

## SB0168S01 compared with SB0168

~~deleted text~~ shows text that was in SB0168 but was deleted in SB0168S01.

inserted text shows text that was not in SB0168 but was inserted into SB0168S01.

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Senator David G. Buxton proposes the following substitute bill:

### STATE AGENCY CAPITAL DEVELOPMENT FUND

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David G. Buxton**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ creates a capital projects fund called the State Agency Capital Development Fund to fund the design, renovation, and construction of state agency facilities, except for institutions of higher education;
- ▶ requires the Division of Facilities Construction and Management to present a five-year building plan to the Infrastructure and General Government Appropriations Subcommittee;

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- ▶ requires the Infrastructure and General Government Appropriations Subcommittee to recommend to the Legislature appropriations from the State Agency Capital Development Fund for capital projects for state agencies;
- ▶ requires proceeds from the sale or lease of state agency buildings to be deposited into the State Agency Capital Development Fund;
- ▶ replaces references to the State Building Board to refer to the Division of Facilities Construction and Management; and
- ▶ makes technical changes.

### **Money Appropriated in this Bill:**

None

### **Other Special Clauses:**

None

### **Utah Code Sections Affected:**

AMENDS:

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

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

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

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

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

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

† 63A-5b-910, as last amended by Laws of Utah 2022, Chapter 421

63B-3-301, as last amended by Laws of Utah 2022, Chapter 447

63B-6-502, as last amended by Laws of Utah 2021, Chapter 280

63B-10-401, as last amended by Laws of Utah 2010, Chapter 278

63B-12-301, as enacted by Laws of Utah 2003, Chapter 302

63B-13-301, as enacted by Laws of Utah 2004, Chapter 364

63B-17-401, as last amended by Laws of Utah 2016, Chapter 222

63B-18-301, as last amended by Laws of Utah 2018, Chapter 39

63G-6a-107.7, as enacted by Laws of Utah 2020, Chapter 257

63G-6a-107.8, as enacted by Laws of Utah 2020, Chapter 257

79-4-607, as enacted by Laws of Utah 2021, Chapter 160

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ENACTS:

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

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

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

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

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

(1) where state school funds are utilized, the State Board of Education[-];

(2) where state funds are utilized, the [~~State Building Board.~~] Division of Facilities Construction and Management; and

(3) where funds of political subdivisions are utilized, the governing board of the county or municipality in which the building or facility is located.

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

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

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

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

(b) The department shall:

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

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

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

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

(b) In determining whether to grant approval for a request described in Subsection (4)(a), the Governor's Office of Planning and Budget shall evaluate the extent to which the department met the performance measures and goals described in Subsection (3) during the previous fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ongoing appropriations made by the Legislature; or

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

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

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

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

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

(b) Following a presentation described in Subsection (4)(a), the Infrastructure and General Government Appropriations Subcommittee shall recommend to the Legislature appropriations of money from the State Agency Capital Development Fund to the division for

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approved projects in the division's plan.

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

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

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

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

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

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

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

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

Section 7. Section ~~{63A-5b-703}~~63A-5b-910 is amended to read:

~~{~~ 63A-5b-703. Agency lease payments.

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

~~\_\_\_\_\_ (b) Before July 1, 2020, the division shall:~~

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

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

~~\_\_\_\_\_ (c) The lease rates shall be:~~

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- ~~—— (i) consistent with market rates for comparable space in comparable buildings;~~
- ~~—— (ii) calculated to cover:~~
  - ~~—— (A) an amortized amount for capital replacement;~~
  - ~~—— (B) an amount for capital improvements; and~~
  - ~~—— (C) operation and maintenance costs; and~~
- ~~—— (iii) in proportion to legislative appropriations.~~
- ~~—— (2) In making appropriations to cover lease payments under this section, the Legislature shall create a line item, as defined in Section 63J-1-102, for each agency to fund the lease payments.~~
- ~~—— (3) If a building is vacated by an agency and the agency moves to another building, proceeds from the sale or lease of the vacated building:~~
  - ~~—— (a) may not be used by the agency or otherwise absorbed into the agency's budget; and~~
  - ~~—— (b) shall be deposited into the State Agency Capital Development Fund created in Section 63A-5b-407.~~
- ~~—— Section 8. Section 63A-5b-910 is amended to read:~~

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

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

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

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

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

(2) [The] Except as described in Subsection ~~63A-5b-703~~ 63A-5b-407(~~3~~7), the proceeds from the transfer of ownership or lease of vacant division-owned property belonging to or used by a particular state agency shall, to the extent practicable, be expended for the construction of buildings or in the performance of other work for the benefit of that state agency.

Section ~~9~~8. Section **63B-3-301** is amended to read:

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

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

- (a) the lease purchase obligation; or
- (b) lease rental payments under the lease purchase obligation.

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

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

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

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

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

(c) It is the intent of the Legislature that the operating budget for the Department of



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Natural Resources not be increased to fund these lease payments.

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

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

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

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

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

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

(7) (a) It is the intent of the Legislature to authorize the State Building Ownership Authority under authority of Chapter 1, Part 3, State Building Ownership Authority Act, to issue or execute obligations or enter into or arrange for lease purchase agreements in which

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participation interests may be created, to provide up to \$5,000,000 for the acquisition or construction of up to 13 stores for the Department of Alcoholic Beverage Services, together with additional amounts necessary to:

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

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

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

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

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

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

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

(a) the Legislative Management Committee, the Interim Appropriation Subcommittees for General Government and Capital Facilities and Executive Offices, Courts, and Corrections, the Office of the Legislative Fiscal Analyst, the Governor's Office of Planning and Budget, and the [~~State Building Board~~] Division of Facilities Construction and Management participate in a

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review of the proposed facility design for the Courts Complex no later than December 1994;  
and

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

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

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

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

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

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

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

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

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

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

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

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winning firm;

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

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

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

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

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

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

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

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

(b) the master plan:

(i) establish priorities for development;

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

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

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

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

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

(b) donated and other nonappropriated funds to plan, design, and construct the Biology

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Research Building under the supervision of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

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

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

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

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

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

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

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

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

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

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

(a) federal funds to plan, design, and construct a Community Services Building under the supervision of the director of the Division of Facilities Construction and Management

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unless supervisory authority is delegated by the director; and

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

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

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

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

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

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

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

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

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

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

(i) determining utilization of any technology space based on number of stations capable

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and occupied for any given hour of operation; and

(ii) requests for any new space or remodeling;

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

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

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

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

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

Section ~~10~~9. Section **63B-6-502** is amended to read:

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

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

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

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

(2) It is the intent of the Legislature that Southern Utah University use institutional funds to plan, design, and construct a science center addition under the supervision of the

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director of the Division of Facilities Construction and Management unless supervisory authority is delegated by the director.

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

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

- (i) the entity assures continuous employment of state inmates;
- (ii) the lease with the entity provides an appropriate return to the state;
- (iii) the lease has an initial term of not to exceed 20 years;
- (iv) the lease protects the state from all liability;
- (v) the entity guarantees that no adverse environmental impact will occur;
- (vi) the state retains the right to:

(A) monitor the types of wastes that are processed; and

(B) prohibit the processing of types of wastes that are considered to be a risk to the state or surrounding property uses;

(vii) the lease provides for adequate security arrangements;

(viii) the entity assumes responsibility for any taxes or fees associated with the facility;

and

(ix) the entity assumes responsibility for bringing utilities to the site and any state expenditures for roads, etc. are considered in establishing the return to the state.

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

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

- (i) review the design, plans, and specifications of the project; and
- (ii) approve them if they are appropriate.

(d) Notwithstanding Subsection (4)(b), the Division of Facilities Construction and



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Management may:

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

(ii) inspect the project.

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

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

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

Section ~~{11}~~10. Section **63B-10-401** is amended to read:

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

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

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

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

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

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

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

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

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

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

(a) the University of Utah use institutional funds to plan, design, and construct the E.

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E. Jones Medical Science Addition under the direction of the director of the Division of Facilities Construction and Management unless supervisory authority has been delegated;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the Department of Corrections use donations to plan, design, and construct the Wasatch Family History Center under the direction of the director of the Division of Facilities

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Construction and Management unless supervisory authority has been delegated;

- (b) no state funds be used for any portion of this project; and
  - (c) the department may request state funds for operations and maintenance.
- (8) It is the intent of the Legislature that:

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

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

(9) It is the intent of the Legislature that the Division of Facilities Construction and Management, acting on behalf of the Department of Natural Resources, may enter into a lease purchase agreement with Carbon County to provide needed space for agency programs in the area if the Department of Natural Resources obtains the approval of the [~~State Building Board~~] Division of Facilities Construction and Management by demonstrating that the lease purchase will be a benefit to the state and that the lease, including operation and maintenance costs, can be funded within existing agency budgets.

Section ~~{12}~~11. Section **63B-12-301** is amended to read:

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

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

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

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

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

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

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

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delegated;

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Nothing in this section may be construed to authorize or require the Department of Corrections to increase the number of prisoners currently housed in county correctional

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facilities on state contract.

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

Section ~~{13}~~12. Section **63B-13-301** is amended to read:

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

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

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

Section ~~{14}~~13. Section **63B-17-401** is amended to read:

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

The Legislature intends that:

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

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

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

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

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

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

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

Section ~~{15}~~14. Section **63B-18-301** is amended to read:

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

(1) The Legislature intends that:

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

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

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

(2) The Legislature intends that:

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

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

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

(3) The Legislature intends that:

(a) the University of Utah may, subject to requirements in Title 63A, Chapter 5b, Administration of State Facilities, use \$8,689,000 in donations to plan, design, and construct a

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renovation of the Kennecott Building, with 19,400 new square feet;

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

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

(4) The Legislature intends that:

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

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

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

(5) The Legislature intends that:

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

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

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

(6) The Legislature intends that:

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

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

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

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

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

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

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

(7) The Legislature intends that:

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

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

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

(8) The Legislature intends that:

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

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

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

(9) The Legislature intends that:

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



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construct intramural playing fields;

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

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

(10) The Legislature intends that:

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

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

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

(11) The Legislature intends that:

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

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

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

(12) The Legislature intends that:

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

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

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

(13) The Legislature intends that:

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

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9,000 new square feet;

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

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

(14) The Legislature intends that:

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

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

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

Section ~~16~~15. Section **63G-6a-107.7** is amended to read:

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

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

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

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

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

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

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

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

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

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

Section ~~{17}~~16. Section **63G-6a-107.8** is amended to read:

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

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

Section ~~{18}~~17. Section **79-4-607** is amended to read:

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

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

(2) The division may:

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

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

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

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

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

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improvements and any necessary land acquisitions.

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

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