

**Effective 5/10/2016**

**62A-5-206.6 Utah State Developmental Center Land Fund -- Use of fund.**

- (1) As used in this section, "long-term lease" means:
  - (a) a lease with a term of five years or more; or
  - (b) 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 board 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 expendable 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 money into the expendable special revenue fund:
    - (i) money from the sale, long-term lease, except any lease existing on May 1, 1995, or other disposition of real property associated with the developmental center; and
    - (ii) money from the sale, long-term 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 revenue from the investment shall remain with the expendable special revenue fund, except as provided in Subsection (4).
  - (d)
    - (i) Except as provided in Subsection (4), the money or revenue in the fund may not be diverted, appropriated, expended, or committed to be expended for a purpose that is not listed in this section.
    - (ii) Notwithstanding Section 63J-1-211, the Legislature may not appropriate money or revenue from the fund to eliminate or otherwise reduce an operating deficit if the money or revenue appropriated from the fund is expended or committed to be expended for a purpose other than one listed in this section.
    - (iii) The Legislature may not amend the purposes for which money or revenue in the fund may be expended or committed to be expended except by the affirmative vote of two-thirds of all the members elected to each house.
- (4) The board may expend money or revenue from the Utah State Developmental Center Land Fund to:
  - (a) fulfill the functions of the Utah State Developmental Center as described in Sections 62A-5-201 and 62A-5-203; and
  - (b) assist the division in the division's administration of services and supports, as described in Sections 62A-5-102 and 62A-5-103.
- (5)
  - (a) Notwithstanding Section 65A-4-1, any sale, long-term lease, or other disposition of real property or water rights associated with the developmental center shall be conducted as provided in this Subsection (5).
  - (b) The board shall:
    - (i) approve the sale, long-term lease, or other disposition of real property or water rights associated with the developmental center;
    - (ii) secure the approval of the Legislature before offering the real property or water rights for sale, long-term lease, or other disposition; and

(iii) if the Legislature's approval is secured, as described in Subsection (5)(b)(ii), direct the Division of Facilities Construction and Management to convey, lease, or dispose of the real property or water rights associated with the developmental center according to the board's determination.

Enacted by Chapter 300, 2016 General Session