

HB0332S02 compared with HB0332

~~{Omitted text}~~ shows text that was in HB0332 but was omitted in HB0332S02

inserted text shows text that was not in HB0332 but was inserted into HB0332S02

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~~{Local Building Authority}~~ School District Project Financing Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tiara Auxier

Senate Sponsor:

LONG TITLE

General Description:

This bill amends the ~~{authority of}~~ requirements for how a school district may finance and build a ~~{local}~~ school building ~~{authority}~~ or facility.

Highlighted Provisions:

This bill:

- requires a school district to pursue voter approval of a general obligation bond before issuing a lease revenue bond to finance a school building or infrastructure project;
- prohibits a ~~{local building authority}~~ school district from ~~{executing}~~ establishing a public-private partnership to execute a school district project ~~{previously rejected by the voters of certain creating local entities.}~~ ; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

AMENDS:

11-14-103 , as last amended by Laws of Utah 2024, Chapter 474

ENACTS:

11-72-101 , Utah Code Annotated 1953

11-72-102 , Utah Code Annotated 1953

~~**{17D-2-303 , Utah Code Annotated 1953}**~~

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

Section 1. Section 11-14-103 is amended to read:

11-14-103. Bond issues authorized -- Purposes -- Use of bond proceeds.

- (1) Any local political subdivision may, in the manner and subject to the limitations and restrictions contained in this chapter, issue [its] the local political subdivision's negotiable bonds for the purpose of paying all or part of the cost of:
- (a) acquiring, improving, or extending any one or more improvements, facilities, or property that the local political subdivision is authorized by law to acquire, improve, or extend;
- (b) acquiring, or acquiring an interest in, any one or more or any combination of the following types of improvements, facilities, or property to be owned by the local political subdivision, either alone or jointly with one or more other local political subdivisions, or for the improvement or extension of any of those wholly or jointly owned improvements, facilities, or properties:
- (i) public buildings of every nature, including without limitation, offices, courthouses, jails, fire, police and sheriff's stations, detention homes, and any other buildings to accommodate or house lawful activities of a local political subdivision;
- (ii) waterworks, irrigation systems, water systems, dams, reservoirs, water treatment plants, and any other improvements, facilities, or property used in connection with the acquisition, storage, transportation, and supplying of water for domestic, industrial, irrigation, recreational, and other purposes and preventing pollution of water;
- (iii) sewer systems, sewage treatment plants, incinerators, and other improvements, facilities, or property used in connection with the collection, treatment, and disposal of sewage, garbage, or other refuse;

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- (iv) drainage and flood control systems, storm sewers, and any other improvements, facilities, or property used in connection with the collection, transportation, or disposal of water;
- 54 (v) recreational facilities of every kind, including without limitation, athletic and play facilities, playgrounds, athletic fields, gymnasiums, public baths, swimming pools, camps, parks, picnic grounds, fairgrounds, golf courses, zoos, boating facilities, tennis courts, auditoriums, stadiums, arenas, and theaters;
- 58 (vi) convention centers, sports arenas, auditoriums, theaters, and other facilities for the holding of public assemblies, conventions, and other meetings;
- 60 (vii) roads, bridges, viaducts, tunnels, sidewalks, curbs, gutters, and parking buildings, lots, and facilities;
- 62 (viii) airports, landing fields, landing strips, and air navigation facilities;
- 63 (ix) educational facilities, including without limitation, schools, gymnasiums, auditoriums, theaters, museums, art galleries, libraries, stadiums, arenas, and fairgrounds;
- 66 (x) hospitals, convalescent homes, and homes for the aged or indigent; and
- 67 (xi) electric light works, electric generating systems, and any other improvements, facilities, or property used in connection with the generation and acquisition of electricity for these local political subdivisions and transmission facilities and substations if they do not duplicate transmission facilities and substations of other entities operating in the state prepared to provide the proposed service unless these transmission facilities and substations proposed to be constructed will be more economical to these local political subdivisions;
- 74 (c) new construction, renovation, or improvement to a state highway within the boundaries of the local political subdivision or an environmental study for a state highway within the boundaries of the local political subdivision; or
- 77 (d) except as provided in Subsection (5), the portion of any claim, settlement, or judgment that exceeds \$3,000,000.
- 79 (2) Except as provided in Subsection (1)(c), any improvement, facility, or property under Subsection (1) need not lie within the limits of the local political subdivision.
- 81 (3) A cost under Subsection (1) may include:
- 82 (a) the cost of equipment and furnishings for such improvements, facilities, or property;
- 83 (b) all costs incident to the authorization and issuance of bonds, including engineering, legal, and fiscal advisers' fees;

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- 85 (c) costs incident to the issuance of bond anticipation notes, including interest to accrue on bond
anticipation notes;
- 87 (d) interest estimated to accrue on the bonds during the period to be covered by the construction of the
improvement, facility, or property and for 12 months after that period; and
- 90 (e) other amounts which the governing body finds necessary to establish bond reserve funds and to
provide working capital related to the improvement, facility, or property.
- 92 (4)
- (a) Except as provided in Subsection (4)(b), the proceeds from bonds issued on or after May 14, 2013,
may not be used:
- 94 (i) for operation and maintenance expenses for more than one year after the date any of the
proceeds are first used for those expenses; or
- 96 (ii) for capitalization of interest more than five years after the bonds are issued.
- 97 (b) The restrictions on the use of bond proceeds under Subsection (4)(a) do not apply to bonds issued to
pay all or part of the costs of a claim, settlement, or judgment under Subsection (1)(d).
- 100 (5) Beginning on or after July 1, 2021, a local political subdivision may not issue its negotiable bonds
for a purpose described in Subsection (1)(d).
- 102 (6)
- (a) As used in this Subsection (6):
- 103 (i) "Applicable lease revenue bond" means a lease revenue bond in an amount that exceeds
\$10,000,000.
- 105 (ii) "Combined total" means the total of all lease revenue bonds issued by a local political
subdivision within any consecutive three-year period.
- 107 (b)
- (i) A local political subdivision may not issue a lease revenue bond if the issuance of the bond will
cause the combined total to exceed \$200,000,000.
- 109 (ii) The amount of a lease revenue bond to pay for the construction, reconstruction, or remodeling of a
correctional facility, as defined in Section 77-17b-102, does not count toward the combined total.
- 112 (c) A school district may not issue a lease revenue bond to pay for the construction, reconstruction, or
remodeling of a school district building or facility unless, in accordance with Title 11, Chapter 14,
Part 2, Bond Elections, the school district first gives the voters of the school district an opportunity
to approve a general obligation bond, described in Section 11-14-310, to pay for the construction,

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reconstruction, or remodeling of the school district building or facility instead of the lease revenue bond.

- 118 [(e)] (d) Before issuing an applicable lease revenue bond on or after May 1, 2024, a local political
subdivision shall:
- 120 (i) make a statement at a meeting of the local political subdivision, as provided in Subsection [(6)
(d)] (6)(e);
- 122 (ii) as provided in Subsection [(6)(e)] (6)(f), publish notice of the proposed issuance of a lease revenue
bond and of the public hearing under Subsection [(6)(f)] (6)(g); and
- 125 (iii) hold a public hearing, as provided in Subsection [(6)(f)] (6)(g).
- 126 [(d)] (e)
- (i) At a regular meeting of the local political subdivision that is held at least 14 days before a public
hearing under Subsection [(6)(f)] (6)(f), the governing body of a local political subdivision intending
to issue an applicable lease revenue bond shall make a statement indicating:
- 130 (A) the intent to issue a lease revenue bond; and
- 131 (B) the purpose and estimated amount of the lease revenue bond.
- 132 (ii) The local political subdivision's agenda under Section 52-4-202 for a meeting described in
Subsection [(6)(d)(i)] (6)(e)(i) shall include a separate item for the statement required under
Subsection [(6)(d)(i)] (6)(e)(i).
- 135 [(e)] (f)
- (i) A local political subdivision intending to issue an applicable lease revenue bond shall provide notice
of the intent to issue a lease revenue bond and of the public hearing required under Subsection [(6)
(f)] (6)(g).
- 138 (ii) The notice required under Subsection [(6)(e)(i)] (6)(f)(i) shall be published:
- 139 (A) subject to Section 45-1-101, in a newspaper or combination of newspapers of general circulation in
the local political subdivision;
- 141 (B) electronically in accordance with Section 45-1-101; and
- 142 (C) for the local political subdivision, as a class A notice under Section 63G-30-102, for at least 14 days
immediately before the public hearing under Subsection [(6)(d)] (6)(e).
- 145 (iii) If the local political subdivision intending to issue an applicable lease revenue bond is a school
district, the notice required by Subsection [(6)(e)(i)] (6)(f)(i) shall include a statement that contains
substantially the following language: "This proposed lease revenue bond commits money from

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future property tax and income tax revenue allocated to the school district. Additionally, a lease revenue bond generally has a higher interest cost than a voter-approved general obligation bond."

(iv) The notice described in Subsection [(6)(e)(ii)(A)] (6)(f)(ii)(A):

(A) shall be no less than 1/4 page in size, use type no smaller than 18 point, and be surrounded by a 1/4-inch border;

(B) shall be run once each week for the two weeks before a local political subdivision conducts a public hearing under Subsection [(6)(f)] (6)(g); and

(C) may not be placed in the portion of a newspaper where legal notices and classified advertisements appear.

(v) A notice required under Subsection [(6)(e)(i)] (6)(f)(i) shall:

(A) contain a clear statement indicating that the local political subdivision intends to issue a lease revenue bond;

(B) explain the purpose, proposed amount, and length of term of the lease revenue bond and the annual amount that the local political subdivision will be required to pay in principal and interest on the lease revenue bond;

(C) identify the intended lessee of the facility to be constructed using proceeds from the lease revenue bond and the expected annual amount of lease payments that the lessee will pay;

(D) provide the date, time, place, and purpose of the public hearing under Subsection [(6)(f)] (6)(g); and

(E) provide the date, time, and place of the local political subdivision governing body meeting at which the governing body anticipates taking action on the proposal to issue a lease revenue bond.

[(f)] (g)

(i) A local political subdivision intending to issue an applicable lease revenue bond shall hold a public hearing on the proposed lease revenue bond.

(ii) A public hearing under this Subsection [(6)(f)] (6)(g):

(A) shall be held beginning at or after 6:00 p.m.;

(B) shall be held separate from any other public hearing; and

(C) may be held the same day as another public hearing, including immediately before or after the other public hearing.

(iii) At a public hearing under this Subsection [(6)(f)] (6)(g), the governing body of the local political subdivision shall provide a member of the public desiring to be heard an opportunity to present testimony on the proposed issuance of a lease revenue bond:

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(A) within reasonable time limits; and

(B) without unreasonable restriction on the number of individuals allowed to make public comment.

Section 2. Section 2 is enacted to read:

CHAPTER 72. Public-Private Partnerships

11-72-101. Definitions.

As used in this chapter, "public-private partnership" means an arrangement or agreement between a political subdivision and one or more private persons to fund and provide for a public need through the development or operation of a public project in which the private person or persons share with the government entity the responsibility or risk of developing, owning, maintaining, financing, or operating the project.

Section 3. Section 3 is enacted to read:

11-72-102. Public-private partnerships prohibited.

Except as provided in Section 53E-3-507.1, a school district may not establish a public-private partnership to construct, acquire, improve, extend, or finance a school district project.

Section 1. Section 1 is enacted to read:

17D-2-303. Voter-rejected project prohibited.

A local building authority may not construct, acquire, improve, extend, or finance a project on behalf of the county, city, town, or school district that created the local building authority if the project, a portion of the project, or a substantially similar project, was rejected by the voters of a county, city, town, or school district.

Section 4. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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