

1                                   **SALE OF STATE LANDS AT**  
2                                   **DEVELOPMENTAL CENTER**

3                                   2002 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Margaret Dayton**

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

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

9   AMENDS:

10           **63A-5-220**, as last amended by Chapter 231, Laws of Utah 2000

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

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

13           **63A-5-220. Definitions -- Creation of Trust Fund for People with Disabilities -- Use**  
14   **of trust fund monies.**

15           (1) As used in this section:

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

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

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

21           (2) Notwithstanding the provisions of Section 63A-5-215, any monies received by the  
22   division or DSPD from the sale, lease, except any lease existing on May 1, 1995, or other  
23   disposition of real property associated with the developmental center shall be deposited in the  
24   fund.

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

27           (b) The Division of Finance shall deposit the following revenues into the fund:



28 (i) revenue from the sale, lease, except any lease existing on May 1, 1995, or other  
29 disposition of real property associated with the developmental center;

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

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

33 ~~[(e) Notwithstanding the provisions of Section 65A-4-1, any sale or disposition of real  
34 property or water rights associated with the developmental center shall be conducted as provided  
35 in this Subsection (3)(e).]~~

36 ~~[(i) The division shall secure the concurrence of DSPD and the approval of the governor  
37 before making the sale or other disposition of land or water rights.]~~

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

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

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

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

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

52 (4) Notwithstanding the provisions of Section 65A-4-1, any sale or disposition of real  
53 property or water rights associated with the developmental center shall be conducted as provided  
54 in this Subsection (4).

55 (a) The division shall secure the concurrence of DSPD, the approval of the governor, and  
56 the approval of the Legislature before making the sale or other disposition of land or water rights.

57 (b) The division shall sell or otherwise dispose of the land or water rights as directed by  
58 the governor.

59            (c) The division may not sell or otherwise dispose of the land for a price or estimated value  
60 below the average of two appraisals conducted by an appraiser who:

61            (i) holds an appraiser's certificate or license issued by the Division of Real Estate under  
62 Title 61, Chapter 2b, Real Estate Appraiser Licensing and Certification Act; and

63            (ii) is a member of the Appraisal Institute (M.A.I.).

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**Legislative Review Note**

**as of 1-22-02 11:07 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**