

1 **MOBILITY ASSISTANCE FUND**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Eric K. Hutchings**

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

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

12 AMENDS:

13 **62A-3-104**, as last amended by Chapter 254, Laws of Utah 1998

14 ENACTS:

15 **41-1a-230.5**, Utah Code Annotated 1953

16 **53-3-214.7**, Utah Code Annotated 1953

17 **62A-3-110**, Utah Code Annotated 1953

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

19 Section 1. Section **41-1a-230.5** is enacted to read:

20 **41-1a-230.5. Registration checkoff for public transportation for seniors or people**
21 **with disabilities.**

22 (1) A person who applies for a motor vehicle registration or registration renewal may
23 designate a voluntary contribution of \$1 for public transportation assistance for seniors or people
24 with disabilities.

25 (2) This contribution shall be:

26 (a) collected by the division;

27 (b) treated as a voluntary contribution to the "Out and About" Homebound Transportation



28 Assistance Fund created in Section 62A-3-110 to provide public transportation assistance for
29 seniors or people with disabilities and not as a motor vehicle registration fee; and

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

33 Section 2. Section **53-3-214.7** is enacted to read:

34 **53-3-214.7. License checkoff for public transportation for people with disabilities.**

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

37 (2) This contribution shall be:

38 (a) collected by the division;

39 (b) treated as a voluntary contribution to the "Out and About" Homebound Transportation
40 Assistance Fund created in Section 62A-3-110 to provide public transportation assistance for
41 seniors or people with disabilities and not as a license fee; and

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

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

46 **62A-3-104. Authority of division.**

47 (1) The division is the sole state agency, as defined by the Older Americans Act of 1965,
48 42 U.S.C. 3001 et seq., to serve as an effective and visible advocate for the aging and adult
49 population of this state, to develop and administer a state plan under the policy direction of the
50 board, and to take primary responsibility for state activities relating to provisions of the Older
51 Americans Act of 1965, as amended.

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

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

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

58 (ii) upon noncompliance with the provisions of the Older Americans Act of 1965, 42

59 U.S.C. 3001 et seq., the federal regulations enacted under that act, the provisions of this chapter,
60 or the rules, policies, or procedures established by the division.

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

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

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

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

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

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

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

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

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

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

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

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

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

90 Code, the division may:

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

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

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

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

98 (9) The division shall:

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

101 (b) monitor and evaluate programs provided by or under contract with the division, area
102 agencies, and any entity that receives funds from an area agency to ensure compliance with all
103 applicable state and federal statutes, policies, and procedures;

104 (c) examine expenditures of public funds;

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

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

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

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

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

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

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

120 Section 4. Section **62A-3-110** is enacted to read:

121 **62A-3-110. "Out and About" Homebound Transportation Assistance Fund.**

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

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

125 (i) private contributions;

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

127 (iii) voluntary donations collected under Sections 41-1a-230.5 and 53-3-214.7; and

128 (iv) interest and earnings on account monies.

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

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

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

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

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

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

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

145 Section 5. **Effective date.**

146 This act takes effect on July 1, 2002.

Legislative Review Note

as of 2-6-02 9:05 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel