

**SALE OF STATE LANDS AT
DEVELOPMENTAL CENTER**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Margaret Dayton

This act modifies the sale of State Development Center lands by requiring legislative approval before the lands may be sold.

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

AMENDS:

63A-5-220, as last amended by Chapter 231, Laws of Utah 2000

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) "DSPD" 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.

(d) "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 the provisions of Section 63A-5-215, any monies 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 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 provided in this Subsection (3)(c).]~~

~~[(i) 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.]~~

~~[(ii) The division shall sell or otherwise dispose of the land or water rights as directed by the governor.]~~

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

(ii) (A) The Legislature may appropriate interest earned on fund monies invested pursuant to Subsection (3)(d), leases from real property and improvements, leases from water, rents, and fees to DSPD for programs described in Title 62A, Chapter 5, Services ~~[for]~~ to People with Disabilities.

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

(4) (a) 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 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 2b, Real Estate Appraiser Licensing and Certification Act.