

1 **OPERATION AND MAINTENANCE COSTS SET**

2 **ASIDE FOR STATE BUILDINGS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Gerry A. Adair**

6 AN ACT RELATING TO CAPITAL DEVELOPMENT AND CAPITAL IMPROVEMENTS;
7 INCREASING APPROPRIATION REQUIREMENTS FOR CAPITAL IMPROVEMENTS;
8 AND MAKING TECHNICAL CORRECTIONS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **63A-5-104**, as enacted by Chapter 3, Laws of Utah 1997

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

13 Section 1. Section **63A-5-104** is amended to read:

14 **63A-5-104. Capital development and capital improvement process.**

15 (1) As used in this section:

16 (a) "Capital developments" means any:

17 (i) remodeling, site, or utility projects with a total cost of \$1,000,000 or more;

18 (ii) addition of new space that will cost more than \$100,000; or

19 (iii) land acquisition where an appropriation is requested.

20 (b) "Capital improvements" means any:

21 (i) remodeling, alteration, or repair project with a total cost of less than \$1,000,000; or

22 (ii) site and utility improvement with a total cost of less than \$1,000,000.

23 (c) "Replacement cost of existing state [~~buildings~~] facilities" means the [~~replacement cost~~]
24 insured value, as determined by the Division of Risk Management, of state [~~buildings~~] facilities,
25 excluding auxiliary [~~buildings~~] facilities as defined by the State Building Board.

26 (2) The State Building Board, on behalf of all state agencies, commissions, departments,
27 and institutions shall submit its capital development recommendations and priorities to the

28 Legislature for approval and prioritization.

29 (3) (a) The State Building Board, on behalf of all state agencies, commissions,
30 departments, and institutions shall by January 15 of each year, submit a list of anticipated capital
31 improvement requirements to the Legislature for review and approval.

32 (b) Unless otherwise directed by the Legislature, the building board shall prioritize capital
33 improvements from the list submitted to the Legislature up to the level of appropriation made by
34 the Legislature.

35 (c) In prioritizing capital improvements, the building board shall consider the results of
36 facility evaluations completed by an architect/engineer as stipulated by the building board's
37 facilities maintenance standards.

38 (4) The Legislature may authorize:

39 (a) the total square feet to be occupied by each state agency; and

40 (b) the total square feet and total cost of lease space for each agency.

41 (5) The Legislature may not fund the design or construction of any new capital
42 development projects, except to complete the funding of projects for which partial funding has
43 been previously provided, until the Legislature has appropriated [~~9%~~] 1.1% of the replacement
44 cost of existing state [~~buildings~~] facilities to capital improvements.

45 (6) (a) If, after approval of capital development and capital improvement priorities by the
46 Legislature under this section, emergencies arise that create unforeseen critical capital
47 improvement projects, the State Building Board may, notwithstanding the requirements of Title
48 63, Chapter 38, Budgetary Procedures Act, reallocate capital improvement funds to address those
49 projects.

50 (b) The building board shall report any changes it makes in capital improvement
51 allocations approved by the Legislature to:

52 (i) the Office of Legislative Fiscal Analyst within 30 days of the reallocation; and

53 (ii) the Legislature at its next annual general session.

54 (7) (a) The State Building Board may adopt a rule allocating to institutions and agencies
55 their proportionate share of capital improvement funding.

56 (b) The building board shall ensure that the rule:

57 (i) reserves funds for the Division of Facilities Construction and Management for
58 emergency projects; and

59 (ii) allows the delegation of projects to some institutions and agencies with the
60 requirement that a report of expenditures will be filed annually with the Division of Facilities
61 Construction and Management and appropriate governing bodies.

62 (8) It is the intent of the Legislature that in funding capital improvement requirements
63 under this section the General Fund be considered as a funding source for at least half of those
64 costs.

Legislative Review Note
as of 12-7-98 1:59 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel