

Chapter 13
2004 Bonding and Financing Authorizations

Part 1
2004 General Obligation Bonds

63B-13-101 Capital facilities bonds -- Maximum amount -- Projects authorized.

(1) The total amount of bonds issued under this section may not exceed \$87,400,000.

- (2)
- (a) Proceeds from the issuance of bonds shall be provided to the division to provide funds to pay all or part of the cost of acquiring and constructing the projects listed in this Subsection (2).
- (b) These costs may include the cost of acquiring land, interests in land, easements and rights-of-way, improving sites, and acquiring, constructing, equipping, and furnishing facilities and all structures, roads, parking facilities, utilities, and 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, and all related engineering, architectural, and legal fees.
- (c) For the division, proceeds shall be provided for the following:

CAPITAL DEVELOPMENT PROJECTS		
Project Description	Estimated Operations and Maintenance	Project Amount Funded
State Capitol Remodel	\$0	\$50,000,000
Weber State University - Swenson Building Remodel	\$75,400	\$5,569,000
Salt Lake Community College - Health Sciences Building (West Jordan)	\$762,000	\$21,000,000
Utah National Guard - North Salt Lake Readiness Center	\$42,500	\$2,719,000
College of Eastern Utah San Juan Library	\$127,200	\$2,400,000
TOTAL CAPITAL DEVELOPMENT PROJECTS	\$86,488,000	
TOTAL GENERAL OBLIGATION BOND AUTHORIZATION FOR CAPITAL DEVELOPMENT PROJECTS		\$86,488,000

- (d) For purposes of this section, operations and maintenance costs:
- (i) are estimates only;
- (ii) may include any operations and maintenance costs already funded in existing agency budgets; and
- (iii) are not commitments by this Legislature or future Legislatures to fund those operations and maintenance costs.

- (3)
 - (a) The amounts funded as listed in Subsection (2) are estimates only and do not constitute a limitation on the amount that may be expended for any project.
 - (b) The board may revise these estimates and redistribute the amount estimated for a project among the projects authorized.
 - (c) The commission, by resolution and in consultation with the board, may delete one or more projects from this list if the inclusion of that project or those projects in the list could be construed to violate state law or federal law or regulation.
- (4)
 - (a) The division may enter into agreements related to these projects before the receipt of proceeds of bonds issued under this chapter.
 - (b) The division shall make those expenditures from unexpended and unencumbered building funds already appropriated to the Capital Projects Fund.
 - (c) The division shall reimburse the Capital Projects Fund upon receipt of the proceeds of bonds issued under this chapter.
 - (d) The state intends to use proceeds of tax-exempt bonds to reimburse itself for expenditures for costs of the projects listed in Subsection (2)(c).
- (5) It is the intent of the Legislature that:
 - (a) the funding authorized for projects in Subsection (2) includes funds for public art, except for the following projects:
 - (i) state capitol remodel; and
 - (ii) Utah National Guard North Salt Lake Readiness Center;
 - (b) no state funds may be expended for the National Guard North Salt Lake Readiness Center project until the United States Congress appropriates money for the project; and
 - (c) the Bonding Commission may not issue bonds for the National Guard North Salt Lake Readiness Center project until the United States Congress appropriates money for the project.

Amended by Chapter 154, 2005 General Session

63B-13-102 Highway bonds -- Maximum amount -- Projects authorized.

- (1) The total amount of bonds issued under this part may not exceed \$50,000,000.
- (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 this title, 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 projects before the receipt of proceeds of bonds issued under this chapter.

Enacted by Chapter 308, 2004 General Session

Part 2 2004 Revenue Bond Authorizations

63B-13-201 Revenue bond authorizations -- State Building Ownership Authority.

- (1)
- (a) It is the intent of the Legislature that the State Building Ownership Authority, under the authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority 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 \$8,205,000 for the acquisition and construction of five stores 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 the stores to be addressed through this authorization are:
 - (i) a new Park City store;
 - (ii) replacement of the Mount Olympus store;
 - (iii) replacement of the Ogden City 2nd Street store;
 - (iv) replacement of the Ogden Patterson Street store; and
 - (v) expansion of the Provo store.
 - (c) It is the intent of the Legislature that proceeds from the sale of stores replaced through this authorization shall be deposited in the General Fund.
 - (d) It is further the intent of the Legislature that increased sales revenues 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 63B, Chapter 1, Part 3, State Building Ownership Authority 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 \$8,914,000 for the acquisition and construction of a new regional office building in Ogden, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.
 - (b) It is further the intent of the Legislature that existing rent budgets 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 63B, Chapter 1, Part 3, State Building Ownership Authority 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 \$1,450,000 for the acquisition of the leased regional office building and adjacent land in Moab, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.
 - (b) It is further the intent of the Legislature that existing rent budgets 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 63B, Chapter 1, Part 3, State Building Ownership Authority 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 \$7,103,000 for the acquisition of the Tooele Courts building and adjacent land in Tooele City, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

- (b) It is further the intent of the Legislature that court fees be used as the primary revenue source for repayment of any obligation created under authority of this Subsection (4).

Enacted by Chapter 364, 2004 General Session

63B-13-202 Revenue Bond Authorizations -- Board of Regents.

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

- (a) the Board of Regents may issue, sell, and deliver revenue bonds or other evidences of indebtedness of the Board of Regents to borrow money on the credit, revenues, and reserves of the Higher Education Student Loan Program, to finance the cost of acquiring, furnishing, and equipping office space;
- (b) funds within the Board of Regents' budget that would otherwise be expended for rent be used as the primary revenue source for repayment of any obligation created under authority of this Subsection (1);
- (c) the bonds or other evidences of indebtedness authorized by this Subsection (1) may provide up to \$3,600,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements; and
- (d) the Board of Regents may not request an increase, beyond that resulting from inflation, in state funds for operations and maintenance of the facility acquired under this authorization.

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

- (a) the Board of Regents, on behalf of Utah State University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Utah State University to borrow money on the credit, revenues, and reserves of Utah State University, other than appropriations of the Legislature, to finance the cost of acquiring, constructing, furnishing, and equipping a Student Living and Learning Community and a parking terrace;
- (b) student housing revenues, parking revenues, and other auxiliary revenues be used as the primary revenue source for repayment of any obligation created under authority of this Subsection (2);
- (c) the bonds or other evidences of indebtedness authorized by this Subsection (2) may provide up to \$35,500,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements; and
- (d) the university may not request state funds for operations and maintenance.

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

- (a) the Board of Regents, on behalf of Utah State University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Utah State University to borrow money on the credit, revenues, and reserves of Utah State University, other than appropriations of the Legislature, to finance the cost of acquiring, constructing, furnishing, and equipping a renovation of Romney Stadium and expansion of the Nelson Fieldhouse, and to repay an internal debt for the purchase of the Student Wellness Center;
- (b) student fees be used as the primary revenue source for repayment of any obligation created under authority of this Subsection (3);

- (c) the bonds or other evidences of indebtedness authorized by this Subsection (3) may provide up to \$10,000,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements; and
- (d) the university may not request state funds for operations and maintenance.

Enacted by Chapter 364, 2004 General Session

Part 3 2004 Lease-Purchase Authorizations

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 has determined that the lease-purchase option is less costly to the state than the current lease.

Enacted by Chapter 364, 2004 General Session

Part 4 Capital Facility Construction Authorizations

63B-13-401 Authorizations to construct capital facilities using institutional or agency funds.

- (1) It is the intent of the Legislature that:
 - (a) the University of Utah may use federal grants, research funds, and other institutional funds to plan, design, and construct a Department of Chemistry Gauss Haus 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 donations and other institutional funds to plan, design, and construct a College of Health Academic Facility 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 donations and other institutional funds to plan, design, and construct a Geology and Geophysics Building and parking terrace 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) Utah State University use donations, federal grants, and other institutional funds to plan, design, and construct a Child Care Facility 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 not request state funds for operations and maintenance.
- (5) It is the intent of the Legislature that:
- (a) Utah State University use donations and other institutional funds to plan, design, and construct a replacement Team Building at Romney Stadium 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 not request state funds for operations and maintenance.
- (6) It is the intent of the Legislature that Utah State University use up to \$200,000 of excess funds in its Contingency Reserve from state funded projects to increase the capacity of its chilled water plant.
- (7) It is the intent of the Legislature that:
- (a) the Utah College of Applied Technology use donations to plan, design, and construct an Entrepreneurial Building at the Davis ATC campus 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.
- (8) It is the intent of the Legislature that:
- (a) the Utah College of Applied Technology use donations, grants from the Community Impact Board, and existing reserves to plan, design, and construct a technology building at the Blanding campus of the Southeast ATC under the direction of the director of the Division of Facilities Construction and Management unless supervisory authority has been delegated; and
 - (b) the college may request state funds for operations and maintenance.
- (9)
- (a) It is the intent of the Legislature that the Department of Workforce Services use up to \$2,801,000 from its Special Administrative Expense Fund to plan, design, and construct an Employment Center in Logan under the direction of the director of the Division of Facilities Construction and Management unless supervisory authority is delegated.
 - (b) It is the intent of the Legislature that, if agreement is reached to acquire a site from Cache County or Logan City for the project, the Division of Facilities Construction and Management may sell or exchange the currently-owned Workforce Services property and apply the proceeds to the acquisition of the site and towards the cost of the project.

- (10) It is the intent of the Legislature that the Department of Natural Resources use up to \$250,000 of the existing balance in its Wildlife Resources Trust Account to purchase property in Price to be used for a future office complex for the Department of Natural Resources.
- (11) It is the intent of the Legislature that:
- (a) the Utah National Guard use federal funds to plan, design, and construct a Total Army School System (TASS) Barracks at Camp Williams 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 National Guard may not request state funds for operations and maintenance.
- (12) It is the intent of the Legislature that:
- (a) the Utah National Guard use federal funds to plan, design, and construct a Readiness Center at Camp Williams 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 National Guard may request state funds for operations and maintenance.
- (13) It is the intent of the Legislature that:
- (a) the Department of Public Safety, the Department of Corrections, and Salt Lake Community College use donations, federal funds, and other non-appropriated funds to plan, design, and construct a Western Regional Public Safety Education and Training Center under the direction of the director of the Division of Facilities Construction and Management unless supervisory authority has been delegated or the construction of the project is otherwise exempt from the director's oversight;
 - (b) no state funds be used for any portion of this project other than planning and design;
 - (c) the Department of Public Safety and the Department of Corrections may request state funds for operations and maintenance; 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.

Enacted by Chapter 364, 2004 General Session