

HIGHER EDUCATION CAPITAL FACILITIES

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill enacts and amends provisions related to capital developments at institutions of higher education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Technical Colleges Capital Projects Fund;
- ▶ creates the Higher Education Capital Projects Fund;
- ▶ enacts provisions related to the Technical Colleges Capital Projects Fund and the Higher Education Capital Projects Fund, including provisions related to:
 - deposits into the funds;
 - the use of money in the funds; and
 - the administration of the funds;
- ▶ enacts procedures for how an institution of higher education, including a technical college, receives legislative approval for a capital development project;
- ▶ requires the State Board of Regents and the Utah System of Technical Colleges Board of Trustees to establish certain measurements and procedures;
- ▶ exempts certain capital development projects from State Building Board prioritization;
- ▶ amends provisions related to capital development projects; and
- ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 This bill appropriates in fiscal year 2020:

- 31 ▶ to the Capital Budget - Capital Development Fund:
- 32 • from the General Fund, as an ongoing appropriation, (\$40,000,000);
 - 33 • from the General Fund, One-time, \$40,000,000;
 - 34 • from the Education Fund, as an ongoing appropriation, (\$47,000,000); and
 - 35 • from the Education Fund, One-time, \$47,000,000;
- 36 ▶ to the Capital Budget - Higher Education Capital Projects Fund:
- 37 • from the General Fund, as an ongoing appropriation, \$26,000,000;
 - 38 • from the General Fund, One-time, (\$26,000,000);
 - 39 • from the Education Fund, as an ongoing appropriation, \$47,000,000; and
 - 40 • from the Education Fund, One-time, (\$47,000,000); and
- 41 ▶ to the Capital Budget - Technical Colleges Capital Projects Fund:
- 42 • from the General Fund, as an ongoing appropriation, \$14,000,000; and
 - 43 • from the General Fund, One-time, (\$14,000,000).

44 **Other Special Clauses:**

45 This bill provides a special effective date.

46 **Utah Code Sections Affected:**

47 AMENDS:

- 48 **53B-2a-101**, as last amended by Laws of Utah 2018, Chapter 382
- 49 **53B-7-101**, as last amended by Laws of Utah 2017, Chapters 365 and 382
- 50 **63A-5-104**, as last amended by Laws of Utah 2017, Chapter 355
- 51 **63I-1-263**, as last amended by Laws of Utah 2018, Chapters 85, 144, 182, 261, 321,
- 52 338, 340, 347, 369, 428, 430, and 469
- 53 **63J-1-602.1**, as last amended by Laws of Utah 2018, Chapters 114, 347, 430 and
- 54 repealed and reenacted by Laws of Utah 2018, Chapter 469

55 ENACTS:

- 56 [53B-2a-117](#), Utah Code Annotated 1953
- 57 [53B-2a-118](#), Utah Code Annotated 1953
- 58 [53B-22-201](#), Utah Code Annotated 1953
- 59 [53B-22-202](#), Utah Code Annotated 1953
- 60 [53B-22-203](#), Utah Code Annotated 1953
- 61 [53B-22-204](#), Utah Code Annotated 1953

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

64 Section 1. Section **53B-2a-101** is amended to read:

65 **53B-2a-101. Definitions.**

66 As used in this chapter:

67 (1) "Board of trustees" means the UTech Board of Trustees.

68 (2) "Capital developments" means the same as that term is defined in Section
69 [63A-5-104](#).

70 [~~2~~] (3) "Commissioner of technical education" means the UTech commissioner of
71 technical education.

72 [~~3~~] (4) "Competency-based" means mastery of subject matter or skill level, as
73 demonstrated through business and industry approved standards and assessments, achieved
74 through participation in a hands-on learning environment, and which is tied to observable,
75 measurable performance objectives.

76 (5) "Dedicated project" means a capital development project for which state funds from
77 the Technical Colleges Capital Projects Fund created in Section [53B-2a-118](#) are requested or
78 used.

79 (6) "Nondedicated project" means a capital development project for which state funds
80 from a source other than the Technical Colleges Capital Projects Fund created in Section
81 [53B-2a-118](#) are requested or used.

82 [~~4~~] (7) "Open-entry, open-exit" means:

83 (a) a method of instructional delivery that allows for flexible scheduling in response to
84 individual student needs or requirements and demonstrated competency when knowledge and
85 skills have been mastered;

86 (b) students have the flexibility to begin or end study at any time, progress through
87 course material at their own pace, and demonstrate competency when knowledge and skills
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. Legislative approval -- Capital development projects -- Prioritization.**

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 dedicated project or a 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

137 described in this section.

138 (7) (a) Subject to Subsection (7)(b), and in accordance with Subsection (6), the board
139 of trustees may annually prioritize:

140 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less
141 than \$7,000,000;

142 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least
143 \$7,000,000 but less than \$14,000,000; or

144 (iii) one nondedicated project if the ongoing appropriation to the fund is at least
145 \$14,000,000.

146 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts
147 described in Subsection (7)(a) shall be adjusted by an amount equal to the percentage
148 difference between:

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

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

151 (8) (a) A technical college may request operations and maintenance funds for a capital
152 development project approved under this section.

153 (b) The Legislature shall consider a technical college's request described in Subsection
154 (8)(a).

155 Section 3. Section **53B-2a-118** is enacted to read:

156 **53B-2a-118. Technical Colleges Capital Projects Fund -- Use of money in fund --**
157 **Appropriations to fund -- Administration of fund.**

158 (1) As used in this section, "fund" means the Technical Colleges Capital Projects Fund
159 created in this section.

160 (2) There is created a capital projects fund known as the Technical Colleges Capital
161 Projects Fund.

162 (3) Subject to appropriation, money in the fund shall be used:

163 (a) for a dedicated project approved in accordance with Section [53B-2a-117](#); or

- 164 (b) to pay debt service in accordance with Subsection (4).
- 165 (4) Money in the fund may be used to pay debt service:
- 166 (a) on a general obligation bond issued for a capital development project in accordance
- 167 with Title 63B, Chapter 1a, Master General Obligation Bond Act; and
- 168 (b) if the Legislature approves the use by a vote of two-thirds of all members elected to
- 169 each house.
- 170 (5) The fund shall be funded by appropriations.
- 171 (6) The fund shall accrue interest, which shall be deposited into the fund.
- 172 (7) The Division of Finance shall administer the fund in accordance with this section.
- 173 Section 4. Section **53B-7-101** is amended to read:
- 174 **53B-7-101. Combined requests for appropriations -- Board review of operating**
- 175 **budgets -- Submission of budgets -- Recommendations -- Hearing request --**
- 176 **Appropriation formulas -- Allocations -- Dedicated credits -- Financial affairs.**
- 177 (1) As used in this section:
- 178 (a) (i) "Higher education institution" or "institution" means an institution of higher
- 179 education listed in Section [53B-1-102](#).
- 180 (ii) "Higher education institution" or "institution" does not include:
- 181 (A) the Utah System of Technical Colleges Board of Trustees; or
- 182 (B) a technical college.
- 183 (b) "Research university" means the University of Utah or Utah State University.
- 184 (2) (a) The board shall recommend a combined appropriation for the operating budgets
- 185 of higher education institutions for inclusion in a state appropriations act.
- 186 (b) The board's combined budget recommendation shall include:
- 187 (i) employee compensation;
- 188 (ii) mandatory costs, including building operations and maintenance, fuel, and power;
- 189 (iii) performance funding described in Part 7, Performance Funding;
- 190 (iv) statewide and institutional priorities, including scholarships, financial aid, and

191 technology infrastructure; and

192 (v) enrollment growth.

193 (c) The board's recommendations shall be available for presentation to the governor
194 and to the Legislature at least 30 days before the convening of the Legislature, and shall include
195 schedules showing the recommended amounts for each institution, including separately funded
196 programs or divisions.

197 (d) The recommended appropriations shall be determined by the board only after it has
198 reviewed the proposed institutional operating budgets, and has consulted with the various
199 institutions and board staff in order to make appropriate adjustments.

200 (3) (a) Institutional operating budgets shall be submitted to the board at least 90 days
201 before the convening of the Legislature in accordance with procedures established by the board.

202 (b) ~~[Funding]~~ Except as provided in Section 53B-22-204, funding requests pertaining
203 to capital facilities and land purchases shall be submitted in accordance with procedures
204 prescribed by the State Building Board.

205 (4) (a) The budget recommendations of the board shall be accompanied by full
206 explanations and supporting data.

207 (b) The appropriations recommended by the board shall be made with the dual
208 objective of:

209 (i) justifying for higher ~~[educational]~~ education institutions appropriations consistent
210 with their needs, and consistent with the financial ability of the state; and

211 (ii) determining an equitable distribution of funds among the respective institutions in
212 accordance with the aims and objectives of the statewide master plan for higher education.

213 (5) (a) The board shall request a hearing with the governor on the recommended
214 appropriations.

215 (b) After the governor delivers his budget message to the Legislature, the board shall
216 request hearings on the recommended appropriations with the appropriate committees of the
217 Legislature.

218 (c) If either the total amount of the state appropriations or its allocation among the
219 institutions as proposed by the Legislature or the Legislature's committees is substantially
220 different from the recommendations of the board, the board may request further hearings with
221 the Legislature or the Legislature's appropriate committees to reconsider both the total amount
222 and the allocation.

223 (6) The board may devise, establish, periodically review, and revise formulas for the
224 board's use and for the use of the governor and the committees of the Legislature in making
225 appropriation recommendations.

226 (7) (a) The board shall recommend to each session of the Legislature the minimum
227 tuitions, resident and nonresident, for each institution which it considers necessary to
228 implement the budget recommendations.

229 (b) The board may fix the tuition, fees, and charges for each institution at levels the
230 board finds necessary to meet budget requirements.

231 (8) Money allocated to each institution by legislative appropriation may be budgeted in
232 accordance with institutional work programs approved by the board, provided that the
233 expenditures funded by appropriations for each institution are kept within the appropriations
234 for the applicable period.

235 (9) The dedicated credits, including revenues derived from tuitions, fees, federal
236 grants, and proceeds from sales received by the institutions [~~of higher education~~] are
237 appropriated to the respective institutions [~~of higher education and~~] to be used in accordance
238 with institutional work programs.

239 (10) An institution [~~of higher education~~] may do the institution's own purchasing, issue
240 the institution's own payrolls, and handle the institution's own financial affairs under the
241 general supervision of the board.

242 (11) If the Legislature appropriates money in accordance with this section, the money
243 shall be distributed to the board and higher education institutions to fund the items described in
244 Subsection (2)(b).

245 Section 5. Section **53B-22-201** is enacted to read:

246 **Part 2. Capital Developments**

247 **53B-22-201. Definitions.**

248 As used in this part:

249 (1) "Capital developments" means the same as that term is defined in Section
250 63A-5-104.

251 (2) "Consumer Price Index" means the Consumer Price Index for All Urban
252 Consumers as published by the Bureau of Labor Statistics of the United States Department of
253 Labor.

254 (3) "Dedicated project" means a capital development project for which state funds from
255 an institution's allocation are requested or used.

256 (4) "Fund" means the Higher Education Capital Projects Fund created in Section
257 53B-22-202.

258 (5) "Institution" means a college or university that is part of the Utah System of Higher
259 Education described in Section 53B-1-102.

260 (6) "Institution's allocation" means the total amount of money in the fund that an
261 institution has been allocated in accordance with Section 53B-22-203.

262 (7) "Nondedicated project" means a capital development project for which state funds
263 from a source other than an institution's allocation are requested or used.

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

265 Section 6. Section **53B-22-202** is enacted to read:

266 **53B-22-202. Higher Education Capital Projects Fund -- Use of money in fund --**
267 **Appropriations to fund -- Administration of fund.**

268 (1) There is created a capital projects fund known as the Higher Education Capital
269 Projects Fund.

270 (2) Subject to appropriation, money in the fund shall be used:

271 (a) for a dedicated project approved in accordance with Section 53B-22-204; or

- 272 (b) to pay debt service in accordance with Subsection (3).
- 273 (3) Money in the fund may be used to pay debt service:
- 274 (a) on a general obligation bond issued for a capital development project in accordance
- 275 with Title 63B, Chapter 1a, Master General Obligation Bond Act; and
- 276 (b) if the Legislature approves the use by a vote of two-thirds of all members elected to
- 277 each house.
- 278 (4) The fund shall be funded by appropriations.
- 279 (5) The fund shall accrue interest, which shall be deposited into the fund.
- 280 (6) The Division of Finance shall administer the fund in accordance with this part.
- 281 Section 7. Section **53B-22-203** is enacted to read:
- 282 **53B-22-203. Fund money -- Institution allocations.**
- 283 (1) (a) Based on appropriations to the fund, the board shall annually determine how to
- 284 allocate among all institutions money that has not been previously allocated to an institution.
- 285 (b) The board shall make the determination described in Subsection (1)(a) based on
- 286 each institution's:
- 287 (i) enrollment;
- 288 (ii) total performance across the metrics described in Section [53B-7-706](#);
- 289 (iii) projected growth in student population;
- 290 (iv) existing square feet per student full-time equivalent;
- 291 (v) facility age and condition; and
- 292 (vi) utilization of academic space, including off-campus facilities.
- 293 (c) On or before August 1, 2019, the board shall establish how the board will determine
- 294 the amount of money to allocate to an institution, including, for each factor described in
- 295 Subsection (1)(b):
- 296 (i) how the board will measure an institution's fulfillment of the factor; and
- 297 (ii) the relative weight assigned to the factor.
- 298 (2) On or before May 31 each year, the board shall notify the Division of Finance of

299 the board's determination described in Subsection (1).

300 (3) The Division of Finance shall:

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

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

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

305 **53B-22-204. Funding request for capital development project -- Legislative**
306 **approval -- Board prioritization, approval, and review.**

307 (1) In accordance with this section, an institution is required to receive legislative
308 approval in an appropriations act for a dedicated project or a nondedicated project.

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

311 (3) The board shall:

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

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

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

315 (iii) fulfills a critical institutional facility need;

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

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

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

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

321 (i) the governor;

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

323 (iii) the Higher Education Appropriations Subcommittee; and

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

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

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

327 (4) A dedicated project:

328 (a) is subject to the State Building Board's recommendation as described in Section

329 63A-5-104; and

330 (b) is not subject to the State Building Board's prioritization as described in Section

331 63A-5-104.

332 (5) (a) Subject to Subsection (6), the board shall prioritize institution requests for

333 funding for nondedicated projects based on:

334 (i) capital facility need;

335 (ii) utilization of facilities;

336 (iii) maintenance and condition of facilities; and

337 (iv) any other factor determined by the board.

338 (b) On or before August 1, 2019, the board shall establish how the board will prioritize

339 institution requests for funding for nondedicated projects, including:

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

341 (ii) procedures for prioritizing requests.

342 (6) (a) Subject to Subsection (6)(b), and in accordance with Subsection (5), the board

343 may annually prioritize:

344 (i) up to three nondedicated projects if the ongoing appropriation to the fund is less

345 than \$50,000,000;

346 (ii) up to two nondedicated projects if the ongoing appropriation to the fund is at least

347 \$50,000,000 but less than \$100,000,000; or

348 (iii) one nondedicated project if the ongoing appropriation to the fund is at least

349 \$100,000,000.

350 (b) For each calendar year beginning on or after January 1, 2020, the dollar amounts

351 described in Subsection (6)(a) shall be adjusted by an amount equal to the percentage

352 difference between:

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

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

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

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

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

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

363 **63A-5-104. Definitions -- Capital development and capital improvement process**
364 **-- Approval requirements -- Limitations on new projects -- Emergencies.**

365 (1) As used in this section:

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

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

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

369 (C) purchase of real property where an appropriation is requested to fund the purchase.

370 (ii) "Capital developments" does not include a project described in Subsection

371 (1)(b)(iii).

372 (b) "Capital improvements" means:

373 (i) a remodeling, alteration, replacement, or repair project with a total cost of less than
374 \$3,500,000;

375 (ii) a site or utility improvement with a total cost of less than \$3,500,000;

376 (iii) a utility infrastructure improvement project that:

377 (A) has a total cost of less than \$7,000,000;

378 (B) consists of two or more projects that, if done separately, would each cost less than
379 \$3,500,000; and

380 (C) the State Building Board determines is more cost effective or feasible to be
381 completed as a single project; or

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

383 (c) (i) "New facility" means the construction of a new building on state property
384 regardless of funding source.

385 (ii) "New facility" includes:

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

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

388 (iii) "New facility" does not include:

389 (A) the replacement of state-owned space that is demolished or that is otherwise
390 removed from state use, if the total construction cost of the replacement space is less than
391 \$3,500,000; or

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

393 (d) "Replacement cost of existing state facilities and infrastructure" means the
394 replacement cost, as determined by the Division of Risk Management, of state facilities,
395 excluding auxiliary facilities as defined by the State Building Board and the replacement cost
396 of infrastructure as defined by the State Building Board.

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

398 (2) (a) [~~The~~] Except as provided in Subsection (2)(f), the board shall, on behalf of all
399 state agencies and in accordance with Subsection (4), submit capital development
400 recommendations and priorities to the Legislature for approval and prioritization.

401 (b) In developing the board's capital development recommendations and priorities, the
402 board shall require each state agency that requests an appropriation for a capital development
403 project to:

404 (i) submit to the board a capital development project request; and

405 (ii) complete and submit to the board a study that demonstrates the feasibility of the
406 capital development project, including:

- 407 (A) the need for the capital development project;
- 408 (B) the appropriateness of the scope of the capital development project;
- 409 (C) any private funding for the capital development project; and
- 410 (D) the economic and community impacts of the capital development project.
- 411 (c) The board shall verify the completion and accuracy of a feasibility study that a state
- 412 agency submits to the board under Subsection (2)(b).
- 413 (d) The board shall require that an institution of higher education described in Section
- 414 [53B-1-102](#) that submits a request for a capital development project address whether and how,
- 415 as a result of the project, the institution will:
- 416 (i) offer courses or other resources that will help meet demand for jobs, training, and
- 417 employment in the current market and the projected market for the next five years;
- 418 (ii) respond to individual skilled and technical job demand over the next 3, 5, and 10
- 419 years;
- 420 (iii) respond to industry demands for trained workers;
- 421 (iv) help meet commitments made by the Governor's Office of Economic
- 422 Development, including relating to training and incentives;
- 423 (v) respond to changing needs in the economy; and
- 424 (vi) based on demographics, respond to demands for on-line or in-class instruction.
- 425 (e) The board shall give more weight in the board's scoring process to a request that is
- 426 designated as a higher priority by the State Board of Regents than a request that is designated
- 427 as a lower priority by the State Board of Regents only when determining the order of
- 428 prioritization among requests submitted by the State Board of Regents.
- 429 (f) (i) For a dedicated project as defined in Section [53B-2a-101](#) or [53B-22-201](#), the
- 430 board shall submit recommendations to the Legislature in accordance with this section.
- 431 (ii) A dedicated project as defined in Section [53B-2a-101](#) or [53B-22-201](#) is not subject
- 432 to prioritization by the board.
- 433 (3) (a) Except as provided in Subsections (3)(b), (d), and (e), a capital development

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

435 (b) Legislative approval is not required for a capital development project that consists
436 of the design or construction of a new facility if:

437 (i) the board determines that the requesting state agency has provided adequate
438 assurance that state funds will not be used for the design or construction of the facility;

439 (ii) the state agency provides to the board a written document, signed by the head of the
440 state agency:

441 (A) stating that funding or a revenue stream is in place, or will be in place before the
442 project is completed, to ensure that increased state funding will not be required to cover the
443 cost of operations and maintenance to the resulting facility for immediate or future capital
444 improvements; and

445 (B) detailing the source of the funding that will be used for the cost of operations and
446 maintenance for immediate and future capital improvements to the resulting facility; and

447 (iii) the board determines that the use of the state property is:

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

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

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

452 (ii) For facilities constructed under the exemption provided in Subsection (3)(b), a state
453 agency may not request:

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

455 (B) state capital improvement funding.

456 (d) Legislative approval is not required for:

457 (i) the renovation, remodeling, or retrofitting of an existing facility with nonstate funds
458 that has been approved by the board;

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

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

464 (iv) a capital project that:

465 (A) is funded by the Uintah Basin Revitalization Fund or the Navajo Revitalization
466 Fund; and

467 (B) does not provide a new facility for a state agency or higher education institution; or

468 (v) a capital project on school and institutional trust lands that is funded by the School
469 and Institutional Trust Lands Administration from the Land Grant Management Fund and that
470 does not fund construction of a new facility for a state agency or higher education institution.

471 (e) (i) Legislative approval is not required for capital development projects to be built
472 for the Department of Transportation:

473 (A) as a result of an exchange of real property under Section [72-5-111](#); or

474 (B) as a result of a sale or exchange of real property from a maintenance facility if the
475 real property is exchanged for, or the proceeds from the sale of the real property are used for,
476 another maintenance facility, including improvements for a maintenance facility and real
477 property.

478 (ii) When the Department of Transportation approves a sale or exchange under
479 Subsection (3)(e), it shall notify the president of the Senate, the speaker of the House, and the
480 cochairs of the Infrastructure and General Government Appropriations Subcommittee of the
481 Legislature's Joint Appropriation Committee about any new facilities to be built or improved
482 under this exemption.

483 (4) (a) (i) On or before January 15 of each year, the board shall, on behalf of all state
484 agencies, submit a list of anticipated capital improvement requirements to the Legislature for
485 review and approval.

486 (ii) The board shall ensure that the list identifies:

487 (A) a single project that costs more than \$1,000,000;

488 (B) multiple projects within a single building or facility that collectively cost more than
489 \$1,000,000;

490 (C) a single project that will be constructed over multiple years with a yearly cost of
491 \$1,000,000 or more and an aggregate cost of more than \$3,500,000;

492 (D) multiple projects within a single building or facility with a yearly cost of
493 \$1,000,000 or more and an aggregate cost of more than \$3,500,000;

494 (E) a single project previously reported to the Legislature as a capital improvement
495 project under \$1,000,000 that, because of an increase in costs or scope of work, will now cost
496 more than \$1,000,000;

497 (F) multiple projects within a single building or facility previously reported to the
498 Legislature as a capital improvement project under \$1,000,000 that, because of an increase in
499 costs or scope of work, will now cost more than \$1,000,000; and

500 (G) projects approved under Subsection (1)(b)(iii).

501 (b) Unless otherwise directed by the Legislature, the board shall prioritize capital
502 improvements from the list submitted to the Legislature up to the level of appropriation made
503 by the Legislature.

504 (c) In prioritizing capital improvements, the board shall consider the results of facility
505 evaluations completed by an architect/engineer as stipulated by the building board's facilities
506 maintenance standards.

507 (d) In prioritizing capital improvements, the board shall allocate at least 80% of the
508 funds that the Legislature appropriates for capital improvements to:

509 (i) projects that address:

510 (A) a structural issue;

511 (B) fire safety;

512 (C) a code violation; or

513 (D) any issue that impacts health and safety;

514 (ii) projects that upgrade:

- 515 (A) an HVAC system;
- 516 (B) an electrical system;
- 517 (C) essential equipment;
- 518 (D) an essential building component; or
- 519 (E) infrastructure, including a utility tunnel, water line, gas line, sewer line, roof,
- 520 parking lot, or road; or
- 521 (iii) projects that demolish and replace an existing building that is in extensive
- 522 disrepair and cannot be fixed by repair or maintenance.
- 523 (e) In prioritizing capital improvements, the board shall allocate no more than 20% of
- 524 the funds that the Legislature appropriates for capital improvements to:
- 525 (i) remodeling and aesthetic upgrades to meet state programmatic needs; or
- 526 (ii) construct an addition to an existing building or facility.
- 527 (f) The board may require an entity that benefits from a capital improvement project to
- 528 repay the capital improvement funds from savings that result from the project.
- 529 (g) The board may provide capital improvement funding to a single project, or to
- 530 multiple projects within a single building or facility, even if the total cost of the project or
- 531 multiple projects is \$3,500,000 or more, if:
- 532 (i) the capital improvement project is a project described in Subsection (1)(b)(iii); and
- 533 (ii) the Legislature has not refused to fund the project with capital improvement funds.
- 534 (h) In prioritizing and allocating capital improvement funding, the State Building
- 535 Board shall comply with the requirement in Subsection [63B-23-101\(2\)\(f\)](#).
- 536 (5) The Legislature may authorize:
- 537 (a) the total square feet to be occupied by each state agency; and
- 538 (b) the total square feet and total cost of lease space for each agency.
- 539 (6) If construction of a new building or facility will require an immediate or future
- 540 increase in state funding for operations and maintenance or for capital improvements, the
- 541 Legislature may not authorize the new building or facility until the Legislature appropriates

542 funds for:

543 (a) the portion of operations and maintenance, if any, that will require an immediate or
544 future increase in state funding; and

545 (b) the portion of capital improvements, if any, that will require an immediate or future
546 increase in state funding.

547 (7) (a) Except as provided in [~~Subsection (7)(b)~~] Subsections (7)(b) and (c), the
548 Legislature may not fund the design or construction of any new capital development projects,
549 except to complete the funding of projects for which partial funding has been previously
550 provided, until the Legislature has appropriated 1.1% of the replacement cost of existing state
551 facilities and infrastructure to capital improvements.

552 (b) If the Legislature determines that there exists an Education Fund budget deficit or a
553 General Fund budget deficit as those terms are defined in Section [63J-1-312](#), the Legislature
554 may, in eliminating the deficit, reduce the amount appropriated to capital improvements to
555 0.9% of the replacement cost of state buildings and infrastructure.

556 (c) Subsection (7)(a) does not apply to a dedicated project as defined in Section
557 [53B-2a-101](#) or [53B-22-201](#).

558 (8) (a) [~~The~~] (i) Except as provided in Subsection (8)(a)(ii), the Legislature may not
559 fund the design and construction of a new facility in phases over more than one year unless the
560 Legislature approves the funding for both the design and construction by a vote of two-thirds of
561 all the members elected to each house.

562 (ii) Subsection (8)(a)(i) does not apply to a dedicated project as defined in Section
563 [53B-2a-101](#) or [53B-22-201](#).

564 (b) An agency is required to receive approval from the board before the agency begins
565 programming for a new facility that requires legislative approval under Subsection (3).

566 (c) The board or an agency may fund the programming of a new facility before the
567 Legislature makes an appropriation for the new facility under Subsection (8)(a).

568 (9) (a) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures

569 Act, after the Legislature approves capital development and capital improvement priorities
570 under this section, if an emergency arises that creates an unforeseen and critical need for a
571 capital improvement project, the board may reallocate capital improvement funds to address
572 the project.

573 (b) The board shall report any changes the board makes in capital improvement
574 allocations approved by the Legislature to:

575 (i) the Office of Legislative Fiscal Analyst within 30 days of the reallocation; and

576 (ii) the Legislature at its next annual general session.

577 (10) (a) The board may adopt a rule allocating to institutions and agencies their
578 proportionate share of capital improvement funding.

579 (b) The board shall ensure that the rule:

580 (i) reserves funds for the Division of Facilities Construction and Management for
581 emergency projects; and

582 (ii) allows the delegation of projects to some institutions and agencies with the
583 requirement that a report of expenditures will be filed annually with the Division of Facilities
584 Construction and Management and appropriate governing bodies.

585 (11) It is the intent of the Legislature that in funding capital improvement requirements
586 under this section the General Fund be considered as a funding source for at least half of those
587 costs.

588 (12) (a) Subject to Subsection (12)(b), at least 80% of the state funds appropriated for
589 capital improvements shall be used for maintenance or repair of the existing building or
590 facility.

591 (b) The board may modify the requirement described in Subsection (12)(a) if the board
592 determines that a different allocation of capital improvements funds is in the best interest of the
593 state.

594 Section 10. Section **63I-1-263** is amended to read:

595 **63I-1-263. Repeal dates, Titles 63A to 63N.**

- 596 (1) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.
- 597 (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.
- 598 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
599 1, 2028.
- 600 (4) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is
601 repealed November 30, 2019.
- 602 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
603 2020.
- 604 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
605 repealed July 1, 2021.
- 606 (7) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
607 2023.
- 608 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
609 2025.
- 610 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
611 2020.
- 612 (10) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 613 (11) On July 1, 2025:
- 614 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
615 Development Coordinating Committee," is repealed;
- 616 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
617 sites for the transplant of species to local government officials having jurisdiction over areas
618 that may be affected by a transplant.";
- 619 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
620 Coordinating Committee" is repealed;
- 621 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
622 Coordinating Committee created in Section 63J-4-501 and" is repealed;

- 623 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
624 Coordinating Committee and" is repealed;
- 625 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
626 accordingly;
- 627 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;
- 628 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
629 word "and" is inserted immediately after the semicolon;
- 630 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);
- 631 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
632 and
- 633 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
634 renumbered accordingly.
- 635 (12) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is repealed
636 July 1, 2026.
- 637 (13) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage
638 Commission, is repealed July 1, 2023.
- 639 (14) (a) Subsection 63J-1-602.1[(51)](53), relating to the Utah Statewide Radio System
640 Restricted Account, is repealed July 1, 2022.
- 641 (b) When repealing Subsection 63J-1-602.1[(51)](53), the Office of Legislative
642 Research and General Counsel shall, in addition to the office's authority under Subsection
643 36-12-12(3), make necessary changes to subsection numbering and cross references.
- 644 (15) The Crime Victim Reparations and Assistance Board, created in Section
645 63M-7-504, is repealed July 1, 2027.
- 646 (16) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2027.
- 647 (17) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 648 (18) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is
649 repealed January 1, 2021.

650 (b) Subject to Subsection (18)(c), Sections 59-7-610 and 59-10-1007 regarding tax
651 credits for certain persons in recycling market development zones, are repealed for taxable
652 years beginning on or after January 1, 2021.

653 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

654 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
655 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

656 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
657 the expenditure is made on or after January 1, 2021.

658 (d) Notwithstanding Subsections (18)(b) and (c), a person may carry forward a tax
659 credit in accordance with Section 59-7-610 or 59-10-1007 if:

660 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

661 (ii) (A) for the purchase price of machinery or equipment described in Section
662 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
663 2020; or

664 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
665 expenditure is made on or before December 31, 2020.

666 (19) Section 63N-2-512 is repealed on July 1, 2021.

667 (20) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
668 January 1, 2021.

669 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
670 calendar years beginning on or after January 1, 2021.

671 (c) Notwithstanding Subsection (20)(b), an entity may carry forward a tax credit in
672 accordance with Section 59-9-107 if:

673 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
674 31, 2020; and

675 (ii) the qualified equity investment that is the basis of the tax credit is certified under
676 Section 63N-2-603 on or before December 31, 2023.

677 (21) Subsections [63N-3-109\(2\)\(f\)](#) and [63N-3-109\(2\)\(g\)\(i\)\(C\)](#) are repealed July 1, 2023.

678 (22) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
679 July 1, 2023.

680 (23) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
681 is repealed January 1, 2023.

682 [~~(24) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is repealed~~
683 ~~July 1, 2018.~~]

684 Section 11. Section **63J-1-602.1** is amended to read:

685 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

686 Appropriations made from the following accounts or funds are nonlapsing:

687 (1) The Utah Intracurricular Student Organization Support for Agricultural Education
688 and Leadership Restricted Account created in Section [4-42-102](#).

689 (2) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

690 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in
691 Section [9-18-102](#).

692 (4) The National Professional Men's Soccer Team Support of Building Communities
693 Restricted Account created in Section [9-19-102](#).

694 (5) Funds collected for directing and administering the C-PACE district created in
695 Section [11-42a-302](#).

696 (6) Award money under the State Asset Forfeiture Grant Program, as provided under
697 Section [24-4-117](#).

698 (7) Funds collected from the program fund for local health department expenses
699 incurred in responding to a local health emergency under Section [26-1-38](#).

700 (8) Funds collected from the emergency medical services grant program, as provided in
701 Section [26-8a-207](#).

702 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).

703 (10) The Children with Cancer Support Restricted Account created in Section

- 704 [26-21a-304](#).
- 705 (11) State funds for matching federal funds in the Children's Health Insurance Program
706 as provided in Section [26-40-108](#).
- 707 (12) The Children with Heart Disease Support Restricted Account created in Section
708 [26-58-102](#).
- 709 (13) The Nurse Home Visiting Restricted Account created in Section [~~26-62-601~~]
710 [26-63-601](#).
- 711 (14) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 712 (15) The Criminal Background Check Restricted Account created in Section
713 [31A-3-105](#).
- 714 (16) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
715 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 716 (17) The Title Licensee Enforcement Restricted Account created in Section
717 [31A-23a-415](#).
- 718 (18) The Health Insurance Actuarial Review Restricted Account created in Section
719 [31A-30-115](#).
- 720 (19) The Insurance Fraud Investigation Restricted Account created in Section
721 [31A-31-108](#).
- 722 (20) The Underage Drinking Prevention Media and Education Campaign Restricted
723 Account created in Section [32B-2-306](#).
- 724 (21) The School Readiness Restricted Account created in Section [35A-3-210](#).
- 725 (22) The Youth Development Organization Restricted Account created in Section
726 [35A-8-1903](#).
- 727 (23) The Youth Character Organization Restricted Account created in Section
728 [35A-8-2003](#).
- 729 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain
730 products or services, as provided in Section [35A-13-202](#).

- 731 (25) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 732 (26) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to
733 the Motor Vehicle Division.
- 734 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
735 created by Section [41-3-110](#) to the State Tax Commission.
- 736 (28) The Utah Law Enforcement Memorial Support Restricted Account created in
737 Section [53-1-120](#).
- 738 (29) The State Disaster Recovery Restricted Account to the Division of Emergency
739 Management, as provided in Section [53-2a-603](#).
- 740 (30) The Department of Public Safety Restricted Account to the Department of Public
741 Safety, as provided in Section [53-3-106](#).
- 742 (31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
743 [53-8-303](#).
- 744 (32) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 745 (33) The Canine Body Armor Restricted Account created in Section [53-16-201](#).
- 746 (34) The Technical Colleges Capital Projects Fund created in Section [53B-2a-118](#).
- 747 (35) The Higher Education Capital Projects Fund created in Section [53B-22-202](#).
- 748 [~~34~~] (36) A certain portion of money collected for administrative costs under the
749 School Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).
- 750 [~~35~~] (37) The Public Utility Regulatory Restricted Account created in Section
751 [54-5-1.5](#), subject to Subsection [54-5-1.5\(4\)\(d\)](#).
- 752 [~~36~~] (38) Certain fines collected by the Division of Occupational and Professional
753 Licensing for violation of unlawful or unprofessional conduct that are used for education and
754 enforcement purposes, as provided in Section [58-17b-505](#).
- 755 [~~37~~] (39) Certain fines collected by the Division of Occupational and Professional
756 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
757 provided in Section [58-63-103](#).

- 758 [~~(38)~~] (40) The Relative Value Study Restricted Account created in Section 59-9-105.
- 759 [~~(39)~~] (41) The Cigarette Tax Restricted Account created in Section 59-14-204.
- 760 [~~(40)~~] (42) Funds paid to the Division of Real Estate for the cost of a criminal
- 761 background check for a mortgage loan license, as provided in Section 61-2c-202.
- 762 [~~(41)~~] (43) Funds paid to the Division of Real Estate for the cost of a criminal
- 763 background check for principal broker, associate broker, and sales agent licenses, as provided
- 764 in Section 61-2f-204.
- 765 [~~(42)~~] (44) Certain funds donated to the Department of Human Services, as provided in
- 766 Section 62A-1-111.
- 767 [~~(43)~~] (45) The National Professional Men's Basketball Team Support of Women and
- 768 Children Issues Restricted Account created in Section 62A-1-202.
- 769 [~~(44)~~] (46) Certain funds donated to the Division of Child and Family Services, as
- 770 provided in Section 62A-4a-110.
- 771 [~~(45)~~] (47) The Choose Life Adoption Support Restricted Account created in Section
- 772 62A-4a-608.
- 773 [~~(46)~~] (48) Funds collected by the Office of Administrative Rules for publishing, as
- 774 provided in Section 63G-3-402.
- 775 [~~(47)~~] (49) The Immigration Act Restricted Account created in Section 63G-12-103.
- 776 [~~(48)~~] (50) Money received by the military installation development authority, as
- 777 provided in Section 63H-1-504.
- 778 [~~(49)~~] (51) The Computer Aided Dispatch Restricted Account created in Section
- 779 63H-7a-303.
- 780 [~~(50)~~] (52) The Unified Statewide 911 Emergency Service Account created in Section
- 781 63H-7a-304.
- 782 [~~(51)~~] (53) The Utah Statewide Radio System Restricted Account created in Section
- 783 63H-7a-403.
- 784 [~~(52)~~] (54) The Employability to Careers Program Restricted Account created in

785 Section [63J-4-703](#).

786 ~~[(53)]~~ [\(55\)](#) The Motion Picture Incentive Account created in Section [63N-8-103](#).

787 ~~[(54)]~~ [\(56\)](#) Certain money payable for expenses of the Pete Suazo Utah Athletic

788 Commission, as provided under Section [63N-10-301](#).

789 ~~[(55)]~~ [\(57\)](#) Funds collected by the housing of state probationary inmates or state parole

790 inmates, as provided in Subsection [64-13e-104\(2\)](#).

791 ~~[(56)]~~ [\(58\)](#) Certain forestry and fire control funds utilized by the Division of Forestry,

792 Fire, and State Lands, as provided in Section [65A-8-103](#).

793 ~~[(57)]~~ [\(59\)](#) Certain funds received by the Office of the State Engineer for well drilling

794 fines or bonds, as provided in Section [73-3-25](#).

795 ~~[(58)]~~ [\(60\)](#) The Water Resources Conservation and Development Fund, as provided in

796 Section [73-23-2](#).

797 ~~[(59)]~~ [\(61\)](#) Funds donated or paid to a juvenile court by private sources, as provided in

798 Subsection [78A-6-203\(1\)\(c\)](#).

799 ~~[(60)]~~ [\(62\)](#) Fees for certificate of admission created under Section [78A-9-102](#).

800 ~~[(61)]~~ [\(63\)](#) Funds collected for adoption document access as provided in Sections

801 [78B-6-141](#), [78B-6-144](#), and [78B-6-144.5](#).

802 ~~[(62)]~~ [\(64\)](#) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades

803 State Park, Jordan River State Park, and Green River State Park, as provided under Section

804 [79-4-403](#).

805 ~~[(63)]~~ [\(65\)](#) Certain funds received by the Division of Parks and Recreation from the

806 sale or disposal of buffalo, as provided under Section [79-4-1001](#).

807 ~~[(64)]~~ [\(66\)](#) Funds collected for indigent defense as provided in Title 77, Chapter 32,

808 Part 8, Utah Indigent Defense Commission.

809 Section 12. **Appropriation.**

810 The following sums of money are appropriated for the fiscal year beginning July 1,

811 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for

812 fiscal year 2020. The Legislature has reviewed the following capital project funds. The
 813 Legislature authorizes the State Division of Finance to transfer amounts between funds and
 814 accounts as indicated.

815 ITEM 1

816 To Capital Budget - Capital Development Fund

817 From General Fund (\$40,000,000)

818 From General Fund, One-time \$40,000,000

819 From Education Fund (\$47,000,000)

820 From Education Fund, One-time \$47,000,000

821 The Legislature intends that in preparing fiscal year 2021 base budget bills, the
 822 Legislative Fiscal Analyst, for fiscal year 2021:

823 (1) increase one-time appropriations from the General Fund to the Capital
 824 Development Fund by \$20,000,000; and

825 (2) increase one-time appropriations from the Education Fund to the Capital
 826 Development Fund by \$23,500,000.

827 ITEM 2

828 To Capital Budget - Higher Education Capital Projects Fund

829 From General Fund \$26,000,000

830 From General Fund, One-time (\$26,000,000)

831 From Education Fund \$47,000,000

832 From Education Fund, One-time (\$47,000,000)

833 The Legislature intends that in preparing fiscal year 2021 base budget bills, the
 834 Legislative Fiscal Analyst, for fiscal year 2021:

835 (1) decrease one-time appropriations from the General Fund to the Higher Education
 836 Capital Projects Fund by \$13,000,000; and

837 (2) decrease one-time appropriations from the Education Fund to the Higher Education
 838 Capital Projects Fund by \$23,500,000.

839 ITEM 3

840 To Capital Budget - Technical Colleges Capital Projects Fund

841 From General Fund \$14,000,000

842 From General Fund, One-time (\$14,000,000)

843 The Legislature intends that in preparing fiscal year 2021 base budget bills, the

844 Legislative Fiscal Analyst decrease one-time appropriations from the General Fund to the

845 Technical Colleges Capital Projects Fund by \$7,000,000 for fiscal year 2021.

846 Section 13. **Effective date.**

847 This bill takes effect on July 1, 2019.