

Effective 5/4/2022

Superseded 2/27/2023

63A-5b-901 Definitions.

As used in this part:

- (1) "Applicant" means a person who submits a timely, qualified proposal to the division.
- (2) "Condemnee" means the same as that term is defined in Section 78B-6-520.3.
- (3) "Division-owned property" means real property, including an interest in real property, to which the division holds title, regardless of who occupies or uses the real property.
- (4) "Local government entity" means a county, city, town, metro township, local district, special service district, community development and renewal agency, conservation district, school district, or other political subdivision of the state.
- (5) "Primary state agency" means a state agency for which the division holds title to real property that the state agency occupies or uses, as provided in Subsection 63A-5b-303(1)(a)(iv).
- (6) "Private party" means a person who is not a state agency, local government entity, or public purpose nonprofit entity.
- (7) "Public purpose nonprofit entity" means a corporation, association, organization, or entity that:
 - (a) is located within the state;
 - (b) is not a state agency or local government entity;
 - (c) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; and
 - (d) operates to fulfill a public purpose.
- (8) "Qualified proposal" means a written proposal that:
 - (a) meets the criteria established by the division by rule under Section 63A-5b-903;
 - (b) if submitted by a local government entity or public purpose nonprofit entity, explains the public purpose for which the local government entity or public purpose nonprofit entity seeks a transfer of ownership or lease of the vacant division-owned property; and
 - (c) the director determines will, if accepted and implemented, provide a material benefit to the state.
- (9) "Secondary state agency" means a state agency:
 - (a) that is authorized to hold title to real property that the state agency occupies or uses, as provided in Section 63A-5b-304; and
 - (b) for which the division does not hold title to real property that the state agency occupies or uses.
- (10) "State agency" means a department, division, office, entity, agency, or other unit of state government.
- (11) "Transfer of ownership" includes a transfer of the ownership of vacant division-owned property that occurs as part of an exchange of the vacant division-owned property for another property.
- (12) "Vacant division-owned property" means division-owned property that:
 - (a) a primary state agency is not occupying or using; and
 - (b) the director has determined should be made available for:
 - (i) use or occupancy by a primary state agency; or
 - (ii) a transfer of ownership or lease to a secondary state agency, local government entity, public purpose nonprofit entity, or private party.
- (13) "Written proposal" means a brief statement in writing that explains:
 - (a) the proposed use or occupancy, transfer of ownership, or lease of vacant division-owned property; and
 - (b) how the state will benefit from the proposed use or occupancy, transfer of ownership, or lease.