

1 **ACCOUNT FOR PEOPLE WITH DISABILITIES**

2 **AMENDMENTS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Margaret Dayton**

6 House Sponsor: Michael S. Kennedy

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends Title 62A, Chapter 5, Services for People with Disabilities, and Title
11 63A, Chapter 5, State Building Board--Division of Facilities Construction and
12 Management.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ modifies the duties of the Division of Services for People with Disabilities;
- 16 ▶ establishes a restricted special revenue fund known as the "Utah State
17 Developmental Center Miscellaneous Donation Fund";
- 18 ▶ establishes a restricted special revenue fund known as the "Utah State
19 Developmental Center Land Fund";
- 20 ▶ establishes investment and expenditure policies dealing with the aforementioned
21 funds; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill takes effect on July 1, 2013.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **62A-5-206**, as last amended by Laws of Utah 2011, Chapter 366

30 **63A-5-220**, as last amended by Laws of Utah 2011, Chapter 289

31 ENACTS:

32 **62A-5-206.5**, Utah Code Annotated 1953

33

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

35 Section 1. Section **62A-5-206** is amended to read:

36 **62A-5-206. Powers and duties of division.**

37 The powers and duties of the division, with respect to the developmental center are as
38 follows:

39 (1) to establish rules, not inconsistent with law, for the government of the
40 developmental center;

41 (2) to receive, take, and hold property, both real and personal, in trust for the state for
42 the use and benefit of the developmental center;

43 (3) to establish rules governing the admission and discharge of persons with an
44 intellectual disability in accordance with state law;

45 (4) to employ necessary medical and other professional personnel to assist in
46 establishing rules relating to the developmental center and to the treatment and training of
47 persons with an intellectual disability at the center;

48 (5) to transfer a person who has been committed to the developmental center under
49 Part 3 of this chapter to any other facility or program operated by or under contract with the
50 division, after careful evaluation of the treatment needs of that person, if the facilities or
51 programs available meet the needs indicated, and if transfer would be in the best interest of that
52 person. A person transferred shall remain under the jurisdiction of the division;

53 (6) the developmental center may receive a person who meets the requirements of
54 Subsection 62A-5-201(3) from any other facility or program operated by or under contract with
55 the division, after careful evaluation of the treatment needs of that person, if the facility or
56 programs of the developmental center meet those needs, and if transfer would be in the best
57 interest of that person. A person so received by the developmental center remains under the

58 jurisdiction of the division;

59 (7) to manage funds for a person residing in the developmental center, upon request by
60 that person's parent or guardian, or upon administrative or court order;

61 (8) to charge and collect a fair and equitable fee from developmental center residents,
62 parents who have the ability to pay, or guardians where funds for that purpose are available;
63 [~~and~~]

64 (9) supervision and administration of security responsibilities for the developmental
65 center is vested in the division. The executive director may designate, as special function
66 officers, individuals to perform special security functions for the developmental center that
67 require peace officer authority. Those special function officers may not become or be
68 designated as members of the Public Safety Retirement System[-]; and

69 (10) administration of the Utah State Developmental Center Miscellaneous Donation
70 Fund, as established by Section 62A-5-206.5.

71 Section 2. Section **62A-5-206.5** is enacted to read:

72 **62A-5-206.5. Utah State Developmental Center Miscellaneous Donation Fund --**
73 **Use.**

74 (1) There is created a restricted special revenue fund known as the "Utah State
75 Developmental Center Miscellaneous Donation Fund."

76 (2) The division shall deposit donations made to the Utah State Developmental Center
77 under Section 62A-1-111 into the restricted special revenue fund described in Subsection (1).

78 (3) Except as provided in Subsection (5), no expenditure or appropriation may be made
79 from the Utah State Developmental Center Miscellaneous Donation Fund.

80 (4) The state treasurer shall invest the money in the fund described in Subsection (1)
81 according to the procedures and requirements of Title 51, Chapter 7, State Money Management
82 Act, and the interest shall remain with the fund described in Subsection (1).

83 (5) Subject to the requirements of Subsection (6), money and interest in the fund
84 described in Subsection (1) may only be spent:

85 (a) as designated by the donor; or

86 (b) for the benefit of the Utah State Developmental Center and its clients.

87 (6) Money may not be expended from the fund described in Subsection (1) unless the
88 expenditure is approved by the director in consultation with the executive director of the
89 Department of Human Services.

90 Section 3. Section **63A-5-220** is amended to read:

91 **63A-5-220. Definitions -- Creation of Utah State Developmental Center Land**
92 **Fund -- Use of restricted account.**

93 (1) As used in this section:

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

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

98 (c) "Long-term lease" means:

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

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

102 (2) Notwithstanding Section 63A-5-215, any money received by the division or DSPD
103 from the sale, lease, except any lease existing on May 1, 1995, or other disposition of real
104 property associated with the developmental center shall be deposited in the restricted [~~account~~]
105 special revenue fund created in Subsection (3).

106 (3) (a) There is created a restricted [~~account within the General Fund~~] special revenue
107 fund known as the [~~"Account for People with Disabilities."~~] "Utah State Developmental Center
108 Land Fund."

109 (b) The Division of Finance shall deposit the following revenues into the restricted
110 [~~account~~] special revenue fund:

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

113 (ii) revenue from the sale, lease, or other disposition of water rights associated with the

114 developmental center[~~;~~ and].

115 [~~(iii) revenue from voluntary contributions made to the restricted account.]~~

116 (c) The state treasurer shall invest money in the fund described in Subsection (3)
117 according to the procedures and requirements of Title 51, Chapter 7, State Money Management
118 Act, and the interest shall remain with the restricted [~~account~~] special revenue fund.

119 (d) (i) Except as provided in Subsection (3)(d)(ii), an expenditure or appropriation may
120 not be made from the restricted [~~account~~] special revenue fund.

121 (ii) (A) [~~The Legislature~~] Subject to the requirements of Subsection (3)(d)(ii)(B), the
122 Division of Services for People with Disabilities may [appropriate] spend interest earned [on
123 restricted account money invested pursuant to this Subsection (3)(d), leases from real property
124 and improvements, leases from water, rents, and fees to DSPD for programs described in Title
125 62A, Chapter 5, Services for People with Disabilities] or invested from the Utah State
126 Developmental Center Land Fund for the benefit of the Utah State Developmental Center and
127 programs described in Title 62A, Chapter 5, Services for People with Disabilities.

128 (B) Restricted [~~account~~] special revenue fund money [~~appropriated each year under~~
129 ~~Subsection (3)(d)(ii)(A)] may not be expended unless approved by the director of the Division
130 of Services for People with Disabilities within the Department of Human Services in
131 consultation with the executive director of the department.~~

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

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

137 (c) In addition to the concurrences required by Subsection (4)(b), the division shall
138 secure the approval of the Legislature before offering the land or water rights for sale,
139 exchange, or long-term lease.

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

142 (e) The division may not sell, exchange, or enter into a long-term lease of the land or
143 water rights for a price or estimated value below the average of two appraisals conducted by an
144 appraiser who holds an appraiser's certificate or license issued by the Division of Real Estate
145 under Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act.

146 Section 4. **Effective date.**

147 This bill takes effect on July 1, 2013.