

**STATE CAPITAL FACILITY BOARD -  
CREATION AND OVERSIGHT**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: D. Chris Buttars**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the Public Education Capital Outlay Act to create a state capital facility board for schools.

**Highlighted Provisions:**

This bill:

- ▶ creates a state capital facility board for the management of funding and project prioritization for the construction or remodeling of public school buildings;
- ▶ establishes board membership, organization, and staffing;
- ▶ assigns duties to the board, including prioritization of projects and allocation of certain school capital funding; and
- ▶ establishes criteria for the board to use in prioritizing capital facility funding.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2008.

**Utah Code Sections Affected:**

ENACTS:

**53A-21-201**, Utah Code Annotated 1953

**53A-21-202**, Utah Code Annotated 1953





59 (a) three non-legislator members appointed by the speaker of the House of  
60 Representatives, not more than two of whom may be from the same political party;

61 (b) three non-legislator members appointed by the president of the Senate, not more  
62 than two of whom may be from the same political party;

63 (c) one non-legislator member appointed by the governor;

64 (d) the director of the Governor's Office of Planning and Budget, who shall serve as an  
65 ex officio member; and

66 (e) the state superintendent of public instruction, who shall serve as an ex officio  
67 member.

68 (3) (a) Except for ex officio members under Subsections (2)(d) and (e), and except as  
69 required by Subsection (3)(b), members shall be appointed to four-year terms.

70 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
71 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
72 board members are staggered so that approximately half of the board is appointed every two  
73 years.

74 Section 3. Section **53A-21-203** is enacted to read:

75 **53A-21-203. Organization -- Vacancies.**

76 (1) The board shall elect one of the board members as chairperson.

77 (2) (a) If one of the members appointed by the speaker of the House of Representatives  
78 resigns or is unable to serve, the speaker of the House of Representatives shall appoint a person  
79 to fill the vacancy.

80 (b) If one of the members appointed by the president of the Senate resigns or is unable  
81 to serve, the president of the Senate shall appoint a person to fill the vacancy.

82 (c) If the member appointed by the governor resigns or is unable to serve, the governor  
83 shall appoint a person to fill the vacancy.

84 Section 4. Section **53A-21-204** is enacted to read:

85 **53A-21-204. Duties -- Authorizations -- Prohibitions.**

86 (1) The board shall:

87 (a) meet at least six times annually to consider and prioritize school facility funding  
88 requests;

89 (b) establish a needs identification index that prioritizes school facility construction

90 and renovation projects submitted by school districts and charter schools;

91 (c) to the extent the Legislature appropriates funds to the board for this purpose,  
92 allocate capital facility funding to school districts and charter schools, in priority order based  
93 on the needs identification index prioritization, until appropriated funds are exhausted or all  
94 submitted projects are funded; and

95 (d) enact rules in accordance with Title 63, Chapter 46a, Utah Administrative  
96 Rulemaking Act, to:

97 (i) prescribe application forms and procedures;

98 (ii) establish criterion definitions and criterion weights for the needs identification  
99 index; and

100 (iii) require that every four dollars of state funding be matched by at least one dollar in  
101 local funding.

102 (2) The board may advise the governor and the Legislature on school capital facility  
103 issues.

104 (3) The board may not:

105 (a) require an applicant to use a specific school facility design; or

106 (b) require an applicant to build a facility in a specific location.

107 Section 5. Section **53A-21-205** is enacted to read:

108 **53A-21-205. Board staff services.**

109 The state superintendent shall appoint necessary personnel from the superintendent's  
110 staff to provide staff services to the board.

111 Section 6. Section **53A-21-206** is enacted to read:

112 **53A-21-206. Compensation of members -- Expenses.**

113 (1) (a) Members who are not government employees may not receive compensation or  
114 benefits for their services, but may receive per diem and expenses incurred in the performance  
115 of the member's official duties at the rates established by the Division of Finance under  
116 Sections 63A-3-106 and 63A-3-107.

117 (b) Members may decline to receive per diem and expenses for their service.

118 (2) (a) State government officer and employee members who do not receive salary, per  
119 diem, or expenses from their agency for their service may receive per diem and expenses  
120 incurred in the performance of their official duties from the commission at the rates established

121 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

122 (b) State government officer and employee members may decline to receive per diem  
123 and expenses for their service.

124 Section 7. **Effective date.**

125 This bill takes effect on July 1, 2008.

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**Legislative Review Note**  
as of 12-12-07 11:12 AM

**Office of Legislative Research and General Counsel**

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**S.B. 104 - State Capital Facility Board - Creation and Oversight**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill requires an estimated \$273,600 ongoing from the Uniform School Fund appropriated to the State Board of Education in support of the State Capital Facility Board created in this bill. Estimates include an additional 3 full-time equivalent employees, per diem for board members, and expenses incurred in the performance of the Board's official duties.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Uniform School Fund	\$0	\$273,600	\$273,600	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$273,600</b>	<b>\$273,600</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill may alter the capital facility construction and renovation procedures used by school districts and charter schools. Bill provisions require that the local education entity provide one dollar in matching funds for every four dollars received in state funding.