

**Representative Eric K. Hutchings** proposes the following substitute bill:

**MOBILITY ASSISTANCE FUND**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Eric K. Hutchings**

**This act enacts provisions authorizing a voluntary checkoff for driver license applications and renewals for the purpose of providing public transportation for seniors or people with disabilities. The act creates the "Out and About" Homebound Transportation Assistance Fund. The act modifies the duties of the Division of Aging and Adult Services to include administration of the fund, and provides rulemaking authority to the division. The act provides an effective date. ⚡ The act provides a coordination clause. ⚡**

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

AMENDS:

**62A-3-104**, as last amended by Chapter 254, Laws of Utah 1998

ENACTS:

**53-3-214.7**, Utah Code Annotated 1953

**62A-3-110**, Utah Code Annotated 1953

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

Section 1. Section **53-3-214.7** is enacted to read:

**53-3-214.7. License checkoff for public transportation for people with disabilities.**

(1) A person who applies for a license or license renewal may designate a voluntary contribution of \$1 for public transportation assistance for seniors or people with disabilities.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution to the "Out and About" Homebound Transportation Assistance Fund created in Section 62A-3-110 to provide public transportation assistance for



26 seniors or people with disabilities and not as a license fee; and

27 (c) transferred to the "Out and About" Homebound Transportation Assistance Fund created  
28 in Section 62A-3-110 at least monthly, less actual administrative costs associated with collecting  
29 and transferring the contributions.

30 Section 2. Section **62A-3-104** is amended to read:

31 **62A-3-104. Authority of division.**

32 (1) The division is the sole state agency, as defined by the Older Americans Act of 1965,  
33 42 U.S.C. 3001 et seq., to serve as an effective and visible advocate for the aging and adult  
34 population of this state, to develop and administer a state plan under the policy direction of the  
35 board, and to take primary responsibility for state activities relating to provisions of the Older  
36 Americans Act of 1965, as amended.

37 (2) (a) The division has authority to designate planning and service areas for the state, and  
38 to designate an area agency on aging within each planning and service area to design and  
39 implement a comprehensive and coordinated system of services and programs for the aged within  
40 appropriations from the Legislature.

41 (b) Designation as an area agency on aging may be withdrawn:

42 (i) upon request of the area agency on aging; or

43 (ii) upon noncompliance with the provisions of the Older Americans Act of 1965, 42  
44 U.S.C. 3001 et seq., the federal regulations enacted under that act, the provisions of this chapter,  
45 or the rules, policies, or procedures established by the division.

46 (3) (a) The division has the authority to designate planning and service areas for the state  
47 and to designate an area agency on high risk adults within each planning and service area in  
48 accordance with Subsection (3)(b) to design and implement a comprehensive and coordinated  
49 system of case management and programs for high risk adults within appropriations from the  
50 Legislature.

51 (b) Before October 1, 1998, the division shall designate as the area agency on high risk  
52 adults in a planning and service area:

53 (i) the area agency on aging that operates within the same geographic area if that agency  
54 has requested, before July 1, 1998, to expand its current contract with the division to include the  
55 responsibility of:

56 (A) being the area agency on high risk adults; or

57 (B) operating the area agency on high risk adults through joint cooperation with one or  
58 more existing area agencies on aging without reducing geographical coverage in any service area;  
59 or

60 (ii) a public or private nonprofit agency or office if the area agency on aging that operates  
61 within the same geographic area has not made a request in accordance with Subsection (3)(b).

62 (c) Area agencies on high risk adults shall be in operation before July 1, 1999. The  
63 division's efforts to establish area agencies on high risk adults shall start with counties with a  
64 population of more than 150,000 people.

65 (d) Designation as an area agency on high risk adults may be withdrawn:

66 (i) upon request by the area agency; or

67 (ii) upon noncompliance with state or federal laws, or rules, policies, or procedures  
68 established by the division.

69 (4) The division has authority to receive and distribute state and federal funds for the  
70 division's programs and services to the aging and adult populations of the state.

71 (5) The division has authority to establish, either directly or by contract, programs of  
72 advocacy, monitoring, evaluation, technical assistance, and public education to enhance the quality  
73 of life for aging and adult citizens of the state.

74 (6) In accordance with the rules of the division and Title 63, Chapter 56, Utah Procurement  
75 Code, the division may:

76 (a) contract with the governing body of an area agency to provide a comprehensive  
77 program of services; and

78 (b) contract with public and private entities for special services.

79 (7) The division has authority to provide for collection, compilation, and dissemination  
80 of information, statistics, and reports relating to issues facing aging and adult citizens.

81 (8) The division has authority to prepare and submit reports regarding the operation and  
82 administration of the division to the department, the Legislature, and the governor, as requested.

83 (9) The division shall:

84 (a) implement and enforce policies established by the board governing all aspects of the  
85 division's programs for aging and adult persons in the state;

86 (b) monitor and evaluate programs provided by or under contract with the division, area  
87 agencies, and any entity that receives funds from an area agency to ensure compliance with all

88 applicable state and federal statutes, policies, and procedures;

89 (c) examine expenditures of public funds;

90 (d) withhold funds from programs based on contract noncompliance;

91 (e) review and approve plans of area agencies in order to ensure compliance with division  
92 policies and to ensure a statewide comprehensive program;

93 (f) promote and establish cooperative relationships with state and federal agencies, social  
94 and health agencies, education and research organizations, and other related groups in order to  
95 further programs for aging and adult persons, and prevent duplication of services;

96 (g) advocate for the aging and adult populations; ~~and~~

97 (h) promote and conduct research on the problems and needs of aging and adult persons,  
98 and submit recommendations for changes in policies, programs, and funding to the governor and  
99 the Legislature[-]; and

100 (i) (i) accept contributions to and administer the funds contained in the "Out and About"  
101 Homebound Transportation Assistance Fund created in Section 62A-3-110; and

102 (ii) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking  
103 Act, to facilitate the administration of the "Out and About" Homebound Transportation Assistance  
104 Fund in accordance with Section 62A-3-110.

105 Section 3. Section **62A-3-110** is enacted to read:

106 **62A-3-110. "Out and About" Homebound Transportation Assistance Fund.**

107 (1) (a) There is created a special revenue fund known as the "Out and About" Homebound  
108 Transportation Assistance Fund.

109 (b) The "Out and About" Homebound Transportation Assistance Fund shall consist of:

110 (i) private contributions;

111 (ii) donations or grants from public or private entities;

112 (iii) voluntary donations collected under Section 53-3-214.7; and

113 (iv) interest and earnings on account monies.

114 (c) The cost of administering the "Out and About" Homebound Transportation Assistance  
115 Fund shall be paid from monies in the fund.

116 (2) The Division of Aging and Adult Services in the Department of Human Services shall:

117 (a) administer the funds contained in the "Out and About" Homebound Transportation  
118 Assistance Fund;

119 (b) select qualified organizations and distribute the funds in the "Out and About"  
120 Homebound Transportation Assistance Fund in accordance with Subsection (3); and

121 (c) make an annual report on the "Out and About" Homebound Transportation Assistance  
122 Fund to the Health and Human Services Appropriations Subcommittee.

123 (3) (a) The division may distribute the funds in the "Out and About" Homebound  
124 Transportation Assistance Fund to a selected organization that provides public transportation to  
125 aging persons, high risk adults, or people with disabilities.

126 (b) An organization that provides public transportation to aging persons, high risk adults,  
127 or people with disabilities may apply to the Division of Aging and Adult Services, in a manner  
128 prescribed by the division, to receive all or part of the monies contained in the "Out and About"  
129 Homebound Transportation Assistance Fund.

130 Section 4. **Effective date.**

131 This act takes effect on July 1, 2002.

131a **h SECTION 5. COORDINATION CLAUSE.**

131b **IF THIS BILL AND H.B. 264, FUNDS CONSOLIDATION, BUDGET PROCEDURES AND FUND**  
131c **RECLASSIFICATION AMENDMENTS, BOTH PASS, IT IS THE INTENT OF THE LEGISLATURE THAT**  
131d **THE OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL, IN PREPARING THE UTAH**  
131e **CODE DATABASE FOR PUBLICATION, SHALL AMEND SECTION 62A-3-110 BY INSERTING, AFTER**  
131f **"CREATED A", THE WORD "RESTRICTED" IN SUBSECTION(1)(A).** h