

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

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

and transferring the contributions.

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

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

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

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

(b) Designation as an area agency on aging may be withdrawn:

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

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

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

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

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

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

(B) operating the area agency on high risk adults through joint cooperation with one or more

existing area agencies on aging without reducing geographical coverage in any service area; or

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

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

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

(i) upon request by the area agency; or

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

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

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

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

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

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

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

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

(9) The division shall:

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

(b) monitor and evaluate programs provided by or under contract with the division, area

agencies, and any entity that receives funds from an area agency to ensure compliance with all applicable state and federal statutes, policies, and procedures;

(c) examine expenditures of public funds;

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

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

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

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

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

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

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

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

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

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

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

(i) private contributions;

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

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

(iv) interest and earnings on account monies.

(c) The cost of administering the "Out and About" Homebound Transportation Assistance

Fund shall be paid from monies in the fund.

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

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

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

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

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

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

**Section 4. Effective date.**

This act takes effect on July 1, 2002.

**Section 5. Coordination clause.**

If this bill and H.B. 264, Funds Consolidation, Budget Procedures and Fund Reclassification Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall amend Section 62A-3-110 by inserting, after "created a", the word "restricted" in Subsection (1)(a).