

SB0017S01 compared with SB0017

~~{deleted text}~~ shows text that was in SB0017 but was deleted in SB0017S01.

inserted text shows text that was not in SB0017 but was inserted into SB0017S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Margaret Dayton proposes the following substitute bill:

ACCOUNT FOR PEOPLE WITH DISABILITIES

AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: _____

LONG TITLE

~~{Committee Note:~~

~~_____The Government Operations Interim Committee recommended this bill.~~

~~{General Description:~~

This bill ~~{modifies}~~amends Title ~~{63A}~~62A, ~~{Utah Administrative Services Code, and Title 63J, Budgeting, by amending procedures related to the Account}~~Chapter 5, Services for People with Disabilities~~{restricted account}~~, and Title 63A, Chapter 5, State Building Board--Division of Facilities Construction and Management.

Highlighted Provisions:

This bill:

- ▶ ~~{requires a two-thirds vote of the Legislature to repeal the section creating the~~

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~~Account~~ modifies the duties of the Division of Services for People with Disabilities ~~{restricted account;~~

~~→ prohibits the Legislature from using money in the Account for People with Disabilities Restricted Account to eliminate an operating deficit};~~

- ▶ establishes a restricted special revenue fund known as the "Utah State Developmental Center Miscellaneous Donation Fund;"
- ▶ establishes a restricted special revenue fund known as the "Utah State Developmental Center Land Fund;"
- ▶ establishes investment and expenditure policies dealing with the aforementioned funds; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{None}~~ This bill takes effect on July 1, 2013.

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

~~{63J-1-211}~~ 62A-5-206.5, ~~{as renumbered and amended by Laws of}~~ Utah ~~{2009,~~
~~Chapter 183}~~ Code Annotated 1953

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

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

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

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

- (1) to establish rules, not inconsistent with law, for the government of the developmental center;
- (2) to receive, take, and hold property, both real and personal, in trust for the state for

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the use and benefit of the developmental center;

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

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

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

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

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

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

[and]

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

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

~~};~~ [and]

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

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

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

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

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

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

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

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

(a) as designated by the donor; or

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

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

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

63A-5-220. Definitions -- Creation of ~~{Account for People with Disabilities}~~ Utah State Developmental Center Land Fund -- Use of restricted account.

(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) "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.

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(2) Notwithstanding Section 63A-5-215, any money 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 restricted ~~[account]~~ special revenue fund created in Subsection (3).

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

(b) The Division of Finance shall deposit the following revenues into the restricted ~~[account]~~ special revenue 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; and

(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 restricted account.]~~

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

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

~~— (ii) (A) The Legislature may appropriate]~~ special revenue fund.

(ii) (A) [The Legislature] Subject to the requirements of Subsection (3)(d)(ii)(B), the Division of Services for People with Disabilities may [appropriate] spend interest earned [on restricted account money invested pursuant to this 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 People with Disabilities] or invested from the Utah State Developmental Center Land Fund for the benefit of the Utah State Developmental Center and programs described in Title 62A, Chapter 5, Services for People with Disabilities.

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

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

~~{ (5) This section may not be repealed without a two-thirds majority vote of both bodies of the Legislature.~~

~~‡ Section {2. Section **63J-1-211** is amended to read:~~

~~—— **63J-1-211. Appropriating from restricted accounts:**~~

~~—— (1) As used in this section, "operating deficit" means that estimated General Fund or Uniform School Fund revenues are less than budgeted for the current or next fiscal year.~~

~~—— (2) [Notwithstanding] Except as provided in Subsection (3), notwithstanding any other statute that limits the Legislature's power to appropriate from a restricted account, if the Legislature determines that an operating deficit exists, unless prohibited by federal law or court order, the Legislature may, in eliminating the deficit, appropriate money from a restricted account into the General Fund.~~

~~—— (3) The Legislature may not appropriate money from the Account for People With Disabilities restricted account created in Section 63A-5-220 in order to eliminate an operating deficit.~~

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Legislative Review Note

~~as of 11-13-12 3:09 PM~~

~~Office of Legislative Research and General Counsel;~~ 4. Effective date.

This bill takes effect on July 1, 2013.