

1 **APPRAISALS FOR STATE LAND PURCHASES**

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jack R. Draxler**

5 Senate Sponsor: Michael G. Waddoups

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the School and Institutional Trust Lands Management Act, the Utah
10 Natural Resources Act, the Utah Administrative Services Code, and the Transportation
11 Code by requiring certain rulemaking provisions for the purchase or sale of real
12 property.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ requires the School and Institutional Trust Lands Administration, the Department of
16 Natural Resources, the Division of Facilities Construction and Management, and the
17 Utah Department of Transportation to make rules to establish procedures for
18 determining that the value is congruent with the proposed price and other terms of
19 the purchase, sale, or exchange;

20 ▶ allows the rules to require an appraisal and to require that the appraisal be completed
21 by a state-certified general appraiser; and

22 ▶ provides exceptions for real property with an estimated value below a certain limit.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **53C-4-103**, Utah Code Annotated 1953

30 63-34-21, Utah Code Annotated 1953

31 63A-5-501, Utah Code Annotated 1953

32 72-5-117, Utah Code Annotated 1953

33

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

35 Section 1. Section 53C-4-103 is enacted to read:

36 **53C-4-103. Rulemaking for sale of real property -- Licensed or certified**
37 **appraisers -- Exceptions.**

38 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, if
39 the administration buys, sells, or exchanges real property, the administration shall make rules to
40 ensure that the value of the real property is congruent with the proposed price and other terms
41 of the purchase, sale, or exchange.

42 (2) The rules:

43 (a) shall establish procedures for determining the value of the real property;

44 (b) may provide that an appraisal, as defined under Section 61-2b-2, demonstrates the
45 real property's value; and

46 (c) may require that the appraisal be completed by a state-certified general appraiser, as
47 defined under Section 61-2b-2.

48 (3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or
49 to an interest in real property:

50 (a) that is under a contract or other written agreement prior to May 5, 2008; or

51 (b) with a value of less than \$100,000, as estimated by the state agency.

52 Section 2. Section 63-34-21 is enacted to read:

53 **63-34-21. Rulemaking for sale of real property -- Licensed or certified appraisers**
54 **-- Exceptions.**

55 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, if
56 the department buys, sells, or exchanges real property, the department shall make rules to
57 ensure that the value of the real property is congruent with the proposed price and other terms

58 of the purchase, sale, or exchange.

59 (2) The rules:

60 (a) shall establish procedures for determining the value of the real property;

61 (b) may provide that an appraisal, as defined under Section 61-2b-2, demonstrates the
62 real property's value; and

63 (c) may require that the appraisal be completed by a state-certified general appraiser, as
64 defined under Section 61-2b-2.

65 (3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or
66 to an interest in real property:

67 (a) that is under a contract or other written agreement prior to May 5, 2008; or

68 (b) with a value of less than \$100,000, as estimated by the state agency.

69 Section 3. Section **63A-5-501** is enacted to read:

70 **Part 5. Determining the Value of Real Property Prior to Sale**

71 **63A-5-501. Rulemaking for sale of real property -- Licensed or certified**

72 **appraisers -- Exceptions.**

73 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, if
74 the division buys, sells, or exchanges real property, the division shall make rules to ensure that
75 the value of the real property is congruent with the proposed price and other terms of the
76 purchase, sale, or exchange.

77 (2) The rules:

78 (a) shall establish procedures for determining the value of the real property;

79 (b) may provide that an appraisal, as defined under Section 61-2b-2, demonstrates the
80 real property's value; and

81 (c) may require that the appraisal be completed by a state-certified general appraiser, as
82 defined under Section 61-2b-2.

83 (3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or
84 to an interest in real property:

85 (a) that is under a contract or other written agreement prior to May 5, 2008; or

86 (b) with a value of less than \$100,000, as estimated by the state agency.

87 Section 4. Section **72-5-117** is enacted to read:

88 **72-5-117. Rulemaking for sale of real property -- Licensed or certified appraisers**

89 **-- Exceptions.**

90 (1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, if
91 the department buys, sells, or exchanges real property, the department shall make rules to
92 ensure that the value of the real property is congruent with the proposed price and other terms
93 of the purchase, sale, or exchange.

94 (2) The rules:

95 (a) shall establish procedures for determining the value of the real property;

96 (b) may provide that an appraisal, as defined under Section 61-2b-2, demonstrates the
97 real property's value; and

98 (c) may require that the appraisal be completed by a state-certified general appraiser, as
99 defined under Section 61-2b-2.

100 (3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or
101 to an interest in real property:

102 (a) that is under a contract or other written agreement prior to May 5, 2008; or

103 (b) with a value of less than \$100,000, as estimated by the state agency.