

## 28 -- Approval requirements -- Limitations on new projects -- Emergencies.

29 (1) As used in this section:

30 (a) "Capital developments" means a:

31 (i) remodeling, site, or utility project with a total cost of \$2,500,000 or more;

32 (ii) new facility with a construction cost of \$500,000 or more; or

33 (iii) purchase of real property where an appropriation is requested to fund the purchase.

34 (b) "Capital improvements" means a:

35 (i) remodeling, alteration, replacement, or repair project with a total cost of less than

36 \$2,500,000;

37 (ii) site and utility improvement with a total cost of less than \$2,500,000; or

38 (iii) new facility with a total construction cost of less than \$500,000.

39 (c) (i) "New facility" means the construction of a new building on state property

40 regardless of funding source.

41 (ii) "New facility" includes:

42 (A) an addition to an existing building; and

43 (B) the enclosure of space that was not previously fully enclosed.

44 (iii) "New facility" does not mean:

45 (A) the replacement of state-owned space that is demolished or that is otherwise

46 removed from state use, if the total construction cost of the replacement space is less than

47 \$2,500,000; or

48 (B) the construction of facilities that do not fully enclose a space.

49 (d) "Replacement cost of existing state facilities" means the replacement cost, as

50 determined by the Division of Risk Management, of state facilities, excluding auxiliary

51 facilities as defined by the State Building Board.

52 (e) "State funds" means public money appropriated by the Legislature.

53 (2) The State Building Board, on behalf of all state agencies, commissions,

54 departments, and institutions shall submit its capital development recommendations and

55 priorities to the Legislature for approval and prioritization.

56 (3) (a) Except as provided in Subsections (3)(b), (d), and (e), a capital development

57 project may not be constructed on state property without legislative approval.

58 (b) Legislative approval is not required for a capital development project ~~H~~→ **that consists**58a **of the design or construction of a new facility** ←~~H~~ if the State

59 Building Board determines that:

60 (i) the requesting ~~[higher education]~~ state agency, commission, department, or  
61 institution has provided adequate assurance that:

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

63 (B) the ~~[higher education]~~ state agency, commission, department, or institution has a  
64 plan for funding in place that will not require increased state funding to cover the cost of  
65 operations and maintenance to, or state funding for, immediate or future capital improvements  
66 to the resulting facility; and

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

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

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

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

72 (ii) For facilities constructed under the exemption provided in Subsection (3)(b), ~~[a~~  
73 ~~higher education]~~ a state agency, commission, department, or institution may not request:

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

75 (B) state capital improvement funding.

76 (d) Legislative approval is not required for:

77 (i) the renovation, remodeling, or retrofitting of an existing facility with nonstate

78 funds[;] ~~Ĥ→ [except that legislative approval is required unless the State Building Board makes a~~  
79 ~~determination that legislative approval is not required in accordance with Subsection (3)(b) for~~  
80 ~~a renovation, remodeling, or retrofitting that is:~~

81 ~~—— (A) a capital development project; or~~

82 ~~—— (B) so substantial that a facility would not be suitable for occupancy or use by a state~~  
83 ~~agency, commission, department, or institution without the renovation, remodeling, or~~  
84 ~~retrofitting as determined] that has been approved ←Ĥ by the State Building Board;~~

85 (ii) a facility to be built with nonstate funds and owned by nonstate entities within  
86 research park areas at the University of Utah and Utah State University;

87 (iii) a facility to be built at This is the Place State Park by This is the Place Foundation  
88 with funds of the foundation, including grant money from the state, or with donated services or  
89 materials;