

1 **DISABILITIES APPROPRIATIONS**

2 **NONLAPSING**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Rebecca D. Lockhart**

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

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

10 AMENDS:

11 **62A-5-102**, as last amended by Chapter 2, Laws of Utah 1995, First Special Session

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

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

14 **62A-5-102. Division of Services for People with Disabilities -- Creation --**  
15 **Authority -- Direction -- Waiting list prioritization.**

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

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

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

24 (a) severity of disability;

25 (b) urgency of need for services;

26 (c) length of time without services from the division, regardless of whether that person  
27 has formally applied for services and support from the division; and



28 (d) ability of parents or guardians to provide them with appropriate care and  
29 supervision.

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

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

36 (a) are provided in the least restrictive and most enabling environment;

37 (b) ensure opportunities to access employment; and

38 (c) enable reasonable personal choice in selecting services and support that best meet  
39 individual needs and promote independence, productivity, and integration in community life.

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

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**Legislative Review Note**  
**as of 1-22-03 4:31 PM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note****Disabilities Appropriations Nonlapsing***29-Jan-03***Bill Number HB0211***10:59 AM*

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**State Impact**

While no fiscal impact to the State, this legislation will allow the Division to not lapse year-end fund balances.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**