

HB0341S01 compared with HB0341

~~{deleted text}~~ shows text that was in HB0341 but was deleted in HB0341S01.

Inserted text shows text that was not in HB0341 but was inserted into HB0341S01.

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Representative Stewart E. Barlow proposes the following substitute bill:

REAL ESTATE FUND AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stewart E. Barlow

Senate Sponsor: _____

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}~~ an expendable special revenue fund 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 received and appropriations made under this bill are required to be expended; and

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- ▶ establishes a repealer for certain provisions.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to the ~~{General}~~Capital Budget - DFCM Capital Projects 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:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

Subsection 67-1-9(~~9~~8)(b)(ii), relating to the purchase of real property from a willing seller, is repealed on July 1, 2023~~{, and the remaining subsections, and internal cross references to those subsections, are renumbered accordingly}~~.

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

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

(1) As used in this section:

~~{~~ ~~(a) "Account" means the Governor's Mansion Restricted Account created in Subsection (4):~~

~~{~~ ~~(b)~~(a) "Commission" means the Executive Residence Commission established in Section 67-1-8.1.

~~{~~ ~~(c)~~(b) "Division" means the Division of Facilities Construction and Management.

~~{~~ ~~(d)~~ (c) "Fund" means the Governor's Mansion Expendable Special Revenue Fund created in Subsection (4).

~~{~~ ~~(e)~~ (d) "Project" means the governor's mansion grounds enhancement project described in

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Subsection (8).

~~[(1)]~~ (2) The Kearns' mansion ~~[shall be]~~ is the official residence of the governor.

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

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

~~—— (i) money appropriated by the Legislature; and~~

~~—— (ii) {Expendable Special Revenue Fund" as an expendable special revenue fund~~
composed of private donations deposited under Subsection (5)(b).

(b) The division shall administer the ~~{account}~~ fund.

(5) The commission shall:

(a) solicit and collect private donations for the purposes described in Subsection
~~{7}8); and~~

(b) deposit private donations collected under Subsection (5)(a) into the {account} fund.

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

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

~~—— (b) under the unrestricted program described in Subsection (8):~~

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

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

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

~~—— (b) If there is an insufficient amount of publicly-sourced funds in the account to~~
comply with Subsection (7)(a), the division shall continue to immediately transfer any
publicly-sourced funds that are deposited into the account into {account separately for money
appropriated by the Legislature to the division's capital projects fund ~~{until the division~~
complies} for the project.

(b) The division may only expend money in the fund and legislative appropriations for

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the project for a purpose described in Subsection (8) in accordance with Subsection (7)(a) or (b).

~~(c) 7~~ ~~If the~~ The division ~~administers funds in the account under this Subsection (7);~~ shall administer money in the fund and from legislative appropriations for the project:

(a) through a matching plan under which the division may ~~only transfer funds out of the account in accordance with this Subsection (7);~~

~~(8) If the division elects under Subsection (6) to administer funds in the account under;~~ not expend money from legislative appropriations for the project unless the division, at the same time, also expends an equal or greater amount of money from the fund; or

(b) through an unrestricted ~~program;~~ plan under which the division ~~shall transfer funds from the account to the division's capital projects fund;~~ may expend money in the fund or from legislative appropriations for the project at any time when the division is ready to make an expenditure for a purchase or capital improvement described in Subsection ~~(9) 8~~.

~~(9) 8~~ (a) The division shall expend money ~~transferred into the division's capital projects fund under Subsection (7) or (8) for;~~ in the fund and from legislative appropriations for the project for a governor's mansion grounds enhancement project to:

(i) subject to Subsection ~~(9) 8~~(b), ~~the~~ purchase ~~of~~ all remaining real property that the state does not currently own on the city block on which the governor's mansion is located, bounded by First Avenue on the north, G Street on the west, South Temple on the south, and H Street on the east; and

(ii) make capital improvements to real property that the state owns or acquires on the city block described in Subsection ~~(9) 8~~(a)(i) in order to improve:

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

(B) grounds in connection with the improvements described in Subsection ~~(9) 8~~(a)(ii)(A).

(b) The division:

(i) shall consult with the commission in making a purchase or capital improvement described in Subsection ~~(9) 8~~(a);

(ii) may purchase real property under Subsection ~~(9) 8~~(a) only from a willing seller at fair market value; and

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

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~~(iv) may not expend money transferred from the account under this section} from the fund or from legislative appropriations for the project~~ in a manner that is not authorized by this section.

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

(ii) A municipality may not prohibit the acquisition or improvement of a property described in this section solely for historical preservation purposes if the division complies with Subsection ~~(9)8~~(c)(i).

~~(10)9~~ The Legislature may not make appropriations ~~to}for~~ the ~~account}project~~ that total more than \$2,000,000.

Section 3. Appropriation.

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

ITEM 1

To ~~General}Capital Budget - DFCM Capital Projects~~ Fund~~Restricted - Governor's Mansion Restricted Account}~~

From General Fund \$250,000

Schedule of Programs:

~~Gener}Capital Budget - DFCM Capital Projects~~ Fund~~Restricted - Governor's}~~
~~Mansion Restricted Account~~ } \$250,000

The Legislature intends that~~;~~

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

~~(b) the expenditure of any nonlapsing funds is limited to a use authorized under Section 67-1-9; and~~

~~(2) }~~ the Division of Facilities Construction and Management expend money

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appropriated under this item ~~in accordance with~~ **for the project described** Section 67-1-9.