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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/16/2009	.	
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The Committee on Governmental Oversight and Accountability
(Lawson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 125 - 158
and insert:
of an existing public facility. For purposes of this
subparagraph, "repair" means corrective action to restore an
existing public facility to a safe and functional condition, and
"maintenance" means preventive or corrective action for the
purpose of maintaining an existing public facility in an
operational state or preserving the facility from failure or
decline. Repair or maintenance includes activities necessarily



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12 incidental to repairing or maintaining the facility. Repair or
13 maintenance does not include the construction of any new
14 building, structure, or other public construction works. Repair
15 or maintenance does not include a substantial addition,
16 extension, or upgrade to an existing public facility. An
17 addition, extension, or upgrade to an existing public facility
18 shall be considered to be substantial if the estimated cost of
19 such addition, extension, or upgrade, in accordance with
20 generally accepted cost-accounting principles, exceeds the
21 amounts in subsection (1) and exceeds 25 percent of the
22 estimated total costs of the repair or maintenance project.
23 However any addition, extension, or upgrade to an existing
24 public facility shall not be considered to be substantial,
25 regardless of costs, if the addition, extension, or upgrade is
26 required to address an imminent threat to public health, safety,
27 or welfare. With respect to an addition, extension, or upgrade
28 to an existing public facility which is not required to address
29 an imminent threat to public health, safety, or welfare, has an
30 estimated cost that exceeds the amounts in subsection (1), and
31 which the local government will perform using its own services,
32 employees, and equipment, the local government shall publish a
33 public notice identifying the addition, extension, or upgrade.
34 The public notice shall state the estimated total cost of the
35 addition, extension, or upgrade, using generally accepted cost-
36 accounting principles that fully account for all costs
37 associated with the addition, extension, or upgrade, including
38 employee compensation and benefits, equipment costs and
39 maintenance, insurance costs, and materials. Upon publication of
40 the public notice and for 21 days thereafter, the local



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41 government shall make available for public inspection during
42 normal business hours at a location specified in the public
43 notice a detailed itemization of each component of the estimated
44 cost of the addition, extension, or upgrade, as well as
45 documentation explaining the methodology used to arrive at the
46 estimated cost.

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49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete line 10

52 and insert:

53 defining the terms "repair" and "maintenance"; providing
54 circumstances under which an addition, extension, or upgrade to
55 an existing public facility is or is not considered substantial;