

63A-5-304 Leasing by the Judicial Council and the Administrative Office of the Courts -- Director's responsibilities.

- (1) Before executing any high-cost lease or a modification to a lease that results in a high-cost lease, the Administrative Office of the Courts shall submit a draft of the new lease or modification to:
 - (a) the Judicial Council; and
 - (b) the director of the Division of Facilities Construction and Management.
- (2) The director shall:
 - (a) review the drafts submitted by the Administrative Office of the Courts; and
 - (b) within 30 days after receiving the drafts from the office, submit a report on those drafts to:
 - (i) the Judicial Council; and
 - (ii) the Office of Legislative Fiscal Analyst.
- (3) The report shall contain:
 - (a) the director's opinion about:
 - (i) whether or not the lease or modification is cost-effective when the needs of the entity to be housed in the leased facility are considered;
 - (ii) whether or not another option such as construction, use of other state-owned space, or a lease-purchase agreement is more cost-effective than leasing; and
 - (iii) whether or not the significant lease terms are cost-effective and provide the state with sufficient flexibility and protection from liability;
 - (b) a comparison of the proposed lease payments to the current market rates, and a recommendation as to whether or not the proposed lease payments are reasonable under current market conditions;
 - (c) a comparison of proposed significant lease terms to the current market, and a recommendation as to whether these proposed terms are reasonable under current market conditions; and
 - (d) a recommendation from the director that the lease or modification to a lease be approved or disapproved.
- (4)
 - (a) The Administrative Office of the Courts may not execute any new high-cost leases or modifications to any existing lease that will result in a high-cost lease unless that lease or those modifications are approved by a majority vote of the Judicial Council.
 - (b) The Judicial Council shall consider the recommendations of the director of the division in determining whether or not to approve high-cost leases and modifications resulting in high-cost leases.

Enacted by Chapter 113, 1995 General Session