

1 **ACCOUNT FOR PEOPLE WITH DISABILITIES**

2 **AMENDMENTS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5

6 **LONG TITLE**

7 **General Description:**

8 This bill modifies Title 63A, Utah Administrative Services Code, and Title 63J,
9 Budgeting, by amending procedures related to the Account for People with Disabilities
10 Restricted Account.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires a two-thirds vote of the Legislature to repeal the section creating the
- 14 Account for People with Disabilities Restricted Account;
- 15 ▶ prohibits the Legislature from using money in the Account for People with
- 16 Disabilities Restricted Account to eliminate an operating deficit; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **63A-5-220**, as last amended by Laws of Utah 2011, Chapter 289

25 **63J-1-211**, as renumbered and amended by Laws of Utah 2009, Chapter 183

26

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

28 Section 1. Section **63A-5-220** is amended to read:

29 **63A-5-220. Definitions -- Creation of Account for People with Disabilities -- Use**
30 **of restricted account.**

31 (1) As used in this section:

32 (a) "Developmental center" means the Utah State Developmental Center described in
33 Section 62A-5-201.

34 (b) "DSPD" means the Division of Services for People with Disabilities within the
35 Department of Human Services.

36 (c) "Long-term lease" means:

37 (i) a lease with a term of five years or more; or

38 (ii) a lease with a term of less than five years that may be unilaterally renewed by the
39 lessee.

40 (2) Notwithstanding Section 63A-5-215, any money received by the division or DSPD
41 from the sale, lease, except any lease existing on May 1, 1995, or other disposition of real
42 property associated with the developmental center shall be deposited in the restricted account
43 created in Subsection (3).

44 (3) (a) There is created a restricted account within the General Fund known as the
45 "Account for People with Disabilities."

46 (b) The Division of Finance shall deposit the following revenues into the restricted
47 account:

48 (i) revenue from the sale, lease, except any lease existing on May 1, 1995, or other
49 disposition of real property associated with the developmental center;

50 (ii) revenue from the sale, lease, or other disposition of water rights associated with the
51 developmental center; and

52 (iii) revenue from voluntary contributions made to the restricted account.

53 (c) The state treasurer shall invest money in the fund according to the procedures and
54 requirements of Title 51, Chapter 7, State Money Management Act, and the interest shall
55 remain with the restricted account.

56 (d) (i) Except as provided in Subsection (3)(d)(ii), an expenditure or appropriation may
57 not be made from the restricted account.

58 (ii) (A) The Legislature may appropriate interest earned on restricted account money
59 invested pursuant to this Subsection (3)(d), leases from real property and improvements, leases
60 from water, rents, and fees to DSPD for programs described in Title 62A, Chapter 5, Services
61 for People with Disabilities.

62 (B) Restricted account money appropriated each year under Subsection (3)(d)(ii)(A)

63 may not be expended unless approved by the director of the Division of Services for People
64 with Disabilities within the Department of Human Services in consultation with the executive
65 director of the department.

66 (4) (a) Notwithstanding Section 65A-4-1, any sale or disposition of real property or
67 water rights associated with the developmental center shall be conducted as provided in this
68 Subsection (4).

69 (b) The division shall secure the concurrence of DSPD and the approval of the
70 governor before making the sale or other disposition of land or water rights.

71 (c) In addition to the concurrences required by Subsection (4)(b), the division shall
72 secure the approval of the Legislature before offering the land or water rights for sale,
73 exchange, or long-term lease.

74 (d) The division shall sell or otherwise dispose of the land or water rights as directed
75 by the governor.

76 (e) The division may not sell, exchange, or enter into a long-term lease of the land or
77 water rights for a price or estimated value below the average of two appraisals conducted by an
78 appraiser who holds an appraiser's certificate or license issued by the Division of Real Estate
79 under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act.

80 (5) This section may not be repealed without a two-thirds majority vote of both bodies
81 of the Legislature.

82 Section 2. Section **63J-1-211** is amended to read:

83 **63J-1-211. Appropriating from restricted accounts.**

84 (1) As used in this section, "operating deficit" means that estimated General Fund or
85 Uniform School Fund revenues are less than budgeted for the current or next fiscal year.

86 (2) [~~Notwithstanding~~] Except as provided in Subsection (3), notwithstanding any other
87 statute that limits the Legislature's power to appropriate from a restricted account, if the
88 Legislature determines that an operating deficit exists, unless prohibited by federal law or court
89 order, the Legislature may, in eliminating the deficit, appropriate money from a restricted
90 account into the General Fund.

91 (3) The Legislature may not appropriate money from the Account for People With
92 Disabilities restricted account created in Section 63A-5-220 in order to eliminate an operating
93 deficit.

Legislative Review Note
as of 11-13-12 3:09 PM

Office of Legislative Research and General Counsel