 2, § 345 repeals § 64-3-13, as enacted by Laws 1987, ch. 40, § 3; § 64-3-14, Utah Code Annotated 1953; § 64-3-15, as enacted by Laws 1987, ch. 40, § 4; § 64-3-16, Utah Code Annotated 1953; §§ 64-3-17 to 64-3-18.2, as amended by Laws 1963, ch. 158, § 1; § 64-3-18.3, as enacted by Laws 1957, ch. 137, § 2; §§ 64-3-18.4 and 64-3-18.5, as

amended by Laws 1963, ch. 158, § 1; and §§ 64-3-18.6 to 64-3-18.9, as enacted by Laws 1971, ch. 173, §§ 1 to 5, relating to the school for the blind, effective February 2, 1988. For present comparable provisions, see §§ 53A-24-301 to 53A-24-305 and 53A-25-201 to 53A-25-206.

Laws 1987, ch. 40, § 5 repeals §§ 64-3-19 to 64-3-21, Utah Code Annotated 1953 and as last amended by Laws 1963, ch. 158, § 1, providing for the payment of expenses of indigent pupils at the Utah School for the Deaf or Utah School for the Blind, for compulsory attendance at the schools, and for a penalty for noncompliance with former § 64-3-20, effective April 27, 1987.

Laws 1988, ch. 2, § 345 repeals §§ 64-3-22 to 64-3-24, as amended by Laws 1963, ch. 158, § 1; §§ 64-3-25 and 64-3-25.5, as enacted by Laws 1987, ch. 71, §§ 1 and 2; § 64-3-26, Utah Code Annotated; § 64-3-27, as amended by Laws 1963, ch. 158, § 1; and § 64-3-28, Utah

Code Annotated, relating to schools for the deaf and for the blind, effective February 2, 1988. For present comparable provisions, see §§ 53A-25-301 to 53A-25-305.

CHAPTER 4

BOARD OF EXPOSITIONS — DIVISION OF EXPOSITIONS

(Renumbered by Laws 1992, ch. 241, §§ 219 to 224.)

Section

64-4-1 to 64-4-8. Renumbered.

64-4-9 to 64-4-11. Repealed.

64-4-1 to 64-4-8. Renumbered.

Renumbered. — Laws 1992, ch. 241, §§ 219 to 224 renumbered §§ 64-4-1, 64-4-2, 64-4-4 to 64-4-5.1, and 64-4-7 to 64-4-8, creating the Board and Division of Expositions, as §§ 9-5-201 to 9-5-208, and § 376 repealed § 64-4-3, as last amended by L. 1989, ch. 102,

§ 2, relating to meetings and expenses of the board, and § 64-4-6, as enacted by L. 1983, ch. 323, § 2, providing additional powers for the Division of Expositions, effective March 13, 1992.

64-4-9 to 64-4-11. Repealed.

Repeals. — Laws 1992, ch. 241, § 376 repeals § 64-4-9, as enacted by L. 1983, ch. 323, § 5, relating to revenue bonds, effective March 13, 1992.

A former § 64-4-9, Utah Code Annotated 1953, relating to conditions of entry and premiums at exhibitions, was repealed by Laws 1967, ch. 175, § 81. For present provisions, see § 9-5-208.

Section 64-4-10, Utah Code Annotated 1953,

relating to termination of terms of directors of former association, was repealed by Laws 1967, ch. 175, § 81.

Section 64-4-11 (L. 1965, ch. 140, § 3), which provided: "The state fair association maintenance fund shall be a continuing fund and shall not revert to the general fund of the state at the end of any biennium," was repealed by Laws 1967, ch. 180, § 3, approved March 16, 1967.

CHAPTER 5

STATE HISTORICAL SOCIETY

(Repealed by Laws 1957, ch. 141, § 15.)

64-5-1 to 64-5-6. Repealed.

Repeals. — Sections 64-5-1 to 64-5-6 (L. 1917, ch. 71, §§ 1 to 4; C.L. 1917, §§ 5357 to 5360, 5357x, added by L. 1925, ch. 8, § 1; R.S. 1933 & C. 1943, 85-5-1 to 85-5-5; L. 1945, ch.

123, §§ 1 to 3; 1951, ch. 110, §§ 1, 2), relating to the State Historical Society, were repealed by Laws 1957, ch. 141, § 15. For present provisions, see § 9-8-207.

CHAPTER 6

STATE YOUTH DEVELOPMENT CENTER

(Repealed by Laws 1973, ch. 174, § 17; 1981, ch. 247, § 23; 1983, ch. 323, § 6; 1988, ch. 1, § 407.)

64-6-1 to 64-6-18. Repealed.

Repeals. — Laws 1988, ch. 1, § 407 repeals § 64-6-1, as amended by Laws 1977, ch. 213, § 4, relating to location and purposes of State Youth Development Center, effective January 19, 1988.

Sections 64-6-1.1 to 64-6-8 (Utah Code Annotated 1953; L. 1957, ch. 142, § 1; 1965, ch. 141, § 1; 1969, ch. 197, §§ 132 to 138; 1973, ch. 174, §§ 2 to 9; 1979, ch. 233, § 2; 1979, ch. 235, §§ 2 to 9), relating to the State Youth Development Center, were repealed by Laws 1981, ch. 247, § 23.

Section 64-6-9, as last amended by L. 1969, ch. 197, § 139, relating to binding out of inmates by the Division of Family Services, was repealed by Laws 1973, ch. 174, § 17.

Sections 64-6-10 to 64-6-12 (Utah Code Annotated 1953; L. 1969, ch. 197, § 140; 1973, ch. 174, §§ 10 to 12; 1979, ch. 235, §§ 10 to 12; 1979, ch. 236, § 1), relating to community placement of students, escapes, and term of commitment, were repealed by Laws 1981, ch. 247, § 23.

Laws 1988, ch. 1, § 407 repeals § 64-6-13, as amended by Laws 1979, ch. 236, § 2, relating

to commitment to the State Youth Development Center beyond the age of 21, effective January 19, 1988.

Section 64-6-14, as last amended by L. 1969, ch. 197, § 142, relating to removal from the school of incorrigibles, was repealed by Laws 1973, ch. 174, § 17.

Section 64-6-15, as last amended by L. 1979, ch. 235, § 14, relating to liability of students, parents and guardians for expenses, was repealed by Laws 1983, ch. 323, § 6.

Section 64-6-16, as last amended by L. 1979, ch. 235, § 15, relating to care of pregnant students, was repealed by Laws 1981, ch. 247, § 23.

Section 64-6-17 (Utah Code Annotated 1953), relating to liability of county for expenses of a pregnant female inmate, was repealed by Laws 1973, ch. 174, § 17.

Section 64-6-18, as last amended by L. 1979, ch. 235, § 16, relating to citizen advisory committee, was repealed by Laws 1981, ch. 247, § 23.

For present provisions on youth corrections, see Title 62A, Chapter 7.

CHAPTER 7

UTAH STATE HOSPITAL AND OTHER MENTAL HEALTH FACILITIES

(Repealed by Laws 1975, ch. 198, § 35; 1988, ch. 1, § 407; 1989, ch. 22, § 51.)

64-7-1 to 64-7-56. Repealed.

Repeals. — Laws 1989, ch. 22, § 51 repeals this chapter, as enacted by Laws 1951, ch. 113, § 3; 1971, ch. 172, § 11; 1979, ch. 97, § 16; 1986, ch. 6, §§ 2, 3; 1987, ch. 92, § 137; 1987, ch. 133, § 1; and as last amended by Laws 1927, ch. 36, § 1; 1951, ch. 113, § 2; 1967, ch. 174, § 117; 1967, ch. 174, § 123; 1967, ch. 174, §§ 125 to 127, 129; 1969, ch. 197, §§ 145, 147,

148; 1971, ch. 172, §§ 7, 14, 18, 21, 23, 24; 1975, ch. 198, §§ 3 to 5, 10, 11 to 14, 15, 17, 23, 24, 26, 28, 32, 34; 1979, ch. 97, §§ 5 to 9, 12 to 14, 18, 19, 21, 22, 24; 1979, ch. 233, § 3; 1981, ch. 261, §§ 1 to 3; 1985, ch. 49, § 7; 1986, ch. 6, § 3; 1987, ch. 92, §§ 135, 136; 1987, ch. 167, § 165, effective April 24, 1989. For present provisions, see § 62A-12-201 et seq.

CHAPTER 8

UTAH STATE TRAINING SCHOOL

(Repealed by Laws 1988, ch. 1, § 407.)

64-8-1 to 64-8-27. Repealed.

Repeals. — Laws 1988, ch. 1, § 407 repeals § 64-8-1, as amended by Laws 1969, ch. 218, § 1; §§ 64-8-2 to 64-8-4, as amended by Laws 1969, ch. 197, §§ 150 to 152; §§ 64-8-5 and 64-8-5.5, as enacted by Laws 1985, ch. 32, §§ 2 and 3; § 64-8-6, as amended by Laws 1969, ch. 218, § 2; § 64-8-7, as amended by Laws 1979, ch. 233, § 4; § 64-8-8, as amended by Laws 1969, ch. 197, § 156 and ch. 218, § 4; § 64-8-9, as enacted by Laws 1975, ch. 67, § 22; § 64-8-10, as amended by Laws 1969, ch. 218, § 6; § 64-8-11, as amended by Laws 1967, ch.

181, § 4; § 64-8-12, as amended by Laws 1969, ch. 218, § 7; §§ 64-8-13 to 64-8-21.6, as enacted by Laws 1983, ch. 314, §§ 1 to 15; §§ 64-8-22 to 64-8-24, as enacted by Laws 1975, ch. 200, §§ 1 to 3; § 64-8-25, as amended by Laws 1983, ch. 320, § 71; and §§ 64-8-26 and 64-8-27, as enacted by Laws 1975, ch. 200, §§ 5 and 6, relating to the Utah state training school for the mentally disabled, effective January 19, 1988. For present comparable provisions, see § 62A-5-201 et seq.

CHAPTER 9

STATE PRISON

(Repealed by Laws 1969, ch. 197, § 187; 1975, ch. 199, § 5; 1977, ch. 253, § 30.)

64-9-1 to 64-9-64. Repealed.

Repeals. — Laws 1969, ch. 197, § 187, Laws 1975, ch. 199, § 5, and Laws 1977, ch. 253, § 30, repeals §§ 64-9-1 to 64-9-64 (R.S. 1898 & C.L. 1907, §§ 2219, 2221, 2233 to 2236, 2238, 2239, 2242 to 2245, 2254, 2256 to 2260, 2263 to 2273, 2275 to 2286; L. 1901, ch. 98, § 1; C.L. 1907, §§ 2224, 2226 to 2239; L. 1911, ch. 76, § 1; 1913, ch. 77, § 4; 1915, ch. 15, § 2; 1915, ch. 29, § 1; C.L. 1917, §§ 5444, 5446, 5448 to 5461, 5463 to 5465, 5467 to 5478, 5481 to 5490, 5492 to 5504, 5508, 5509; R.S. 1933, 85-9-1, 85-9-3, 85-9-5 to 85-9-27, 85-9-59; L. 1933, ch.

67, § 1; 1933, ch. 68, §§ 1 to 4; 1937, ch. 121, § 1; 1941 (1st S.S.), ch. 33, § 1; C. 1943, 85-9-1, 85-9-3, 85-9-5 to 85-9-27, 85-9-59, 85-9-85, 85-9-87 to 85-9-90; L. 1945, ch. 119, § 1; 1951, ch. 111, § 1; 1957, ch. 143, §§ 1 to 4; 1959, ch. 130, § 1; 1961, ch. 153, § 1; 1967, ch. 174, §§ 81 to 96, 98 to 103; 1967, ch. 182, §§ 1, 2; 1969, ch. 197, §§ 160 to 163; 1973, ch. 177, §§ 1, 2; 1975, ch. 199, §§ 1, 2; 1975 (1st S.S.), ch. 9, § 49). For present provisions, see Chapter 13 of this title.

CHAPTER 9a

COMMUNITY CORRECTIONAL CENTERS

(Repealed by Laws 1985, ch. 211, § 31.)

64-9a-1 to 64-9a-6. Repealed.

Repeals. — Laws 1985, ch. 211, § 31 repeals §§ 64-9a-1 to 64-9a-6, as enacted by Laws

1975, ch. 135, §§ 1 to 6. For present provisions, see § 64-13-21.

CHAPTER 9b

WORK PROGRAMS FOR PRISONERS

<p>Section 64-9b-1. Legislative findings. 64-9b-2. Definitions. 64-9b-3. Encouragement of private industry — Types of employers to be sought.</p>	<p>Section 64-9b-4. Work to be voluntary — Payment of prevailing wages. 64-9b-5. Intent of Legislature. 64-9b-6. Rules.</p>
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64-9b-1. Legislative findings.

The Legislature finds that it is in the best interest of the state of Utah to develop job opportunities to further enhance the rehabilitation of inmates of the Utah state prison. The Legislature further finds that a proper means to accomplish this is through a liberal application of this act.

History: C. 1953, 64-9b-1, enacted by L. 1978, ch. 32, § 1.

Meaning of "this act." — The term "this act," at the end of the section, means Laws

1978, ch. 32, which enacted this chapter.

Cross-References. — State prison, Chapter 13 of this title.

64-9b-2. Definitions.

As used in this act:

(1) "Department" means the Department of Corrections.

(2) "Inmate" means any man or woman who is under the jurisdiction of the department and who is assigned to the minimum or medium security section of the Utah state prison.

History: C. 1953, 64-9b-2, enacted by L. 1978, ch. 32, § 2; 1985, ch. 212, § 11.

Meaning of "this act." — See note under same catchline following § 64-9b-1.

Cross-References. — Department of Corrections and state prison, Chapter 13 of this title.

64-9b-3. Encouragement of private industry — Types of employers to be sought.

(1) The department is authorized to encourage private industry to locate and provide rehabilitative and job opportunities at the Utah state prison for inmates.

(2) The department shall determine what type of employer is to be allowed to locate at the prison, taking into consideration the physical facilities and space at the prison, the abilities of the inmates, and the type of product to be produced by the employer.

History: C. 1953, 64-9b-3, enacted by L. 1978, ch. 32, § 3; 1985, ch. 212, § 12.

COLLATERAL REFERENCES

Am. Jur. 2d. — 60 Am. Jur. 2d Penal and Correctional Institutions §§ 162 to 172.

64-9b-4. Work to be voluntary — Payment of prevailing wages.

(1) Rehabilitative and job opportunities at the Utah state prison shall not be forced upon any inmate contrary to the Utah Constitution, Article XVI, Sec. 3(2), but instead, shall be on a completely voluntary basis.

(2) Employers participating under the provisions of this act shall pay inmates the prevailing wage for similar work in private industry.

History: C. 1953, 64-9b-4, enacted by L. 1978, ch. 32, § 4.

Meaning of "this act." — See note under same catchline following § 64-9b-1.

64-9b-5. Intent of Legislature.

It is the legislative intent, and inmates are encouraged, to use their personal earnings from jobs created under this chapter for the following:

- (1) for restitution to the victims of the inmate's criminal offense, where applicable;
- (2) for support of the inmate's family, where applicable;
- (3) for the inmate's personal use; and
- (4) for reimbursement of the inmate's living expenses.

History: C. 1953, 64-9b-5, enacted by L. 1978, ch. 32, § 5.

Cross-References. — Restitution to crime victims, §§ 76-3-201 to 76-3-201.2.

64-9b-6. Rules.

The department is authorized to promulgate rules in accordance with Title 63, Chapter 46a, the Utah Administrative Rulemaking Act, as necessary to carry out the purposes of this act.

History: C. 1953, 64-9b-6, enacted by L. 1978, ch. 32, § 6; 1985, ch. 212, § 13; 1987, ch. 92, § 138.

Meaning of "this act." — See note under same catchline following § 64-9b-1.

CHAPTER 10 STERILIZATION

(Repealed by Laws 1988, ch. 1, § 407.)

64-10-1 to 64-10-16. Repealed.

Repeals. — Laws 1988, ch. 1, § 407 repeals §§ 64-10-1 to 64-10-16, as enacted by Laws 1983, ch. 316, § 1, relating to sterilization, ef-

fective January 19, 1988. For present comparable provisions, see §§ 62A-6-101 to 62A-6-116.

CHAPTER 11 GOLDEN SPIKE CENTENNIAL COMMISSION

(Repealed by Laws 1967, ch. 175, § 81; 1988, ch. 13, § 1.)

64-11-1 to 64-11-7. Repealed.

Repeals. — Laws 1988, ch. 13, § 1 repeals §§ 64-11-1 and 64-11-1.1, as enacted by Laws 1967, ch. 175, §§ 63 and 62; § 64-11-2, as amended by Laws 1967, ch. 175, § 64; and § 64-11-3, as enacted by Laws 1965, ch. 147, § 3, relating to the Golden Spike Centennial Commission, effective April 25, 1988.

Section 64-11-4 (L. 1965, ch. 147, § 4), relating to audits of accounts and reports of Golden

Spike Centennial Commission, was repealed by Laws 1967, ch. 175, § 81.

Laws 1988, ch. 13, § 1 repeals §§ 64-11-5 and 64-11-6, as amended by Laws 1967, ch. 175, §§ 65 and 66, and § 64-11-7, as enacted by Laws 1965, ch. 147, § 7, relating to the Golden Spike Centennial Commission, effective April 25, 1988.

CHAPTER 12 AMERICAN REVOLUTION BICENTENNIAL COMMISSION

(Repealed by Laws 1989, ch. 47, § 1.)

64-12-1 to 64-12-10. Repealed.

Repeals. — Laws 1989, ch. 47, § 1 repeals §§ 64-12-1 to 64-12-10, as enacted by Laws 1973, ch. 162, §§ 1 to 6 and Laws 1974, ch. 40, §§ 1 to 3 and amended by Laws 1973 (1st S.S.),

ch. 9, § 1 and Laws 1975, ch. 192, §§ 1 to 3, establishing the Utah American Revolution Bicentennial Commission, effective April 24, 1989.