

1 **JOINT RESOLUTION URGING LEGISLATIVE APPROVAL**
2 **FOR THE ~~Ŝ→ [SALE OR]~~ ←Ŝ LEASE OF WATER RIGHTS BY THE**
3 **STATE DEVELOPMENTAL CENTER**

4 2017 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Margaret Dayton**

7 House Sponsor: Michael S. Kennedy

8
9 **LONG TITLE**

10 **General Description:**

11 This joint resolution authorizes a portion of the Utah State Developmental Center's
12 campus, including water rights, to be leased for commercial purposes.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ recognizes the important role the Utah State Developmental Center (USDC) plays
- 16 in the provision of resources and support for disabled individuals with complex or
- 17 acute needs in Utah;
- 18 ▶ expresses support for the USDC master plan;
- 19 ▶ recognizes that the master plan creates a long-term vision for undeveloped property
- 20 that aligns with the Legislature's original purpose when creating the USDC; and
- 21 ▶ authorizes approximately 7.7 acres of land and water rights located in the northeast
- 22 corner of the USDC's campus ~~Ŝ→ [to be leased for commercial purposes]~~ to be approved for a
- 22a **long-term lease** ←Ŝ in accordance
- 23 with the master plan.

24 **Special Clauses:**

25 None

26
27 *Be it resolved by the Legislature of the state of Utah:*



28 WHEREAS, Utah Code Subsection [62A-5-206.6\(5\)](#) requires that the Utah State
29 Developmental Center's Governing Board obtain the approval of the Legislature before offering
30 real property or water rights associated with the Utah State Developmental Center (USDC) for
31 sale, exchange, or long-term lease;

32 WHEREAS, in 1929, the Legislature established the Utah State Training Center to
33 assist with the care, protection, treatment, and education of individuals with mental disabilities;

34 WHEREAS, the Utah State Training Center, later known as the USDC, was established
35 during an era when relatively little was known about the causes of mental disabilities;

36 WHEREAS, like other states, Utah built a public institution in a remote location and
37 within a broad perimeter of land that provided a physical barrier between the institution and the
38 nearest rural homes and communities;

39 WHEREAS, since its establishment in 1929, the USDC has evolved and improved
40 regarding what public services should be provided for individuals with mental disabilities and
41 how to provide those services;

42 WHEREAS, since state governments first acknowledged a public interest in and
43 accepted some fiscal responsibility for citizens with disabilities, states have made sweeping
44 changes in the philosophy and practice of providing public services to those citizens;

45 WHEREAS, these paradigm shifts have resulted from a growing knowledge about
46 disabilities, including their causes, preventions, interventions, and accommodations;

47 WHEREAS, also contributing to the paradigm shifts was an improving regard for
48 individuals who experience disabilities, as evidenced by public laws that affirm and promote
49 their rights, an expansion of publicly funded services, and greater inclusion by their
50 communities;

51 WHEREAS, in April 1999, Utah's Lieutenant Governor, Olene Walker, issued a set of
52 guiding principles entitled "Principles to Guide the Delivery of Publicly Funded Services for
53 People with Disabilities in Utah";

54 WHEREAS, these principles were developed by a group of individuals representing the
55 Governor's office, the Legislature, state agencies, service providers, and parent advocates;

56 WHEREAS, the principles were distributed in the community and public comment was
57 received at a meeting conducted by the Lieutenant Governor on April 13, 1999;

58 WHEREAS, the Department of Human Services and the Department of Health

59 subsequently adopted these principles to guide how they provide services;

60 WHEREAS, like providers of community-based services, the USDC is currently
61 working to support and promote more individual-centered services, a greater choice of services
62 and supports, and increased opportunities for inclusion of individuals with mental disabilities
63 in the community;

64 WHEREAS, today, Utah's citizens across the entire state are served under the direction
65 of the Department of Human Services and the Division of Services for People with
66 Disabilities;

67 WHEREAS, the USDC provides 24-hour residential care, is Utah's only state-operated
68 intermediate care facility for individuals with intellectual disabilities, and takes great pride in
69 serving these most vulnerable of Utah's citizens;

70 WHEREAS, as other providers in the state struggle to provide care for individuals with
71 complex emotional, medical, and behavioral issues, the USDC is in the unique position of
72 providing most of the essential services at a single location;

73 WHEREAS, the USDC's development of a master plan to guide its service is central to
74 its present and future success in providing services for individuals with mental disabilities;

75 WHEREAS, the master plan was developed in conjunction with an overall strategic
76 vision for the future use of the USDC;

77 WHEREAS, the strategic planning group included a wide range of stakeholders and the
78 master plan was vetted by conducting over 30 public meetings and planning sessions;

79 WHEREAS, input for the planning process was received from:

- 80 • individuals living at the USDC and their families;
- 81 • neighborhoods, counties, and cities surrounding the USDC;
- 82 • community advocacy groups representing individuals with disabilities; and
- 83 • community service providers that regularly work with the USDC;

84 WHEREAS, the USDC master plan creates a long-term vision for undeveloped
85 property that is in accordance with the original purpose of the Legislature in creating this
86 resource for Utahns with disabilities;

87 WHEREAS, the master plan provides a long-term revenue source for individuals with
88 disabilities living in Utah, while preserving the original purpose of the land and maximizing
89 development potential;

90 WHEREAS, the master plan was created with a sustainable methodology, including a
91 balance between environmental sensitivity, community connections, artistic beauty, and
92 economic viability;

93 WHEREAS, the USDC's mission is "dedication to providing an array of resources and
94 supports for individuals with disabilities with complex or acute needs in Utah";

95 WHEREAS, the USDC's vision is to "provide an effective, efficient array of critical
96 services and supports that promote independence and quality of life for Utah's most vulnerable
97 individuals with disabilities in partnership with families, guardians and the community";

98 WHEREAS, by following the master plan, the USDC is in a position to better assist
99 individuals with disabilities to achieve their highest potential in an atmosphere that preserves
100 personal dignity; and

101 WHEREAS, the USDC is ready to begin incrementally developing a portion of the
102 USDC campus in accordance with the master plan:

103 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah
104 expresses support for the incremental implementation of the USDC's master plan.

105 BE IT FURTHER RESOLVED that, in accordance with Utah Code Subsection
106 [62A-5-206.6\(5\)](#), the Legislature authorizes the Utah State Developmental Center's Governing
107 Board ~~to enter into~~ to approve a long-term lease for approximately 7.7 acres of land and
107a water rights
108 located in the northeast corner of the USDC's campus.

Legislative Review Note
Office of Legislative Research and General Counsel