

**REAL ESTATE FUND AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stewart E. Barlow**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill establishes provisions for the acquisition of certain property surrounding the governor's mansion.

**Highlighted Provisions:**

This bill:

- ▶ establishes a restricted account to receive private donations and legislative appropriations for the purchase of certain property surrounding the governor's mansion;
- ▶ allows the Division of Facilities Construction and Management to require matching private donations for public funds appropriated under this bill;
- ▶ specifies how donations and appropriations made under this bill are required to be expended; and
- ▶ establishes a repealer for certain provisions.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2020:

- ▶ to the General Fund Restricted - Governor's Mansion Restricted Account, as an ongoing appropriation:
  - from the General Fund, \$250,000, subject to intent language stating that the appropriation be expended in accordance with the provisions of this bill.

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **63I-2-267**, as last amended by Laws of Utah 2013, Chapter 278

32 **67-1-9**, as last amended by Laws of Utah 2001, Chapter 9



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

35 Section 1. Section **63I-2-267** is amended to read:

36 **63I-2-267. Repeal dates -- Title 67.**

37 Subsection 67-1-9(9)(b)(ii), relating to the purchase of real property from a willing  
38 seller, is repealed on July 1, 2023, and the remaining subsections, and internal cross references  
39 to those subsections, are renumbered accordingly.

40 Section 2. Section **67-1-9** is amended to read:

41 **67-1-9. Governor's residence -- Sources of funds.**

42 (1) As used in this section:

43 (a) "Account" means the Governor's Mansion Restricted Account created in Subsection  
44 (4).

45 (b) "Commission" means the Executive Residence Commission established in Section  
46 67-1-8.1.

47 (c) "Division" means the Division of Facilities Construction and Management.

48 ~~[(+)]~~ (2) The Kearns' mansion [shall be] is the official residence of the governor.

49 ~~[(2)]~~ (3) The building board may apply for, accept, and expend funds from federal and  
50 other sources for [carrying out the purposes of] implementing this section and Section 67-1-8.1  
51 [and this section].

52 (4) (a) There is created within the General Fund the "Governor's Mansion Restricted  
53 Account" as a restricted account composed of:

54 (i) money appropriated by the Legislature; and

55 (ii) private donations deposited under Subsection (5)(b).

56 (b) The division shall administer the account.

57 (5) The commission shall:

58 (a) solicit and collect private donations for the purposes described in Subsection (7);

59 and

60 (b) deposit private donations collected under Subsection (5)(a) into the account.

61 (6) The division shall administer funds in the account:

62 (a) under the matching program described in Subsection (7); or

63 (b) under the unrestricted program described in Subsection (8).

64 (7) (a) If the division elects under Subsection (6) to administer funds in the account  
65 under a matching program, except as provided in Subsection (7)(b), when a private donation is  
66 deposited into the account under Subsection (5), the division shall:

67 (i) match the private donation with an equal amount of publicly-sourced funds that are  
68 in the account; and

69 (ii) transfer the private donation and the matching publicly-sourced funds from the  
70 account into the division's capital projects fund.

71 (b) If there is an insufficient amount of publicly-sourced funds in the account to  
72 comply with Subsection (7)(a), the division shall continue to immediately transfer any  
73 publicly-sourced funds that are deposited into the account into the division's capital projects  
74 fund until the division complies with Subsection (7)(a).

75 (c) If the division administers funds in the account under this Subsection (7), the  
76 division may only transfer funds out of the account in accordance with this Subsection (7).

77 (8) If the division elects under Subsection (6) to administer funds in the account under  
78 an unrestricted program, the division shall transfer funds from the account to the division's  
79 capital projects fund when the division is ready to make an expenditure described in Subsection  
80 (9).

81 (9) (a) The division shall expend money transferred into the division's capital projects  
82 fund under Subsection (7) or (8) for:

83 (i) subject to Subsection (9)(b), the purchase of all remaining real property that the  
84 state does not currently own on the city block on which the governor's mansion is located,  
85 bounded by First Avenue on the north, G Street on the west, South Temple on the south, and H  
86 Street on the east; and

87 (ii) capital improvements to real property that the state owns or acquires on the city  
88 block described in Subsection (9)(a)(i) in order to improve:

89 (A) parking for and access to the governor's mansion; and

90 (B) grounds in connection with the improvements described in Subsection  
91 (9)(a)(ii)(A).

92 (b) The division:

93 (i) shall consult with the commission in making a purchase or capital improvement  
94 described in Subsection (9)(a);

95 (ii) may purchase real property under Subsection (9)(a) only from a willing seller at fair  
96 market value;

97 (iii) may not expend money directly from the account; and

98 (iv) may not expend money transferred from the account under this section in a manner  
99 that is not authorized by this section.

100 (c) (i) The division shall comply with Section 9-8-404 regarding the historical  
101 preservation of any real property the division acquires or improves under this section.

102 (ii) A municipality may not prohibit the acquisition or improvement of a property  
103 described in this section solely for historical preservation purposes if the division complies  
104 with Subsection (9)(c)(i).

105 (10) The Legislature may not make appropriations to the account that total more than  
106 \$2,000,000.

107 **Section 3. Appropriation.**

108 The following sums of money are appropriated for the fiscal year beginning July 1,  
109 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for  
110 fiscal year 2020. The Legislature authorizes the State Division of Finance to transfer the  
111 following amounts between the following funds or accounts as indicated. Expenditures and  
112 outlays from the funds to which the money is transferred must be authorized by an  
113 appropriation.

114 ITEM 1

115 To General Fund Restricted - Governor's Mansion Restricted Account

116 From General Fund \$250,000

117 Schedule of Programs:

118 General Fund Restricted - Governor's

119 Mansion Restricted Account \$250,000

120 The Legislature intends that:

121           (1) (a) under Section [63J-1-603](#), appropriations under this section not lapse at the close  
122 of fiscal year 2020; and

123           (b) the expenditure of any nonlapsing funds is limited to a use authorized under  
124 Section [67-1-9](#); and

125           (2) the Division of Facilities Construction and Management expend money  
126 appropriated under this item in accordance with Section [67-1-9](#).