

**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 (d) For purposes of this section, operations and maintenance costs:
- 353 (i) are estimates only;
- 354 (ii) may include any operations and maintenance costs already funded in existing agency
- 355 budgets; and
- 356 (iii) are not commitments by this Legislature or future Legislatures to fund those
- 357 operations and maintenance costs.
- 358 (3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not
- 359 constitute a limitation on the amount that may be expended for any project.
- 360 (b) The board may revise these estimates and redistribute the amount estimated for a
- 361 project among the projects authorized.
- 362 (c) The commission, by resolution and in consultation with the board, may delete one or
- 363 more projects from this list if the inclusion of that project or those projects in the list could be
- 364 construed to violate state law or federal law or regulation.
- 365 (4) (a) The division may enter into agreements related to these projects before the receipt
- 366 of proceeds of bonds issued under this chapter.
- 367 (b) The division shall make those expenditures from unexpended and unencumbered
- 368 building funds already appropriated to the Capital Projects Fund.

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 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).

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).

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.

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