

1 **CAPITAL IMPROVEMENT AND CAPITAL DEVELOPMENT**

2 **PROJECT AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Utah Administrative Services Code by amending provisions
11 relating to capital improvement and capital development projects.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ adds infrastructure to the definition of replacement cost of existing state facilities;
- 15 ▶ adds infrastructure to the prohibition that the Legislature may not fund the design or
16 construction of any new capital development projects until the Legislature has
17 appropriated a certain percentage of the replacement cost of existing state facilities
18 and infrastructure to capital improvements;

18a **Ⓢ→ ▶ prohibits the Legislature from funding the programming, design, and construction of a**
18b **new building or facility in phases over more than one year unless the Legislature has approved**
18c **each phase of the funding for the construction of the new building or facility by the affirmative**
18d **vote of two-thirds of all the members elected to each house; ←Ⓢ**

19 ▶ repeals the July 1, 2014, sunset date on the provision requiring the State Building
20 Board, in prioritizing capital improvements, to allocate at least 80% of the funds the
21 Legislature appropriates for certain capital improvements;

22 ▶ repeals the July 1, 2014, sunset date on the provision requiring the State Building
23 Board, in prioritizing capital improvements, to allocate no more than 20% of the
24 funds the Legislature appropriates for capital improvements to remodeling and



183 increase in state funding.

184 (7) (a) Except as provided in Subsection (7)(b) or (c), the Legislature may not fund the
185 design or construction of any new capital development projects, except to complete the funding
186 of projects for which partial funding has been previously provided, until the Legislature has
187 appropriated 1.1% of the replacement cost of existing state facilities and infrastructure to
188 capital improvements.

189 (b) (i) As used in this Subsection (7)(b):

190 (A) "Education Fund budget deficit" is as defined in Section 63J-1-312; and

191 (B) "General Fund budget deficit" is as defined in Section 63J-1-312.

192 (ii) If the Legislature determines that an Education Fund budget deficit or a General
193 Fund budget deficit exists, the Legislature may, in eliminating the deficit, reduce the amount
194 appropriated to capital improvements to 0.9% of the replacement cost of state buildings and
195 infrastructure.

196 (c) (i) The requirements under Subsections (6)(a) and (b) do not apply to the 2008-09,
197 2009-10, 2010-11, 2011-12, and 2012-13 fiscal years.

198 (ii) For the 2013-14 fiscal year, the amount appropriated to capital improvements shall
199 be reduced to 0.9% of the replacement cost of state facilities.

199a **§→ (8) It is the policy of the Legislature that a new building or facility be approved and**
199b **funded for construction in a single budget action, therefore the Legislature may not fund the**
199c **programming, design, and construction of a new building or facility in phases over more than**
199d **one year unless the Legislature has approved each phase of the funding for the construction of**
199e **the new building or facility by the affirmative vote of two-thirds of all the members elected to**
199f **each house.** ←§

200 **§→ [(8)] (9) ←§** (a) If, after approval of capital development and capital improvement
200a priorities by
201 the Legislature under this section, emergencies arise that create unforeseen critical capital
202 improvement projects, the State Building Board may, notwithstanding the requirements of Title
203 63J, Chapter 1, Budgetary Procedures Act, reallocate capital improvement funds to address
204 those projects.

205 (b) The State Building Board shall report any changes it makes in capital improvement
206 allocations approved by the Legislature to:

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

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

209 **§→ [(9)] (10) ←§** (a) The State Building Board may adopt a rule allocating to

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

217 ~~§~~ ~~(10)~~ (11) ~~§~~ It is the intent of the Legislature that in funding capital improvement
 217a requirements
 218 under this section the General Fund be considered as a funding source for at least half of those
 219 costs.

220 ~~§~~ ~~(11)~~ (12) ~~§~~ (a) Subject to Subsection ~~§~~ ~~(11)~~ (12) ~~§~~ (b), at least 80% of the
 220a state funds appropriated for
 221 capital improvements shall be used for maintenance or repair of the existing building or
 222 facility.

223 (b) The State Building Board may modify the requirement described in Subsection
 224 ~~§~~ ~~(11)~~ (12) ~~§~~ (a) if the State Building Board determines that a different allocation of capital
 225 improvements funds is in the best interest of the state.

226 Section 2. Section **63I-1-263** is amended to read:

227 **63I-1-263. Repeal dates, Titles 63A to 63M.**

228 (1) Section [63A-4-204](#), authorizing the Risk Management Fund to provide coverage to
 229 any public school district which chooses to participate, is repealed July 1, 2016.

230 [~~2~~ Subsections [63A-5-104](#)(4)(d) and (e) are repealed on July 1, 2014.]

231 [~~3~~] (2) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1,
 232 2016.

233 [~~4~~] (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed
 234 July 1, 2018.

235 [~~5~~] (4) Section [53B-24-402](#), rural residency training program, is repealed July 1,
 236 2015.

237 [~~6~~] (5) Title 63C, Chapter 13, Prison Relocation and Development Authority Act, is
 238 repealed July 1, 2014.

239 [~~7~~] (6) Title 63C, Chapter 14, Federal Funds Commission, is repealed July 1, 2018.

240 [~~8~~] (7) Subsection [63G-6a-1402](#)(7) authorizing certain transportation agencies to
 241 award a contract for a design-build transportation project in certain circumstances, is repealed
 242 July 1, 2015.

243 [~~9~~] (8) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
 244 July 1, 2020.