

Part 1

Issuance and Refunding of General Obligation Bonds

63B-1a-101 Definitions -- Bonds authorized -- Prohibitions -- Purposes -- Maturity -- Use of bonds proceeds.

- (1) As used in this section:
 - (a) "Cost" includes:
 - (i) all costs related to the authorized capital project, including the cost of equipment and furnishings for, interests in, or improvements necessary, incidental, or convenient to, those capital projects;
 - (ii) all costs incident to the authorization and issuance of bonds;
 - (iii) interest estimated to accrue on bonds during the period to be covered by the acquisition and construction of the capital project and for up to 12 months after that period; and
 - (iv) other amounts that the commission finds necessary to establish reserve funds and to provide working capital related to the capital project.
 - (b) "Taxable property of the state" includes all real and personal property subject to ad valorem taxation within the state, including all property subject to a fee-in lieu of tax.
- (2) When authorized by the Legislature, the commission may, in the manner specified in this chapter, issue bonds to provide funds to the state for the purpose of paying all or part of the cost of designing, acquiring, constructing, improving, or extending:
 - (a) any one or more capital projects; or
 - (b) any interest in one or more or any combination of capital projects.
- (3) Before issuing any bonds, the commission shall determine that the Legislature has:
 - (a) affirmatively authorized the issuance of the bonds; and
 - (b) has specified:
 - (i) for capital projects, the capital projects to be funded; and
 - (ii) the maximum amount of the bonds.
- (4) The commission shall either:
 - (a) comply with any maturity requirements established by the Legislature; or
 - (b) in the absence of any maturity requirements, establish, by resolution, a bond maturity date or dates that are not later than 15 years after the date of delivery of the bonds.
- (5)
 - (a) The commission may not issue bonds under this chapter in an amount that violates the limitation described in the Utah Constitution, Article XIV, Section 1 or payable beyond the period described in the Utah Constitution, Article XIII, Section 5(3).
 - (b) For purposes of applying the debt limitation contained in the 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 as computed from the last assessment for state purposes made before the issuance of the bonds.

Amended by Chapter 173, 2014 General Session

63B-1a-102 Commission responsibilities -- Manner of issuance -- Plan of financing -- Registration -- Signatures -- Replacement -- Reporting.

- (1) The commission may determine by resolution:
 - (a) the manner in which bonds issued under this chapter may be authorized, sold, and issued;
 - (b) to issue bonds in one or more series;

- (c) the amounts, dates, interest rates, including a variable rate or rates, and maturity dates of the bonds;
 - (d) the manner of sale, including public or private sale;
 - (e) the terms and conditions of sale, including price, whether at, below, or above face value;
 - (f) the denominations, registration, exchange, form, including book-entry only, manner of execution, manner of authentication, place and medium of purchase, redemption terms, and tender rights of the bonds; and
 - (g) other provisions and details that 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 bond insurance, letters of credit, standby bond purchase agreements, reimbursement agreements, and remarketing, indexing, and tender agent agreements relating to 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) The commission may provide for the services and payment for the services of one or more financial institutions or other entities, 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.
 - (4) The commission may provide for the calculation and payment to the United States of whatever amounts are necessary to comply with the Internal Revenue Code.
 - (5)
 - (a) The commission shall, by resolution, authorize a public official to sign the bonds.
 - (b) That signature may be a facsimile signature of that official that is imprinted, engraved, stamped, or otherwise placed on the bonds.
 - (c) If all signatures of public officials on the bonds are facsimile signatures, the commission shall provide for a manual authenticating signature on the bonds by or on behalf of a designated authentication agent.
 - (d) If a public official ceases to hold office before delivery of the bonds signed by that official, the signature or facsimile signature of the public official is nevertheless valid for all purposes.
 - (6) The commission may cause a facsimile of the state seal to be imprinted, engraved, stamped, or otherwise placed on the bonds.
 - (7) The commission shall provide an annual report of its proceedings to the governor to include in his budget for as long as any bonds issued under this chapter remain outstanding.

Enacted by Chapter 2, 2003 General Session

63B-1a-103 Refunding general obligation bonds.

- (1) The commission may provide for the refunding of any 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 is considered the public body and the commission is its governing body.

Enacted by Chapter 2, 2003 General Session