

57 fees for comparable services are reasonably available;

58 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and
59 Efficiency, including responsibilities~~[(A)]~~ to implement the state building energy efficiency
60 program under Section 63A-5b-1002~~[, and]~~.

61 ~~[(B) related to the approval of loans from the State Facility Energy Efficiency Fund~~
62 ~~under Section 63A-5b-1003;]~~

63 ~~§→ [(viii) convey, lease, or dispose of the real property, water rights, or water shares~~
64 ~~associated with the Utah State Developmental Center [if directed to do so by the Utah State~~
65 ~~Developmental Center board,] as provided in Subsection 26B-6-507(2); [and]~~

66 ~~—— [(ix)] (viii) ←§~~ except as provided in Subsection (2)(c), convey, lease, or dispose of
67 division-owned real property for fair market value, as determined by the division; and

68 ~~[(ix)] §→ [(x)] (ix) ←§~~ take all other action that the division is required to do under this
68a chapter or
69 other applicable statute.

70 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall
71 conduct one or more studies to determine the actual needs of each agency.

72 (c) The division may, without legislative approval, acquire title to real property for use
73 by the state or an agency if ~~[the acquisition cost]~~:

74 (i) the acquisition cost does not exceed \$500,000[-], as estimated by the division; or

75 (ii) the real property is part or all of the consideration received in exchange for
76 division-owned real property conveyed, leased, or disposed of under Subsection ~~§→ [(1)(a)(ix)]~~

76a (1)(a)(viii) ←§ .

77 (2) The division may:

78 (a) sue and be sued;

79 (b) as authorized by the Legislature, buy, lease, or otherwise acquire, by exchange or
80 otherwise, and hold real or personal property necessary for the discharge of the division's
81 duties; ~~[and]~~

82 (c) convey, lease, or dispose of vacant division-owned real property for less than fair
83 market value, subject to the requirements of Part 9, Disposal of Division-owned Real Property;
84 and

85 ~~[(e)]~~ (d) take all other action necessary for carrying out the purposes of this chapter.

86 (3) (a) The division may not supervise or control the allocation of space for an entity in
87 the public education system.

119 the state or an agency, as authorized by the Legislature through an appropriation act, other
120 legislation, or statute, subject to Subsection (1)(c);

121 (iv) except as otherwise provided by statute, hold title to all real property, buildings,
122 fixtures, and appurtenances owned by the state or an agency;

123 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing
124 title to or an interest in property belonging to the state or to the state's departments, except
125 institutions of higher education and the trust lands administration;

126 (vi) (A) periodically conduct a market analysis of proposed rates and fees; and

127 (B) include in a market analysis a comparison of the division's rates and fees with the
128 rates and fees of other public or private sector providers of comparable services, if rates and
129 fees for comparable services are reasonably available;

130 (vii) fulfill the division's responsibilities under Part 10, Energy Conservation and
131 Efficiency, including responsibilities~~[(A)]~~ to implement the state building energy efficiency
132 program under Section 63A-5b-1002; ~~[and]~~

133 ~~[(B) related to the approval of loans from the State Facility Energy Efficiency Fund~~
134 ~~under Section 63A-5b-1003;]~~

135 ~~§→ [(viii) convey, lease, or dispose of the real property, water rights, or water shares~~
136 ~~associated with the Utah State Developmental Center [if directed to do so by the Utah State~~
137 ~~Developmental Center board,] as provided in Subsection 26B-6-507(2); [and]~~

138 ~~—— [(ix) (viii) ←§~~ except as provided in Subsection (2)(c), convey, lease, or dispose of
139 division-owned real property for fair market value, as determined by the division; and

140 ~~[(ix)]~~ ~~§→~~ ~~[(ix)]~~ (ix) ←§ take all other action that the division is required to do under this
140a chapter or

141 other applicable statute.

142 (b) In making an allocation of space under Subsection (1)(a)(i), the division shall
143 conduct one or more studies to determine the actual needs of each agency.

144 (c) The division may, without legislative approval, acquire title to real property for use
145 by the state or an agency if ~~[the acquisition cost]~~:

146 (i) the acquisition cost does not exceed \$500,000[-], as estimated by the division; or

147 (ii) the real property is part or all of the consideration received in exchange for

148 division-owned real property conveyed, leased, or disposed of under Subsection ~~§→~~ ~~[(1)(a)(ix)]~~

148a (1)(a)(viii) ←§ .

149 (2) The division may:

181 Section 3. Section **63A-5b-806** is amended to read:

182 **63A-5b-806. Division rules on the value of property bought or exchanged --**

183 **Exception.**

184 (1) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative
185 Rulemaking Act, make rules to ensure that, if the division buys or exchanges real property, the
186 value of the real property is congruent with the proposed price and other terms of the purchase
187 or exchange.

188 (2) The rules:

189 (a) shall establish procedures for determining the value of the real property;

190 (b) may provide that an appraisal, as defined in Section 61-2g-102, demonstrates the
191 real property's value; and

192 (c) may require that the appraisal be completed by a state-certified general appraiser, as
193 defined in Section 61-2g-102.

194 (3) The rules adopted under Subsection (1) do not apply to the purchase or exchange of
195 real property, or an interest in real property[;]:

196 (a) with a value of less than \$500,000, as estimated by the division[;]; or

197 (b) if the real property is part or all of the consideration received in exchange for
198 division-owned real property conveyed, leased, or disposed of under Subsection

199 ~~§~~ → [63A-5b-303(1)(a)(ix)] **63A-5b-303(1)(a)(viii)** ← ~~§~~ .

200 Section 4. Section **63A-5b-902** is amended to read:

201 **63A-5b-902. Application of part.**

202 (1) [The] Except as stated in Subsection (1)(e), the provisions of this part, other than
203 this section, do not apply to:

204 ~~§~~ → [(a) a conveyance, lease, or disposal under Subsection 63A-5b-303(1)(a)(viii);

205 ~~—~~ (b) (a) ← ~~§~~ the division's disposal or lease of division-owned property [with] that would
206 otherwise be subject to this part, if the division-owned property has a value under \$500,000, as
207 estimated by the division;

208 ~~§~~ → [(c)] (b) ← ~~§~~ a conveyance, lease, or disposal of division-owned property in connection
208a with:

209 (i) the establishment of a state store, as defined in Section 32B-1-102; or

210 (ii) the construction of student housing; [or]

211 ~~§~~ → [(d)] (c) ← ~~§~~ a conveyance, lease, or disposal of any part of the point of the mountain
211a state land,

212 as defined in Section 11-59-102, by the Point of the Mountain State Land Authority created in
213 Section 11-59-201[-]; or

214 ~~§~~→ [(e)] (d) ←~~§~~ a conveyance, lease, or disposal of division-owned property for fair market
214a value,

215 as determined by the division, under Subsection ~~§~~→ [~~63A-5b-303(1)(a)(ix)] 63A-5b-303(1)(a)(viii)~~

215a ←~~§~~ , except that the

216 following sections apply:

217 (i) Section 63A-5b-907.5;

218 (ii) Section 63A-5b-908;

219 (iii) Section 63A-5b-910;

220 (iv) Section 63A-5b-911; and

221 (v) Section 63A-5b-912.

222 (2) Nothing in Subsection [(1)(b) or (c)] ~~§~~→ [~~(1)(b), (c), or (e)] (1)(a), (b), or (d) ←~~§~~ may~~

222a be construed to diminish

223 or eliminate the division's responsibility to manage division-owned property in the best

224 interests of the state.

225 Section 5. Section **63A-5b-904** is amended to read:

226 **63A-5b-904. Division authority with respect to vacant division-owned property --**

227 **Limitations.**

228 (1) Subject to Section 63A-5b-909, the division may:

229 (a) provide for a primary state agency's occupancy or use of vacant division-owned
230 property, if the director determines that the primary state agency's occupancy or use is in the
231 best interests of the state;

232 (b) effect a transfer of ownership or lease of vacant division-owned property, as
233 provided in this section; or

234 (c) refer vacant division-owned property to the Department of Transportation for sale
235 by auction, as provided in Section 63A-5b-908.

236 [~~(2)(a) The division may effect a transfer of ownership or lease of vacant~~
237 ~~division-owned property to an applicant for fair market value if the director determines that the~~
238 ~~transfer of ownership or lease to that applicant is in the state's best interest.]~~

239 [~~(b) In determining the state's best interest under Subsection (2)(a), the director may~~
240 ~~consider:]~~

241 [~~(i) the price and financial terms of all qualified proposals; and]~~

242 [~~(ii) the relative benefits to the state of the proposed uses of the vacant division-owned~~