

1 **STATE AGENCY CAPITAL DEVELOPMENT FUND**

2 2023 GENERAL SESSION

3 STATE OF UTAH

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

5 House Sponsor: _____

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;

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

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

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

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

26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **26-29-4**, as enacted by Laws of Utah 1981, Chapter 126

34 **32B-2-505**, as last amended by Laws of Utah 2021, Chapter 382

35 **53B-20-104**, as last amended by Laws of Utah 2012, Chapter 242

36 **63A-1-107**, as renumbered and amended by Laws of Utah 1993, Chapter 212

37 **63A-1-108**, as last amended by Laws of Utah 2005, Chapter 169

38 **63A-5b-703**, as enacted by Laws of Utah 2020, Chapter 152

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

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

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

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

125 (c) revenue received from the sale, lease, or disposition of any state agency building or
126 property associated with the implementation of the Statewide Master Plan for State Agencies as
127 described in Subsection (6).

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

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

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

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

138 (b) Following a presentation described in Subsection (4)(a), the Infrastructure and
139 General Government Appropriations Subcommittee shall recommend to the Legislature
140 appropriations of money from the State Agency Capital Development Fund to the division for
141 approved projects in the division's plan.

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

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

150 (6) The division may not submit a request to the Infrastructure and General
151 Government Appropriations Subcommittee for funding from the State Agency Capital

152 Development Fund unless:

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

154 (b) the division first obtains approval from the Governor's Office of Planning and

155 Budget.

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

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

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

161 Section 7. Section **63A-5b-703** is amended to read:

162 **63A-5b-703. Agency lease payments.**

163 (1) (a) Beginning July 1, 2020, the division shall implement a program to charge
164 agencies, except institutions of higher education, lease payments for the agency's use and
165 occupancy of space within a building.

166 (b) Before July 1, 2020, the division shall:

167 (i) conduct a market analysis of market lease rates for comparable space in buildings
168 comparable to division-owned buildings; and

169 (ii) establish lease rates for an agency's use and occupancy of a division-owned
170 building.

171 (c) The lease rates shall be:

172 (i) consistent with market rates for comparable space in comparable buildings;

173 (ii) calculated to cover:

174 (A) an amortized amount for capital replacement;

175 (B) an amount for capital improvements; and

176 (C) operation and maintenance costs; and

177 (iii) in proportion to legislative appropriations.

178 (2) In making appropriations to cover lease payments under this section, the
179 Legislature shall create a line item, as defined in Section [63J-1-102](#), for each agency to fund the
180 lease payments.

181 (3) If a building is vacated by an agency and the agency moves to another building,
182 proceeds from the sale or lease of the vacated building:

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

184 (b) shall be deposited into the State Agency Capital Development Fund created in

185 Section 63A-5b-407.

186 Section 8. Section **63A-5b-910** is amended to read:

187 **63A-5b-910. Disposition of proceeds received by division from sale of vacant**
188 **division-owned property.**

189 (1) (a) Except as provided in Section 62A-5-206.7, the division shall pay into the state
190 treasury the money received from the transfer of ownership or lease of vacant division-owned
191 property.

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

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

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

196 (2) ~~[The]~~ Except as described in Subsection 63A-5b-703(3), the proceeds from the
197 transfer of ownership or lease of vacant division-owned property belonging to or used by a
198 particular state agency shall, to the extent practicable, be expended for the construction of
199 buildings or in the performance of other work for the benefit of that state agency.

200 Section 9. Section **63B-3-301** is amended to read:

201 **63B-3-301. Legislative intent -- Additional projects.**

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

211 (a) the lease purchase obligation; or

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

213 (2) It is the intent of the Legislature that the Department of Transportation dispose of

214 surplus real properties and use the proceeds from those properties to acquire or construct
215 through the Division of Facilities Construction and Management a new District Two Complex.

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

220 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership
221 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
222 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
223 participation interests may be created, to provide up to \$10,600,000 for the construction of a
224 Natural Resources Building in Salt Lake City, together with additional amounts necessary to:

- 225 (i) pay costs of issuance;
- 226 (ii) pay capitalized interest; and
- 227 (iii) fund any debt service reserve requirements.

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

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

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

- 241 (i) pay costs of issuance;
- 242 (ii) pay capitalized interest; and
- 243 (iii) fund any debt service reserve requirements.

244 (b) It is the intent of the Legislature that the authority seek out the most cost effective

245 and prudent lease purchase plan available with technical assistance from the state treasurer, the
246 director of the Division of Finance, and the executive director of the Governor's Office of
247 Planning and Budget.

248 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership
249 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
250 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
251 participation interests may be created, to provide up to \$9,000,000 for the acquisition or
252 construction of up to two field offices for the Department of Health and Human Services in the
253 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 254 (i) pay costs of issuance;
- 255 (ii) pay capitalized interest; and
- 256 (iii) fund any debt service reserve requirements.

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

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

- 267 (i) pay costs of issuance;
- 268 (ii) pay capitalized interest; and
- 269 (iii) fund any debt service reserve requirements.

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

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

276 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership
277 Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to
278 issue or execute obligations or enter into or arrange for a lease purchase agreement in which
279 participation interests may be created, to provide up to \$6,800,000 for the construction of a
280 Prerelease and Parole Center for the Department of Corrections, containing a minimum of 300
281 beds, together with additional amounts necessary to:

- 282 (i) pay costs of issuance;
- 283 (ii) pay capitalized interest; and
- 284 (iii) fund any debt service reserve requirements.

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

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

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

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

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

302 (a) the Division of Facilities Construction and Management, in cooperation with the
303 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,
304 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003
305 to the Division of Juvenile Justice Services;

306 (b) the development process use existing prototype proposals unless it can be

307 quantifiably demonstrated that the proposals cannot be used;

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

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

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

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

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

320 (e) the Division of Facilities Construction and Management submit the prototype as
321 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
322 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
323 review;

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

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

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

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

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

336 (a) identifies capital facilities needs, capital improvement needs, building
337 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

338 (b) establishes priorities for development, estimated costs, and projected timetables.

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

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

344 (b) the master plan:

345 (i) establish priorities for development;

346 (ii) include estimated costs and projected time tables; and

347 (iii) include recommendations for funding methods and the allocation of
348 responsibilities between the parties; and

349 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
350 Environmental Quality Appropriations Subcommittee and Infrastructure and General
351 Government Appropriations Subcommittee.

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

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

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

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

360 (a) federal and other funds to plan, design, and construct the Bee Lab under the
361 supervision of the director of the Division of Facilities Construction and Management unless
362 supervisory authority is delegated by the director;

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

367 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
368 to the Nutrition and Food Science Building under the supervision of the director of the

369 Division of Facilities Construction and Management unless supervisory authority is delegated
370 by the director; and

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

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

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

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

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

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

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

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

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

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

400 by the director.

401 (19) It is the intent of the Legislature that the Utah Department of Transportation use
402 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
403 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

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

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

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

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

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

417 (c) these physical standards be used as the basis for:

418 (i) determining utilization of any technology space based on number of stations capable
419 and occupied for any given hour of operation; and

420 (ii) requests for any new space or remodeling;

421 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
422 Ogden-Weber Applied Technology Center are exempt from this process; and

423 (e) the design of the Davis Applied Technology Center take into account the utilization
424 formulas established by the Division of Facilities Construction and Management.

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

430 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995

431 project for the Bridgerland Applied Technology Center be used to design and construct the
432 space associated with Utah State University and design the technology center portion of the
433 project.

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

438 Section 10. Section **63B-6-502** is amended to read:

439 **63B-6-502. Other capital facility authorizations and intent language.**

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

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

445 (b) the gymnastics facility under the supervision of the director of the Division of
446 Facilities Construction and Management unless supervisory authority is delegated by the
447 director.

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

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

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

460 (i) the entity assures continuous employment of state inmates;

461 (ii) the lease with the entity provides an appropriate return to the state;

462 (iii) the lease has an initial term of not to exceed 20 years;
463 (iv) the lease protects the state from all liability;
464 (v) the entity guarantees that no adverse environmental impact will occur;
465 (vi) the state retains the right to:
466 (A) monitor the types of wastes that are processed; and
467 (B) prohibit the processing of types of wastes that are considered to be a risk to the
468 state or surrounding property uses;
469 (vii) the lease provides for adequate security arrangements;
470 (viii) the entity assumes responsibility for any taxes or fees associated with the facility;
471 and
472 (ix) the entity assumes responsibility for bringing utilities to the site and any state
473 expenditures for roads, etc. are considered in establishing the return to the state.
474 (b) Except as provided in Subsections (4)(c) and (d), the facility may be constructed
475 without direct supervision by the Division of Facilities Construction and Management.
476 (c) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and
477 Management shall:
478 (i) review the design, plans, and specifications of the project; and
479 (ii) approve them if they are appropriate.
480 (d) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and
481 Management may:
482 (i) require that the project be submitted to the local building official for plan review
483 and inspection; and
484 (ii) inspect the project.
485 (5) It is the intent of the Legislature that:
486 (a) the \$221,497.86 authorized for the Capitol Hill Day Care Center in Subsection (4)
487 of Laws of Utah 1992, Chapter 304, Section 56, be used for general capital improvements; and
488 (b) the ~~[Building Board]~~ Division of Facilities Construction and Management should,
489 in allocating the \$221,497.86, if appropriate under the Board's normal allocation and
490 prioritization process, give preference to projects for the Division of State Parks, formerly
491 known as the Division of Parks and Recreation.
492 Section 11. Section **63B-10-401** is amended to read:

493 **63B-10-401. Other capital facility authorizations and intent language.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

523 (c) the university may request state funds for operations and maintenance to the extent

524 that the university is able to demonstrate to the Board of Regents that the facility meets
525 approved academic and training purposes under Board of Regents policy R710.

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

527 (a) Dixie College use institutional funds to plan, design, and construct the Hurricane
528 Education Center under the direction of the director of the Division of Facilities Construction
529 and Management unless supervisory authority has been delegated;

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

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

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

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

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

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

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

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

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

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

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

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

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

553 (9) It is the intent of the Legislature that the Division of Facilities Construction and
554 Management, acting on behalf of the Department of Natural Resources, may enter into a lease

555 purchase agreement with Carbon County to provide needed space for agency programs in the
556 area if the Department of Natural Resources obtains the approval of the [~~State Building Board~~]
557 Division of Facilities Construction and Management by demonstrating that the lease purchase
558 will be a benefit to the state and that the lease, including operation and maintenance costs, can
559 be funded within existing agency budgets.

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

561 **63B-12-301. Other capital facilities authorizations.**

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

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

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

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

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

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

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

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

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

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

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

585 (c) before proceeding with the project, the Board of Regents and the [~~State Building~~

586 Board] Division of Facilities Construction and Management review and approve the scope and
587 funding of the project; and

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

591 (4) (a) It is the intent of the Legislature that the Division of Facilities Construction and
592 Management sell the state's interest in the Iron County Correction Facility to Iron County for
593 \$2,000,000 according to the terms specified in this Subsection (4).

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

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

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

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

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

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

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

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

610 **63B-13-301. Lease-purchase authorizations.**

611 (1) It is the intent of the Legislature that the Mountainland Applied Technology
612 Campus of the Utah College of Applied Technology may use existing funds to enter into a
613 lease-purchase agreement with Alpine School District for the acquisition of the Pacific Avenue
614 Applied Technology Facility costing up to \$2,900,000.

615 (2) It is further the intent of the Legislature that a lease may not be executed until the
616 [~~State Building Board~~] Division of Facilities Construction and Management has determined

617 that the lease-purchase option is less costly to the state than the current lease.

618 Section 14. Section **63B-17-401** is amended to read:

619 **63B-17-401. Authorizations to acquire or exchange property.**

620 The Legislature intends that:

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

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

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

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

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

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

639 (5) the [~~State Building Board~~] Division of Facilities Construction and Management
640 may approve the agreement only if the Department of Natural Resources demonstrates that the
641 lease purchase will be a benefit to the state.

642 Section 15. Section **63B-18-301** is amended to read:

643 **63B-18-301. Authorizations to design and construct capital facilities using**
644 **institutional or agency funds.**

645 (1) The Legislature intends that:

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

648 complex;

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

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

653 (2) The Legislature intends that:

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

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

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

664 (3) The Legislature intends that:

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

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

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

673 (4) The Legislature intends that:

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

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

678 (c) the university may request state funds for operation and maintenance costs and

679 capital improvements to the extent that the university is able to demonstrate to the Board of
680 Regents that the facility meets approved academic and training purposes under Board of
681 Regents policy R710.

682 (5) The Legislature intends that:

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

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

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

691 (6) The Legislature intends that:

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

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

696 (i) present the final contract terms to the Legislature's Executive Appropriations
697 Committee;

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

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

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

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

708 (7) The Legislature intends that:

709 (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5b,

710 Administration of State Facilities, use \$2,650,000 in grants and institutional funds to plan,
711 design, and construct a Business Resource Center, with 12,000 new square feet;

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

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

717 (8) The Legislature intends that:

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

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

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

726 (9) The Legislature intends that:

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

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

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

735 (10) The Legislature intends that:

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

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

740 (c) the university may not request state funds for operation and maintenance costs or

741 capital improvements.

742 (11) The Legislature intends that:

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

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

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

749 (12) The Legislature intends that:

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

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

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

756 (13) The Legislature intends that:

757 (a) the Department of Natural Resources may, subject to requirements in Title 63A,
758 Chapter 5b, Administration of State Facilities, use \$650,000 in federal grants to plan, design,
759 and construct an expansion to the seed warehouse at the Great Basin Research Center, with
760 9,000 new square feet;

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

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

765 (14) The Legislature intends that:

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

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

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

774 Section 16. Section **63G-6a-107.7** is amended to read:

775 **63G-6a-107.7. Procurement rules.**

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

779 (b) [~~Building board~~] Facilities division rules governing procurement of construction
780 projects, design professional services, and leases apply to the procurement of construction
781 projects, design professional services, and leases of real property, respectively, by the [~~Division~~
782 ~~of Facilities Construction and Management~~] facilities division.

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

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

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

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

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

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

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

801 Section 17. Section **63G-6a-107.8** is amended to read:

802 **63G-6a-107.8. Facilities division report to legislative interim committee.**

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

807 Section 18. Section ~~79-4-607~~ is amended to read:

808 **79-4-607. Utahraptor State Park.**

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

811 (2) The division may:

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

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

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

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

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

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

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