

Representative Margaret Dayton proposes the following substitute bill:

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 (d) "Long-term lease" means:

22 (i) a lease with a term of five years or more; or

23 (ii) a lease with a term of less than five years that may be unilaterally renewed by the
24 lessee.

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



26 division or DSPD from the sale, lease, except any lease existing on May 1, 1995, or other
27 disposition of real property associated with the developmental center shall be deposited in the
28 fund.

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

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

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

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

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

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

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

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

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

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

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

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

56 (4) (a) Notwithstanding the provisions of Section 65A-4-1, any sale or disposition of real

57 property or water rights associated with the developmental center shall be conducted as provided
58 in this Subsection (4).

59 (b) The division shall secure the concurrence of DSPD and the approval of the governor
60 before making the sale or other disposition of land or water rights.

61 (c) In addition to the concurrences required by Subsection (4)(b), the division shall secure
62 the approval of the Legislature before making the sale, exchange, or long-term lease of land or
63 water rights.

64 (d) The division shall sell or otherwise dispose of the land or water rights as directed by
65 the governor.

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

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

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