

**Chapter 18**  
**2009 Bonding and Financing Authorizations**

**Part 1**  
**2009 General Obligation Bond Authorizations**

**63B-18-101 Capital facilities bonds -- Maximum amount -- Projects authorized.**

(1) The total amount of bonds issued under this section may not exceed \$32,320,000.

- (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 and Funded
Multi-agency Government Office Building	\$44,500,000	\$13,000,000
Snow College Library	\$45,200,000	\$12,000,000
<b>TOTAL CAPITAL DEVELOPMENT PROJECTS</b>		<b>\$32,000,000</b>
<b>TOTAL GENERAL OBLIGATION BOND AUTHORIZATION FOR CAPITAL DEVELOPMENT PROJECTS</b>		<b>\$32,000,000</b>

- (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 the funding authorized for projects in Subsection (2) does not include funds for public art.

Enacted by Chapter 16, 2009 General Session

**63B-18-102 Additional capital facilities bonds -- Maximum amount -- Projects authorized.**

- (1) The total amount of bonds issued under this section may not exceed \$116,117,680.
- (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
Purchase and renovation of School for Deaf and Blind	\$0	\$6,500,000
SLCC Digital Design/ Communication Technology Center	\$141,400	\$21,305,000

MATC North Utah County Campus Building	\$513,800	\$18,800,000
Replacement and expansion of U of U School of Business	\$1,055,000	\$22,900,000
OWATC Health Technology Building	\$445,300	\$21,812,000
Upgrades and repairs to Armories	\$0	\$4,000,000
SUU Gibson Science Center	\$324,400	\$13,851,000
Dixie State College Centennial Commons Building -- Design	--	\$3,000,000
UVU Science/Health Science Building Addition -- Design	--	\$2,800,000
<b>TOTAL CAPITAL DEVELOPMENT PROJECTS</b>		<b>\$114,968,000</b>
<b>TOTAL GENERAL OBLIGATION BOND AUTHORIZATION FOR CAPITAL DEVELOPMENT PROJECTS</b>		<b>\$114,968,000</b>

- (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 the funding authorized for projects in Subsection (2) does not include funds for public art.

Enacted by Chapter 150, 2009 General Session

## **Part 2**

### **2009 Revenue Bond Authorizations**

#### **63B-18-201 Revenue bond authorizations -- State Building Ownership Authority.**

- (1) The Legislature intends that:
  - (a) 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 \$3,800,000 for the acquisition of property in the Salt Lake City, Utah area on which to construct a Department of Alcoholic Beverage Control warehouse expansion, together with additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements; and
  - (b) the Department of Alcoholic Beverage Control use increased sales revenues as the primary revenue source for repayment of any obligation created under authority of this section.
- (2) The Legislature intends that:
  - (a) 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 \$19,904,000 for the construction of a warehouse expansion 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) the Department of Alcoholic Beverage Control use increased sales revenues as the primary revenue source for repayment of any obligation created under authority of this section; and
  - (c) the Department of Alcoholic Beverage Control may request operation and maintenance funding from sales revenues.

Enacted by Chapter 134, 2009 General Session

#### **63B-18-202 Revenue bond authorizations -- Board of Regents.**

- (1) The Legislature intends that:
  - (a) the Board of Regents, on behalf of the University of Utah, may 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, other than appropriations of the Legislature, to finance the cost of constructing a south campus housing project;
  - (b) the University of Utah use student housing rental fees and parking fees as the primary revenue sources for repayment of any obligation created under authority of this section;
  - (c) the maximum amount of revenue bonds or evidences of indebtedness authorized by this section is \$48,000,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements;

- (d) the university may plan, design, and construct the south campus housing project subject to the requirements of Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management; and
  - (e) the university may not request state funds for operation and maintenance costs or capital improvements.
- (2) The Legislature intends that:
- (a) the Board of Regents, on behalf of the University of Utah, may 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, other than appropriations of the Legislature, to finance the cost of constructing an infrastructure development at the university "green field" site;
  - (b) the University of Utah use research overhead funds and infrastructure fees on new construction projects supported by this infrastructure development as the primary revenue sources for repayment of any obligation created under authority of this section;
  - (c) the maximum amount of revenue bonds or evidences of indebtedness authorized by this section is \$44,000,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements;
  - (d) the university may plan, design, and construct the infrastructure development at the university "green field" site subject to the requirements of Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management; and
  - (e) the university may not request state funds for operation and maintenance costs or capital improvements.
- (3) The Legislature intends that:
- (a) the Board of Regents, on behalf of the University of Utah, may 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, other than appropriations of the Legislature, to finance the cost of constructing an expansion of the University Neuropsychiatric Institute subject to the requirements of Subsection 63B-17-301(1);
  - (b) the University of Utah use institutional funds as the primary revenue source for repayment of any obligation created under authority of this section; and
  - (c) the maximum amount of revenue bonds or evidences of indebtedness authorized by this section is \$45,000,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.
- (4) The Legislature intends 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 the university, other than appropriations of the Legislature, to finance the cost of constructing a Vernal entrepreneurship and energy research center subject to the requirements of Subsection 63B-17-301(4);
  - (b) Utah State University use institutional funds as the primary revenue source for repayment of any obligation created under authority of this section; and
  - (c) the maximum amount of revenue bonds or other evidences of indebtedness authorized by this section is \$3,800,000, together with other amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

Enacted by Chapter 134, 2009 General Session

**Part 3**  
**2009 Capital Facilities and Property Authorizations**

**63B-18-301 Authorizations to design and construct capital facilities using institutional or agency funds.**

- (1) The Legislature intends that:
  - (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use institutional funds to plan and design an ambulatory care complex;
  - (b) this authorization and the existence of plans and designs do not guarantee nor improve the chances for legislative approval of the remainder of the building in any subsequent year; and
  - (c) no state funds be used for any portion of this planning and design.
- (2) The Legislature intends that:
  - (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$64,445,000 in donations to plan, design, and construct a replacement and expansion of the Eccles School of Business Building, with 135,000 new square feet;
  - (b) no state funds be used for any portion of this project unless expressly appropriated for this purpose or approved in a general obligation bond bill; and
  - (c) the university may request state funds for operation and maintenance costs and capital improvements 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) The Legislature intends that:
  - (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$8,689,000 in donations to plan, design, and construct a renovation of the Kennecott Building, with 19,400 new square feet;
  - (b) no state funds be used for any portion of this project; and
  - (c) the university may request state funds for operation and maintenance costs and capital improvements 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) The Legislature intends that:
  - (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$30,737,000 in donations to plan, design, and construct a Sorenson Arts and Education Complex, with 85,400 new square feet;
  - (b) no state funds be used for any portion of this project; and
  - (c) the university may request state funds for operation and maintenance costs and capital improvements 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) The Legislature intends that:
  - (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$4,477,500 in donations to

plan, design, and construct a Meldrum Civil Engineering Building, with 11,800 new square feet;

- (b) no state funds be used for any portion of this project; and
  - (c) the university may request state funds for operation and maintenance costs and capital improvements 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) The Legislature intends that:
- (a) the University of Utah may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, negotiate with a private developer to develop the Universe Project on land west of the university football stadium;
  - (b) before entering into a contract with the developer, the university shall:
    - (i) present the final contract terms to the Legislature's Executive Appropriations Committee;
    - (ii) obtain the approval of the State Building Board; and
    - (iii) the State Building Board may approve the agreement only if the university demonstrates that the contract terms will be a benefit to the state;
  - (c) no state funds be used for any portion of this project; and
  - (d) the university may request state funds for operation and maintenance costs and capital improvements 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.
- (7) The Legislature intends that:
- (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$2,650,000 in grants and institutional funds to plan, design, and construct a Business Resource Center, with 12,000 new square feet;
  - (b) no state funds be used for any portion of this project; and
  - (c) the university may request state funds for operation and maintenance costs and capital improvements 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.
- (8) The Legislature intends that:
- (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$1,200,000 in donations and institutional funds to plan, design, and construct a track and field facility;
  - (b) no state funds be used for any portion of this project; and
  - (c) the university may request state funds for operation and maintenance costs and capital improvements 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.
- (9) The Legislature intends that:
- (a) Utah Valley University may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$600,000 in institutional funds to plan, design, and construct intramural playing fields;
  - (b) no state funds be used for any portion of this project; and
  - (c) the university may request state funds for operation and maintenance costs and capital improvements 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.

(10) The Legislature intends that:

- (a) Southern Utah University may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$2,000,000 in donations to plan, design, and construct a baseball and soccer complex upgrade;
- (b) no state funds be used for any portion of this project; and
- (c) the university may not request state funds for operation and maintenance costs or capital improvements.

(11) The Legislature intends that:

- (a) the Department of Natural Resources may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$3,000,000 in federal grants to plan, design, and construct an interagency fire dispatch center, with 10,000 new square feet;
- (b) no state funds be used for any portion of this project; and
- (c) the department may not request state funds for operation and maintenance costs or capital improvements.

(12) The Legislature intends that:

- (a) the Department of Natural Resources may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$7,500,000 in federal grants to plan, design, and construct a curation facility in Vernal, with 21,000 new square feet;
- (b) no state funds be used for any portion of this project; and
- (c) the department may not request state funds for operation and maintenance costs or capital improvements.

(13) The Legislature intends that:

- (a) the Department of Natural Resources may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$650,000 in federal grants to plan, design, and construct an expansion to the seed warehouse at the Great Basin Research Center, with 9,000 new square feet;
- (b) no state funds be used for any portion of this project unless expressly appropriated for this purpose; and
- (c) the department may not request state funds for operation and maintenance costs or capital improvements.

(14) The Legislature intends that:

- (a) the Department of Veterans' and Military Affairs may, subject to requirements in Title 63A, Chapter 5, State Building Board - Division of Facilities Construction and Management, use \$3,500,000 in federal grants to plan, design, and construct improvements at the Veterans' Cemetery, with 15,000 new square feet;
- (b) no state funds be used for any portion of this project unless expressly appropriated for this purpose; and
- (c) the department may not request state funds for operation and maintenance costs or capital improvements.

Amended by Chapter 214, 2013 General Session

**63B-18-302 Authorizations to dispose of property.**

The Legislature intends that:

- (1) the Department of Workforce Services may, in coordination with the Division of Facilities Construction and Management, sell a Temporary Placement Office in Salt Lake City, Utah, and three vacated buildings in Logan, Utah; and
- (2) sales be at fair market value.

Amended by Chapter 301, 2016 General Session

## **Part 4**

### **2009 Highway General Obligation Bonds**

#### **63B-18-401 Highway bonds -- Maximum amount -- Use of proceeds for highway projects.**

- (1)
  - (a) The total amount of bonds issued under this section may not exceed \$2,077,000,000.
  - (b) When the Department of Transportation certifies to the commission that the requirements of Subsection 72-2-124(5) have been met and certifies the amount of bond proceeds that it needs to provide funding for the projects described in Subsection (2) for the next fiscal year, the commission may issue and sell general obligation bonds in an amount equal to the certified amount plus costs of issuance.
- (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds shall be provided to the Department of Transportation to pay all or part of the costs of the following state highway construction or reconstruction projects:
  - (a) Interstate 15 reconstruction in Utah County;
  - (b) the Mountain View Corridor;
  - (c) the Southern Parkway; and
  - (d) state and federal highways prioritized by the Transportation Commission through:
    - (i) the prioritization process for new transportation capacity projects adopted under Section 72-1-304; or
    - (ii) the state highway construction program.
- (3)
  - (a) Except as provided in Subsection (5), the bond proceeds issued under this section shall be provided to the Department of Transportation.
  - (b) The Department of Transportation shall use bond proceeds and the funds provided to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to the following highways:
    - (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street interchange to Payson;
    - (ii) \$28 million for improvements to Riverdale Road in Ogden;
    - (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;
    - (iv) \$2 million for capacity enhancements on S.R. 248 between Sidwinder Drive and Richardson Flat Road;
    - (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore Road;
    - (vi) \$7 million for 2600 South interchange modifications in Woods Cross;
    - (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder County;
    - (viii) \$18 million for the Provo west-side connector;
    - (ix) \$8 million for interchange modifications on I-15 in the Layton area;

- (x) \$3,000,000 for an energy corridor study and environmental review for improvements in the Uintah Basin;
  - (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;
  - (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State University campus to create improved access to an institution of higher education;
  - (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's Office of Economic Development for transportation infrastructure improvements associated with annual tourism events that have:
    - (A) a significant economic development impact within the state; and
    - (B) significant needs for congestion mitigation;
  - (xiv) \$4,500,000 to be provided to the Governor's Office of Economic Development for transportation infrastructure acquisitions and improvements that have a significant economic development impact within the state;
  - (xv) \$125,000,000 to pay all or part of the costs of state and federal highway construction or reconstruction projects prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304; and
  - (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state and federal highway construction or reconstruction projects as prioritized by the Transportation Commission.
- (4)
- (a) The Department of Transportation shall use bond proceeds and the funds under Section 72-2-121 to pay for, or to provide funds to, a municipality, county, or political subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to the following highway or transit projects in Salt Lake County:
    - (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;
    - (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200 South and pedestrian crossings and system connections;
    - (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake Community College Road;
    - (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from 6200 South to 8600 South;
    - (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from 1300 West to S.R. 111;
    - (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;
    - (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200 West to 700 West;
    - (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;
    - (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State Street to 900 East;
    - (x) \$1,800,000 to Murray City for highway improvements to 1300 East;
    - (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West Temple, Main Street, and State Street;
    - (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from 5600 West to Mountain View Corridor;
    - (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from Parkway Boulevard to SR-201 Frontage Road;

- (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from 4800 West to 7200 West and pedestrian crossings;
  - (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800 West to 5600 West;
  - (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from 12600 South to Riverton Boulevard;
  - (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;
  - (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal Boulevard;
  - (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15 to 1000 West;
  - (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter Rockwell Boulevard;
  - (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:
    - (A) a circulator study; and
    - (B) a mountain transport study; and
  - (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.
- (b)
- (i) Before providing funds to a municipality or county under this Subsection (4), the Department of Transportation shall obtain from the municipality or county:
    - (A) a written certification signed by the county or city mayor or the mayor's designee certifying that the municipality or county will use the funds provided under this Subsection (4) solely for the projects described in Subsection (4)(a); and
    - (B) other documents necessary to protect the state and the bondholders and to ensure that all legal requirements are met.
  - (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality or county receiving funds described in this Subsection (4) shall submit to the Department of Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to pay project costs for the projects described in Subsection (4)(a).
  - (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1, the Department of Transportation shall provide funds to the municipality or county necessary to pay project costs for the next fiscal year based upon the statement of cash flow submitted by the municipality or county.
  - (iv) Upon the financial close of each project described in Subsection (4)(a), the municipality or county receiving funds under this Subsection (4) shall submit a statement to the Department of Transportation detailing the expenditure of funds received for each project.
- (c) For calendar year 2012 only:
- (i) the municipality or county shall submit to the Department of Transportation a statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and
  - (ii) the Department of Transportation shall provide funds to the municipality or county necessary to pay project costs based upon the statement of cash flow.
- (5) Twenty million dollars of the bond proceeds issued under this section and funds available under Section 72-2-124 shall be provided to the Transportation Infrastructure Loan Fund created by Section 72-2-202 to make funds available for transportation infrastructure loans and transportation infrastructure assistance under Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund.

- (6) The costs under Subsections (2), (3), and (4) may include the costs of studies necessary to make transportation infrastructure improvements, 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.
- (7) 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.
- (8) The Department of Transportation may enter into agreements related to the projects described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under this section.
- (9) The Department of Transportation may enter into a new or amend an existing interlocal agreement related to the projects described in Subsections (3) and (4) to establish any necessary covenants or requirements not otherwise provided for by law.

Amended by Chapter 389, 2013 General Session

**63B-18-402 Highway bonds -- Maximum amount -- Projects authorized.**

- (1)
  - (a) The total amount of bonds issued under this section may not exceed \$39,895,000.
  - (b) When the Department of Transportation certifies to the commission the amount of bond proceeds that it needs to provide funding for the highway construction projects described in Subsection (2), the commission may issue and sell general obligation bonds in an amount equal to the certified amount plus costs of issuance.
- (2)
  - (a) Proceeds from the bonds issued under this section shall be provided to the Department of Transportation and funds under Subsection 72-2-121(4) shall be used by the Department of Transportation to pay for or to provide funds to a municipality or county to pay for the costs of right-of-way acquisition, construction, reconstruction, renovations, or improvements to highways described in Subsection (2)(b).
  - (b) Bond proceeds described under Subsection (2)(a) and funds under Subsection 72-2-121(4) shall be used to pay the amounts described in this Subsection (2)(b) for the following highway projects in Salt Lake County:
    - (i) \$15,000,000 to pay for projects in the following priority order:
      - (A) interchange improvements at 5400 South and Bangerter Highway;
      - (B) interchange improvements at 4700 South and Bangerter Highway;
      - (C) reversible lanes on 5400 South from Bangerter Highway going east, terminating at either Redwood Road or Interstate 15; and
      - (D) any remaining proceeds from the amount described in Subsection (2)(b)(i) not required for the projects described in Subsections (2)(b)(i)(A), (B), and (C), to pay for intersection and congestion mitigation projects identified by the Department of Transportation in the east-west transportation route improvement study;
    - (ii) \$20,000,000 to Salt Lake City for the viaduct on North Temple and 400 West; and
    - (iii) \$4,500,000 to Sandy City for the widening and improvement of 1300 East between 9800 South to 11000 South.
  - (c) Prior to a municipality or county receiving funds described in this Subsection (2), the municipality or county shall sign and file a written certification with the Department of

Transportation certifying that it will use the funds provided under this Subsection (2) solely for the projects described in Subsection (2)(b).

- (d) The costs under this Subsection (2) 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 the project before the receipt of proceeds of bonds issued under this chapter.

Amended by Chapter 389, 2013 General Session