

**DISABILITY CENTER TRUST FUND AMENDMENTS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Gene Davis**

AN ACT RELATING TO ADMINISTRATIVE SERVICES; AMENDING THE TRUST FUND FOR PEOPLE WITH DISABILITIES TO PREVENT THE PRINCIPAL OF THE FUND FROM BEING EXPENDED OR APPROPRIATED; REQUIRING THE APPROVAL OF THE BOARD FOR ANNUAL EXPENDITURES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**63A-5-220**, as last amended by Chapter 179, Laws of Utah 1996

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

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

**63A-5-220. Definitions -- Creation of Trust Fund for People with Disabilities -- Use of trust fund monies.**

(1) As used in this section:

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

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

(c) "Fund" means the Trust Fund for People with Disabilities created by this section.

(2) Notwithstanding the provisions of Section 63A-5-215, any monies received by the division 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 fund.

(3) (a) There is created a restricted account within the General Fund entitled the "Trust Fund for People with Disabilities."

(b) The Division of Finance shall deposit the following revenues into the 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;

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

(iii) revenue from voluntary contributions made to the fund.

(c) Notwithstanding the provisions of Section 65A-4-1, any sale or disposition of real property or water rights associated with the developmental center shall be conducted as follows:

(i) the division shall secure the approval of the governor through the director of the Division of Facilities Construction and Management before making the sale or other disposition of land or water rights; and

(ii) the Division of Facilities Construction and Management shall sell or otherwise dispose of the land or water rights as directed by the governor.

(d) The state treasurer shall invest monies contained in the fund according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act, and all interest shall remain with the fund.

(e) (i) Except as provided in Subsection (3)(e)(ii), no expenditure or appropriation may be made from the fund.

(ii) (A) The Legislature may appropriate [~~from the principal of the fund and from~~] interest earned on fund monies invested pursuant to Subsection (3)(d), leases from real property and improvements, and leases from water, rents, and fees to the Division of Services for People with Disabilities within the Department of Human Services for use by that division for programs described in Title 62A, Chapter 5, Services to People with Disabilities.

[~~(ii)~~] (B) Fund monies appropriated each year under Subsection [~~(i)~~] (3)(e)(ii)(A) may not be expended unless [~~reviewed~~] approved by the Board of Services for People with Disabilities within the Department of Human Services.

Section 2. **Effective date.**

This act takes effect on July 1, 1998.