

1 **AMENDMENTS TO HEALTH AND HUMAN SERVICES FUNDS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Edward H. Redd**

5 Senate Sponsor: Allen M. Christensen

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to restricted funds administered by the Department
10 of Human Services.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ describes requirements for the use of the Utah State Developmental Center
- 14 Miscellaneous Donation Fund and the State Hospital Fund; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **62A-5-206.5**, as enacted by Laws of Utah 2013, Chapter 21

23 **62A-15-604**, as renumbered and amended by Laws of Utah 2002, Fifth Special Session,
24 Chapter 8

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

27 Section 1. Section **62A-5-206.5** is amended to read:

28 **62A-5-206.5. Utah State Developmental Center Miscellaneous Donation Fund --**
29 **Use.**

30 (1) There is created an expendable special revenue fund known as the "Utah State
31 Developmental Center Miscellaneous Donation Fund."

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

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

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

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

41 ~~[(a)]~~ (i) as designated by the donor; or

42 ~~[(b)]~~ (ii) for the benefit of ~~[the Utah State Developmental Center and its]~~ clients of the
43 Utah State Developmental Center.

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

47 (b) Money and interest in the fund may not be used for items normally paid for by
48 operating revenues or for items related to personnel costs without specific legislative
49 authorization.

50 (6) (a) Single expenditures from the fund described in Subsection (1) in amounts of
51 \$5,000 or less shall be approved by the superintendent.

52 (b) Single expenditures exceeding \$5,000 must be preapproved by the superintendent
53 and the division director.

54 (c) Expenditures described in this Subsection (6) shall be used for the benefit of
55 patients at the Utah State Developmental Center.

56 Section 2. Section 62A-15-604 is amended to read:

57 **62A-15-604. Receipt of gift -- Transfer of persons from other institutions.**

58 (1) The division may take and hold by gift, devise, or bequest real and personal
59 property required for the use of the state hospital. With the approval of the governor [it] the
60 division may convert that property [~~which~~] that is not suitable for [its] the state hospital's use
61 into money or property that is suitable for [~~that~~] the state hospital's use.

62 (2) The state hospital is authorized to receive from any other institution within the
63 department [~~any person~~] an individual committed to that institution, when a careful evaluation
64 of the treatment needs of the [~~person~~] individual and of the treatment programs available at the
65 state hospital indicates that the transfer would be in the interest of that [~~person~~] individual.

66 (3) (a) For the purposes of this Subsection (3), "contributions" means gifts, grants,
67 devises, and donations.

68 (b) Notwithstanding the provisions of Subsection 62A-1-111(10), the state hospital is
69 authorized to receive [~~gifts, grants, devises, and donations~~] contributions and [~~shall~~] deposit
70 [~~them~~] the contributions into an interest-bearing restricted special revenue fund. The state
71 treasurer may invest the fund, and all interest [~~is to~~] will remain [~~with~~] in the fund.

72 [~~(b) Those gifts, grants, devises, donations, and the proceeds thereof shall be used by~~
73 ~~the superintendent or his designee for the use and benefit of patients at the state hospital.]~~

74 (c) (i) Single expenditures from the fund in amounts of \$5,000 or less shall be
75 approved by the superintendent.

76 (ii) Single expenditures exceeding \$5,000 must be preapproved by the superintendent
77 and the division director.

78 (iii) Expenditures described in this Subsection (3) shall be used for the benefit of
79 patients at the state hospital.

80 (d) Money and interest in the fund may not be used for items normally paid for by
81 operating revenues or for items related to personnel costs without specific legislative
82 authorization.