

**1999 BOND BILL AND CAPITAL  
FACILITIES EXPENDITURES**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Beverly Ann Evans**

AN ACT RELATING TO CAPITAL INFRASTRUCTURE; AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS FOR CAPITAL FACILITIES, COMPUTER SOFTWARE, COMPUTER HARDWARE, COMPUTER SYSTEM DEVELOPMENT, BUILDINGS, AND RELATED FACILITIES; SPECIFYING THE USE OF BOND PROCEEDS AND THE MANNER OF ISSUANCE; IMPOSING AND ABATING A PROPERTY TAX; CREATING SINKING FUNDS; APPROVING THE ISSUANCE OF CERTAIN OBLIGATIONS BY THE STATE BUILDING OWNERSHIP AUTHORITY; AUTHORIZING OTHER CAPITAL FACILITY EXPENDITURES; PROVIDING FOR RELATED MATTERS; DIRECTING THE DIVISION OF FACILITIES AND CONSTRUCTION MANAGEMENT'S USE OF THE MONIES REMAINING IN THE CAPITAL PROJECTS FUND FOR THE SALT LAKE COURT COMPLEX; AND MAKING TECHNICAL CORRECTIONS.

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

AMENDS:

**21-1-5**, as last amended by Chapter 171, Laws of Utah 1998

**63B-7-501**, as enacted by Chapter 67, Laws of Utah 1998

ENACTS:

**63B-8-101**, Utah Code Annotated 1953

**63B-8-102**, Utah Code Annotated 1953

**63B-8-103**, Utah Code Annotated 1953

**63B-8-104**, Utah Code Annotated 1953

**63B-8-105**, Utah Code Annotated 1953

**63B-8-106**, Utah Code Annotated 1953

- 28           **63B-8-107**, Utah Code Annotated 1953
- 29           **63B-8-108**, Utah Code Annotated 1953
- 30           **63B-8-109**, Utah Code Annotated 1953
- 31           **63B-8-110**, Utah Code Annotated 1953
- 32           **63B-8-111**, Utah Code Annotated 1953
- 33           **63B-8-112**, Utah Code Annotated 1953
- 34           **63B-8-113**, Utah Code Annotated 1953
- 35           **63B-8-114**, Utah Code Annotated 1953
- 36           **63B-8-115**, Utah Code Annotated 1953
- 37           **63B-8-116**, Utah Code Annotated 1953
- 38           **63B-8-117**, Utah Code Annotated 1953
- 39           **63B-8-401**, Utah Code Annotated 1953
- 40           **63B-8-402**, Utah Code Annotated 1953
- 41           **63B-8-403**, Utah Code Annotated 1953
- 42           **63B-8-404**, Utah Code Annotated 1953
- 43           **63B-8-405**, Utah Code Annotated 1953
- 44           **63B-8-406**, Utah Code Annotated 1953
- 45           **63B-8-407**, Utah Code Annotated 1953
- 46           **63B-8-408**, Utah Code Annotated 1953
- 47           **63B-8-409**, Utah Code Annotated 1953
- 48           **63B-8-410**, Utah Code Annotated 1953
- 49           **63B-8-411**, Utah Code Annotated 1953
- 50           **63B-8-412**, Utah Code Annotated 1953
- 51           **63B-8-413**, Utah Code Annotated 1953
- 52           **63B-8-414**, Utah Code Annotated 1953
- 53           **63B-8-415**, Utah Code Annotated 1953
- 54           **63B-8-416**, Utah Code Annotated 1953
- 55           **63B-8-417**, Utah Code Annotated 1953
- 56           **63B-8-501**, Utah Code Annotated 1953
- 57           **63B-8-502**, Utah Code Annotated 1953

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

59 Section 1. Section **21-1-5** is amended to read:

60 **21-1-5. Civil fees of the courts of record -- Courts complex design.**

61 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a court  
62 of record not governed by another subsection is \$120.

63 (b) The fee for filing a complaint or petition is:

64 (i) \$37 if the claim for damages or amount in interpleader exclusive of court costs, interest,  
65 and attorney fees is \$2,000 or less;

66 (ii) \$80 if the claim for damages or amount in interpleader exclusive of court costs,  
67 interest, and attorney fees is greater than \$2,000 and less than \$10,000;

68 (iii) \$120 if the claim for damages or amount in interpleader is \$10,000 or more; and

69 (iv) \$80 if the petition is filed under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4,  
70 Separate Maintenance.

71 (c) The fee for filing a small claims affidavit is:

72 (i) \$37 if the claim for damages or amount in interpleader exclusive of court costs, interest,  
73 and attorney fees is \$2,000 or less; and

74 (ii) \$60 if the claim for damages or amount in interpleader exclusive of court costs,  
75 interest, and attorney fees is greater than \$2,000.

76 (d) The fee for filing a counter claim, cross claim, complaint in intervention, third party  
77 complaint, or other claim for relief against an existing or joined party other than the original  
78 complaint or petition is:

79 (i) \$45 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000  
80 or less;

81 (ii) \$60 if the claim for relief exclusive of court costs, interest, and attorney fees is greater  
82 than \$2,000 and less than \$10,000;

83 (iii) \$90 if the original petition is filed under Subsection (1)(a) or when the claim for relief  
84 is \$10,000 or more; and

85 (iv) \$60 if the original petition is filed under Title 30, Chapter 3, Divorce, or Title 30,  
86 Chapter 4, Separate Maintenance.

87 (e) The fee for filing a small claims counter affidavit is:

88 (i) \$35 if the claim for relief exclusive of court costs, interest, and attorney fees is \$2,000  
89 or less; and

90 (ii) \$50 if the claim for relief exclusive of court costs, interest, and attorney fees is greater  
91 than \$2,000.

92 (f) The fee for depositing funds under Section 57-1-29 when not associated with an action  
93 already before the court is determined under Subsection (1)(b) based on the amount deposited.

94 (g) The fee for filing a petition for trial de novo of an adjudication of the justice court or  
95 of the small claims department is \$70.

96 (h) The fee for filing a notice of appeal, petition for appeal of an interlocutory order, or  
97 petition for writ of certiorari is \$190.

98 (i) (i) Except for a petition filed under Subsection 77-18-10(2), the fee for filing a petition  
99 for expungement is \$50.

100 (ii) There is no fee for a petition filed under Subsection 77-18-10(2).

101 (j) (i) Fifteen dollars of the fees established by Subsections (1)(a) through (i) shall be  
102 allocated to the Judges' Retirement Trust Fund, as provided in Title 49, Chapter 6, Judges'  
103 Retirement Act.

104 (ii) Two dollars of the fees established by Subsections (1)(a) through (i) shall be allocated  
105 by the state treasurer to be deposited in the restricted account, Children's Legal Defense Account,  
106 as provided in Section 63-63a-8.

107 (iii) One dollar of the fees established under Subsections (1)(a) through (e), (1)(g), and  
108 (1)(r) shall be allocated to and deposited with the Dispute Resolution Fund as provided in Section  
109 78-31b-9.

110 (k) The fee for filing a judgment, order, or decree of a court of another state or of the  
111 United States is \$25.

112 (l) The fee for filing probate or child custody documents from another state is \$25.

113 (m) (i) The fee for filing an abstract or transcript of judgment, order, or decree of the Utah  
114 State Tax Commission is \$30.

115 (ii) The fee for filing an abstract or transcript of judgment of a court of law of this state  
116 or a judgment, order, or decree of an administrative agency, commission, board, council, or hearing  
117 officer of this state or of its political subdivisions other than the Utah State Tax Commission, is  
118 \$40.

119 (n) The fee for filing a judgment by confession without action under Section 78-22-3 is  
120 \$25.

121 (o) The fee for filing an award of arbitration for confirmation, modification, or vacation  
122 under Title 78, Chapter 31a, Utah Arbitration Act, that is not part of an action before the court is  
123 \$25.

124 (p) The fee for filing a petition or counter-petition to modify a decree of divorce is \$30.

125 (q) The fee for filing any accounting required by law is:

126 (i) \$10 for an estate valued at \$50,000 or less;

127 (ii) \$20 for an estate valued at \$75,000 or less but more than \$50,000;

128 (iii) \$40 for an estate valued at \$112,000 or less but more than \$75,000;

129 (iv) \$80 for an estate valued at \$168,000 or less but more than \$112,000; and

130 (v) \$150 for an estate valued at more than \$168,000.

131 (r) The fee for filing a demand for a civil jury is \$50.

132 (s) The fee for filing a notice of deposition in this state concerning an action pending in  
133 another state under Utah Rule of Civil Procedure 26 is \$25.

134 (t) The fee for filing documents that require judicial approval but are not part of an action  
135 before the court is \$25.

136 (u) The fee for a petition to open a sealed record is \$25.

137 (v) The fee for a writ of replevin, attachment, execution, or garnishment is \$20 in addition  
138 to any fee for a complaint or petition.

139 (w) The fee for a petition for authorization for a minor to marry required by Section 30-1-9  
140 is \$5.

141 (x) The fee for a certificate issued under Section 26-2-25 is \$2.

142 (y) The fee for a certified copy of a document is \$2 per document plus 50 cents per page.

143 (z) The fee for an exemplified copy of a document is \$4 per document plus 50 cents per  
144 page.

145 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of documents  
146 and forms and for the search and retrieval of records under Title 63, Chapter 2, Government  
147 Records Access and Management Act. Fees under this subsection shall be credited to the court  
148 as a reimbursement of expenditures.

149 (bb) There is no fee for services or the filing of documents not listed in this section or  
150 otherwise provided by law.

151 (cc) Except as provided in this section, all fees collected under this section are paid to the

152 General Fund. Except as provided in this section, all fees shall be paid at the time the clerk accepts  
153 the pleading for filing or performs the requested service.

154 (dd) The filing fees under this section may not be charged to the state, its agencies, or  
155 political subdivisions filing or defending any action. In judgments awarded in favor of the state,  
156 its agencies, or political subdivisions, except the Office of Recovery Services, the court shall order  
157 the filing fees and collection costs to be paid by the judgment debtor. The sums collected under  
158 this subsection shall be applied to the fees after credit to the judgment, order, fine, tax, lien, or  
159 other penalty and costs permitted by law.

160 (2) (a) (i) From March 17, 1994 until June 30, 1998, the administrator of the courts shall  
161 transfer all revenues representing the difference between the fees in effect after May 2, 1994, and  
162 the fees in effect before February 1, 1994, as dedicated credits to the Division of Facilities  
163 Construction and Management Capital Projects Fund.

164 (ii) (A) Except as provided in Subsection (2)(a)(ii)(B), the Division of Facilities  
165 Construction and Management shall use up to \$3,750,000 of the revenue deposited in the Capital  
166 Projects Fund under this Subsection (2)(a) to design and take other actions necessary to initiate the  
167 development of a courts complex in Salt Lake City.

168 (B) If the Legislature approves funding for construction of a courts complex in Salt Lake  
169 City in the 1995 Annual General Session, the Division of Facilities Construction and Management  
170 shall use the revenue deposited in the Capital Projects Fund under Subsection (2)(a)(ii) to construct  
171 a courts complex in Salt Lake City.

172 (C) After the courts complex is completed and all bills connected with its construction  
173 have been paid, the Division of Facilities Construction and Management shall use any monies  
174 remaining in the Capital Projects Fund under Subsection (2)(a)(ii) to fund the Vernal District Court  
175 building.

176 (iii) The Division of Facilities Construction and Management may enter into agreements  
177 and make expenditures related to this project before the receipt of revenues provided for under this  
178 subsection.

179 (iv) The Division of Facilities Construction and Management shall:

180 (A) make those expenditures from unexpended and unencumbered building funds already  
181 appropriated to the Capital Projects Fund; and

182 (B) reimburse the Capital Projects Fund upon receipt of the revenues provided for under

183 this Subsection (2).

184 (b) After June 30, 1998, the administrator of the courts shall ensure that all revenues  
185 representing the difference between the fees in effect after May 2, 1994, and the fees in effect  
186 before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted  
187 account.

188 (c) The Division of Finance shall deposit all revenues received from the court  
189 administrator into the restricted account created by this section.

190 (d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall transfer  
191 \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a  
192 court of record to the Division of Facilities Construction and Management Capital Projects Fund.  
193 The division of money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine  
194 or bail forfeiture paid.

195 (ii) After June 30, 1998, the administrator of the courts shall transfer \$7 of the amount of  
196 a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the  
197 Division of Finance for deposit in the restricted account created by this section. The division of  
198 money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine or bail forfeiture  
199 paid.

200 (3) (a) There is created within the General Fund a restricted account known as the State  
201 Courts Complex Account.

202 (b) The Legislature may appropriate monies from the restricted account to the  
203 administrator of the courts for the following purposes only:

204 (i) to repay costs associated with the construction of the court complex that were funded  
205 from sources other than revenues provided for under this subsection; and

206 (ii) to cover operations and maintenance costs on the court complex.

207 Section 2. Section **63B-7-501** is amended to read:

208 **63B-7-501. Revenue bond authorizations.**

209 (1) (a) It is the intent of the Legislature that the State Building Ownership Authority, under  
210 the authority of Title 63, Chapter 9a, State Building Ownership Act, may issue or execute  
211 obligations, or enter into or arrange for a lease purchase agreement in which participation interests  
212 may be created, to provide up to \$1,568,600 for the construction of a Utah Correctional Industries  
213 Facility at the Central Utah Correctional Facility at Gunnison, together with additional amounts

214 necessary to pay costs of issuance, pay capitalized interest, and fund any debt service requirements.

215 (b) The State Building Ownership Authority shall work cooperatively with the Department  
216 of Corrections to seek out the most cost effective and prudent lease purchase plan available.

217 (c) It is the intent of the Legislature that program revenues be used as the primary revenue  
218 source for repayment of any obligation created under authority of this subsection.

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

220 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and deliver  
221 revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on  
222 the credit, income, and revenues of the University of Utah, other than appropriations of the  
223 Legislature, to finance the cost of constructing, furnishing, and equipping student housing;

224 (b) University funds and housing rental revenues be used as the primary revenue source  
225 for repayment of any obligation created under authority of this Subsection (2); and

226 (c) the bonds or other evidences of indebtedness authorized by this Subsection (2) may  
227 provide up to \$86,000,000 together with other amounts necessary to pay costs of issuance, pay  
228 capitalized interest, and fund any debt service reserve requirements.

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

230 (a) the State Board of Regents on behalf of the University of Utah issue, sell, and deliver  
231 revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on  
232 the credit, income, and revenues of the University of Utah, other than appropriations of the  
233 Legislature, to finance the cost of constructing, furnishing, and equipping a Health Sciences  
234 Parking Structure;

235 (b) University funds and parking revenues be used as the primary revenue source for  
236 repayment of any obligation created under authority of this Subsection (3); and

237 (c) the bonds or other evidences of indebtedness authorized by this Subsection (3) may  
238 provide up to \$12,000,000, together with other amounts necessary to pay costs of issuance, pay  
239 capitalized interest, and fund any debt service reserve requirements.

240 (4) It is the intent of the Legislature that:

241 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and deliver  
242 revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on  
243 the credit and income and revenues of the University of Utah, other than appropriations of the  
244 Legislature, to finance the cost of constructing, furnishing, and equipping a Southwest Campus



245 Parking Structure;

246 (b) University funds and parking revenues be used as the primary revenue source for  
247 repayment of any obligation created under authority of this Subsection (4); and

248 (c) the bonds or other evidences of indebtedness authorized by this Subsection (4) may  
249 provide up to [~~\$6,500,000~~] \$7,200,000, together with other amounts necessary to pay costs of  
250 issuance, pay capitalized interest, and fund any debt service reserve requirements.

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

252 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and deliver  
253 revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on  
254 the credit and income and revenues of the University of Utah, other than appropriations of the  
255 Legislature, to finance the cost of constructing, furnishing, and equipping an expansion of the  
256 Eccles Broadcast Center;

257 (b) University funds and service revenues be used as the primary revenue source for  
258 repayment of any obligation created under authority of this Subsection (5); and

259 (c) the bonds or other evidences of indebtedness authorized by this Subsection (5) may  
260 provide up to \$5,100,000, together with other amounts necessary to pay costs of issuance, pay  
261 capitalized interest, and fund any debt service reserve requirements.

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

263 (a) the State Board of Regents, on behalf of the University of Utah, issue, sell, and deliver  
264 revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on  
265 the credit and income and revenues of the University of Utah, other than appropriations of the  
266 Legislature, to finance the cost of constructing, furnishing, equipping, and remodeling facilities  
267 for perinatal services, adult critical care services, clinical training and support, and upgrade of the  
268 University Hospital Rehabilitation Unit, and for purchase of the University Neuropsychiatric  
269 Institute and Summit Health Center in Park West;

270 (b) University Hospital revenues be used as the primary revenue source for repayment of  
271 any obligation created under authority of this Subsection (6); and

272 (c) the bonds or other evidences of indebtedness authorized by this Subsection (6) may  
273 provide up to \$23,300,000 together with other amounts necessary to pay costs of issuance, pay  
274 capitalized interest, and fund any debt service reserve requirements.

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

276 (a) the State Board of Regents, on behalf of Weber State University, issue, sell, and deliver  
277 revenue bonds or other evidences of indebtedness of Weber State University to borrow money on  
278 the credit and income and revenues of Weber State University, other than appropriations of the  
279 Legislature, to finance the cost of constructing, furnishing, and equipping student housing;

280 (b) University funds and housing rental revenues be used as the primary revenue source  
281 for repayment of any obligation created under authority of this Subsection (7); and

282 (c) the bonds or other evidences of indebtedness authorized by this Subsection (7) may  
283 provide up to \$19,000,000 together with other amounts necessary to pay costs of issuance, pay  
284 capitalized interest, and fund any debt service reserve requirements.

285 (8) (a) It is the intent of the Legislature that the State Building Ownership Authority, under  
286 the authority of Title 63, Chapter 9a, State Building Ownership Act, may issue or execute  
287 obligations, or enter into or arrange for a lease purchase agreement in which participation interests  
288 may be created, to provide up to \$1,100,000 for the construction of surplus property facilities for  
289 the Division of Fleet Operations, together with additional amounts necessary to pay costs of  
290 issuance, pay capitalized interest, and fund any debt service reserve requirements.

291 (b) The State Building Ownership Authority shall work cooperatively with the Department  
292 of Administrative Services to seek out the most cost effective and prudent lease purchase plan  
293 available.

294 (c) It is the intent of the Legislature that Internal Service Fund revenues be used as the  
295 primary revenue source for repayment of any obligation created under authority of this Subsection  
296 (8).

297 (9) (a) Contingent upon the state of Utah receiving a perfected security interest in  
298 accordance with Senate Joint Resolution 14, 1998 annual general session, the State Building  
299 Ownership Authority, under authority of Title 63, Chapter 9a, State Building Ownership Authority  
300 Act, may issue or execute obligations, or enter into or arrange for a lease purchase agreement in  
301 which participation interests may be created, to provide up to \$25,000,000 for the cost of  
302 constructing, furnishing, and equipping housing facilities at the University of Utah, together with  
303 additional amounts necessary to:

304 (i) pay costs of issuance;

305 (ii) pay capitalized interest; and

306 (iii) fund any debt service reserve requirements.

307 (b) The State Building Ownership Authority and the University of Utah may enter into real  
308 estate arrangements and security arrangements that are:

309 (i) necessary to accomplish the purposes of this subsection; and

310 (ii) not inconsistent with the requirements of Senate Joint Resolution 14, 1998 annual  
311 general session.

312 (10) In order to achieve a debt service savings, it is the intent of the Legislature that the  
313 State Building Ownership Authority, under authority of Title 63, Chapter 9a, State Building  
314 Ownership Authority Act, may issue or execute obligations, or enter into or arrange for a lease  
315 purchase agreement in which participation interests may be created, to provide sufficient funding  
316 to exercise the state's option to purchase the Youth Corrections Facility in Salt Lake County  
317 currently financed by Salt Lake County.

318 Section 3. Section **63B-8-101** is enacted to read:

319 **CHAPTER 8. 1999 BONDING**

320 **Part 1. Capital Facilities General Obligation Bond**

321 **63B-8-101. State Bonding Commission authorized to issue general obligation bonds.**

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

325 Section 4. Section **63B-8-102** is enacted to read:

326 **63B-8-102. Maximum amount -- Projects authorized.**

327 (1) The total amount of bonds issued under this part may not exceed \$48,500,000.

328 (2) (a) Proceeds from the issuance of bonds shall be provided to the division to provide  
329 funds to pay all or part of the cost of acquiring and constructing the projects listed in this  
330 Subsection (2).

331 (b) These costs may include the cost of acquiring land, interests in land, easements and  
332 rights-of-way, improving sites, and acquiring, constructing, equipping, and furnishing facilities and  
333 all structures, roads, parking facilities, utilities, and improvements necessary, incidental, or  
334 convenient to the facilities, interest estimated to accrue on these bonds during the period to be  
335 covered by construction of the projects plus a period of six months after the end of the construction  
336 period, and all related engineering, architectural, and legal fees.

337 (c) For the division, proceeds shall be provided for the following:

338	<u>PROJECT</u>	<u>AMOUNT</u>	<u>ESTIMATED</u>
339	<u>DESCRIPTION</u>	<u>FUNDED</u>	<u>OPERATIONS AND</u>
340			<u>MAINTENANCE</u>
341	<u>Southern Utah University -</u>	<u>\$2,493,200</u>	<u>\$447,744</u>
342	<u>Physical Education Building</u>		
343	<u>Utah Valley State College -</u>	<u>\$29,000,000</u>	<u>\$721,875</u>
344	<u>Information Sciences Building</u>		
345	<u>University of Utah -</u>	<u>\$7,268,500</u>	<u>\$140,217</u>
346	<u>Cowles Building Renovation</u>		
347	<u>Vernal District Court</u>	<u>\$4,539,500</u>	<u>\$149,989</u>
348	<u>Salt Lake Community College -</u>	<u>\$4,200,000</u>	<u>\$281,784</u>
349	<u>Applied Education Center</u>		
350	<u>TOTAL CAPITAL AND</u>	<u>\$47,501,200</u>	
351	<u>ECONOMIC DEVELOPMENT</u>		
352	<u>(d) For purposes of this section, operations and maintenance costs:</u>		
353	<u>(i) are estimates only;</u>		
354	<u>(ii) may include any operations and maintenance costs already funded in existing agency</u>		
355	<u>budgets; and</u>		
356	<u>(iii) are not commitments by this Legislature or future Legislatures to fund those</u>		
357	<u>operations and maintenance costs.</u>		
358	<u>(3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not</u>		
359	<u>constitute a limitation on the amount that may be expended for any project.</u>		
360	<u>(b) The board may revise these estimates and redistribute the amount estimated for a</u>		
361	<u>project among the projects authorized.</u>		
362	<u>(c) The commission, by resolution and in consultation with the board, may delete one or</u>		
363	<u>more projects from this list if the inclusion of that project or those projects in the list could be</u>		
364	<u>construed to violate state law or federal law or regulation.</u>		
365	<u>(4) (a) The division may enter into agreements related to these projects before the receipt</u>		
366	<u>of proceeds of bonds issued under this chapter.</u>		
367	<u>(b) The division shall make those expenditures from unexpended and unencumbered</u>		
368	<u>building funds already appropriated to the Capital Projects Fund.</u>		

369 (c) The division shall reimburse the Capital Projects Fund upon receipt of the proceeds of  
370 bonds issued under this chapter.

371 (d) The commission may, by resolution, make any statement of intent relating to that  
372 reimbursement that is necessary or desirable to comply with federal tax law.

373 (5) (a) For those projects for which only partial funding is provided in Subsection (2), it  
374 is the intent of the Legislature that the balance necessary to complete the projects be addressed by  
375 future Legislatures, either through appropriations or through the issuance or sale of bonds.

376 (b) For those phased projects, the division may enter into contracts for amounts not to  
377 exceed the anticipated full project funding but may not allow work to be performed on those  
378 contracts in excess of the funding already authorized by the Legislature.

379 (c) Those contracts shall contain a provision for termination of the contract for the  
380 convenience of the state as required by Section 63-56-40.

381 (d) It is also the intent of the Legislature that this authorization to the division does not  
382 bind future Legislatures to fund projects initiated from this authorization.

383 Section 5. Section **63B-8-103** is enacted to read:

384 **63B-8-103. Use of bond proceeds for issuance and other costs.**

385 The proceeds of bonds issued under this chapter shall be used for the purposes described  
386 in Section 63B-8-102 and to pay all or part of any cost incident to the issuance and sale of the  
387 bonds including, without limitation, printing, registration and transfer costs, legal fees, trustees'  
388 fees, financial advisors' fees, and underwriters' discounts.

389 Section 6. Section **63B-8-104** is enacted to read:

390 **63B-8-104. Manner of issuance -- Amounts, interest, and maturity.**

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

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

396 (3) A bond issued may not mature later than 20 years after the date of final passage of this  
397 chapter.

398 Section 7. Section **63B-8-105** is enacted to read:

399 **63B-8-105. Terms and conditions of sale -- Plan of financing -- Signatures --**

400 **Replacement -- Registration -- Federal rebate.**401 (1) In the issuance of bonds, the commission may determine by resolution:402 (a) the manner of sale, including public or private sale;403 (b) the terms and conditions of sale, including price, whether at, below, or above face404 value;405 (c) denominations;406 (d) form;407 (e) manner of execution;408 (f) manner of authentication;409 (g) place and medium of purchase;410 (h) redemption terms; and411 (i) other provisions and details it considers appropriate.

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

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

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

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

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

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

431 (b) Bonds in changed denominations shall:

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

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

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

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

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

445 (d) The bonds and any evidences of participation interest in the bonds may be issued,  
446 executed, authenticated, registered, transferred, exchanged, and otherwise made to comply with  
447 Title 15, Chapter 7, Registered Public Obligations Act, or any other act of the Legislature relating  
448 to the registration of obligations enacted to meet the requirements of Section 149 of the Internal  
449 Revenue Code of 1986, as amended, or any successor to it, and applicable regulations.

450 (6) The commission may:

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

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

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

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

457 Section 8. Section **63B-8-106** is enacted to read:

458 **63B-8-106. Constitutional debt limitation.**

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

461 (2) For purposes of applying the debt limitation contained in Utah Constitution Article

462 XIV, Section 1, the value of the taxable property in Utah is considered to be 100% of the fair  
463 market value of the taxable property of the state, as computed from the last assessment for state  
464 purposes previous to the issuance of the bonds.

465 Section 9. Section **63B-8-107** is enacted to read:

466 **63B-8-107. Tax levy -- Abatement of tax.**

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

470 (a) applicable bond redemption premiums, if any;

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

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

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

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

475 (3) The direct annual tax imposed under this section is abated to the extent money is

476 available from sources, other than ad valorem taxes in the sinking fund, for the payment of bond  
477 interest, principal, and redemption premiums.

478 Section 10. Section **63B-8-108** is enacted to read:

479 **63B-8-108. Creation of sinking fund.**

480 (1) There is created a sinking fund, to be administered by the state treasurer, entitled the  
481 "1999 General Obligation Bonds Sinking Fund."

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

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

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

487 Section 11. Section **63B-8-109** is enacted to read:

488 **63B-8-109. Payment of interest, principal, and redemption premiums.**

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

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

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



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

494 Section 12. Section **63B-8-110** is enacted to read:

495 **63B-8-110. Investment of sinking fund money.**

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

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

503 Section 13. Section **63B-8-111** is enacted to read:

504 **63B-8-111. Bond proceeds -- Deposits -- Investment -- Disposition of investment**  
505 **income and unexpended proceeds.**

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

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

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

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

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

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

519 Section 14. Section **63B-8-112** is enacted to read:

520 **63B-8-112. Refunding of bonds.**

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

523 (2) For purposes of Title 11, Chapter 27, Utah Refunding Bond Act, the state is considered

524 the public body and the commission its governing body.

525 Section 15. Section **63B-8-113** is enacted to read:

526 **63B-8-113. Certification of satisfaction of conditions precedent -- Conclusiveness.**

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

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

531 Section 16. Section **63B-8-114** is enacted to read:

532 **63B-8-114. Tax exemption.**

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

535 Section 17. Section **63B-8-115** is enacted to read:

536 **63B-8-115. Legal investment status.**

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

540 Section 18. Section **63B-8-116** is enacted to read:

541 **63B-8-116. Publication of resolution or notice -- Limitation on actions to contest**  
542 **legality.**

543 (1) The commission may:

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

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

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

549 (i) the legality of the resolution;

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

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

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

555 Section 19. Section **63B-8-117** is enacted to read:

556 **63B-8-117. Report to Legislature.**

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

559 Section 20. Section **63B-8-401** is enacted to read:

560 **Part 4. Computer System General Obligation Bonds**

561 **63B-8-401. State Bonding Commission authorized to issue general obligation bonds.**

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

565 Section 21. Section **63B-8-402** is enacted to read:

566 **63B-8-402. Maximum amount -- Projects authorized.**

567 (1) The total amount of bonds issued under this part may not exceed \$7,400,000.

568 (2) (a) Proceeds from the issuance of bonds shall be provided to the State Tax Commission  
569 to provide funds to pay all or part of the cost of the project described in this Subsection (2).

570 (b) These costs may include:

571 (i) the cost of acquisition, development, and conversion of computer hardware and  
572 software for motor vehicle fee systems and tax collection and accounting systems of the state;

573 (ii) interest estimated to accrue on these bonds during the period to be covered by that  
574 development and conversion, plus a period of six months following the completion of the  
575 development and conversion; and

576 (iii) all related engineering, consulting, and legal fees.

577 (c) For the State Tax Commission, proceeds shall be provided for the following:

578	<u>PROJECT</u>	<u>AMOUNT</u>
579	<u>DESCRIPTION</u>	<u>FUNDED</u>
580	<u>UTAX Systems --</u>	<u>\$7,000,000</u>
581	<u>Acquisition and Development</u>	

582 (3) The commission, by resolution may decline to issue bonds if the project could be  
583 construed to violate state law or federal law or regulation.

584 (4) (a) For this project, for which only partial funding is provided in Subsection (2), it is  
585 the intent of the Legislature that the balance necessary to complete the project be addressed by

586 future Legislatures, either through appropriations or through the issuance or sale of bonds.

587 (b) The State Tax Commission may enter into contracts for amounts not to exceed the  
588 anticipated full project funding but may not allow work to be performed on those contracts in  
589 excess of the funding already authorized by the Legislature.

590 (c) Those contracts shall contain a provision for termination of the contract for the  
591 convenience of the state as required by Section 63-56-40.

592 (d) It is also the intent of the Legislature that this authorization to the State Tax  
593 Commission does not bind future Legislatures to fund projects initiated from this authorization.

594 Section 22. Section **63B-8-403** is enacted to read:

595 **63B-8-403. Use of bond proceeds for issuance and other costs.**

596 The proceeds of bonds issued under this chapter shall be used for the purposes described  
597 in Section 63B-8-402 and to pay all or part of any cost incident to the issuance and sale of the  
598 bonds including, without limitation, printing, registration and transfer costs, legal fees, trustees'  
599 fees, financial advisors' fees, and underwriters' discounts.

600 Section 23. Section **63B-8-404** is enacted to read:

601 **63B-8-404. Manner of issuance -- Amounts, interest, and maturity.**

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

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

607 (3) A bond issued may not mature later than 20 years after the date of final passage of this  
608 chapter.

609 Section 24. Section **63B-8-405** is enacted to read:

610 **63B-8-405. Terms and conditions of sale -- Plan of financing -- Signatures --**  
611 **Replacement -- Registration -- Federal rebate.**

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

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

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

616 (c) denominations;

617 (d) form;

618 (e) manner of execution;

619 (f) manner of authentication;

620 (g) place and medium of purchase;

621 (h) redemption terms; and

622 (i) other provisions and details it considers appropriate.

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

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

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

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

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

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

642 (b) Bonds in changed denominations shall:

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

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

647 (5) (a) Bonds may be registered as to both principal and interest or may be in a book entry

648 form under which the right to principal and interest may be transferred only through a book entry.

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

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

656 (d) The bonds and any evidences of participation interest in the bonds may be issued,  
657 executed, authenticated, registered, transferred, exchanged, and otherwise made to comply with  
658 Title 15, Chapter 7, Registered Public Obligations Act, or any other act of the Legislature relating  
659 to the registration of obligations enacted to meet the requirements of Section 149 of the Internal  
660 Revenue Code of 1986, as amended, or any successor to it, and applicable regulations.

661 (6) The commission may:

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

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

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

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

668 Section 25. Section **63B-8-406** is enacted to read:

669 **63B-8-406. Constitutional debt limitation.**

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

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

676 Section 26. Section **63B-8-407** is enacted to read:

677 **63B-8-407. Tax levy -- Abatement of tax.**

678 (1) Each year after issuance of the bonds and until all outstanding bonds are retired, there

679 is levied a direct annual tax on all real and personal property within the state subject to state  
680 taxation, sufficient to pay:

681 (a) applicable bond redemption premiums, if any;

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

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

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

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

686 (3) The direct annual tax imposed under this section is abated to the extent money is

687 available from sources, other than ad valorem taxes in the sinking fund, for the payment of bond  
688 interest, principal, and redemption premiums.

689 Section 27. Section **63B-8-408** is enacted to read:

690 **63B-8-408. Creation of sinking fund.**

691 (1) There is created a sinking fund, to be administered by the state treasurer, entitled the  
692 "1999 § UTAX § General Obligation Project Bonds Sinking Fund."

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

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

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

698 Section 28. Section **63B-8-409** is enacted to read:

699 **63B-8-409. Payment of interest, principal, and redemption premiums.**

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

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

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

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

705 Section 29. Section **63B-8-410** is enacted to read:

706 **63B-8-410. Investment of sinking fund money.**

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

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

714 Section 30. Section **63B-8-411** is enacted to read:

715 **63B-8-411. Bond proceeds -- Deposits -- Investment -- Disposition of investment**  
716 **income and unexpended proceeds.**

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

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

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

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

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

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

730 Section 31. Section **63B-8-412** is enacted to read:

731 **63B-8-412. Refunding of bonds.**

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

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

736 Section 32. Section **63B-8-413** is enacted to read:

737 **63B-8-413. Certification of satisfaction of conditions precedent -- Conclusiveness.**

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

740 (2) A recital on any bond of this finding and certification conclusively establishes the



741 completion and satisfaction of all conditions precedent.

742 Section 33. Section **63B-8-414** is enacted to read:

743 **63B-8-414. Tax exemption.**

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

746 Section 34. Section **63B-8-415** is enacted to read:

747 **63B-8-415. Legal investment status.**

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

751 Section 35. Section **63B-8-416** is enacted to read:

752 **63B-8-416. Publication of resolution or notice -- Limitation on actions to contest**  
753 **legality.**

754 (1) The commission may:

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

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

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

760 (i) the legality of the resolution;

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

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

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

766 Section 36. Section **63B-8-417** is enacted to read:

767 **63B-8-417. Report to Legislature.**

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

770 Section 37. Section **63B-8-501** is enacted to read:

771 **63B-8-501. Revenue bond authorizations.**

772 (1) (a) It is the intent of the Legislature that the State Building Ownership Authority, under  
 773 the authority of Title 63, Chapter 9a, State Building Ownership Act, may issue or execute  
 774 obligations, or enter into or arrange for a lease purchase agreement in which participation interests  
 775 may be created, to provide up to \$2,510,000 for the acquisition of the Department of Human  
 776 Services Office in Brigham City, together with additional amounts necessary to pay costs of  
 777 issuance, pay capitalized interest, and fund any debt service reserve requirements.

778 ~~§ [(b) It is the intent of the Legislature that existing budgets for rent be used as the primary~~  
 779 ~~revenue source for repayment of any obligation created under authority of this Subsection (1).] (b) IT~~  
 779a ~~IS THE INTENT OF THE LEGISLATURE THAT AMOUNTS REPRESENTING EXISTING BUDGETS FOR~~  
 779b ~~RENT FOR THE DEPARTMENT OF HUMAN SERVICES BE USED AS THE PRIMARY REVENUE~~  
 779c ~~SOURCE~~  
 779d ~~FOR THE DEPARTMENT OF HUMAN SERVICES TO PAY THE STATE FOR REPAYMENT OF ANY~~  
 779e ~~OBLIGATION CREATED UNDER AUTHORITY OF THIS SUBSECTION (1). §~~

780 (2) (a) It is the intent of the Legislature that the State Building Ownership Authority, under  
 781 the authority of Title 63, Chapter 9a, State Building Ownership Act, may issue or execute  
 782 obligations, or enter into or arrange for a lease purchase agreement in which participation interests  
 783 may be created, to provide up to \$6,518,000 for the construction of an office building to house the  
 784 Department of Corrections and the Board of Pardons and Parole Administration, together with  
 785 additional amounts necessary to pay costs of issuance, pay capitalized interest, and fund any debt  
 786 service reserve requirements.

787 ~~§ [(b) It is the intent of the Legislature that existing budgets for rent be used as the primary~~  
 788 ~~revenue source for repayment of any obligation created under authority of this Subsection (2).] (b) IT~~  
 788a ~~IS THE INTENT OF THE LEGISLATURE THAT AMOUNTS REPRESENTING EXISTING BUDGETS FOR~~  
 788b ~~RENT FOR THE DEPARTMENT OF CORRECTIONS AND THE BOARD OF PARDONS AND PAROLE~~  
 788c ~~ADMINISTRATION BE USED AS THE PRIMARY REVENUE SOURCE FOR THE DEPARTMENT OF~~  
 788d ~~CORRECTIONS AND THE BOARD OF PARDONS AND PAROLE ADMINISTRATION TO PAY THE~~  
 788e ~~STATE~~  
 788f ~~FOR REPAYMENT OF ANY OBLIGATION CREATED UNDER AUTHORITY OF THIS SUBSECTION (2). §~~

789 Section 38. Section **63B-8-502** is enacted to read:

790 **63B-8-502. Other capital facility authorizations and intent language.**

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

792 (a) Salt Lake Community College use institutional funds to plan, design, and construct an  
 793 addition to the Student Activity Center at the Redwood Campus under the direction of the director  
 794 of the Division of Facilities Construction and Management unless supervisory authority has been  
 795 delegated; and

796 (b) no state funds be used for any portion of this project.

797

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

798           (a) Salt Lake Community College use institutional funds to plan, design, and construct the  
799 Student Activity Center at the Jordan Campus under the direction of the director of the Division  
800 of Facilities Construction and Management unless supervisory authority has been delegated; and

801           (b) no state funds be used for any portion of this project.

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

803 (a) Southern Utah University use institutional funds to plan, design, and construct the  
804 Shakespearean Festival Scene Shop under the direction of the director of the Division of Facilities  
805 Construction and Management unless supervisory authority has been delegated; and

806 (b) no state funds be used for any portion of this project.

807 (4) It is the intent of the Legislature that:

808 (a) the University of Utah plan, design, and construct a new East Campus Central Plant  
809 under the direction of the director of the Division of Facilities Construction and Management  
810 unless supervisory authority has been delegated;

811 (b) the project may be financed through a third party to the extent that energy savings  
812 resulting from the project are used to pay the annual debt service; and

813 (c) the University of Utah obtains the approval of the Board of Regents before entering  
814 into a financing arrangement.

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

816 (a) the University of Utah use institutional funds to plan, design, and construct a pedestrian  
817 bridge over Wasatch Drive under the direction of the director of the Division of Facilities  
818 Construction and Management unless supervisory authority has been delegated; and

819 (b) no state funds be used for any portion of this project.

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

821 (a) Utah State University use institutional funds to plan, design, and construct an addition  
822 to the Nora Eccles Harrison Museum of Art under the direction of the director of the Division of  
823 Facilities Construction and Management unless supervisory authority has been delegated;

824 (b) no state funds be used for the design and construction of this project; and

825 (c) the University may request state funds for operations and maintenance to the extent it  
826 is able to demonstrate to the Board of Regents that the project meets approved academic and  
827 training purposes under Board of Regents policy R710.

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

829 (a) Utah State University use institutional funds to plan, design, and construct a renovation  
830 and expansion of the Lyric Theater under the direction of the director of the Division of Facilities  
831 Construction and Management unless supervisory authority has been delegated;

832 (b) no state funds be used for any portion of this project; and

833 (c) the University may request state funds for operations and maintenance to the extent it

834 is able to demonstrate to the Board of Regents that the project meets approved academic and  
835 training purposes under Board of Regents policy R710.

836 (8) It is the intent of the Legislature that:

837 (a) the University of Utah use institutional funds to plan, design, and construct an  
838 expansion of the Pioneer Memorial Theater under the direction of the director of the Division of  
839 Facilities Construction and Management unless supervisory authority has been delegated;

840 (b) no state funds be used for any portion of this project; and

841 (c) the University may request state funds for operations and maintenance to the extent it  
842 is able to demonstrate to the Board of Regents that the project meets approved academic and  
843 training purposes under Board of Regents policy R710.

844 (9) It is the intent of the Legislature that:

845 (a) the University of Utah use institutional funds to plan, design, and construct an  
846 expansion of the College of Pharmacy under the direction of the director of the Division of  
847 Facilities Construction and Management unless supervisory authority has been delegated;

848 (b) no state funds be used for the construction of this project; and

849 (c) consideration be given to appropriating state funds for the increased operation and  
850 maintenance costs associated with academic programs and associated support.

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

852 (a) Weber State University use institutional funds to plan, design, and construct a Visual  
853 Arts Building under the direction of the director of the Division of Facilities Construction and  
854 Management unless supervisory authority has been delegated;

855 (b) no state funds be used for the construction of this project; and

856 (c) consideration be given to appropriating state funds for the increased operation and  
857 maintenance costs associated with academic programs and associated support.

858 (11) It is the intent of the Legislature that the Department of Corrections use federal funds  
859 to plan, design, and construct a 300 bed minimum security facility in Draper under the direction  
860 of the director of the Division of Facilities Construction and Management unless supervisory  
861 authority has been delegated.

862 (12) It is the intent of the Legislature that:

863 (a) the Department of Transportation pursue the sale of property located adjacent to the  
864 Region One Headquarters in Ogden; and

865 (b) the Department of Transportation only expend those funds, up to the amount collected,  
866 to expand the current Region One Headquarters Building.

867 (13) It is the intent of the Legislature that the State Hospital be allowed to use available  
868 funding, up to \$100,000, to purchase the property adjacent to the Provo campus.

868a **§ (14) IT IS THE INTENT OF THE LEGISLATURE THAT:**

868b **(a) DIXIE COLLEGE USE INSTITUTIONAL FUNDS TO PLAN, DESIGN, AND CONSTRUCT A**  
868c **SATELLITE CAMPUS BUILDING UNDER THE DIRECTION OF THE DIRECTOR OF THE DIVISION OF**  
868d **FACILITIES CONSTRUCTION AND MANAGEMENT UNLESS SUPERVISORY AUTHORITY HAS BEEN**  
868e **DELEGATED;**

868f **(b) NO STATE FUNDS BE USED FOR THE CONSTRUCTION OF THIS PROJECT; AND**

868g **(c) CONSIDERATION BE GIVEN TO APPROPRIATING STATE FUNDS FOR THE INCREASED**  
868h **OPERATION AND MAINTENANCE COSTS ASSOCIATED WITH ACADEMIC PROGRAMS AND**  
868i **ASSOCIATED SUPPORT. §**

**Legislative Review Note**  
**as of 2-22-99 6:00 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**