

1 **STATE AGENCY CAPITAL DEVELOPMENT FUND**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: David G. Buxton**

5 House Sponsor: Kay J. Christofferson

7 **LONG TITLE**

8 **General Description:**

9 This bill creates a capital projects fund to facilitate administration and funding
10 processes of the Division of Facilities Construction and Management for capital
11 development projects for state agencies.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ creates a capital projects fund called the State Agency Capital Development Fund to
15 fund the design, renovation, and construction of state agency facilities, except for
16 institutions of higher education;

17 ▶ requires the Division of Facilities Construction and Management to present a
18 five-year building plan to the Infrastructure and General Government
19 Appropriations Subcommittee;

20 ▶ requires the Infrastructure and General Government Appropriations Subcommittee
21 to recommend to the Legislature appropriations from the State Agency Capital
22 Development Fund for capital projects for state agencies;

23 ▶ requires proceeds from the sale or lease of state agency buildings to be deposited
24 into the State Agency Capital Development Fund;

25 ▶ replaces references to the State Building Board to refer to the Division of Facilities
26 Construction and Management; and

27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **26-29-4**, as enacted by Laws of Utah 1981, Chapter 126
- 35 **32B-2-505**, as last amended by Laws of Utah 2021, Chapter 382
- 36 **53B-20-104**, as last amended by Laws of Utah 2012, Chapter 242
- 37 **63A-1-107**, as renumbered and amended by Laws of Utah 1993, Chapter 212
- 38 **63A-1-108**, as last amended by Laws of Utah 2005, Chapter 169
- 39 **63A-5b-910**, as last amended by Laws of Utah 2022, Chapter 421
- 40 **63B-3-301**, as last amended by Laws of Utah 2022, Chapter 447
- 41 **63B-6-502**, as last amended by Laws of Utah 2021, Chapter 280
- 42 **63B-10-401**, as last amended by Laws of Utah 2010, Chapter 278
- 43 **63B-12-301**, as enacted by Laws of Utah 2003, Chapter 302
- 44 **63B-13-301**, as enacted by Laws of Utah 2004, Chapter 364
- 45 **63B-17-401**, as last amended by Laws of Utah 2016, Chapter 222
- 46 **63B-18-301**, as last amended by Laws of Utah 2018, Chapter 39
- 47 **63G-6a-107.7**, as enacted by Laws of Utah 2020, Chapter 257
- 48 **63G-6a-107.8**, as enacted by Laws of Utah 2020, Chapter 257
- 49 **79-4-607**, as enacted by Laws of Utah 2021, Chapter 160

50 ENACTS:

51 **63A-5b-407**, Utah Code Annotated 1953

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

54 Section 1. Section **26-29-4** is amended to read:

55 **26-29-4. Enforcement of chapter.**

56 The responsibility for adoption of the planning and design criteria referred to in Section
57 **26-29-3**, and enforcement of this chapter shall be as follows:

- 58 (1) where state school funds are utilized, the State Board of Education[-];
- 59 (2) where state funds are utilized, the [~~State Building Board.~~] Division of Facilities
- 60 Construction and Management; and
- 61 (3) where funds of political subdivisions are utilized, the governing board of the county
- 62 or municipality in which the building or facility is located.

63 Section 2. Section **32B-2-505** is amended to read:

64 **32B-2-505. Reporting requirements -- Building plan and market survey required**
65 **-- Department performance measures.**

66 (1) In 2018 and each year thereafter, the department shall present a five-year building
67 plan to the Infrastructure and General Government Appropriations Subcommittee that
68 describes the department's anticipated property acquisition, building, and remodeling for the
69 five years following the day on which the department presents the five-year building plan.

70 (2) (a) In 2018 and every other year thereafter, the department shall complete a market
71 survey to inform the department's five-year building plan described in Subsection (1).

72 (b) The department shall:

73 (i) provide a copy of each market survey to the Infrastructure and General Government
74 Appropriations Subcommittee and the Business and Labor Interim Committee; and

75 (ii) upon request, appear before the Infrastructure and General Government
76 Appropriations Subcommittee to present the results of the market survey.

77 (3) For fiscal year 2018-19 and each fiscal year thereafter, before the fiscal year begins,
78 the Governor's Office of Planning and Budget, in consultation with the department and the
79 Office of the Legislative Fiscal Analyst, shall establish performance measures and goals to
80 evaluate the department's operations during the fiscal year.

81 (4) (a) The department may not submit a request to the [~~State Building Board~~] Division
82 of Facilities Construction and Management for a capital development project unless the
83 department first obtains approval from the Governor's Office of Planning and Budget.

84 (b) In determining whether to grant approval for a request described in Subsection
85 (4)(a), the Governor's Office of Planning and Budget shall evaluate the extent to which the

86 department met the performance measures and goals described in Subsection (3) during the
87 previous fiscal year.

88 Section 3. Section **53B-20-104** is amended to read:

89 **53B-20-104. Buildings and facilities -- Board approval of construction and**
90 **purchases -- Rules.**

91 (1) The board shall approve all new construction, repair, or purchase of educational
92 and general buildings and facilities financed from any source at all institutions subject to the
93 jurisdiction of the board.

94 (2) An institution may not submit plans or specifications to the [~~State Building Board~~]
95 Division of Facilities Construction and Management for the construction or alteration of
96 buildings, structures, or facilities or for the purchases of equipment or fixtures for the structure
97 without the authorization of the board.

98 (3) The board shall make rules establishing the conditions under which facilities may
99 be eligible to request state funds for operations and maintenance.

100 (4) Before approving the purchase of a building, the board shall:

101 (a) determine whether or not the building will be eligible for state funds for operations
102 and maintenance by applying the rules adopted under Subsection (3); and

103 (b) if the annual request for state funding for operations and maintenance will be
104 greater than \$100,000, notify the speaker of the House, the president of the Senate, and the
105 cochairs of the Infrastructure and General Government subcommittee of the Legislature's Joint
106 Appropriation Committee.

107 Section 4. Section **63A-1-107** is amended to read:

108 **63A-1-107. Administrative support to building ownership authority.**

109 The executive director shall provide administrative support and staff services to the
110 [~~State Building Board and the~~] State Building Ownership Authority.

111 Section 5. Section **63A-1-108** is amended to read:

112 **63A-1-108. Powers and duties of other agencies assigned to executive director.**

113 Powers and duties assigned by other provisions of this title to the Division of Finance,

114 the [~~State Building Board~~] Division of Facilities Construction and Management, or other
115 agencies or divisions of the department, and not specifically assigned by this chapter, shall be
116 assigned to the executive director with the approval of the governor.

117 Section 6. Section **63A-5b-407** is enacted to read:

118 **63A-5b-407. State Agency Capital Development Fund -- Creation -- Process.**

119 (1) (a) There is created a capital projects fund known as the State Agency Capital
120 Development Fund.

121 (b) The State Agency Capital Development Fund and this section do not apply to an
122 institution of higher education.

123 (2) The State Agency Capital Development Fund is funded from the following sources:

124 (a) one-time appropriations made to the State Agency Capital Development Fund by
125 the Legislature;

126 (b) ongoing appropriations made by the Legislature; or

127 (c) revenue received from the sale, lease, or disposition of any state agency building or
128 property associated with the implementation of the Statewide Master Plan for State Agencies as
129 described in Subsection (7).

130 (3) Subject to Subsection (4), and subject to appropriation by the Legislature, the
131 division may use the money deposited into the State Agency Capital Development Fund for
132 capital development projects, capital improvement projects, and to design, renovate, or
133 construct facilities for state agencies.

134 (4) (a) Before the division spends or commits money from the State Agency Capital
135 Development Fund, in accordance with Sections [63A-5b-402](#), [63A-5b-405](#), and [63A-5b-501](#),
136 the division shall present to the Infrastructure and General Government Appropriations
137 Subcommittee:

138 (i) a description of each project for which the division will spend the money; and

139 (ii) the amount of money needed for each project.

140 (b) Following a presentation described in Subsection (4)(a), the Infrastructure and
141 General Government Appropriations Subcommittee shall recommend to the Legislature

142 appropriations of money from the State Agency Capital Development Fund to the division for
143 approved projects in the division's plan.

144 (c) In accordance with this section, the division is required to receive legislative
145 approval through an appropriations act in order to expend money in the State Agency Capital
146 Development Fund for a capital development project.

147 (5) In the 2024 General Session of the Legislature, and each year thereafter, and in
148 accordance with Sections [63A-5b-402](#), [63A-5b-405](#), and [63A-5b-501](#), the division shall present
149 a five-year building plan to the Infrastructure and General Government Appropriations
150 Subcommittee that describes the division's anticipated plan for designing, renovating, or
151 building state agency facilities.

152 (6) The division may not submit a request to the Infrastructure and General
153 Government Appropriations Subcommittee for funding from the State Agency Capital
154 Development Fund unless:

155 (a) the project complies with the Statewide Master Plan for State Agencies; and

156 (b) the division first obtains approval from the Governor's Office of Planning and
157 Budget.

158 (7) If a building is vacated by an agency and the agency moves to another building,
159 proceeds from the sale or lease of the vacated building:

160 (a) may not be used by the agency or otherwise absorbed into the agency's budget; and

161 (b) shall be deposited into the State Agency Capital Development Fund described in
162 this section.

163 Section 7. Section **63A-5b-910** is amended to read:

164 **63A-5b-910. Disposition of proceeds received by division from sale of vacant**
165 **division-owned property.**

166 (1) (a) Except as provided in Section [62A-5-206.7](#), the division shall pay into the state
167 treasury the money received from the transfer of ownership or lease of vacant division-owned
168 property.

169 (b) Money paid into the state treasury under Subsection (1)(a):

170 (i) becomes a part of the funds provided by law for carrying out the building program
171 of the state; and

172 (ii) is appropriated for the purpose described in Subsection (1)(b)(i).

173 (2) ~~[The]~~ Except as described in Subsection 63A-5b-407(7), the proceeds from the
174 transfer of ownership or lease of vacant division-owned property belonging to or used by a
175 particular state agency shall, to the extent practicable, be expended for the construction of
176 buildings or in the performance of other work for the benefit of that state agency.

177 Section 8. Section **63B-3-301** is amended to read:

178 **63B-3-301. Legislative intent -- Additional projects.**

179 (1) It is the intent of the Legislature that, for any lease purchase agreement that the
180 Legislature may authorize the Division of Facilities Construction and Management to enter into
181 during its 1994 Annual General Session, the State Building Ownership Authority, at the
182 reasonable rates and amounts it may determine, and with technical assistance from the state
183 treasurer, the director of the Division of Finance, and the executive director of the Governor's
184 Office of Planning and Budget, may seek out the most cost effective and prudent lease
185 purchase plans available to the state and may, pursuant to Chapter 1, Part 3, State Building
186 Ownership Authority Act, certificate out interests in, or obligations of the authority pertaining
187 to:

188 (a) the lease purchase obligation; or

189 (b) lease rental payments under the lease purchase obligation.

190 (2) It is the intent of the Legislature that the Department of Transportation dispose of
191 surplus real properties and use the proceeds from those properties to acquire or construct
192 through the Division of Facilities Construction and Management a new District Two Complex.

193 (3) It is the intent of the Legislature that the ~~[State Building Board]~~ Division of
194 Facilities Construction and Management allocate funds from the Capital Improvement
195 appropriation and donations to cover costs associated with the upgrade of the Governor's
196 Residence that go beyond the restoration costs which can be covered by insurance proceeds.

197 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership

198 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
199 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
200 participation interests may be created, to provide up to \$10,600,000 for the construction of a
201 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

- 202 (i) pay costs of issuance;
- 203 (ii) pay capitalized interest; and
- 204 (iii) fund any debt service reserve requirements.

205 (b) It is the intent of the Legislature that the authority seek out the most cost effective
206 and prudent lease purchase plan available with technical assistance from the state treasurer, the
207 director of the Division of Finance, and the executive director of the Governor's Office of
208 Planning and Budget.

209 (c) It is the intent of the Legislature that the operating budget for the Department of
210 Natural Resources not be increased to fund these lease payments.

211 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership
212 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
213 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
214 participation interests may be created, to provide up to \$8,300,000 for the acquisition of the
215 office buildings currently occupied by the Department of Environmental Quality and
216 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake
217 City, together with additional amounts necessary to:

- 218 (i) pay costs of issuance;
- 219 (ii) pay capitalized interest; and
- 220 (iii) fund any debt service reserve requirements.

221 (b) It is the intent of the Legislature that the authority seek out the most cost effective
222 and prudent lease purchase plan available with technical assistance from the state treasurer, the
223 director of the Division of Finance, and the executive director of the Governor's Office of
224 Planning and Budget.

225 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership

226 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
227 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
228 participation interests may be created, to provide up to \$9,000,000 for the acquisition or
229 construction of up to two field offices for the Department of Health and Human Services in the
230 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 231 (i) pay costs of issuance;
- 232 (ii) pay capitalized interest; and
- 233 (iii) fund any debt service reserve requirements.

234 (b) It is the intent of the Legislature that the authority seek out the most cost effective
235 and prudent lease purchase plan available with technical assistance from the state treasurer, the
236 director of the Division of Finance, and the executive director of the Governor's Office of
237 Planning and Budget.

238 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership
239 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
240 issue or execute obligations or enter into or arrange for lease purchase agreements in which
241 participation interests may be created, to provide up to \$5,000,000 for the acquisition or
242 construction of up to 13 stores for the Department of Alcoholic Beverage Services, together
243 with additional amounts necessary to:

- 244 (i) pay costs of issuance;
- 245 (ii) pay capitalized interest; and
- 246 (iii) fund any debt service reserve requirements.

247 (b) It is the intent of the Legislature that the authority seek out the most cost effective
248 and prudent lease purchase plan available with technical assistance from the state treasurer, the
249 director of the Division of Finance, and the executive director of the Governor's Office of
250 Planning and Budget.

251 (c) It is the intent of the Legislature that the operating budget for the Department of
252 Alcoholic Beverage Services not be increased to fund these lease payments.

253 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership

254 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
255 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
256 participation interests may be created, to provide up to \$6,800,000 for the construction of a
257 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300
258 beds, together with additional amounts necessary to:

- 259 (i) pay costs of issuance;
- 260 (ii) pay capitalized interest; and
- 261 (iii) fund any debt service reserve requirements.

262 (b) It is the intent of the Legislature that the authority seek out the most cost effective
263 and prudent lease purchase plan available with technical assistance from the state treasurer, the
264 director of the Division of Finance, and the executive director of the Governor's Office of
265 Planning and Budget.

266 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex
267 in Salt Lake City, becomes law, it is the intent of the Legislature that:

268 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
269 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,
270 the Office of the Legislative Fiscal Analyst, the Governor's Office of Planning and Budget, and
271 the [~~State Building Board~~] Division of Facilities Construction and Management participate in a
272 review of the proposed facility design for the Courts Complex no later than December 1994;
273 and

274 (b) although this review will not affect the funding authorization issued by the 1994
275 Legislature, it is expected that Division of Facilities Construction and Management will give
276 proper attention to concerns raised in these reviews and make appropriate design changes
277 pursuant to the review.

278 (10) It is the intent of the Legislature that:

279 (a) the Division of Facilities Construction and Management, in cooperation with the
280 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,
281 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003

282 to the Division of Juvenile Justice Services;

283 (b) the development process use existing prototype proposals unless it can be
284 quantifiably demonstrated that the proposals cannot be used;

285 (c) the facility is designed so that with minor modifications, it can accommodate
286 detention, observation and assessment, transition, and secure programs as needed at specific
287 geographical locations;

288 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division
289 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to
290 design and construct one facility and design the other;

291 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile
292 Justice Services shall:

293 (A) determine the location for the facility for which design and construction are fully
294 funded; and

295 (B) in conjunction with the Division of Facilities Construction and Management,
296 determine the best methodology for design and construction of the fully funded facility;

297 (e) the Division of Facilities Construction and Management submit the prototype as
298 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
299 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
300 review;

301 (f) the Division of Facilities Construction and Management issue a Request for
302 Proposal for one of the facilities, with that facility designed and constructed entirely by the
303 winning firm;

304 (g) the other facility be designed and constructed under the existing Division of
305 Facilities Construction and Management process;

306 (h) that both facilities follow the program needs and specifications as identified by
307 Division of Facilities Construction and Management and the Division of Youth Corrections
308 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

309 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

310 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair
311 Park Master Study be used by the Division of Facilities Construction and Management to
312 develop a master plan for the State Fair Park that:

- 313 (a) identifies capital facilities needs, capital improvement needs, building
314 configuration, and other long term needs and uses of the State Fair Park and its buildings; and
- 315 (b) establishes priorities for development, estimated costs, and projected timetables.

316 (12) It is the intent of the Legislature that:

317 (a) the Division of Facilities Construction and Management, in cooperation with the
318 Division of State Parks, formerly known as the Division of Parks and Recreation, and
319 surrounding counties, develop a master plan and general program for the phased development
320 of Antelope Island;

321 (b) the master plan:

- 322 (i) establish priorities for development;
- 323 (ii) include estimated costs and projected time tables; and
- 324 (iii) include recommendations for funding methods and the allocation of
325 responsibilities between the parties; and

326 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
327 Environmental Quality Appropriations Subcommittee and Infrastructure and General
328 Government Appropriations Subcommittee.

329 (13) It is the intent of the Legislature to authorize the University of Utah to use:

330 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
331 the supervision of the director of the Division of Facilities Construction and Management
332 unless supervisory authority is delegated by the director; and

333 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
334 Research Building under the supervision of the director of the Division of Facilities
335 Construction and Management unless supervisory authority is delegated by the director.

336 (14) It is the intent of the Legislature to authorize Utah State University to use:

337 (a) federal and other funds to plan, design, and construct the Bee Lab under the

338 supervision of the director of the Division of Facilities Construction and Management unless
339 supervisory authority is delegated by the director;

340 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
341 Facility addition and renovation under the supervision of the director of the Division of
342 Facilities Construction and Management unless supervisory authority is delegated by the
343 director;

344 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
345 to the Nutrition and Food Science Building under the supervision of the director of the
346 Division of Facilities Construction and Management unless supervisory authority is delegated
347 by the director; and

348 (d) federal and private funds to plan, design, and construct the Millville Research
349 Facility under the supervision of the director of the Division of Facilities Construction and
350 Management unless supervisory authority is delegated by the director.

351 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

352 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
353 Office and Learning Center under the supervision of the director of the Division of Facilities
354 Construction and Management unless supervisory authority is delegated by the director;

355 (b) institutional funds to plan, design, and construct the relocation and expansion of a
356 temporary maintenance compound under the supervision of the director of the Division of
357 Facilities Construction and Management unless supervisory authority is delegated by the
358 director; and

359 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
360 supervision of the director of the Division of Facilities Construction and Management unless
361 supervisory authority is delegated by the director.

362 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

363 (a) federal funds to plan, design, and construct a Community Services Building under
364 the supervision of the director of the Division of Facilities Construction and Management
365 unless supervisory authority is delegated by the director; and

366 (b) donated and other nonappropriated funds to plan, design, and construct a stadium
367 expansion under the supervision of the director of the Division of Facilities Construction and
368 Management unless supervisory authority is delegated by the director.

369 (17) It is the intent of the Legislature to authorize the Department of Corrections to use
370 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional
371 Facility in Gunnison under the supervision of the director of the Division of Facilities
372 Construction and Management unless supervisory authority is delegated by the director.

373 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
374 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
375 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
376 Division of Facilities Construction and Management unless supervisory authority is delegated
377 by the director.

378 (19) It is the intent of the Legislature that the Utah Department of Transportation use
379 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
380 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

381 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology
382 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building
383 and purchase equipment for use in that building that could be used in metal trades or other
384 programs in other Applied Technology Centers.

385 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center
386 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
387 considered as the highest priority projects for construction funding in fiscal year 1996.

388 (22) It is the intent of the Legislature that:

389 (a) the Division of Facilities Construction and Management complete physical space
390 utilization standards by June 30, 1995, for the use of technology education activities;

391 (b) these standards are to be developed with and approved by the State Board of
392 Education, the Board of Regents, and the [~~Utah State Building Board~~] Division of Facilities
393 Construction and Management;

394 (c) these physical standards be used as the basis for:
395 (i) determining utilization of any technology space based on number of stations capable
396 and occupied for any given hour of operation; and
397 (ii) requests for any new space or remodeling;
398 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
399 Ogden-Weber Applied Technology Center are exempt from this process; and
400 (e) the design of the Davis Applied Technology Center take into account the utilization
401 formulas established by the Division of Facilities Construction and Management.

402 (23) It is the intent of the Legislature that Utah Valley State College may use the
403 money from the bond allocated to the remodel of the Signetics building to relocate its technical
404 education programs at other designated sites or facilities under the supervision of the director
405 of the Division of Facilities Construction and Management unless supervisory authority is
406 delegated by the director.

407 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995
408 project for the Bridgerland Applied Technology Center be used to design and construct the
409 space associated with Utah State University and design the technology center portion of the
410 project.

411 (25) It is the intent of the Legislature that the governor provide periodic reports on the
412 expenditure of the funds provided for electronic technology, equipment, and hardware to the
413 Infrastructure and General Government Appropriations Subcommittee, and the Legislative
414 Management Committee.

415 Section 9. Section **63B-6-502** is amended to read:

416 **63B-6-502. Other capital facility authorizations and intent language.**

417 (1) It is the intent of the Legislature that the University of Utah use institutional funds
418 to plan, design, and construct:

419 (a) the Health Science Lab Building under the supervision of the director of the
420 Division of Facilities Construction and Management unless supervisory authority is delegated
421 by the director; and

422 (b) the gymnastics facility under the supervision of the director of the Division of
423 Facilities Construction and Management unless supervisory authority is delegated by the
424 director.

425 (2) It is the intent of the Legislature that Southern Utah University use institutional
426 funds to plan, design, and construct a science center addition under the supervision of the
427 director of the Division of Facilities Construction and Management unless supervisory
428 authority is delegated by the director.

429 (3) It is the intent of the Legislature that Utah Valley State College use institutional
430 funds to plan, design, and construct a student center addition under the supervision of the
431 director of the Division of Facilities Construction and Management unless supervisory
432 authority is delegated by the director.

433 (4) (a) It is the intent of the Legislature that the Division of Facilities Construction and
434 Management lease property at the Draper Prison to an entity for the purpose of constructing
435 recycling and transfer facilities to employ inmates if the following conditions are satisfactorily
436 met:

- 437 (i) the entity assures continuous employment of state inmates;
- 438 (ii) the lease with the entity provides an appropriate return to the state;
- 439 (iii) the lease has an initial term of not to exceed 20 years;
- 440 (iv) the lease protects the state from all liability;
- 441 (v) the entity guarantees that no adverse environmental impact will occur;
- 442 (vi) the state retains the right to:
 - 443 (A) monitor the types of wastes that are processed; and
 - 444 (B) prohibit the processing of types of wastes that are considered to be a risk to the
445 state or surrounding property uses;
- 446 (vii) the lease provides for adequate security arrangements;
- 447 (viii) the entity assumes responsibility for any taxes or fees associated with the facility;
- 448 and
- 449 (ix) the entity assumes responsibility for bringing utilities to the site and any state

450 expenditures for roads, etc. are considered in establishing the return to the state.

451 (b) Except as provided in Subsections (4)(c) and (d), the facility may be constructed
452 without direct supervision by the Division of Facilities Construction and Management.

453 (c) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and
454 Management shall:

455 (i) review the design, plans, and specifications of the project; and

456 (ii) approve them if they are appropriate.

457 (d) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and
458 Management may:

459 (i) require that the project be submitted to the local building official for plan review
460 and inspection; and

461 (ii) inspect the project.

462 (5) It is the intent of the Legislature that:

463 (a) the \$221,497.86 authorized for the Capitol Hill Day Care Center in Subsection (4)
464 of Laws of Utah 1992, Chapter 304, Section 56, be used for general capital improvements; and

465 (b) the [~~Building Board~~] Division of Facilities Construction and Management should,
466 in allocating the \$221,497.86, if appropriate under the Board's normal allocation and
467 prioritization process, give preference to projects for the Division of State Parks, formerly
468 known as the Division of Parks and Recreation.

469 Section 10. Section **63B-10-401** is amended to read:

470 **63B-10-401. Other capital facility authorizations and intent language.**

471 (1) It is the intent of the Legislature that:

472 (a) Utah State University use institutional funds to plan, design, and construct an
473 expansion of the HPER Building under the direction of the director of the Division of Facilities
474 Construction and Management unless supervisory authority has been delegated;

475 (b) no state funds be used for any portion of this project; and

476 (c) the university may request state funds for operations and maintenance to the extent
477 that the university is able to demonstrate to the Board of Regents that the facility meets

478 approved academic and training purposes under Board of Regents policy R710.

479 (2) It is the intent of the Legislature that:

480 (a) the University of Utah use institutional funds to plan, design, and construct the
481 Moran Eye Center II project under the direction of the director of the Division of Facilities
482 Construction and Management unless supervisory authority has been delegated;

483 (b) no state funds be used for any portion of this project; and

484 (c) the university may request state funds for operations and maintenance to the extent
485 that the university is able to demonstrate to the Board of Regents that the facility meets
486 approved academic and training purposes under Board of Regents policy R710.

487 (3) It is the intent of the Legislature that:

488 (a) the University of Utah use institutional funds to plan, design, and construct the E.
489 E. Jones Medical Science Addition under the direction of the director of the Division of
490 Facilities Construction and Management unless supervisory authority has been delegated;

491 (b) no state funds be used for any portion of this project; and

492 (c) the university may request state funds for operations and maintenance to the extent
493 that the university is able to demonstrate to the Board of Regents that the facility meets
494 approved academic and training purposes under Board of Regents policy R710.

495 (4) It is the intent of the Legislature that:

496 (a) the University of Utah use institutional funds to plan, design, and construct a
497 Museum of Natural History under the direction of the director of the Division of Facilities
498 Construction and Management unless supervisory authority has been delegated;

499 (b) no state funds be used for any portion of this project; and

500 (c) the university may request state funds for operations and maintenance to the extent
501 that the university is able to demonstrate to the Board of Regents that the facility meets
502 approved academic and training purposes under Board of Regents policy R710.

503 (5) It is the intent of the Legislature that:

504 (a) Dixie College use institutional funds to plan, design, and construct the Hurricane
505 Education Center under the direction of the director of the Division of Facilities Construction

506 and Management unless supervisory authority has been delegated;

507 (b) no state funds be used for any portion of this project; and

508 (c) the college may request state funds for operations and maintenance to the extent
509 that the university is able to demonstrate to the Board of Regents that the facility meets
510 approved academic and training purposes under Board of Regents policy R710.

511 (6) It is the intent of the Legislature that:

512 (a) Southern Utah University use institutional funds to plan, design, and construct the
513 Shakespearean Festival Center under the direction of the director of the Division of Facilities
514 Construction and Management unless supervisory authority has been delegated;

515 (b) no state funds be used for any portion of this project; and

516 (c) the college may not request state funds for operations and maintenance.

517 (7) It is the intent of the Legislature that:

518 (a) the Department of Corrections use donations to plan, design, and construct the
519 Wasatch Family History Center under the direction of the director of the Division of Facilities
520 Construction and Management unless supervisory authority has been delegated;

521 (b) no state funds be used for any portion of this project; and

522 (c) the department may request state funds for operations and maintenance.

523 (8) It is the intent of the Legislature that:

524 (a) the Department of Workforce Services use \$1,186,700 from its Special
525 Administrative Expense Account created in Section [35A-4-506](#) to plan, design, and construct
526 an addition to the Cedar City Employment Center under the direction of the director of the
527 Division of Facilities Construction and Management unless supervisory authority has been
528 delegated; and

529 (b) the department may request state funds for operations and maintenance.

530 (9) It is the intent of the Legislature that the Division of Facilities Construction and
531 Management, acting on behalf of the Department of Natural Resources, may enter into a lease
532 purchase agreement with Carbon County to provide needed space for agency programs in the
533 area if the Department of Natural Resources obtains the approval of the [~~State Building Board~~]

534 Division of Facilities Construction and Management by demonstrating that the lease purchase
535 will be a benefit to the state and that the lease, including operation and maintenance costs, can
536 be funded within existing agency budgets.

537 Section 11. Section **63B-12-301** is amended to read:

538 **63B-12-301. Other capital facilities authorizations.**

539 (1) It is the intent of the Legislature that:

540 (a) Utah State University use institutional funds to plan, design, and construct an
541 addition to the Laboratory Research Center under the direction of the director of the Division
542 of Facilities Construction and Management unless supervisory authority has been delegated;

543 (b) no state funds be used for any portion of this project; and

544 (c) the university may request state funds for operations and maintenance to the extent
545 that the university is able to demonstrate to the Board of Regents that the facility meets
546 approved academic and training purposes under Board of Regents policy R710.

547 (2) It is the intent of the Legislature that:

548 (a) Utah State University use institutional funds to plan, design, and construct an
549 addition to the Biology/Natural Resources Building under the direction of the director of the
550 Division of Facilities Construction and Management unless supervisory authority has been
551 delegated;

552 (b) no state funds be used for any portion of this project; and

553 (c) the university may request state funds for operations and maintenance to the extent
554 that the university is able to demonstrate to the Board of Regents that the facility meets
555 approved academic and training purposes under Board of Regents policy R710.

556 (3) It is the intent of the Legislature that:

557 (a) Snow College use grants and loans from the Community Impact Board together
558 with other institutional funds to plan, design, and construct an addition to the Activities Center
559 under the direction of the director of the Division of Facilities Construction and Management
560 unless supervisory authority has been delegated;

561 (b) no state funds be used for any portion of this project;

562 (c) before proceeding with the project, the Board of Regents and the [~~State Building~~
563 ~~Board~~] Division of Facilities Construction and Management review and approve the scope and
564 funding of the project; and

565 (d) the college may request state funds for operations and maintenance to the extent
566 that the college is able to demonstrate to the Board of Regents that the facility meets approved
567 academic and training purposes under Board of Regents policy R710.

568 (4) (a) It is the intent of the Legislature that the Division of Facilities Construction and
569 Management sell the state's interest in the Iron County Correction Facility to Iron County for
570 \$2,000,000 according to the terms specified in this Subsection (4).

571 (b) Iron County will pay the state \$1,550,000 in cash.

572 (c) To pay the \$450,000 balance of the purchase price, Iron County will:

573 (i) provide office space for the Department of Corrections' Adult Probation and Parole
574 in the Iron County Correction Facility for 10 years at no cost to the state of Utah, at an
575 estimated value of \$45,000 per year for a total [~~10-year~~] 10-year value of \$450,000; and

576 (ii) contract with the Department of Corrections to house 15 state prisoners in the Iron
577 County Correctional Facility for at least five years.

578 (d) (i) The Department of Corrections shall select the 15 prisoners to house at the Iron
579 County Correctional Facility from beds currently under contract in other counties.

580 (ii) Nothing in this section may be construed to authorize or require the Department of
581 Corrections to increase the number of prisoners currently housed in county correctional
582 facilities on state contract.

583 (e) If the Department of Corrections' Adult Probation and Parole chooses, for whatever
584 reason, not to use the office space offered by Iron County, Iron County is not liable for, and
585 need not pay, the state the value of that estimated rent.

586 Section 12. Section **63B-13-301** is amended to read:

587 **63B-13-301. Lease-purchase authorizations.**

588 (1) It is the intent of the Legislature that the Mountainland Applied Technology
589 Campus of the Utah College of Applied Technology may use existing funds to enter into a

590 lease-purchase agreement with Alpine School District for the acquisition of the Pacific Avenue
591 Applied Technology Facility costing up to \$2,900,000.

592 (2) It is further the intent of the Legislature that a lease may not be executed until the
593 [~~State Building Board~~] Division of Facilities Construction and Management has determined
594 that the lease-purchase option is less costly to the state than the current lease.

595 Section 13. Section **63B-17-401** is amended to read:

596 **63B-17-401. Authorizations to acquire or exchange property.**

597 The Legislature intends that:

598 (1) the Division of Facilities Construction and Management, acting on behalf of the
599 Department of Natural Resources, may enter into a lease purchase agreement with Uintah
600 County to provide needed space for agency programs in the area;

601 (2) the agreement shall involve a trade at fair market value between the Division of
602 Facilities Construction and Management and Uintah County of the following two properties:

603 (a) that portion of the current Uintah County complex that is owned by the state,
604 located at 147 East Main Street, Vernal, Utah, which currently houses the Department of
605 Natural Resources and other state agencies; and

606 (b) a parcel of land owned by Uintah County, located at approximately 318 North
607 Vernal Avenue, Vernal, Utah, which would become the location of the needed space under the
608 lease purchase agreement;

609 (3) before entering into an agreement with Uintah County, the Division of Facilities
610 Construction and Management shall ensure that all other state agencies in the Uintah County
611 complex stay in their current location or receive adequate replacement space, with the terms of
612 any replacement space acceptable to each state agency;

613 (4) before entering into an agreement with Uintah County, the Department of Natural
614 Resources shall obtain the approval of the [~~State Building Board~~] Division of Facilities
615 Construction and Management; and

616 (5) the [~~State Building Board~~] Division of Facilities Construction and Management
617 may approve the agreement only if the Department of Natural Resources demonstrates that the

618 lease purchase will be a benefit to the state.

619 Section 14. Section **63B-18-301** is amended to read:

620 **63B-18-301. Authorizations to design and construct capital facilities using**
621 **institutional or agency funds.**

622 (1) The Legislature intends that:

623 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5b,
624 Administration of State Facilities, use institutional funds to plan and design an ambulatory care
625 complex;

626 (b) this authorization and the existence of plans and designs do not guarantee nor
627 improve the chances for legislative approval of the remainder of the building in any subsequent
628 year; and

629 (c) no state funds be used for any portion of this planning and design.

630 (2) The Legislature intends that:

631 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5b,
632 Administration of State Facilities, use \$64,445,000 in donations to plan, design, and construct a
633 replacement and expansion of the Eccles School of Business Building, with 135,000 new
634 square feet;

635 (b) no state funds be used for any portion of this project unless expressly appropriated
636 for this purpose or approved in a general obligation bond bill; and

637 (c) the university may request state funds for operation and maintenance costs and
638 capital improvements to the extent that the university is able to demonstrate to the Board of
639 Regents that the facility meets approved academic and training purposes under Board of
640 Regents policy R710.

641 (3) The Legislature intends that:

642 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5b,
643 Administration of State Facilities, use \$8,689,000 in donations to plan, design, and construct a
644 renovation of the Kennecott Building, with 19,400 new square feet;

645 (b) no state funds be used for any portion of this project; and

646 (c) the university may request state funds for operation and maintenance costs and
647 capital improvements to the extent that the university is able to demonstrate to the Board of
648 Regents that the facility meets approved academic and training purposes under Board of
649 Regents policy R710.

650 (4) The Legislature intends that:

651 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5b,
652 Administration of State Facilities, use \$30,737,000 in donations to plan, design, and construct a
653 Sorenson Arts and Education Complex, with 85,400 new square feet;

654 (b) no state funds be used for any portion of this project; and

655 (c) the university may request state funds for operation and maintenance costs and
656 capital improvements to the extent that the university is able to demonstrate to the Board of
657 Regents that the facility meets approved academic and training purposes under Board of
658 Regents policy R710.

659 (5) The Legislature intends that:

660 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5b,
661 Administration of State Facilities, use \$4,477,500 in donations to plan, design, and construct a
662 Meldrum Civil Engineering Building, with 11,800 new square feet;

663 (b) no state funds be used for any portion of this project; and

664 (c) the university may request state funds for operation and maintenance costs and
665 capital improvements to the extent that the university is able to demonstrate to the Board of
666 Regents that the facility meets approved academic and training purposes under Board of
667 Regents policy R710.

668 (6) The Legislature intends that:

669 (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5b,
670 Administration of State Facilities, negotiate with a private developer to develop the Universe
671 Project on land west of the university football stadium;

672 (b) before entering into a contract with the developer, the university shall:

673 (i) present the final contract terms to the Legislature's Executive Appropriations

674 Committee;

675 (ii) obtain the approval of the [~~State Building Board~~] Division of Facilities
676 Construction and Management; and

677 (iii) the [~~State Building Board~~] Division of Facilities Construction and Management
678 may approve the agreement only if the university demonstrates that the contract terms will be a
679 benefit to the state;

680 (c) no state funds be used for any portion of this project; and

681 (d) the university may request state funds for operation and maintenance costs and
682 capital improvements to the extent that the university is able to demonstrate to the Board of
683 Regents that the facility meets approved academic and training purposes under Board of
684 Regents policy R710.

685 (7) The Legislature intends that:

686 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5b,
687 Administration of State Facilities, use \$2,650,000 in grants and institutional funds to plan,
688 design, and construct a Business Resource Center, with 12,000 new square feet;

689 (b) no state funds be used for any portion of this project; and

690 (c) the university may request state funds for operation and maintenance costs and
691 capital improvements to the extent that the university is able to demonstrate to the Board of
692 Regents that the facility meets approved academic and training purposes under Board of
693 Regents policy R710.

694 (8) The Legislature intends that:

695 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5b,
696 Administration of State Facilities, use \$1,200,000 in donations and institutional funds to plan,
697 design, and construct a track and field facility;

698 (b) no state funds be used for any portion of this project; and

699 (c) the university may request state funds for operation and maintenance costs and
700 capital improvements to the extent that the university is able to demonstrate to the Board of
701 Regents that the facility meets approved academic and training purposes under Board of

702 Regents policy R710.

703 (9) The Legislature intends that:

704 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5b,
705 Administration of State Facilities, use \$600,000 in institutional funds to plan, design, and
706 construct intramural playing fields;

707 (b) no state funds be used for any portion of this project; and

708 (c) the university may request state funds for operation and maintenance costs and
709 capital improvements to the extent that the university is able to demonstrate to the Board of
710 Regents that the facility meets approved academic and training purposes under Board of
711 Regents policy R710.

712 (10) The Legislature intends that:

713 (a) Southern Utah University may, subject to requirements in Title 63A, Chapter 5b,
714 Administration of State Facilities, use \$2,000,000 in donations to plan, design, and construct a
715 baseball and soccer complex upgrade;

716 (b) no state funds be used for any portion of this project; and

717 (c) the university may not request state funds for operation and maintenance costs or
718 capital improvements.

719 (11) The Legislature intends that:

720 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
721 Chapter 5b, Administration of State Facilities, use \$3,000,000 in federal grants to plan, design,
722 and construct an interagency fire dispatch center, with 10,000 new square feet;

723 (b) no state funds be used for any portion of this project; and

724 (c) the department may not request state funds for operation and maintenance costs or
725 capital improvements.

726 (12) The Legislature intends that:

727 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
728 Chapter 5b, Administration of State Facilities, use \$7,500,000 in federal grants to plan, design,
729 and construct a curation facility in Vernal, with 21,000 new square feet;

730 (b) no state funds be used for any portion of this project; and
731 (c) the department may not request state funds for operation and maintenance costs or
732 capital improvements.

733 (13) The Legislature intends that:

734 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
735 Chapter 5b, Administration of State Facilities, use \$650,000 in federal grants to plan, design,
736 and construct an expansion to the seed warehouse at the Great Basin Research Center, with
737 9,000 new square feet;

738 (b) no state funds be used for any portion of this project unless expressly appropriated
739 for this purpose; and

740 (c) the department may not request state funds for operation and maintenance costs or
741 capital improvements.

742 (14) The Legislature intends that:

743 (a) the Department of Veterans and Military Affairs may, subject to requirements in
744 Title 63A, Chapter 5b, Administration of State Facilities, use \$3,500,000 in federal grants to
745 plan, design, and construct improvements at the Veterans Cemetery, with 15,000 new square
746 feet;

747 (b) no state funds be used for any portion of this project unless expressly appropriated
748 for this purpose; and

749 (c) the department may not request state funds for operation and maintenance costs or
750 capital improvements.

751 Section 15. Section **63G-6a-107.7** is amended to read:

752 **63G-6a-107.7. Procurement rules.**

753 (1) (a) Subject to Subsection (1)(b), the rulemaking authority for a procurement unit
754 shall make rules relating to the management and control of procurements and procurement
755 procedures by the procurement unit.

756 (b) [~~Building board~~] Facilities division rules governing procurement of construction
757 projects, design professional services, and leases apply to the procurement of construction

758 projects, design professional services, and leases of real property, respectively, by the [~~Division~~
759 ~~of Facilities Construction and Management~~] facilities division.

760 (2) A rulemaking authority may not adopt rules, policies, or regulations that are
761 inconsistent with this chapter.

762 (3) An individual or body that makes rules as required or authorized in this chapter
763 shall make the rules:

764 (a) in accordance with Chapter 3, Utah Administrative Rulemaking Act, if the
765 individual or body is subject to Chapter 3, Utah Administrative Rulemaking Act; or

766 (b) in accordance with the established process for making rules or their equivalent, if
767 the individual or body is not subject to Chapter 3, Utah Administrative Rulemaking Act.

768 (4) The rules of the rulemaking authority for the executive branch procurement unit
769 shall require, for each contract and request for proposals, the inclusion of a clause that requires
770 the issuing procurement unit, for the duration of the contract, to make available contact
771 information of the winning contractor to the Department of Workforce Services in accordance
772 with Section [35A-2-203](#). This requirement does not preclude a contractor from advertising job
773 openings in other forums throughout the state.

774 (5) The Department of Transportation may make rules governing the procurement of a
775 highway construction project or highway improvement project.

776 (6) The rulemaking authority for a public transit district may make rules governing the
777 procurement of a transit construction project or a transit improvement project.

778 Section 16. Section **63G-6a-107.8** is amended to read:

779 **63G-6a-107.8. Facilities division report to legislative interim committee.**

780 The [~~building board~~] facilities division shall make a report on or before July 1 of each
781 year to a legislative interim committee designated by the Legislative Management Committee,
782 created under Section [36-12-6](#), on the establishment, implementation, and enforcement of the
783 rules made by the [~~building board~~] facilities division under this chapter.

784 Section 17. Section **79-4-607** is amended to read:

785 **79-4-607. Utahraptor State Park.**

786 (1) As used in this section, "Dalton Wells" means the land located in the area known as
787 Dalton Wells and fully described by the map and legal description on file with the division.

788 (2) The division may:

789 (a) receive donations of land or facilities in the Dalton Wells area for the creation of,
790 and inclusion within, Utahraptor State Park;

791 (b) engage in land transfers for land in the Dalton Wells area for inclusion in
792 Utahraptor State Park; or

793 (c) purchase land or facilities in the Dalton Wells area for inclusion in Utahraptor State
794 Park.

795 (3) Utahraptor State Park shall be included within the state park system.

796 (4) The division may not open Utahraptor State Park to the public for use as a state
797 park until the division has received sufficient funding from the [~~State Building Board~~] Division
798 of Facilities Construction and Management or from the General Fund to provide for capital
799 improvements and any necessary land acquisitions.

800 (5) Land acquisitions and capital investments will be made at the park in a way that
801 allows Utahraptor State Park to remain financially self-sustaining.

802 (6) Ongoing operations at Utahraptor State Park shall be funded through the Division
803 of Parks and Recreation's restricted fees account.