

59 establish design criteria, standards, and procedures for planning, design, and construction of  
 60 new state facilities and for improvements to existing state facilities, including life-cycle  
 61 costing, cost-effectiveness studies, and other methods and procedures that address:

- 62 (i) the need for the building or facility;
- 63 (ii) the effectiveness of its design;
- 64 (iii) the efficiency of energy use; and
- 65 (iv) the usefulness of the building or facility over its lifetime;
- 66 (g) prepare and submit a yearly request to the governor and the Legislature for a  
 67 designated amount of square footage by type of space to be leased by the Division of Facilities  
 68 Construction and Management in that fiscal year; ~~and~~

69 (h) assure the efficient use of all building space~~[-]; and~~

70 (i) conduct ~~§~~ → **[an annual audit of operations and maintenance programs in] ongoing**  
 70a **facilities maintenance audits for** ← ~~§~~ state-owned  
 71 facilities.

72 (2) In order to provide adequate information upon which the State Building Board may  
 73 make its recommendation under Subsection (1), any state agency requesting new full-time  
 74 employees for the next fiscal year shall report those anticipated requests to the building board  
 75 at least 90 days before the annual general session in which the request is made.

76 (3) (a) The State Building Board shall ensure that the five-year building plan required  
 77 by Subsection (1)(c) includes:

- 78 (i) a list that prioritizes construction of new buildings for all structures built or  
 79 contemplated based upon each agency's, department's, commission's, and institution's present  
 80 and future needs;
- 81 (ii) information, and space use data for all state-owned and leased facilities;
- 82 (iii) substantiating data to support the adequacy of any projected plans;
- 83 (iv) a summary of all statewide contingency reserve and project reserve balances as of  
 84 the end of the most recent fiscal year;
- 85 (v) a list of buildings that have completed a comprehensive facility evaluation by an  
 86 architect/engineer or are scheduled to have an evaluation;
- 87 (vi) for those buildings that have completed the evaluation, the estimated costs of  
 88 needed improvements; and
- 89 (vii) for projects recommended in the first two years of the five-year building plan:

152 appropriation for a capital development project to complete a ~~§~~ [feasibility] ~~←§~~ study that ~~§~~  
 152a demonstrates the feasibility of the capital development project, including ~~←§~~ :

153 (A) ~~§~~ [demonstrates] ~~←§~~ the need for the capital development project;

154 (B) ~~§~~ [demonstrates that] ~~←§~~ the ~~§~~ appropriateness of the ~~←§~~ scope of the capital  
 154a development project ~~§~~ [is appropriate] ~~←§~~ :

155 (C) ~~§~~ [identifies] ~~←§~~ any private funding for the capital development project; and

156 (D) ~~§~~ [analyzes] ~~←§~~ the economic and community impacts of the capital development  
 156a project;

157 and

158 (ii) verify the completion and accuracy of the feasibility study described in Subsection  
 159 (2)(b)(i).

160 (3) (a) Except as provided in Subsections (3)(b), (d), and (e), a capital development  
 161 project may not be constructed on state property without legislative approval.

162 (b) Legislative approval is not required for a capital development project that consists  
 163 of the design or construction of a new facility if the State Building Board determines that:

164 (i) the requesting state agency, commission, department, or institution has provided  
 165 adequate assurance that:

166 (A) state funds will not be used for the design or construction of the facility; and

167 (B) the state agency, commission, department, or institution has a plan for funding in  
 168 place that will not require increased state funding to cover the cost of operations and  
 169 maintenance to, or state funding for, immediate or future capital improvements to the resulting  
 170 facility; and

171 (ii) the use of the state property is:

172 (A) appropriate and consistent with the master plan for the property; and

173 (B) will not create an adverse impact on the state.

174 (c) (i) The Division of Facilities Construction and Management shall maintain a record  
 175 of facilities constructed under the exemption provided in Subsection (3)(b).

176 (ii) For facilities constructed under the exemption provided in Subsection (3)(b), a state  
 177 agency, commission, department, or institution may not request:

178 (A) increased state funds for operations and maintenance; or

179 (B) state capital improvement funding.

180 (d) Legislative approval is not required for:

181 (i) the renovation, remodeling, or retrofitting of an existing facility with nonstate funds  
 182 that has been approved by the State Building Board;

307 (10) (a) The State Building Board may adopt a rule allocating to institutions and  
308 agencies their proportionate share of capital improvement funding.

309 (b) The State Building Board shall ensure that the rule:

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

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

315 (11) It is the intent of the Legislature that in funding capital improvement requirements  
316 under this section the General Fund be considered as a funding source for at least half of those  
317 costs.

318 (12) (a) Subject to Subsection (12)(b), at least 80% of the state funds appropriated for  
319 capital improvements shall be used for maintenance or repair of the existing building or  
320 facility.

321 (b) The State Building Board may modify the requirement described in Subsection  
322 (12)(a) if the State Building Board determines that a different allocation of capital  
323 improvements funds is in the best interest of the state.

324 Section 3. Section **63A-5-104.1** is enacted to read:

325 **63A-5-104.1. State Building Board -- Process study and recommendations.**

326 (1) (a) The State Building Board, in collaboration with the Board of Regents ~~§~~ , each  
326a **higher education institution, as defined in Section 53B-1-201, the Utah Schools for the Deaf**  
326b **and the Blind, ~~§~~ and any**  
327 other state entity that the State Building Board invites to participate, shall prepare a report that  
328 proposes:

329 (i) a process for tracking direct and indirect operations and maintenance costs on an  
330 individual building basis; and

331 (ii) alternative funding mechanisms for operations and maintenance costs for  
332 state-owned and state-operated facilities that incorporate actual expenses, the purpose for  
333 which the facility is used, the age of the facility, the condition of the facility, and the location of  
334 the facility.

335 (b) In preparing a proposal described in Subsection (1)(a)(ii), the State Building Board  
336 shall consider an internal service fund, individual appropriation line items, and a formula to  
337 determine funding.