

1 **SERVICES FOR PEOPLE WITH DISABILITIES**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Raymond P. Ward**

6 Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

8 **General Description:**

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10 This bill amends provisions directing the use of funds to serve individuals with  
11 disabilities.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ removes the requirement that the Division of Services for People with Disabilities  
15 spend 15% of money appropriated by the Legislature for services for people with  
16 disabilities; and

17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **62A-5-102**, as last amended by Laws of Utah 2013, Chapter 172

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

26 Section 1. Section **62A-5-102** is amended to read:  
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28           **62A-5-102. Division of Services for People with Disabilities -- Creation --**  
29 **Authority -- Direction -- Provision of services.**

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

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

35           (3) Within appropriations from the Legislature, the division shall provide services to  
36 any ~~[person]~~ individual with a disability who is eligible to receive division services.

37           ~~[(4) (a) Starting on July 1, 2013, any new appropriations designated to serve eligible~~  
38 ~~persons waiting for services from the division shall be allocated as set forth in this section.]~~

39           ~~[(b) Eighty-five percent of the money appropriated in Subsection (4)(a) shall be~~  
40 ~~allocated, as determined by the division by rule based on the:]~~

41           (4) The division shall establish rules to prioritize the expenditure of resources to an  
42 individual described in Subsection (3) based on the:

43           ~~[(i)]~~ (a) severity of the disability;

44           ~~[(ii)]~~ (b) urgency of the need for services;

45           ~~[(iii)]~~ (c) ability of a parent or guardian to provide the ~~[person]~~ individual with  
46 appropriate care and supervision; and

47           ~~[(iv)]~~ (d) length of time during which the ~~[person]~~ individual has not received services  
48 from the division.

49           ~~[(c) Fifteen percent of the money appropriated in Subsection (4)(a) shall be allocated~~  
50 ~~for respite services, and the division shall:]~~

51           ~~[(i) establish rules to identify a person whose only need is respite services;]~~

52           ~~[(ii) allocate money under this Subsection (4)(c) to the people described in Subsection~~  
53 ~~(4)(c)(i) based on random selection; and]~~

54           ~~[(iii) if all persons described in Subsection (4)(c)(i) have been served and there is~~  
55 ~~money remaining for respite care under this Subsection (4)(c), the division shall use the~~  
56 ~~remaining money as described in Subsection (4)(b).]~~

57           ~~[(d) Funds from Subsection (4)(b) that are not spent by the division at the end of the~~  
58 ~~fiscal year may be used as set forth in Subsection (7).]~~

59 (5) The division:  
60 (a) has the functions, powers, duties, rights, and responsibilities described in Section  
61 62A-5-103; and

62 (b) is authorized to work in cooperation with other state, governmental, and private  
63 agencies to carry out the responsibilities described in Subsection (5)(a).

64 (6) Within appropriations authorized by the Legislature, and to the extent allowed  
65 under Title XIX of the Social Security Act, the division shall ensure that the services and  
66 support that the division provides to any ~~[person]~~ individual with a disability:

- 67 (a) are provided in the least restrictive and most enabling environment;
- 68 (b) ensure opportunities to access employment; and
- 69 (c) enable reasonable personal choice in selecting services and support that:
  - 70 (i) best meet individual needs; and
  - 71 (ii) promote:
    - 72 (A) independence;
    - 73 (B) productivity; and
    - 74 (C) integration in community life.

75 (7) (a) Appropriations to the division are nonlapsing.

76 ~~[(b) If an individual receiving services under Subsection (4)(b) or (c) ceases to receive  
77 those services, the division shall use the funds that were allocated to that individual to provide  
78 services to another eligible individual waiting for services as described in Subsection (4)(b).]~~

79 ~~[(e)]~~ (b) Funds unexpended by the division at the end of the fiscal year may be used  
80 only for one-time expenditures unless otherwise authorized by the Legislature.

81 ~~[(d)]~~ (c) A one-time expenditure under this section:

- 82 (i) is not an entitlement;
- 83 (ii) may be withdrawn at any time; and
- 84 (iii) may provide short-term, limited services, including:
  - 85 (A) respite care;
  - 86 (B) service brokering;
  - 87 (C) family skill building and preservation classes;
  - 88 (D) after school group services; and
  - 89 (E) other professional services.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**