

**2001 GENERAL OBLIGATION BOND AND
CAPITAL FACILITIES AUTHORIZATIONS**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Beverly Ann Evans

This act authorizes issuance of state of Utah general obligation bonds and bond anticipation notes by the State Bonding Commission for highways. This act defines the process and requirements for issuing the bonds and notes and specifies the use of the proceeds. This act imposes a statewide property tax and abates it. This act creates a sinking fund to pay debt service on the bonds. This act authorizes the issuance of other debt obligations by the State Building Ownership Authority. This act authorizes other capital facility expenditures. This act modifies previously adopted intent language. This act exempts the bonds and notes authorized by this section from the statutory debt limit. This act provides for related matters and makes technical corrections.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63-9a-6, as last amended by Chapter 21, Laws of Utah 1999

63-38c-402, as last amended by Chapter 354, Laws of Utah 2000

63B-6-502, as enacted by Chapter 391, Laws of Utah 1997

ENACTS:

63B-10-101, Utah Code Annotated 1953

63B-10-102, Utah Code Annotated 1953

63B-10-103, Utah Code Annotated 1953

63B-10-104, Utah Code Annotated 1953

63B-10-105, Utah Code Annotated 1953

63B-10-106, Utah Code Annotated 1953

63B-10-107, Utah Code Annotated 1953

63B-10-108, Utah Code Annotated 1953

63B-10-109, Utah Code Annotated 1953

- 63B-10-110, Utah Code Annotated 1953
- 63B-10-111, Utah Code Annotated 1953
- 63B-10-112, Utah Code Annotated 1953
- 63B-10-113, Utah Code Annotated 1953
- 63B-10-114, Utah Code Annotated 1953
- 63B-10-115, Utah Code Annotated 1953
- 63B-10-116, Utah Code Annotated 1953
- 63B-10-117, Utah Code Annotated 1953
- 63B-10-201, Utah Code Annotated 1953
- 63B-10-202, Utah Code Annotated 1953
- 63B-10-203, Utah Code Annotated 1953
- 63B-10-204, Utah Code Annotated 1953
- 63B-10-501, Utah Code Annotated 1953
- 63B-10-601, Utah Code Annotated 1953

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

Section 1. Section **63-9a-6** is amended to read:

**63-9a-6. Obligations issued by authority -- Limitation of liability on obligations --
Limitation on amount of obligations issued.**

(1) (a) All obligations issued by the authority under this chapter shall be limited obligations of the authority and shall not constitute, nor give rise to, a general obligation or liability of, nor a charge against the general credit or taxing power of, this state or any of its political subdivisions.

(b) This limitation shall be plainly stated upon all obligations.

(2) (a) No authority obligations incurred under this section may be issued in an amount exceeding the difference between the total indebtedness of the state and an amount equal to 1 1/2% of the value of the taxable property of the state.

(b) Debt issued under authority of [~~Title 63B, Chapter 6, Part 2, 1997 Highway General Obligation Bond Authorization, and Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note Authorization,~~] the following parts may not be included as part of the total indebtedness of the

state of Utah in determining the debt limit established by this Subsection (2)[-]:

- (i) Title 63B, Chapter 6, Part 2, 1997 Highway General Obligation Bond Authorization;
- (ii) Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note Authorization;
- (iii) Title 63B, Chapter 7, Part 2, 1998 Highway General Obligation Bond Authorization;
- (iv) Title 63B, Chapter 7, Part 3, 1998 Highway Bond Anticipation Note Authorization;
- (v) Title 63B, Chapter 8, Part 2, 1999 Highway General Obligation Bond Authorization;
- (vi) Title 63B, Chapter 8, Part 3, 1999 Highway Bond Anticipation Note Authorization;
- (vii) Title 63B, Chapter 9, Part 2, 2000 Highway General Obligation Bond;
- (viii) Title 63B, Chapter 10, Part 1, 2001 Highway General Obligation Bond; and
- (ix) Title 63B, Chapter 10, Part 2, 2001 Highway General Obligation Bond Anticipation

Notes Authorization.

(c) Debt issued under authority of Section 63B-7-503 may not be included as part of the total indebtedness of the state in determining the debt limit established by this Subsection (2).

(3) The obligations shall be authorized by resolution of the authority, following approval of the Legislature, and may:

(a) be executed and delivered at any time, and from time to time, as the authority may determine;

(b) be sold at public or private sale in the manner and at the prices, either at, in excess of, or below their face value and at such times as the authority may determine;

(c) be in the form and denominations as the authority may determine;

(d) be of the tenor as the authority may determine;

(e) be in registered or bearer form either as to principal or interest or both;

(f) be payable in those installments and at the times as the authority may determine;

(g) be payable at the places, either within or without this state, as the authority may determine;

(h) bear interest at the rate or rates, payable at the place or places, and evidenced in the manner, as the authority may determine;

(i) be redeemable prior to maturity, with or without premium;

(j) contain such other provisions not inconsistent with this chapter as shall be deemed for the best interests of the authority and provided for in the proceedings of the authority under which the bonds shall be authorized to be issued; and

(k) bear facsimile signatures and seals.

(4) The authority may pay any expenses, premiums or commissions, which it deems necessary or advantageous in connection with the authorization, sale, and issuance of these obligations, from the proceeds of the sale of the obligations or from the revenues of the projects involved.

Section 2. Section **63-38c-402** is amended to read:

63-38c-402. Debt limitation -- Vote requirement needed to exceed limitation --

Exceptions.

(1) (a) Except as provided in Subsection (1)(b), the outstanding general obligation debt of the state may not exceed 20% of the maximum allowable appropriations limit unless approved by more than a two-thirds vote of both houses of the Legislature.

(b) Notwithstanding the limitation contained in Subsection (1)(a), debt issued under the authority of the following parts is not subject to the debt limitation established by this section:

(i) Title 63B, Chapter 6, Part 2, 1997 Highway General Obligation Bond Authorization[;];

(ii) Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note Authorization[;];

(iii) Title 63B, Chapter 7, Part 2, 1998 Highway General Obligation Bond Authorization[;];

(iv) Title 63B, Chapter 7, Part 3, 1998 Highway Bond Anticipation Note Authorization[;];

(v) Title 63B, Chapter 8, Part 2, 1999 Highway General Obligation Bond Authorization[;];

(vi) Title 63B, Chapter 8, Part 3, 1999 Highway Bond Anticipation Note Authorization[;];

(vii) Title 63B, Chapter 9, Part 2, 2000 Highway General Obligation Bond[; ~~is not subject to the debt limitation established by this section.~~];

(viii) Title 63B, Chapter 10, Part 1, 2001 Highway General Obligation Bond; and

(ix) Title 63B, Chapter 10, Part 2, 2001 Highway General Obligation Bond Anticipation

Notes Authorization.

(2) This section does not apply if contractual rights will be impaired.

Section 3. 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 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 [~~a private~~] an entity for the purpose of constructing [~~a waste sorting~~] recycling and transfer [~~facility~~] facilities to employ inmates if the following conditions are satisfactorily met:

- (i) the [~~private~~] entity assures continuous employment of state inmates;
- (ii) the lease with the [~~private~~] 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 [~~private~~] 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 [private] entity assumes responsibility for any taxes or fees associated with the facility; and

(ix) the [private] 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 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 Section 56, Chapter 304, Laws of Utah 1992, be used for general capital improvements; and

(b) the Building Board 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 Parks and Recreation.

Section 4. Section **63B-10-101** is enacted to read:

CHAPTER 10. 2001 BONDING

Part 1. 2001 Highway General Obligation Bonds

63B-10-101. State Bonding Commission authorized to issue general obligation bonds.

The commission created under Section 63B-1-201 may issue and sell general obligation bonds of the state pledging the full faith, credit, and resources of the state for the payment of the principal of and interest on the bonds, to provide funds to the Department of Transportation.

Section 5. Section **63B-10-102** is enacted to read:

63B-10-102. Maximum amount -- Projects authorized.

(1) The total amount of bonds issued under this part may not exceed \$126,250,000.

(2) (a) Proceeds from the issuance of bonds shall be provided to the Department of Transportation to provide funds to pay all or part of the costs of state highway construction or reconstruction projects.

(b) These costs may include the cost of acquiring land, interests in land, easements and rights-of-way, improving sites, and making all improvements necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds during the period to be covered by construction of the projects plus a period of six months after the end of the construction period, interest estimated to accrue on any bond anticipation notes issued under the authority of Chapter 10, Part 2, 2001 Highway General Obligation Bond Anticipation Notes Authorization, and all related engineering, architectural, and legal fees.

(3) The commission or the state treasurer may make any statement of intent relating to a reimbursement that is necessary or desirable to comply with federal tax law.

(4) The Department of Transportation may enter into agreements related to that project before the receipt of proceeds of bonds issued under this chapter.

Section 6. Section **63B-10-103** is enacted to read:

63B-10-103. Bond proceeds may be used to pay costs of issuance and sale.

The proceeds of bonds issued under this chapter shall be used for the purposes described in Section 63B-10-102 and to pay all or part of any cost incident to the issuance and sale of the bonds including, without limitation, printing, registration and transfer costs, legal fees, trustees' fees, financial advisors' fees, and underwriters' discount.

Section 7. Section **63B-10-104** is enacted to read:

63B-10-104. Manner of issuance -- Amounts, interest, and maturity.

(1) Bonds issued under this chapter may be authorized, sold, and issued at times and in a manner determined by the commission by resolution.

(2) Bonds may be issued in one or more series, in amounts, and shall bear dates, interest rates, including a variable rate, and maturity dates as the commission determines by resolution.

(3) A bond issued may not mature later than 15 years after the date of final passage of this chapter.

Section 8. Section **63B-10-105** is enacted to read:

63B-10-105. Terms and conditions of sale -- Plan of financing -- Signatures --

Replacement -- Registration -- Federal rebate.

(1) In the issuance of bonds, the commission may determine by resolution:

(a) the manner of sale, including public or private sale;

(b) the terms and conditions of sale, including price, whether at, below, or above face value;

(c) denominations;

(d) form;

(e) manner of execution;

(f) manner of authentication;

(g) place and medium of purchase;

(h) redemption terms; and

(i) other provisions and details it considers appropriate.

(2) The commission may, by resolution, adopt a plan of financing, which may include terms and conditions of arrangements entered into by the commission on behalf of the state with financial and other institutions for letters of credit, standby letters of credit, reimbursement agreements, and remarketing, indexing, and tender agent agreements to secure the bonds, including payment from any legally available source of fees, charges, or other amounts coming due under the agreements entered into by the commission.

(3) (a) Any signature of a public official authorized by resolution of the commission to sign the bonds may be a facsimile signature of that official imprinted, engraved, stamped, or otherwise placed on the bonds.

(b) If all signatures of public officials on the bonds are facsimile signatures, provision shall be made for a manual authenticating signature on the bonds by or on behalf of a designated authentication agent.

(c) If an official ceases to hold office before delivery of the bonds signed by that official, the signature or facsimile signature of the official is nevertheless valid for all purposes.

(d) A facsimile of the state seal may be imprinted, engraved, stamped, or otherwise placed on the bonds.

(4) (a) The commission may enact resolutions providing for the replacement of lost, destroyed, or mutilated bonds, or for the exchange of bonds after issuance for bonds of smaller or larger denominations.

(b) Bonds in changed denominations shall:

(i) be exchanged for the original bonds in like aggregate principal amounts and in a manner that prevents the duplication of interest; and

(ii) bear interest at the same rate, mature on the same date, and be as nearly as practicable in the form of the original bonds.

(5) (a) Bonds may be registered as to both principal and interest or may be in a book entry form under which the right to principal and interest may be transferred only through a book entry.

(b) The commission may provide for the services and payment for the services of one or more financial institutions or other entities or persons, or nominees, within or outside the state, for the authentication, registration, transfer, including record, bookkeeping, or book entry functions, exchange, and payment of the bonds.

(c) The records of ownership, registration, transfer, and exchange of the bonds, and of persons to whom payment with respect to the obligations is made, are private records as provided in Section 63-2-302, or protected records as provided in Section 63-2-304.

(d) The bonds and any evidences of participation interest in the bonds may be issued, executed, authenticated, registered, transferred, exchanged, and otherwise made to comply with Title 15, Chapter 7, Registered Public Obligations Act, or any other act of the Legislature relating to the registration of obligations enacted to meet the requirements of Section 149 of the Internal Revenue

Code of 1986, as amended, or any successor to it, and applicable regulations.

(6) The commission may:

(a) by resolution, provide for payment to the United States of whatever amounts are necessary to comply with Section 148 (f) of the Internal Revenue Code of 1986, as amended; and

(b) enter into agreements with financial and other institutions and attorneys to provide for:

(i) the calculation, holding, and payment of those amounts; and

(ii) payment from any legally available source of fees, charges, or other amounts coming due under any agreements entered into by the commission.

Section 9. Section **63B-10-106** is enacted to read:

63B-10-106. Constitutional debt limitation.

(1) The commission may not issue bonds under this chapter in an amount that violates the limitation described in Utah Constitution Article XIV, Section 1.

(2) For purposes of applying the debt limitation contained in Utah Constitution Article XIV, Section 1, the value of the taxable property in Utah is considered to be 100% of the fair market value of the taxable property of the state, including fee-in-lieu property, as computed from the last assessment for state purposes previous to the issuance of the bonds.

Section 10. Section **63B-10-107** is enacted to read:

63B-10-107. Tax levy -- Abatement of tax.

(1) Each year after issuance of the bonds and until all outstanding bonds are retired, there is levied a direct annual tax on all real and personal property within the state subject to state taxation, sufficient to pay:

(a) applicable bond redemption premiums, if any;

(b) interest on the bonds as it becomes due; and

(c) principal of the bonds as it becomes due.

(2) (a) The State Tax Commission shall fix the rate of the direct annual tax levy each year.

(b) The tax shall be collected and the proceeds applied as provided in this chapter.

(3) The direct annual tax imposed under this section is abated to the extent money is available from sources, other than ad valorem taxes in the sinking fund, for the payment of bond

interest, principal, and redemption premiums.

Section 11. Section **63B-10-108** is enacted to read:

63B-10-108. Creation of sinking fund.

(1) There is created a sinking fund, to be administered by the state treasurer, entitled the "2001 Highway General Obligation Bonds Sinking Fund."

(2) All monies deposited in the sinking fund, from whatever source, shall be used to pay debt service on the bonds.

(3) The proceeds of all taxes levied under this chapter are appropriated to this fund.

(4) The state treasurer may create separate accounts within the sinking fund for each series of bonds issued.

Section 12. Section **63B-10-109** is enacted to read:

63B-10-109. Payment of interest, principal, and redemption premiums.

(1) The Division of Finance shall draw warrants on the state treasury before any interest, principal, or redemption premiums become due on the bonds.

(2) After receipt of the warrants, the state treasurer shall:

(a) promptly pay the warrants from funds within the sinking fund; and

(b) immediately transmit the amount paid to the paying agent for the bonds.

Section 13. Section **63B-10-110** is enacted to read:

63B-10-110. Investment of sinking fund money.

(1) The state treasurer may, by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act, invest any money contained in the sinking fund until it is needed for the purposes for which the fund is created.

(2) Unless otherwise provided in the resolution of the commission authorizing the issuance of bonds under this chapter, the treasurer shall retain all income from the investment of any money contained in the sinking fund in the sinking fund and use it for the payment of debt service on the bonds.

Section 14. Section **63B-10-111** is enacted to read:

63B-10-111. Bond proceeds -- Deposits -- Investment -- Disposition of investment

income and unexpended proceeds.

(1) (a) Proceeds from the sale of bonds issued under this chapter shall be deposited within one or more accounts as determined by resolution of the commission.

(b) The state treasurer shall administer and maintain these accounts unless otherwise provided by the commission by resolution.

(c) The commission, by resolution, may provide for the deposit of these monies with a trustee and the administration, disposition, or investment of these monies by this trustee.

(2) (a) The commission, by resolution, shall provide for the kinds of investments in which the proceeds of bonds issued under this chapter may be invested.

(b) Income from the investment of proceeds of bonds issued under this chapter shall be applied as provided by resolution of the commission.

(3) Any unexpended bond proceeds issued under this chapter shall be deposited, upon completion of the purposes for which the bonds were issued, in the sinking fund, unless otherwise provided in the resolution of the commission authorizing the issuance of bonds under this chapter.

Section 15. Section **63B-10-112** is enacted to read:

63B-10-112. Refunding of bonds.

(1) The commission may provide for the refunding of any of the bonds in accordance with Title 11, Chapter 27, Utah Refunding Bond Act.

(2) For purposes of Title 11, Chapter 27, Utah Refunding Bond Act, the state of Utah is considered the public body and the commission its governing body.

Section 16. Section **63B-10-113** is enacted to read:

63B-10-113. Certification of satisfaction of conditions precedent -- Conclusiveness.

(1) The commission may not issue any bond under this chapter until it finds and certifies that all conditions precedent to issuance of the bonds have been satisfied.

(2) A recital on any bond of this finding and certification conclusively establishes the completion and satisfaction of all these conditions.

Section 17. Section **63B-10-114** is enacted to read:

63B-10-114. Tax exemption.

The bonds issued under this chapter, any interest paid on the bonds, and any income from the bonds are not taxable in this state for any purpose, except for the corporate franchise tax.

Section 18. Section **63B-10-115** is enacted to read:

63B-10-115. Legal investment status.

Bonds issued under this chapter are legal investments for all state trust funds, insurance companies, banks, trust companies, and the State School Fund and may be used as collateral to secure legal obligations.

Section 19. Section **63B-10-116** is enacted to read:

63B-10-116. Publication of resolution or notice -- Limitation on actions to contest legality.

(1) The commission may:

(a) publish any resolution it adopts under this chapter once in a newspaper having general circulation in Utah; or

(b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued, titled as such, containing the information required by Subsection 11-14-21(3).

(2) (a) Any interested person, for 30 days after the date of publication, may contest:

(i) the legality of the resolution;

(ii) any of the bonds authorized under it; or

(iii) any of the provisions made for the security and repayment of the bonds.

(b) After 30 days, a person may not contest the legality of the resolution, any of the bonds authorized under it, or any of the provisions made for the security and repayment of the bonds for any cause.

Section 20. Section **63B-10-117** is enacted to read:

63B-10-117. Report to Legislature.

The governor shall report the commission's proceedings to each annual general session of the Legislature in his budget for as long as bonds issued under this chapter remain outstanding.

Section 21. Section **63B-10-201** is enacted to read:

Part 2. 2001 Highway General Obligation Bond Anticipation Notes Authorization

63B-10-201. Definitions.

As used in this part:

(1) "Bond anticipation note" means a note issued in anticipation of the receipt of the proceeds of the sale of the bonds authorized under Part 1 of this chapter.

(2) "Flexible note" means a bond anticipation note whose interest is payable at, and on one or more dates before, maturity.

(3) (a) "Short-term series note" means a bond anticipation note that is one of a series of notes issued pursuant to a financing program under which it is expected that:

(i) each note will be paid from the proceeds of one or more renewal notes of that series; and

(ii) the final note or notes of the series will be paid from:

(A) the proceeds of bonds in anticipation of the receipt of which the note or notes were issued; or

(B) monies of the state on hand and legally available for that purpose.

(b) "Short-term series note" includes any note issued pursuant to a revolving credit agreement or other similar liquidity facility for the purpose of renewing or paying outstanding short-term series notes on their stated maturity dates when those short-term series notes are not renewed or paid from the proceeds of one or more other renewal notes of the series.

Section 22. Section **63B-10-202** is enacted to read:

63B-10-202. Authorization, terms, and procedures.

(1) The state treasurer may, by written order, issue bond anticipation notes and renewals of bond anticipation notes, including, but not limited to, flexible notes and short-term series notes, in the form and with the terms that he determines.

(2) The state treasurer may:

(a) enter into whatever agreements with other persons that he considers necessary or appropriate in connection with the issuance, sale, and resale of the notes; and

(b) resell or retire any notes purchased by the state before the stated maturity of those notes.

(3) (a) The notes and renewals of the notes shall:

(i) bear the interest rate or rates as determined by the state treasurer; and

- (ii) mature within a period not to exceed five years from the date of original issuance.
- (b) The notes and renewals of notes may:
 - (i) bear a variable interest rate; and
 - (ii) be redeemed prior to maturity by the state treasurer, but only in accordance with the provisions of the notes relating to redemption prior to maturity.
- (4) The proceeds from the sale of the notes may be used only for:
 - (a) the purposes established in Section 63B-10-102;
 - (b) the payment of principal of and, if not otherwise provided, interest on, bond anticipation notes;
 - (c) the payment of costs of issuance; or
 - (d) any combination of Subsections (4)(a), (b), and (c).
- (5) (a) All of the notes and any renewals of the notes shall be payable from the proceeds of the sale of bonds.
 - (b) A renewal of any note may not be issued after the sale of bonds in anticipation of which the original note was issued.
- (6) If a sale of the bonds has not occurred before the maturity of the notes issued in anticipation of the sale, the state treasurer shall, in order to meet the notes then maturing:
 - (a) issue renewal notes for that purpose;
 - (b) pay the notes from state monies legally available for paying those notes; or
 - (c) any combination of Subsections (6)(a) and (b).
- (7) Each note and any renewal of any note, with the interest on the note or renewal, constitute general obligations of the state.
- (8) Each note and any renewal of any note, with the interest on the note or renewal, shall be:
 - (a) secured by the full faith, credit, and resources of the state in the manner provided in Part 1 of this chapter;
 - (b) payable from:
 - (i) the proceeds of the sale of the bonds and not from any other borrowing; and
 - (ii) monies of the state on hand and legally available for that purpose; or

(iii) any combination of Subsections (8)(b)(i) and (ii); and

(c) payable within five years from the date of original issue.

(9) (a) As used in this Subsection (9), "total amount of bonds authorized to be issued but not yet issued" includes bonds authorized to be issued only if one or more conditions are met.

(b) The total amount of notes or renewals of notes issued and outstanding at any one time may not exceed the total amount of bonds authorized to be issued but not yet issued.

(10) The state treasurer shall, in his annual report to the governor, include a detailed statement of all notes and bonds issued during the year and of his actions in relation to them.

Section 23. Section **63B-10-203** is enacted to read:

63B-10-203. Purchase and redemption requirements.

(1) The notes and renewals of notes may provide the holders of the notes or renewals of notes with the right to require the state or other persons to purchase or redeem the notes or renewal notes before the stated maturity of the notes or renewals.

(2) Notwithstanding Subsection (1), the holders of the notes and renewals of notes may not be provided with the right to require the state to repurchase or redeem the notes and renewals of the notes before their stated maturity unless the state has entered into one or more letter of credit agreements or other liquidity facility agreements:

(a) for the express purpose of those sales;

(b) that require a financially responsible party or parties to the agreement or agreements, other than the state, to purchase or redeem all or any portion of the notes and renewals of notes tendered by the holders of the notes or renewals of notes for repurchase or redemption before the stated maturity of the notes and renewals of notes; and

(c) that continue until the right of the holders of the notes and renewals of notes to require repurchase or redemption of the notes and renewals of notes before the stated maturity has ceased.

Section 24. Section **63B-10-204** is enacted to read:

63B-10-204. General provisions -- Funds and accounts.

(1) (a) Sections 63B-10-105, 63B-10-106, 63B-10-113, 63B-10-114, 63B-10-115, and 63B-10-116 apply to any notes or renewals of notes issued under this part.

(b) (i) For purposes of this part, any action that those sections require or permit the commission to take shall be considered sufficient if taken by the state treasurer.

(ii) The treasurer may take action by issuing a written order, or in some other manner that he finds necessary or convenient, to accomplish the purposes of this part.

(2) The treasurer may:

(a) in a written order, establish whatever funds and accounts are necessary or desirable to carry out the purposes of this part; and

(b) until the monies are needed for the purpose for which the fund or account was created, invest the monies held in those funds and accounts by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act.

Section 25. Section **63B-10-501** is enacted to read:

Part 5. 2001 Revenue Bond Authorizations

63B-10-501. Revenue bond authorizations.

(1) (a) It is the intent of the Legislature that the State Building Ownership Authority, under the authority of Title 63, Chapter 9a, State Building Ownership Act, may 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 \$8,281,000 for the construction of an expansion of the Department of Alcoholic Beverage Control warehouse together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

(b) It is the intent of the Legislature that enhanced revenues of the Department of Alcoholic Beverage Control be used as the primary revenue source for repayment of any obligation created under authority of this Subsection (1).

(2) (a) It is the intent of the Legislature that the State Building Ownership Authority, under the authority of Title 63, Chapter 9a, State Building Ownership Act, may 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 \$957,100 for the acquisition of a site and construction of a store in the western part of Salt Lake County for the Department of Alcoholic Beverage Control together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any

debt service reserve requirements.

(b) It is the intent of the Legislature that enhanced revenues of the Department of Alcoholic Beverage Control be used as the primary revenue source for repayment of any obligation created under authority of this Subsection (2).

(3) (a) It is the intent of the Legislature that the State Building Ownership Authority, under the authority of Title 63, Chapter 9a, State Building Ownership Act, may 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 \$1,497,700 for the acquisition of a site and construction of a store in the southern part of Salt Lake County for the Department of Alcoholic Beverage Control together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

(b) It is the intent of the Legislature that enhanced revenues of the Department of Alcoholic Beverage Control be used as the primary revenue source for repayment of any obligation created under authority of this Subsection (3).

(4) (a) It is the intent of the Legislature that the State Building Ownership Authority, under the authority of Title 63, Chapter 9a, State Building Ownership Act, may 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 \$100,000,000 for the acquisition and construction of a cancer clinical research hospital facility adjacent to the University of Utah Medical Center, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

(b) The State Building Ownership Authority shall work cooperatively with the Division of Facilities Construction and Management and the University of Utah to seek out the most cost effective and prudent lease purchase plan available.

(c) It is the intent of the Legislature that the University of Utah lease land to the State Building Ownership Authority for the construction of a cancer clinical research hospital facility adjacent to the University of Utah Medical Center.

(d) The anticipated revenue sources for repayment of any obligation created under authority

of this section are:

(i) 60% from the Huntsman Cancer Foundation; and

(ii) 40% from institutional funds of the University of Utah, including the University's annual distribution of tobacco settlement funds from the state.

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

(a) the Board of Regents, on behalf of the University of Utah, issue, sell, and deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on the credit, revenues, and reserves of the University of Utah, other than appropriations of the Legislature, to finance the cost of acquiring, constructing, furnishing, and equipping an expansion of the University Hospital;

(b) University Hospital revenues be used as the primary revenue source for repayment of any obligation created under authority of this section; and

(c) the bonds or other evidences of indebtedness authorized by this section may provide up to \$25,000,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

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

(a) the Board of Regents, on behalf of Salt Lake Community College, issue, sell, and deliver revenue bonds or other evidences of indebtedness of Salt Lake Community College to borrow money on the credit, revenues, and reserves of Salt Lake Community College, other than appropriations of the Legislature, to finance the cost of acquiring, constructing, furnishing, and equipping the remodel of the cafeteria and expansion of the Student Center;

(b) student fees be used as the primary revenue source for repayment of any obligation created under authority of this section; and

(c) the bonds or other evidences of indebtedness authorized by this section may provide up to \$6,000,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

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

(a) the Board of Regents, on behalf of Dixie College, issue, sell, and deliver revenue bonds

or other evidences of indebtedness of Dixie College to borrow money on the credit, revenues, and reserves of Dixie College, other than appropriations of the Legislature, to finance the cost of acquiring, constructing, furnishing, and equipping an expansion of the Gardner Student Center;

(b) student fees be used as the primary revenue source for repayment of any obligation created under authority of this section; and

(c) the bonds or other evidences of indebtedness authorized by this section may provide up to \$1,500,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

Section 26. Section **63B-10-601** is enacted to read:

Part 6. Other 2001 Capital Facilities Authorizations and Intent Language

63B-10-601. 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. 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 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 Fund 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 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.

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

(a) the Division of Facilities Construction and Management use \$17,294,400 to erect a new Engineering lab and classroom building at Utah State University and place \$5,943,500 in escrow for the renovation of the existing engineering building to be matched against \$10,000,000 in non-State funds raised by the university; and

(b) no state funds be expended on the remodel of the Utah State University Engineering Building until the university has received all of the \$10 million.

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

(a) the Division of Facilities Construction and Management use \$4,613,000 to remodel the

Merrill Engineering Building at the University of Utah and place \$15,000,000 in escrow for a new engineering building to be matched against \$30,000,000 in non-State funds raised by the university;
and

(b) no state funds be expended on the new Engineering Building until the university has received at least \$13,000,000.