HOUSE AMENDMENT

THIS AMENDMENT ADOPTED

CONE/MELTON MAY 13, 2014

CLERK OF THE HOUSE

REP. WHITE PROPOSES THE FOLLOWING AMENDMENT NO. TO S. 535 (COUNCIL\BBM\535C003.BBM.HTC14):

REFERENCE IS TO PRINTER'S DATE 5/9/13-S.

AMEND THE BILL, AS AND IF AMENDED, BY STRIKING ALL AFTER THE ENACTING WORDS AND INSERTING:

/ SECTION 1. CHAPTER 101, TITLE 59 OF THE 1976 CODE IS AMENDED BY ADDING:

"ARTICLE 5

PERMANENT IMPROVEMENT PROJECT REVIEW

SECTION 59-101-1310. THE PURPOSE OF THIS ARTICLE IS TO SPECIFY THE MANNER AND TIME IN WHICH JOINT BOND REVIEW COMMITTEE APPROVAL IS NECESSARY FOR A PERMANENT IMPROVEMENT PROJECT OF A PUBLIC INSTITUTION OF HIGHER LEARNING. TO THE EXTENT THAT THE PROVISIONS OF THIS ARTICLE CONFLICT WITH ANY OTHER PROVISIONS OF LAW, THE PROVISIONS OF THIS ARTICLE SHALL GOVERN.

SECTION 59-101-1320. AS USED IN THIS ARTICLE:

- (1) COMMITTEE' MEANS THE JOINT BOND REVIEW COMMITTEE.
- (2)'AUTHORITY' MEANS THE STATE BUDGET AND CONTROL BOARD OR ITS SUCCESSOR ENTITY THE STATE FISCAL ACCOUNTABILITY AUTHORITY.
- (3)'PUBLIC INSTITUTION OF HIGHER LEARNING' HAS THE MEANING PROVIDED IN SECTION 59-103-5.

- ONE CONSTRUCTION (4) PHASE SUBMITTAL' OR 'POCS' MEANS A REQUEST TO PROFESSIONAL SERVICES **ACQUIRE** PREDESIGN OR DESIGN WORK, OR BOTH, THROUGH DEVELOPMENT OF CONCEPT DESIGN AND PREPARATION OF A PROJECT BUDGET FOR PROJECT DESIGN COMPLETE CONSTRUCTION. THE PRODUCT OF THESE SERVICES MUST BE A STATEMENT OF PROJECT SCOPE AND BUDGET. PREDESIGN AND DESIGN SERVICES MUST INCLUDE, BUT NOT BE LIMITED TO, DESIGN OBJECTIVES, SITE REQUIREMENTS, PROJECT SCHEDULE, HUMAN, VEHICULAR, AND MATERIAL FLOW PATTERNS, GENERAL SPACE SITE MEASUREMENTS, ALLOCATIONS, ENVIRONMENTAL CONSIDERATIONS/IMPACTS, UTILITY SYSTEMS, DEED AND ZONING ANALYSES, PRELIMINARY BUILDING PLANS **ELEVATIONS.**
- (5) 'PHASE TWO CONSTRUCTION SUBMITTAL' OR 'PTCS' MEANS A REQUEST TO ACQUIRE AND COMPLETE FINAL DESIGN AND CONSTRUCTION DOCUMENTS AND TO EXECUTE CONSTRUCTION DOCUMENTS TO BEGIN AND COMPLETE CONSTRUCTION.

- (6) 'LIMITED REVIEW', WITH RESPECT TO NEW CONSTRUCTION, RENOVATIONS, OR ACQUISITIONS, MEANS THAT A PERMANENT IMPROVEMENT PROJECT IS EXEMPT FROM RECEIVING APPROVAL FOR A POCS FROM BOTH THE COMMITTEE AND THE AUTHORITY. HOWEVER, PROJECTS ARE STILL REQUIRED TO RECEIVE PTCS APPROVAL FROM BOTH THE COMMITTEE AND THE AUTHORITY.
- (7) 'MODIFIED REVIEW', WITH RESPECT TO CONSTRUCTION, RENOVATIONS OR ACQUISITIONS, MEANS THAT A IMPROVEMENT PROJECT'S POCS IS PERMANENT APPROVED BY THE COMMITTEE UNLESS A MEMBER OF THE COMMITTEE OBJECTS WITHIN FIFTEEN DAYS OF BEING PROVIDED A COPY OF THE POCS BY COMMITTEE STAFF. IF NO OBJECTION IS NOTED AND THE POCS STANDS APPROVED, APPROVAL FROM THE AUTHORITY IS NOT REQUIRED. HOWEVER, PROJECTS ARE STILL REQUIRED TO RECEIVE PTCS APPROVAL FROM BOTH THE COMMITTEE AND THE AUTHORITY. WITH RESPECT TO LEASES, 'MODIFIED REVIEW' MEANS THE LEASE REQUEST IS CONSIDERED APPROVED BY THE COMMITTEE UNLESS A MEMBER OF THE COMMITTEE OBJECTS WITHIN FIFTEEN DAYS OF BEING PROVIDED A COPY OF THE SUBMISSION BY COMMITTEE STAFF. IF NO OBJECTION IS NOTED AND THE APPROVAL STANDS, APPROVAL FROM THE AUTHORITY IS NOT REQUIRED AND THE LEASE REQUEST IS CONSIDERED TO HAVE RECEIVED FINAL APPROVAL.
- (8) 'FULL REVIEW', WITH RESPECT TO NEW CONSTRUCTION, RENOVATIONS OR ACQUISITIONS, MEANS THE PERMANENT IMPROVEMENT PROJECT MUST RECEIVE BOTH POCS AND PTCS APPROVAL FROM BOTH THE COMMITTEE AND THE AUTHORITY.
- (9) 'HIGHLY RATED' MEANS A PUBLIC INSTITUTION OF HIGHER LEARNING RECEIVING AAA CREDIT RATINGS FROM EITHER STANDARD AND POOR'S RATINGS SERVICES OR FITCH RATINGS OR AAA RATINGS FROM MOODY'S INVESTORS SERVICES.
- (10) WELL RATED' MEANS A PUBLIC INSTITUTION OF HIGHER LEARNING RECEIVING AA+, AA, OR AA- CREDIT RATINGS FROM

EITHER STANDARD AND POOR'S RATINGS SERVICES OR FITCH RATINGS OR AA1, AA2, OR AA3 RATINGS FROM MOODY'S INVESTORS SERVICES.

- (11) 'MEDIUM RATED' MEANS A PUBLIC INSTITUTION OF HIGHER LEARNING RECEIVING A+, A, OR A- CREDIT RATINGS FROM EITHER STANDARD AND POOR'S RATINGS SERVICES OR FITCH RATINGS OR A1, A2, OR A3 RATINGS FROM MOODY'S INVESTORS SERVICES.
- (12) Low or unrated' means a public institution of higher learning receiving BBB+ or lower credit ratings from either Standard and Poor's Ratings Services or Fitch Ratings or Baa1 or lower rating from Moody's Investors Services or a public institution of higher learning that has not received a credit rating from Standard and Poor's Ratings Services, Fitch Ratings or Moody's Investors Services in the past two years.

SECTION 59-101-1330. FOR A PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT FUNDED IN WHOLE OR IN PART WITH THE USE OF INSTITUTIONAL BONDS OF A PUBLIC INSTITUTION OF HIGHER LEARNING REQUIRES A FULL REVIEW BY THE COMMITTEE AND AUTHORITY.

SECTION 59-101-1340. (A) FOR A HIGHLY RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT FUNDED IN WHOLE OR IN PART BY REVENUE BONDS OF THE INSTITUTION REQUIRES A:

- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS LESS THAN FORTY MILLION DOLLARS; AND
- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FORTY MILLION DOLLARS.
- (B) FOR A WELL RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT FUNDED IN WHOLE OR IN PART BY REVENUE BONDS OF THE INSTITUTION REQUIRES A:

- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS LESS THAN FORTY MILLION DOLLARS; AND
- (2) FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FORTY MILLION DOLLARS.
- (C) FOR A MEDIUM RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT FUNDED IN WHOLE OR IN PART BY REVENUE BONDS OF THE INSTITUTION REQUIRES A:
- (1) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS LESS THAN FORTY MILLION DOLLARS;
- (2) FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FORTY MILLION DOLLARS.
- (D) FOR A LOW OR UNRATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT FUNDED IN WHOLE OR IN PART BY REVENUE BONDS OF THE INSTITUTION REQUIRES FULL REVIEW REGARDLESS OF TOTAL COST.

SECTION 59-101-1350. (A) FOR A HIGHLY RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING NEW CONSTRUCTION UTILIZING ONE HUNDRED PERCENT PRIVATE FUNDS OR GIFTS REQUIRES A LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN FIVE HUNDRED THOUSAND DOLLARS.

- (B) FOR A WELL RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING NEW CONSTRUCTION UTILIZING ONE HUNDRED PERCENT PRIVATE FUNDS OR GIFTS REQUIRES A:
- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN TEN MILLION DOLLARS; AND
- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN TEN MILLION DOLLARS.

- (C) FOR A MEDIUM RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING NEW CONSTRUCTION UTILIZING ONE HUNDRED PERCENT PRIVATE FUNDS OR GIFTS REQUIRES A:
- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN FIVE MILLION DOLLARS;
- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FIVE MILLION DOLLARS BUT LESS THAN TEN MILLION DOLLARS; AND
- (3) FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN TEN MILLION DOLLARS.
- (D) FOR A LOW OR UNRATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING NEW CONSTRUCTION UTILIZING ONE HUNDRED PERCENT PRIVATE FUNDS OR GIFTS REQUIRES A FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FIVE HUNDRED THOUSAND DOLLARS.

SECTION 59-101-1360. (A) FOR A HIGHLY RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING RENOVATIONS UTILIZING ONE HUNDRED PERCENT PRIVATE FUNDS OR GIFTS REQUIRES A LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN ONE MILLION DOLLARS.

- (B) FOR A WELL RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING RENOVATIONS UTILIZING ONE HUNDRED PERCENT PRIVATE FUNDS OR GIFTS REQUIRES A:
- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN ONE MILLION DOLLARS BUT LESS THAN TEN MILLION DOLLARS; AND

- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN TEN MILLION DOLLARS.
- (C) FOR A MEDIUM RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING RENOVATIONS UTILIZING ONE HUNDRED PERCENT PRIVATE FUNDS OR GIFTS REQUIRES A:
- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN ONE MILLION DOLLARS BUT LESS THAN FIVE MILLION DOLLARS;
- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FIVE MILLION DOLLARS BUT LESS THAN TEN MILLION DOLLARS; AND
- (3) FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN TEN MILLION DOLLARS.
- (D) FOR A LOW OR UNRATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING RENOVATIONS UTILIZING ONE HUNDRED PERCENT PRIVATE FUNDS OR GIFTS REQUIRES A FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN ONE MILLION DOLLARS.

SECTION 59-101-1370. (A) FOR A HIGHLY RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING NEW CONSTRUCTION UTILIZING SOURCES OF FUNDS THAT ARE NOT DEBT REQUIRES A:

- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN SEVEN MILLION DOLLARS; AND
- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN SEVEN MILLION DOLLARS.
- (B) FOR A WELL RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING NEW

CONSTRUCTION UTILIZING SOURCES OF FUNDS THAT ARE NOT DEBT REQUIRES A:

- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN FIVE MILLION DOLLARS; AND
- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FIVE MILLION DOLLARS.
- (C) FOR A MEDIUM RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING NEW CONSTRUCTION UTILIZING SOURCES OF FUNDS THAT ARE NOT DEBT REQUIRES A:
- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN FIVE HUNDRED THOUSAND DOLLARS BUT LESS THAN FIVE MILLION DOLLARS;
- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FIVE MILLION DOLLARS BUT LESS THAN SEVEN MILLION DOLLARS; AND
- (3) FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN SEVEN MILLION DOLLARS.
- (D) FOR A LOW OR UNRATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING NEW CONSTRUCTION UTILIZING SOURCES OF FUNDS THAT ARE NOT DEBT REQUIRES A FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FIVE HUNDRED THOUSAND DOLLARS.

SECTION 59-101-1380. (A) FOR A HIGHLY RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING RENOVATIONS UTILIZING SOURCES OF FUNDS THAT ARE NOT DEBT REQUIRES A:

(1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN ONE MILLION DOLLARS BUT LESS THAN SEVEN MILLION DOLLARS; AND

- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN SEVEN MILLION DOLLARS.
- (B) FOR A WELL RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING RENOVATIONS UTILIZING SOURCES OF FUNDS THAT ARE NOT DEBT REQUIRES A:
- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN ONE MILLION DOLLARS BUT LESS THAN FIVE MILLION DOLLARS; AND
- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FIVE MILLION DOLLARS.
- (C) FOR A MEDIUM RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING RENOVATIONS UTILIZING SOURCES OF FUNDS THAT ARE NOT DEBT REQUIRES A:
- (1) LIMITED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN ONE MILLION DOLLARS BUT LESS THAN FIVE MILLION DOLLARS;
- (2) MODIFIED REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN FIVE MILLION DOLLARS BUT LESS THAN SEVEN MILLION DOLLARS; AND
- (3) FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS MORE THAN SEVEN MILLION DOLLARS.
- (D) FOR A LOW OR UNRATED PUBLIC INSTITUTION OF HIGHER LEARNING, A PERMANENT IMPROVEMENT PROJECT INVOLVING RENOVATIONS UTILIZING SOURCES OF FUNDS THAT ARE NOT DEBT REQUIRES A FULL REVIEW FOR A PROJECT FOR WHICH THE TOTAL COST IS GREATER THAN ONE MILLION DOLLARS.

SECTION 59-101-1390. (A) FOR A HIGHLY RATED PUBLIC INSTITUTION OF HIGHER LEARNING, AN ACQUISITION UTILIZING ANY SOURCE OF FUNDS REQUIRES A:

- (1) LIMITED REVIEW FOR AN ACQUISITION FOR WHICH THE TOTAL COST IS GREATER THAN TWO HUNDRED FIFTY THOUSAND DOLLARS BUT LESS THAN ONE MILLION DOLLARS; AND
- (2) MODIFIED REVIEW FOR AN ACQUISITION FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN ONE MILLION DOLLARS.
- (B) FOR A WELL RATED PUBLIC INSTITUTION OF HIGHER LEARNING, AN ACQUISITION UTILIZING ANY SOURCE OF FUNDS REQUIRES A MODIFIED REVIEW FOR AN ACQUISITION FOR WHICH THE TOTAL COST IS GREATER THAN TWO HUNDRED FIFTY THOUSAND DOLLARS.
- (C) FOR A MEDIUM RATED PUBLIC INSTITUTION OF HIGHER LEARNING, AN ACQUISITION UTILIZING ANY SOURCE OF FUNDS REQUIRES A:
- (1) MODIFIED REVIEW FOR AN ACQUISITION FOR WHICH THE TOTAL COST IS GREATER THAN TWO HUNDRED FIFTY THOUSAND DOLLARS BUT LESS THAN ONE MILLION DOLLARS; AND
- (2) FULL REVIEW FOR AN ACQUISITION FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN ONE MILLION DOLLARS.
- (D) FOR A LOW OR UNRATED PUBLIC INSTITUTION OF HIGHER LEARNING, AN ACQUISITION UTILIZING ANY SOURCE OF FUNDS REQUIRES A FULL REVIEW FOR AN ACQUISITION FOR WHICH THE TOTAL COST IS GREATER THAN TWO HUNDRED FIFTY THOUSAND DOLLARS.

SECTION 59-101-1400. (A) FOR A HIGHLY RATED AND A WELL RATED PUBLIC INSTITUTION OF HIGHER LEARNING, A LEASE UTILIZING ANY SOURCE OF FUNDS REQUIRES A:

- (1) MODIFIED REVIEW FOR A LEASE FOR WHICH THE TOTAL COST IS GREATER THAN ONE MILLION DOLLARS BUT LESS THAN THREE MILLION DOLLARS; AND
- (2) FULL REVIEW FOR A LEASE FOR WHICH THE TOTAL COST IS EQUAL TO OR GREATER THAN THREE MILLION DOLLARS.

(B) FOR A MEDIUM RATED AND A LOW OR UNRATED PUBLIC INSTITUTION OF HIGHER LEARNING, A LEASE UTILIZING ANY SOURCE OF FUNDS REQUIRES A FULL REVIEW FOR A LEASE FOR WHICH THE TOTAL COST IS GREATER THAN ONE MILLION DOLLARS.

SECTION 59-101-1410. NOTHING IN THIS ARTICLE IS INTENDED TO SUPERCEDE COMMITTEE OR AUTHORITY, OR BOTH COMMITTEE AND AUTHORITY STAFF LEVEL APPROVAL FOR CERTAIN PROJECTS AS PROVIDED IN TITLE 2, CHAPTER 47.

SECTION 59-101-1420. NOTWITHSTANDING A CREDIT RATING TO THE CONTRARY, A PUBLIC INSTITUTION OF HIGHER LEARNING WHICH IS IN DEFICIT POSTURE, HAS NOT COMPLETED ITS ANNUAL COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) ON TIME, RECEIVED MATERIAL FINDINGS IN A PROCUREMENT AUDIT, STATE AUDITOR'S REPORT, OR AN INSPECTOR GENERAL'S REPORT, IS DEEMED LOW OR UNRATED FOR THE PURPOSES OF THIS ARTICLE. UPON COMPLETION OF CORRECTIVE ACTION ON ANY OF THESE ITEMS, THE PUBLIC INSTITUTION OF HIGHER LEARNING SHALL OPERATE SUBJECT TO ITS STATED CREDIT RATING."

SECTION 2. THIS ACT TAKES EFFECT JULY 1, 2014. /

RENUMBER SECTIONS TO CONFORM.

AMEND TITLE TO CONFORM.