

521 ~~complete~~] is a project described in Subsection (1)(b)(iii); and

522 (ii) the Legislature has [~~affirmatively authorized the capital improvement project or~~
523 ~~multiple projects to be funded in phases~~] not refused to fund the project with capital
524 improvement funds.

525 (h) In prioritizing and allocating capital improvement funding, the State Building
526 Board shall comply with the requirement in Subsection 63B-23-101(2)(f).

527 (5) The Legislature may authorize:

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

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

530 (6) If construction of a new building or facility [~~will be paid for by nonstate funds, but~~
531 will require an immediate or future increase in state funding for operations and maintenance or
532 for capital improvements, the Legislature may not authorize the new building or facility until
533 the Legislature appropriates funds for:

534 (a) the portion of operations and maintenance, if any, that will require an immediate or
535 future increase in state funding; and

536 (b) the portion of capital improvements, if any, that will require an immediate or future
537 increase in state funding.

538 (7) (a) Except as provided in Subsection (7)(b) [~~or (e)~~], the Legislature may not fund
539 the design or construction of any new capital development projects, except to complete the
540 funding of projects for which partial funding has been previously provided, until the
541 Legislature has appropriated ~~H~~→ [f] 1.1% [f] [~~1.3%~~] ←~~H~~ of the replacement cost of existing
541a state facilities and
542 infrastructure to capital improvements.

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

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

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

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

550 [~~(c) (i) The requirements under Subsections (6)(a) and (b) do not apply to the 2008-09,~~
551 ~~2009-10, 2010-11, 2011-12, and 2012-13 fiscal years.~~]