

88 have been mastered; and

89 (c) if competency is demonstrated in a program of study, a credential, certificate, or
90 diploma may be awarded.

91 (8) "State funds" means the same as that term is defined in Section 63A-5-104.

92 ~~[(5)]~~ (9) "UTech" means the Utah System of Technical Colleges described in Section
93 53B-1-102.

94 Section 2. Section **53B-2a-117** is enacted to read:

95 **53B-2a-117. Capital development projects -- Prioritization -- Legislative approval.**

96 (1) As used in this section:

97 (a) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers
98 as published by the Bureau of Labor Statistics of the United States Department of Labor.

99 (b) "Fund" means the Technical Colleges Capital Projects Fund created in Section
100 53B-2a-118.

101 (2) In accordance with this section, a technical college is required to receive legislative
102 approval in an appropriations act for a ~~§~~→ **[capital development] dedicated project or a**
102a **nondedicated** ←~~§~~ project.

103 (3) In accordance with Section 53B-2a-112, a technical college shall submit to the
104 board of trustees a proposal for a funding request for each dedicated project or nondedicated
105 project for which the technical college seeks legislative approval.

106 (4) The board of trustees shall:

107 (a) review each proposal submitted under Subsection (3) to ensure that the proposal
108 complies with Section 53B-2a-112;

109 (b) based on the results of the board of trustees' review under Subsection (4)(a), create:

110 (i) a list of approved dedicated projects, prioritized in accordance with Subsection (6);

111 and

112 (ii) a list of approved nondedicated projects, prioritized in accordance with Subsection

113 (6); and

114 (c) submit the lists described in Subsection (4)(b) to:

115 (i) the governor;

116 (ii) the Infrastructure and General Government Appropriations Subcommittee;

117 (iii) the Higher Education Appropriations Subcommittee; and

118 (iv) the State Building Board for the State Building Board's;

- 119 (A) recommendation, for the list described in Subsection (4)(b)(i); or
 120 (B) recommendation and prioritization, for the list described in Subsection (4)(b)(ii).
 121 (5) A dedicated project:
 122 (a) is subject to the State Building Board's recommendation as described in Section
 123 63A-5-104; and
 124 (b) is not subject to the State Building Board's prioritization as described in Section
 125 63A-5-104.
 126 (6) (a) Subject to Subsection (7), the board of trustees shall prioritize funding requests
 127 for capital development projects ~~§~~→ **described in this section** ←~~§~~ based on:
 128 (i) growth and capacity;
 129 (ii) effectiveness and support of critical programs;
 130 (iii) cost effectiveness;
 131 (iv) building deficiencies and life safety concerns; and
 132 (v) alternative funding sources.
 133 (b) On or before August 1, 2019, the board of trustees shall establish:
 134 (i) how the board of trustees will measure each factor described in Subsection (6)(a);
 135 and
 136 (ii) procedures for prioritizing funding requests for capital development projects ~~§~~→
 136a **described in this section** ←~~§~~ .
 137 (7) (a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board
 138 of trustees may annually prioritize:
 139 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
 140 than \$7,000,000;
 141 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
 142 \$7,000,000 but less than \$14,000,000; or
 143 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
 144 \$14,000,000.
 145 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
 146 described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage
 147 difference between:
 148 (i) the Consumer Price Index for the 2019 calendar year; and
 149 (ii) the Consumer Price Index for the previous calendar year.

274 with Title 63B, Chapter 1a, Master General Obligation Bond Act; and

275 (b) if the Legislature approves the use by a vote of two-thirds of all members elected to
276 each house.

277 (4) The fund shall be funded by appropriations.

278 (5) The fund shall accrue interest, which shall be deposited into the fund.

279 (6) The Division of Finance shall administer the fund in accordance with this part.

280 Section 7. Section **53B-22-203** is enacted to read:

281 **53B-22-203. Fund money -- Institution allocations.**

282 (1) (a) Based on appropriations to the fund, the board shall annually determine how to
283 allocate among all institutions money that has not been previously allocated to an institution.

284 (b) The board shall make the determination described in Subsection (1)(a) based on
285 each institution's:

286 (i) enrollment;

287 (ii) total performance across the metrics described in Section 53B-7-706;

288 (iii) ~~Ŝ~~→ [regional] projected ←Ŝ growth in student population;

289 (iv) ~~H~~→ existing square feet per student full-time equivalent;

289a (v) ←H facility age and condition; and

290 ~~H~~→ [(v)] (vi) ←H utilization of academic space, including off-campus facilities.

291 (c) On or before August 1, 2019, the board shall establish how the board will determine
292 the amount of money to allocate to an institution, including, for each factor described in

293 Subsection (1)(b):

294 (i) how the board will measure an institution's fulfillment of the factor; and

295 (ii) the relative weight assigned to the factor.

296 (2) On or before May 31 each year, the board shall notify the Division of Finance of
297 the board's determination described in Subsection (1).

298 (3) The Division of Finance shall:

299 (a) maintain within the fund separate accounting for each institution's allocation; and

300 (b) based on the notification described in Subsection (2), add to each institution's
301 allocation the amount of money determined by the board.

302 Section 8. Section **53B-22-204** is enacted to read:

303 **53B-22-204. Funding request for capital development project -- Legislative**
304 **approval -- Board approval.**

305 (1) In accordance with this section, an institution is required to receive legislative
 306 approval in an appropriations act for a ~~§~~→ [capital development] dedicated project or a
 306a nondedicated ~~←~~§ project.

307 (2) An institution shall submit to the board a proposal for a funding request for each
 308 dedicated project or nondedicated project for which the institution seeks legislative approval.

309 (3) The board shall:

310 (a) review each proposal submitted under Subsection (2) to ensure the proposal:

311 (i) is cost effective and an efficient use of resources;

312 (ii) is consistent with the institution's mission and master plan; and

313 (iii) fulfills a critical institutional facility need;

314 (b) based on the results of the board's review under Subsection (3)(a), create:

315 (i) a list of approved dedicated projects; and

316 (ii) a list of approved nondedicated projects, prioritized in accordance with Subsection
 317 (5); and

318 (c) submit the lists described in Subsection (3)(b) to:

319 (i) the governor;

320 (ii) the Infrastructure and General Government Appropriations Subcommittee;

321 (iii) the Higher Education Appropriations Subcommittee; and

322 (iv) the State Building Board for the State Building Board's:

323 (A) recommendation, for the list described in Subsection (3)(b)(i); or

324 (B) recommendation and prioritization, for the list described in Subsection (3)(b)(ii).

325 (4) A dedicated project:

326 (a) is subject to the State Building Board's recommendation as described in Section
 327 63A-5-104; and

328 (b) is not subject to the State Building Board's prioritization as described in Section
 329 63A-5-104.

330 (5) (a) Subject to Subsection (6), the board shall prioritize institution requests for
 331 funding for nondedicated projects based on:

332 (i) capital facility need;

333 (ii) utilization of facilities;

334 (iii) maintenance and condition of facilities; ~~§~~→ and ~~←~~§

335 ~~§~~→ [(iv) donations and nonappropriated funding; and]Ⓢ

336 ~~(v)] (iv) ←§~~ any other factor determined by the board.

337 (b) On or before August 1, 2019, the board shall establish how the board will prioritize
338 institution requests for funding for nondedicated projects, including:

339 (i) how the board will measure each factor described in Subsection (5)(a); and

340 (ii) procedures for prioritizing requests.

341 (6) (a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board
342 may annually prioritize:

343 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
344 than \$50,000,000;

345 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
346 \$50,000,000 but less than \$100,000,000; or

347 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
348 \$100,000,000.

349 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
350 described in Subsection (6)(a) shall be adjusted by an amount equal to the percentage
351 difference between:

352 (i) the Consumer Price Index for the 2019 calendar year; and

353 (ii) the Consumer Price Index for the previous calendar year.

354 (7) (a) An institution may request operations and maintenance funds for a capital
355 development project approved under this section.

356 (b) The Legislature shall consider an institution's request described in Subsection
357 (7)(a).

358 (8) After an institution completes a capital development project ~~§~~→ **described in this**
358a **section** ←~~§~~ , the board shall review
359 the capital development project, including the costs and design of the capital development
360 project.

361 Section 9. Section **63A-5-104** is amended to read:

362 **63A-5-104. Definitions -- Capital development and capital improvement process**

363 **-- Approval requirements -- Limitations on new projects -- Emergencies.**

364 (1) As used in this section:

365 (a) (i) "Capital developments" means a:

366 (A) remodeling, site, or utility project with a total cost of \$3,500,000 or more;