

DISABILITIES APPROPRIATIONS

NONLAPSING

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Rebecca D. Lockhart

This act modifies the Human Services Code. This act specifies that all appropriations to the Division of Services for People with Disabilities are nonlapsing and limits the use of unexpended funds to one-time expenditures.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

62A-5-102, as last amended by Chapter 2, Laws of Utah 1995, First Special Session
Be it enacted by the Legislature of the state of Utah:

Section 1. Section **62A-5-102** is amended to read:

**62A-5-102. Division of Services for People with Disabilities -- Creation --
Authority -- Direction -- Waiting list prioritization.**

(1) There is created within the department the Division of Services for People with Disabilities, under the administrative direction of the executive director of the department.

(2) In accordance with this chapter, the division has the responsibility to plan and deliver an appropriate array of services and supports to persons with disabilities and their families in this state.

(3) Within appropriations from the Legislature, the division shall provide services to persons with disabilities who are waiting for services and support from the division, based on the following criteria:

- (a) severity of disability;
- (b) urgency of need for services;
- (c) length of time without services from the division, regardless of whether that person has formally applied for services and support from the division; and
- (d) ability of parents or guardians to provide them with appropriate care and supervision.

(4) The division has the functions, powers, duties, rights, and responsibilities described in Section 62A-5-103 and is authorized to work in cooperation with other state, governmental, and private agencies to carry out those responsibilities.

(5) Within appropriations authorized by the Legislature, and to the extent allowed under Title XIX of the Social Security Act, the division shall ensure that the services and support it provides to persons with disabilities:

- (a) are provided in the least restrictive and most enabling environment;
- (b) ensure opportunities to access employment; and
- (c) enable reasonable personal choice in selecting services and support that best meet individual needs and promote independence, productivity, and integration in community life.

(6) Appropriations to the division are nonlapsing. Funds unexpended at the end of the fiscal year may be used only for one-time expenditures unless otherwise authorized by the Legislature.