

Representative Gerry A. Adair proposes to substitute the following bill:

PURCHASE OR LEASE OF BUILDINGS BY

STATE BOARD OF REGENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Gerry A. Adair

AN ACT RELATING TO HIGHER EDUCATION; MODIFYING THE POWER OF THE BOARD OF REGENTS TO PURCHASE OR OTHERWISE ACQUIRE FACILITIES; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

53B-20-103.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53B-20-103.5** is enacted to read:

53B-20-103.5. Procedures for facilities acquisition by Board of Regents.

(1) As used in this section:

(a) (i) "Acquire" includes a purchase, donation, ~~h~~ OR ~~h~~ exchange ~~h~~ [~~or long-term lease~~] ~~h~~ of facilities.

(ii) "Acquire" does not mean a lease ~~h~~ [~~with a term of less than five years~~] ~~-PURCHASE AGREEMENT~~ ~~h~~ .

(b) ~~h~~ (i) ~~h~~ "Facilities" means real property and any buildings or permanent fixtures attached to real property.

~~h~~ (ii) "FACILITIES" DOES NOT MEAN REAL PROPERTY CONTIGUOUS TO A RECOGNIZED HIGHER EDUCATION INSTITUTION CAMPUS. ~~h~~

(2) Notwithstanding any other provision of this chapter, the board may acquire facilities

21 only after following the procedures established in this section.

22 (3) After the board determines that the facilities should be acquired, but before actually
23 acquiring the facilities, the board shall notify the State Building Board of its action.

24 (4) The State Building Board shall:

25 (a) review the proposed facilities acquisition; and

1 (b) make recommendations to the Legislature and the board that the board either acquire
2 or not acquire the facilities.

3 (5) Unless an emergency situation exists as provided in Subsection (6), the board shall
4 obtain legislative approval of the acquisition before legally acquiring the facilities.

5 (6) If the opportunity to acquire the facilities will lapse before legislative approval in an
6 annual general session may be obtained, the board shall declare an emergency and, after obtaining
7 and reviewing the State Building Board recommendation, the board may choose to acquire or not
8 acquire the facilities.