

Repealed 5/10/2016

63A-5-220 Definitions -- Creation of Utah State Developmental Center Land Fund -- Use of fund.

- (1) As used in this section:
 - (a) "Developmental center" means the Utah State Developmental Center described in Section 62A-5-201.
 - (b) "DSPD" means the Division of Services for People with Disabilities within the Department of Human Services.
 - (c) "Long-term lease" means:
 - (i) a lease with a term of five years or more; or
 - (ii) a lease with a term of less than five years that may be unilaterally renewed by the lessee.
- (2) Notwithstanding Section 63A-5-215, any money received by the division or DSPD from the sale, lease, except any lease existing on May 1, 1995, or other disposition of real property associated with the developmental center shall be deposited in the restricted special revenue fund created in Subsection (3).
- (3)
 - (a) There is created an expendable special revenue fund known as the "Utah State Developmental Center Land Fund."
 - (b) The Division of Finance shall deposit the following revenues into the expendable special revenue fund:
 - (i) revenue from the sale, lease, except any lease existing on May 1, 1995, or other disposition of real property associated with the developmental center; and
 - (ii) revenue from the sale, lease, or other disposition of water rights associated with the developmental center.
 - (c) The state treasurer shall invest money in the fund described in Subsection (3) according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act, and the interest shall remain with the restricted special revenue fund.
 - (d)
 - (i) Except as provided in Subsection (3)(d)(ii), an expenditure or appropriation may not be made from the expendable special revenue fund.
 - (ii)
 - (A) Subject to the requirements of Subsection (3)(d)(ii)(B), the Division of Services for People with Disabilities may spend interest earned or invested from the Utah State Developmental Center Land Fund for the benefit of the Utah State Developmental Center and programs described in Title 62A, Chapter 5, Services for People with Disabilities.
 - (B) Expendable special revenue fund money may not be expended unless approved by the director of the Division of Services for People with Disabilities within the Department of Human Services in consultation with the executive director of the department.
- (4)
 - (a) Notwithstanding Section 65A-4-1, any sale or disposition of real property or water rights associated with the developmental center shall be conducted as provided in this Subsection (4).
 - (b) The division shall secure the concurrence of DSPD and the approval of the governor before making the sale or other disposition of land or water rights.
 - (c) In addition to the concurrences required by Subsection (4)(b), the division shall secure the approval of the Legislature before offering the land or water rights for sale, exchange, or long-term lease.

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