

**2002 GENERAL OBLIGATION BOND AND
CAPITAL FACILITIES AUTHORIZATIONS**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Gerry A. Adair

This act modifies the Bonding Code by authorizing the issuance and sale of general obligation bonds by the State Bonding Commission for capital facilities. This act specifies the use of the bond proceeds and the manner of issuance. This act imposes and abates a property tax and creates a sinking fund. This act approves the issuance of certain obligations by the State Building Ownership Authority, authorizes other capital facility expenditures, repeals authorization for abandoned projects, and makes technical corrections.

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

AMENDS:

63B-6-102, as last amended by Chapter 327, Laws of Utah 2000

ENACTS:

63B-11-101, Utah Code Annotated 1953

63B-11-102, Utah Code Annotated 1953

63B-11-103, Utah Code Annotated 1953

63B-11-104, Utah Code Annotated 1953

63B-11-105, Utah Code Annotated 1953

63B-11-106, Utah Code Annotated 1953

63B-11-107, Utah Code Annotated 1953

63B-11-108, Utah Code Annotated 1953

63B-11-109, Utah Code Annotated 1953

63B-11-110, Utah Code Annotated 1953

63B-11-111, Utah Code Annotated 1953

63B-11-112, Utah Code Annotated 1953



- 28 **63B-11-113**, Utah Code Annotated 1953
- 29 **63B-11-114**, Utah Code Annotated 1953
- 30 **63B-11-115**, Utah Code Annotated 1953
- 31 **63B-11-116**, Utah Code Annotated 1953
- 32 **63B-11-117**, Utah Code Annotated 1953
- 33 **63B-11-401**, Utah Code Annotated 1953
- 34 **63B-11-402**, Utah Code Annotated 1953

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

36 Section 1. Section **63B-6-102** is amended to read:

37 **63B-6-102. Maximum amount -- Projects authorized.**

38 (1) The total amount of bonds issued under this part may not exceed \$57,000,000.

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

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

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

49 CAPITAL AND ECONOMIC DEVELOPMENT

	AMOUNT	ESTIMATED OPERATIONS AND MAINTENANCE
PROJECT DESCRIPTION	FUNDED	
54 Youth Corrections - Carbon / Emery (18 beds)	\$2,298,100	\$70,000
55 State Hospital - 100 bed Forensic Facility	\$13,800,700	\$320,600
56 Utah State University - Widtsoe Hall	\$23,986,700	\$750,200
57 Davis Applied Technology Center	\$6,344,900	\$144,000
58 - Medical/Health Tech Addition		

59	Southern Utah University -- Physical	\$1,100,000	\$456,100
60	Education Building (Design)		
61	Salt Lake Community College -- High	\$1,165,000	\$718,500
62	Technology Building, 90th So. Campus (Design)		
63	Department of Natural Resources - Antelope	\$3,600,000	None
64	Island Road		
65	Youth Corrections	\$1,500,000	None
66	- Region 1 72 Secured Bed Facility		
67	Department of Natural Resources - Dead Horse	\$1,350,000	\$5,700
68	Point Visitors Center		
69	[National Guard]	[\$1,600,000]	[\$5,700]
70	TOTAL CAPITAL AND ECONOMIC	[\$56,745,400]	<u>\$55,145,400</u>
71	DEVELOPMENT		

72 (d) For purposes of this section, operations and maintenance costs:

73 (i) are estimates only;

74 (ii) may include any operations and maintenance costs already funded in existing agency
75 budgets; and

76 (iii) are not commitments by this Legislature or future Legislatures to fund those
77 operations and maintenance costs.

78 (3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not
79 constitute a limitation on the amount that may be expended for any project.

80 (b) The board may revise these estimates and redistribute the amount estimated for a
81 project among the projects authorized.

82 (c) The commission, by resolution and in consultation with the board, may delete one or
83 more projects from this list if the inclusion of that project or those projects in the list could be
84 construed to violate state law or federal law or regulation.

85 (4) (a) The division may enter into agreements related to these projects before the receipt
86 of proceeds of bonds issued under this chapter.

87 (b) The division shall make those expenditures from unexpended and unencumbered
88 building funds already appropriated to the Capital Projects Fund.

89 (c) The division shall reimburse the Capital Projects Fund upon receipt of the proceeds of

90 bonds issued under this chapter.

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

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

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

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

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

103 Section 2. Section **63B-11-101** is enacted to read:

104 **CHAPTER 11. 2002 BONDING AND FINANCING AUTHORIZATIONS**

105 **Part 1. Capital Facilities General Obligation Bonds**

106 **63B-11-101. State Bonding Commission authorized to issue general obligation bonds.**

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

110 Section 3. Section **63B-11-102** is enacted to read:

111 **63B-11-102. Maximum amount -- Projects authorized.**

112 (1) The total amount of bonds issued under this part may not exceed \$101,000,000.

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

116 (b) These costs may include the cost of acquiring land, interests in land, easements and
117 rights-of-way, improving sites, and acquiring, constructing, equipping, and furnishing facilities and
118 all structures, roads, parking facilities, utilities, and improvements necessary, incidental, or
119 convenient to the facilities, interest estimated to accrue on these bonds during the period to be
120 covered by construction of the projects plus a period of six months after the end of the construction

121 period, and all related engineering, architectural, and legal fees.

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

123 <u>PROJECT</u>	<u>AMOUNT</u>	<u>ESTIMATED</u>
124 <u>DESCRIPTION</u>	<u>FUNDED</u>	<u>OPERATIONS</u>
		<u>AND</u>
		<u>MAINTENANCE</u>
127 <u>Dixie State College</u>		
128 <u>Eccles/Graff Performing Arts Ctr.</u>	<u>\$13,308,000</u>	<u>\$281,200</u>
129 <u>Snow College Performing Arts Center</u>	<u>\$15,583,000</u>	<u>\$200,000</u>
130 <u>WSU Classroom Building---Davis Campus</u>	<u>\$20,500,000</u>	<u>\$558,200</u>
131 <u>U of U Marriott Library</u>	<u>\$34,676,500</u>	<u>\$500,000</u>
132 <u>USU Merrill Library</u>	<u>\$6,345,500</u>	<u>\$500,000</u>
133 <u>UVSC Wasatch Campus</u>	<u>\$9,587,000</u>	<u>\$324,600</u>
134 <u>TOTAL CAPITAL AND</u>		
135 <u>ECONOMIC DEVELOPMENT</u>	<u>\$100,000,000</u>	

136 (d) For purposes of this section, operations and maintenance costs:

137 (i) are estimates only;

138 (ii) may include any operations and maintenance costs already funded in existing agency
139 budgets; and

140 (iii) are not commitments by this Legislature or future Legislatures to fund those
141 operations and maintenance costs.

142 (3) (a) The amounts funded as listed in Subsection (2) are estimates only and do not
143 constitute a limitation on the amount that may be expended for any project.

144 (b) The board may revise these estimates and redistribute the amount estimated for a
145 project among the projects authorized.

146 (c) The commission, by resolution and in consultation with the board, may delete one or
147 more projects from this list if the inclusion of that project or those projects in the list could be
148 construed to violate state law or federal law or regulation.

149 (4) (a) The division may enter into agreements related to these projects before the receipt
150 of proceeds of bonds issued under this chapter.

151 (b) The division shall make those expenditures from unexpended and unencumbered

152 building funds already appropriated to the Capital Projects Fund.

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

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

157 Section 4. Section **63B-11-103** is enacted to read:

158 **63B-11-103. Use of bond proceeds for issuance and other costs.**

159 The proceeds of bonds issued under this chapter shall be used for the purposes described
160 in Section 63B-11-102 and to pay all or part of any cost incident to the issuance and sale of the
161 bonds including, without limitation, printing, registration and transfer costs, legal fees, trustees'
162 fees, financial advisors' fees, and underwriters' discounts.

163 Section 5. Section **63B-11-104** is enacted to read:

164 **63B-11-104. Manner of issuance -- Amounts, interest, and maturity.**

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

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

170 (3) A bond issued may not mature later than 15 years after the date of final passage of this
171 chapter.

172 Section 6. Section **63B-11-105** is enacted to read:

173 **63B-11-105. Terms and conditions of sale -- Plan of financing -- Signatures --**
174 **Replacement -- Registration -- Federal rebate.**

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

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

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

179 (c) denominations;

180 (d) form;

181 (e) manner of execution;

182 (f) manner of authentication;

183 (g) place and medium of purchase;

184 (h) redemption terms; and

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

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

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

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

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

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

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

205 (b) Bonds in changed denominations shall:

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

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

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

212 (b) The commission may provide for the services and payment for the services of one or
213 more financial institutions or other entities or persons, or nominees, within or outside the state, for

214 the authentication, registration, transfer, including record, bookkeeping, or book entry functions,
215 exchange, and payment of the bonds.

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

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

224 (6) The commission may:

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

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

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

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

231 Section 7. Section **63B-11-106** is enacted to read:

232 **63B-11-106. Constitutional debt limitation.**

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

235 (2) For purposes of applying the debt limitation contained in Utah Constitution Article
236 XIV, Section 1, the value of the taxable property in Utah is considered to be 100% of the fair
237 market value of the taxable property of the state, including fee-in-lieu property, as computed from
238 the last assessment for state purposes previous to the issuance of the bonds.

239 Section 8. Section **63B-11-107** is enacted to read:

240 **63B-11-107. Tax levy -- Abatement of tax.**

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

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

- 245 (b) interest on the bonds as it becomes due; and
246 (c) principal of the bonds as it becomes due.
247 (2) (a) The State Tax Commission shall fix the rate of the direct annual tax levy each year.
248 (b) The tax shall be collected and the proceeds applied as provided in this chapter.
249 (3) The direct annual tax imposed under this section is abated to the extent money is
250 available from sources, other than ad valorem taxes in the sinking fund, for the payment of bond
251 interest, principal, and redemption premiums.

252 Section 9. Section **63B-11-108** is enacted to read:

253 **63B-11-108. Creation of sinking fund.**

- 254 (1) There is created a sinking fund, to be administered by the state treasurer, entitled the
255 "2002 Capital Facilities General Obligation Bonds Sinking Fund."
256 (2) All monies deposited in the sinking fund, from whatever source, shall be used to pay
257 debt service on the bonds.
258 (3) The proceeds of all taxes levied under this chapter are appropriated to this fund.
259 (4) The state treasurer may create separate accounts within the sinking fund for each series
260 of bonds issued.

261 Section 10. Section **63B-11-109** is enacted to read:

262 **63B-11-109. Payment of interest, principal, and redemption premiums.**

- 263 (1) The Division of Finance shall draw warrants on the state treasury before any interest,
264 principal, or redemption premiums become due on the bonds.
265 (2) After receipt of the warrants, the state treasurer shall:
266 (a) promptly pay the warrants from funds within the sinking fund; and
267 (b) immediately transmit the amount paid to the paying agent for the bonds.

268 Section 11. Section **63B-11-110** is enacted to read:

269 **63B-11-110. Investment of sinking fund money.**

- 270 (1) The state treasurer may, by following the procedures and requirements of Title 51,
271 Chapter 7, State Money Management Act, invest any money contained in the sinking fund until
272 it is needed for the purposes for which the fund is created.
273 (2) Unless otherwise provided in the resolution of the commission authorizing the issuance
274 of bonds under this chapter, the treasurer shall retain all income from the investment of any money
275 contained in the sinking fund in the sinking fund and use it for the payment of debt service on the

276 bonds.

277 Section 12. Section **63B-11-111** is enacted to read:

278 **63B-11-111. Bond proceeds -- Deposits -- Investment -- Disposition of investment**
279 **income and unexpended proceeds.**

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

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

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

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

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

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

293 Section 13. Section **63B-11-112** is enacted to read:

294 **63B-11-112. Refunding of bonds.**

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

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

299 Section 14. Section **63B-11-113** is enacted to read:

300 **63B-11-113. Certification of satisfaction of conditions precedent -- Conclusiveness.**

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

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

305 Section 15. Section **63B-11-114** is enacted to read:

306 **63B-11-114. Tax exemption.**

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

309 Section 16. Section **63B-11-115** is enacted to read:

310 **63B-11-115. Legal investment status.**

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

314 Section 17. Section **63B-11-116** is enacted to read:

315 **63B-11-116. Publication of resolution or notice -- Limitation on actions to contest**
316 **legality.**

317 (1) The commission may:

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

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

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

323 (i) the legality of the resolution;

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

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

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

329 Section 18. Section **63B-11-117** is enacted to read:

330 **63B-11-117. Report to Legislature.**

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

333 Section 19. Section **63B-11-401** is enacted to read:

334 **Part 4. Revenue Bond Authorizations**

335 **63B-11-401. Revenue bond authorizations.**

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

337 (a) the Board of Regents, on behalf of the University of Utah, issue, sell, and deliver

338 revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on
339 the credit, revenues, and reserves of the University of Utah, other than appropriations of the
340 Legislature, to refinance the cost of acquiring, constructing, furnishing, and equipping the
341 East-Campus Central Plant and related energy improvements;

342 (b) savings in heating and cooling costs be used as the primary revenue source for
343 repayment of any obligation created under authority of this section; and

344 (c) the bonds or other evidences of indebtedness authorized by this section may provide
345 up to \$33,000,000, together with other amounts necessary to pay costs of issuance, pay capitalized
346 interest, and fund any debt service reserve requirements.

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

348 (a) the Board of Regents, on behalf of Utah State University, issue, sell, and deliver
349 revenue bonds or other evidences of indebtedness of Utah State University to borrow money on
350 the credit, revenues, and reserves of Utah State University, other than appropriations of the
351 Legislature, to finance the cost of acquiring, constructing, furnishing, and equipping research and
352 office facilities at its Research Park;

353 (b) revenues from research activities, the Utah State University Research Foundation, and
354 other institutional funds be used as the primary revenue source for repayment of any obligation
355 created under authority of this section; and

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

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

360 (a) the Board of Regents, on behalf of Southern Utah University, issue, sell, and deliver
361 revenue bonds or other evidences of indebtedness of Southern Utah University to borrow money
362 on the credit, revenues, and reserves of the Southern Utah University, other than appropriations
363 of the Legislature, to finance the cost of acquiring, constructing, furnishing, and equipping a
364 Student Living and Learning Facility;

365 (b) student housing and other auxiliary revenues and student building fees be used as the
366 primary revenue source for repayment of any obligation created under authority of this section; and

367 (c) the bonds or other evidences of indebtedness authorized by this section may provide
368 up to \$9,000,000, together with other amounts necessary to pay costs of issuance, pay capitalized

369 interest, and fund any debt service reserve requirements.

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

371 (a) the Board of Regents, on behalf of Snow College, issue, sell, and deliver revenue bonds
372 or other evidences of indebtedness of the Snow College to borrow money on the credit, revenues,
373 and reserves of Snow College, other than appropriations of the Legislature, to finance the cost of
374 acquiring, constructing, furnishing, and equipping a Multi-Event Center in Richfield;

375 (b) usage fees and other operating revenues be used as the primary revenue source for
376 repayment of any obligation created under authority of this section; and

377 (c) the bonds or other evidences of indebtedness authorized by this section may provide
378 up to \$2,500,000, together with other amounts necessary to pay costs of issuance, pay capitalized
379 interest, and fund any debt service reserve requirements.

380 (5) It is the intent of the Legislature that the State Building Ownership Authority, under
381 the authority of Title 63, Chapter 9a, State Building Ownership Act, may issue or execute
382 obligations, or enter into or arrange for a lease purchase agreement in which participation interests
383 may be created, to provide up to \$1,836,000 for the construction of a store in Tooele for the
384 Department of Alcoholic Beverage Control, together with additional amounts necessary to pay
385 costs of issuance, pay capitalized interest, and fund any debt service reserve requirements.

386 Section 20. Section **63B-11-402** is enacted to read:

387 **63B-11-402. Other capital facility authorizations and intent language.**

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

389 (a) Salt Lake Community College use donations and other institutional funds to plan,
390 design, and construct a renovation of and addition to the Grand Theater under the direction of the
391 director of the Division of Facilities Construction and Management unless supervisory authority
392 has been delegated;

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

394 (c) the college may request state funds for operations and maintenance to the extent that
395 the college is able to demonstrate to the Board of Regents that the facility meets approved
396 academic and training purposes under Board of Regents policy R710.

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

398 (a) the University of Utah use donations, grants, and other institutional funds to plan,
399 design, and construct a Department of Chemistry Gauss House under the direction of the director

400 of the Division of Facilities Construction and Management unless supervisory authority has been
401 delegated;

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

403 (c) the university may request state funds for operations and maintenance to the extent that
404 the university is able to demonstrate to the Board of Regents that the facility meets approved
405 academic and training purposes under Board of Regents policy R710.

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

407 (a) the University of Utah use donations and other institutional funds to plan, design, and
408 construct an expansion of the Eccles Health Science Library and the associated parking structure
409 under the direction of the director of the Division of Facilities Construction and Management
410 unless supervisory authority has been delegated;

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

412 (c) the university may request state funds for operations and maintenance to the extent that
413 the university is able to demonstrate to the Board of Regents that the facility meets approved
414 academic and training purposes under Board of Regents policy R710.

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

416 (a) the University of Utah use donations and other institutional funds to plan, design, and
417 construct a Phase II Addition to the Moran Eye Center under the direction of the director of the
418 Division of Facilities Construction and Management unless supervisory authority has been
419 delegated;

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

421 (c) the university may not request state funds for operations and maintenance.

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

423 (a) the University of Utah use donations and other institutional funds to plan, design, and
424 construct a Children's Dance Theatre under the direction of the director of the Division of Facilities
425 Construction and Management unless supervisory authority has been delegated;

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

427 (c) the university may not request state funds for operations and maintenance.

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

429 (a) Utah State University use donations and other institutional funds to plan, design, and
430 construct a Teaching Pavilion at its Animal Science Farm under the direction of the director of the

431 Division of Facilities Construction and Management unless supervisory authority has been
432 delegated;

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

434 (c) the university may request state funds for operations and maintenance to the extent that
435 the university is able to demonstrate to the Board of Regents that the facility meets approved
436 academic and training purposes under Board of Regents policy R710.

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

438 (a) the Division of Youth Corrections use donations to plan, design, and construct a chapel
439 at the Slate Canyon Youth Corrections Facility under the direction of the director of the Division
440 of Facilities Construction and Management unless supervisory authority has been delegated;

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

442 (c) the division may not request additional state funding for operations and maintenance.

443 (8) It is the intent of the Legislature that the Utah National Guard use federal funds and
444 proceeds from the sale of property to acquire a site for new facilities in Salt Lake or Davis County.

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

446 (a) the Utah National Guard use donations and grants to plan, design, and construct the
447 renovation and expansion of the Fort Douglas Military Museum under the direction of the director
448 of the Division of Facilities Construction and Management unless supervisory authority has been
449 delegated;

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

451 (c) the National Guard may not request additional state funding for operations and
452 maintenance.

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

454 (a) the Division of Facilities Construction and Management pursue the exchange of public
455 safety facilities in Orem if:

456 (i) the land and newly constructed replacement facilities meet the needs of drivers license;
457 and

458 (ii) the replacement property and facilities can be obtained at a cost that is not less than
459 the market value of the existing property and facilities; and

460 (b) the division confirms the value of the properties to be exchanged.

Legislative Review Note
as of 2-28-02 7:07 PM

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

Office of Legislative Research and General Counsel