

**HEALTH AND HUMAN SERVICES BOARDS
AND COMMISSION AMENDMENT**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Jack A. Seitz

This act amends the Human Services Code, the Health Code, and the Judicial Code. The act amends provisions related to advisory boards and committees within, or staffed by the Department of Health or the Department of Human Services. The act consolidates or repeals certain committees. The act authorizes the Board of Services for People with Disabilities to establish a fee schedule with respect to certain services. The act permits DCFS to collect fees for drug testing when ordered by the court. This act has an effective date.

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

AMENDS:

26-1-7, as last amended by Chapter 307, Laws of Utah 2002

62A-1-107, as last amended by Chapter 176, Laws of Utah 2002

62A-4a-102, as last amended by Chapter 6, Laws of Utah 2002, Fifth Special Session

62A-4a-105, as last amended by Chapter 281, Laws of Utah 2002

62A-4a-311, as last amended by Chapter 276, Laws of Utah 1997

62A-5-105, as last amended by Chapter 275, Laws of Utah 2002

62A-13-102, as last amended by Chapter 43, Laws of Utah 2002

62A-13-105, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

62A-13-109, as enacted by Chapter 158, Laws of Utah 1994

62A-13-110, as last amended by Chapter 13, Laws of Utah 1998

62A-14-106, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

78-45-7.13, as last amended by Chapter 233, Laws of Utah 1997

ENACTS:

62A-1-107.5, Utah Code Annotated 1953

REPEALS:

62A-7-401, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

62A-13-103, as last amended by Chapter 176, Laws of Utah 2002

62A-13-104, as enacted by Chapter 158, Laws of Utah 1994

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

Section 1. Section **26-1-7** is amended to read:

26-1-7. Committees within department.

(1) There are created within the department the following committees:

~~[(1)]~~ (a) Health Facility Committee;

~~[(2)]~~ (b) State Emergency Medical Services Committee;

~~[(3)]~~ (c) Health Data Committee; and

~~[(4)]~~ (d) Utah Health Care Workforce Financial Assistance Program Advisory

Committee.

(2) The department shall:

(a) review all committees and advisory groups in existence before July 1, 2003 that are not listed in Subsection (1) or Section 26-1-7.5, and not required by state or federal law; and

(b) beginning no later than July 1, 2003:

(i) consolidate those advisory groups and committees with other committees or advisory groups as appropriate to create greater efficiencies and budgetary savings for the department; and

(ii) create in writing, time-limited and subject-limited duties for the advisory groups or committees as necessary to carry out the responsibilities of the department.

Section 2. Section **62A-1-107** is amended to read:

62A-1-107. Boards within department -- Members, appointment, terms, vacancies, chairperson, compensation, meetings, quorum.

(1) Except as specifically provided in Sections 62A-4a-102, 62A-2-104, and 62A-14-106 regarding the Board of Child and Family Services, the Human Services Licensing Board, and the Board of Public Guardian Services, each board described in Section 62A-1-105 shall have seven members who are appointed by the governor with the consent of the Senate.

(2) (a) Except as required by Subsection (2)(b), each member shall be appointed for a

term of four years, and is eligible for one reappointment.

(b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) Board members shall continue in office until the expiration of their terms and until their successors are appointed, which may not exceed 90 days after the formal expiration of a term.

(d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(3) ~~[No]~~ Except for the Board of Child and Family Services, no more than four members of any board may be from the same political party. No more than six members of the Board of Child and Family Services may be from the same political party. Each board shall have diversity of gender, ethnicity, and culture; and members shall be chosen on the basis of their active interest, experience, and demonstrated ability to deal with issues related to their specific boards.

(4) Each board shall annually elect a chairperson from its membership. Each board shall hold meetings at least once every three months. ~~[Meetings shall]~~ Within budgetary constraints, meetings may be held from time to time on the call of the chairperson or of the majority of the members of any board. Four members of a board are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the board.

(5) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(6) Each board shall adopt bylaws governing its activities. Bylaws shall include procedures for removal of a board member who is unable or unwilling to fulfill the requirements of his appointment.

(7) Each board has program policymaking authority for the division over which it

presides.

Section 3. Section **62A-1-107.5** is enacted to read:

62A-1-107.5. Limitation on establishment of advisory bodies.

(1) Department divisions and boards:

(a) may not establish permanent, ongoing advisory groups unless otherwise specifically created in federal or state statute; and

(b) shall comply with the provisions of this section with regard to any advisory groups created prior to or after July 1, 2003.

(2) Divisions and boards may establish subject-limited and time-limited ad hoc advisory groups to provide input necessary to carry out their assigned responsibilities. When establishing such an advisory group, the board must establish in writing a specific charge and time limit.

(3) Members of any ad hoc advisory group shall receive no compensation or benefits for their service.

(4) The provision of staffing and support to any ad hoc advisory group will be contingent on availability of human and financial resources.

Section 4. Section **62A-4a-102** is amended to read:

62A-4a-102. Board of Child and Family Services.

(1) (a) The Board of Child and Family Services, created in accordance with this section and with Sections 62A-1-105 and 62A-1-107, is responsible for establishing by rule, pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the policy of the division in accordance with the requirements of this chapter and Title 78, Chapter 3a, Juvenile Court Act of 1996, regarding abuse, neglect, and dependency proceedings, and domestic violence services.

The board is responsible to see that the legislative purposes for the division are carried out.

(b) (i) The governor shall appoint, with the consent of the Senate, 11 members to the Board of Child and Family Services.

(ii) Except as required by Subsection (1)(b)(iii), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(iii) Notwithstanding the requirements of Subsection (1)(b)(ii), the governor shall, at the

time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) Two members of the board shall be persons who are or have been consumers, two members of the board shall be persons who are actively involved in children's issues specifically related to abuse and neglect, one member shall be a licensed foster parent, one member shall be a recognized expert in the social, developmental, and mental health needs of children, one member shall be a physician licensed to practice medicine in this state who is also a board certified pediatrician and who is an expert in child abuse and neglect, and one member shall be an adult relative of a child who is or has been in the foster care system.

(d) Six members of the board are necessary to constitute a quorum at any meeting.

(e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(2) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(3) The board shall:

(a) approve fee schedules for programs within the division;

(b) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, establish, by rule, policies to ensure that private citizens, consumers, foster parents, private contract providers, allied state and local agencies, and others are provided with an opportunity to comment and provide input regarding any new policy or proposed revision of an existing policy; and

(c) provide a mechanism for systematic and regular review of existing policy and for consideration of policy changes proposed by the persons and agencies described in Subsection (3)(b).

~~[(4) The board may create state advisory committees to advise it concerning programs~~

~~offered by the Division of Child and Family Services. The board shall provide each committee with a specific charge in writing.]~~

~~[(5)] (4)~~ The board shall establish policies for the determination of eligibility for services offered by the division in accordance with this chapter. The division may, by rule, establish eligibility standards for consumers.

~~[(6)] (5)~~ The board shall adopt and maintain rules and policies regarding placement for adoption or foster care that are consistent with, and no more restrictive than, applicable statutory provisions.

Section 5. Section **62A-4a-105** is amended to read:

62A-4a-105. Division responsibilities.

The division shall:

- (1) administer services to children and families, including child welfare services, domestic violence services, and all other responsibilities that the Legislature or the executive director may assign to the division;
- (2) establish standards for all contract providers of out-of-home care for children and families;
- (3) cooperate with the federal government in the administration of child welfare and domestic violence programs and other human service activities assigned by the department;
- (4) provide for the compilation of relevant information, statistics, and reports on child and family service matters in the state;
- (5) prepare and submit to the department, the governor, and the Legislature reports of the operation and administration of the division in accordance with the requirements of Sections 62A-4a-117 and 62A-4a-118;
- (6) promote and enforce state and federal laws enacted for the protection of abused, neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in accordance with the requirements of this chapter, unless administration is expressly vested in another division or department of the state. In carrying out the provisions of this Subsection (6), the division shall cooperate with the juvenile courts, the Division of Youth Corrections, and with

all public and private licensed child welfare agencies and institutions to develop and administer a broad range of services and supports. The division shall take the initiative in all matters involving the protection of abused or neglected children if adequate provisions have not been made or are not likely to be made, and shall make expenditures necessary for the care and protection of those children, within the division's budget;

(7) provide substitute care for dependent, abused, neglected, and delinquent children, establish standards for substitute care facilities, and approve those facilities;

(8) provide adoption assistance to persons adopting children with special needs under Part 9, Adoption Assistance, of this chapter. The financial support provided under this Subsection (8) may not exceed the amounts the division would provide for the child as a legal ward of the state;

(9) cooperate with the Division of Employment Development in the Department of Workforce Services in meeting social and economic needs of individuals eligible for public assistance;

(10) conduct court-ordered home evaluations for the district and juvenile courts with regard to child custody issues. The court shall order either or both parties to reimburse the division for the cost of that evaluation, in accordance with the community rate for that service or with the department's fee schedule rate;

(11) provide noncustodial and in-home preventive services, designed to prevent family breakup, family preservation services, and reunification services to families whose children are in substitute care in accordance with the requirements of this chapter and Title 78, Chapter 3a, Juvenile Court Act of 1996;

(12) provide protective supervision of a family, upon court order, in an effort to eliminate abuse or neglect of a child in that family;

(13) establish programs and provide services to minors who have been placed in the custody of the division for reasons other than abuse or neglect, pursuant to Section 62A-4a-250;

(14) provide shelter care in accordance with the requirements of this chapter and Title 78, Chapter 3a, Juvenile Court Act of 1996;

(15) provide social studies and reports for the juvenile court in accordance with Section 78-3a-505;

(16) arrange for and provide training for staff and providers involved in the administration and delivery of services offered by the division in accordance with this chapter;

(17) provide domestic violence services in accordance with the requirements of federal law, and establish standards for all direct or contract providers of domestic violence services.

Within appropriations from the Legislature, the division shall provide or contract for a variety of domestic violence services and treatment methods;

(18) ensure regular, periodic publication, including electronic publication, regarding the number of children in the custody of the division who have a permanency goal of adoption, or for whom a final plan of termination of parental rights has been approved, pursuant to Section 78-3a-312, and promote adoption of those children;

(19) provide protective services to victims of domestic violence, as defined in Section 77-36-1, and their children, in accordance with the provisions of this chapter and of Title 78, Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings;

(20) refer an individual receiving services from the division to the local substance abuse authority or other private or public resource for court-ordered drug screening test. The court shall order the individual to pay all costs of the tests unless:

(a) the cost of the drug screening is specifically funded or provided for by other federal or state programs;

(b) the individual is a participant in a drug court; or

(c) the court finds that the individual is impecunious;

~~[(20)]~~ (21) have authority to contract with a private, nonprofit organization to recruit and train foster care families and child welfare volunteers in accordance with Section 62A-4a-107.5; and

~~[(21)]~~ (22) perform such other duties and functions as required by law.

Section 6. Section **62A-4a-311** is amended to read:

62A-4a-311. Child Abuse Advisory Council -- Creation -- Membership -- Expenses.

(1) (a) There is established the Child Abuse Advisory Council composed of [~~at least~~] no more than 25 members who are appointed by the board.

(b) Except as required by Subsection (1)(c), as terms of current council members expire, the board shall appoint each new member or reappointed member to a four-year term.

(c) Notwithstanding the requirements of Subsection (1)(b), the board shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(d) The council shall have geographic, economic, gender, cultural, and philosophical diversity.

(e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(2) The council shall elect a chairperson from its membership at least biannually.

(3) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

(4) The council shall hold a public meeting [~~at least~~] quarterly. [~~Meetings shall~~] Within budgetary constraints, meetings may also be held on the call of the chair, or of a majority of the members. Thirteen members shall constitute a quorum at any meeting and the action of the majority of the members present shall be the action of the council.

(5) The council shall advise the board on matters relating to child abuse and neglect. The council shall also recommend to the board how funds contained in the Children's Trust Account shall be allocated.

Section 7. Section **62A-5-105** is amended to read:

62A-5-105. Board -- Membership -- Responsibilities -- Policy mediation.

(1) The board is the policymaking body for the division and shall establish by rule the policy of the division in accordance with:

(a) the policy of the Legislature as set forth by this chapter; and

(b) Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(2) The board shall:

(a) establish program policy for the division, the developmental center, and programs and facilities operated by or under contract with the division;

(b) establish policies for the assessment and collection of fees for programs within the division;

(c) no later than July 1, 2003, establish a graduated fee schedule based on ability to pay and implement such schedule with respect to service recipients and their families where not otherwise prohibited by federal law or regulation or not otherwise provided for in Section 62A-5-109;

~~(c)~~ (d) establish procedures to ensure that private citizens, consumers, private contract providers, allied state and local agencies, and others are provided with an opportunity to comment and provide input regarding any new policy or proposed revision to an existing policy;

~~(d)~~ (e) provide a mechanism for systematic and regular review of existing policy and for consideration of policy changes proposed by the persons and agencies described under Subsection (2)~~(c)~~ (d);

~~(e)~~ (f) (i) periodically review the criteria used to determine who may receive services from the division and how the delivery of those services is prioritized within available funding; and

(ii) make periodic recommendations based on the review conducted under Subsection (2)~~(e)~~ (f)(i) to the Health and Human Services Interim Committee beginning at or before the September 2002 meeting of the committee;

~~(f)~~ (g) review implementation and compliance by the division with policies established by the board to ensure that the policies established by the Legislature in this chapter are carried out; and

~~(g)~~ (h) annually report to the executive director.

(3) At least one member of the board shall be a person whose life or family is directly affected by a disability, and at least one other board member shall be a person with a physical

disability.

(4) The executive director shall mediate any differences which arise between the policies of the board and those of any other policy board in the department.

Section 8. Section **62A-13-102** is amended to read:

62A-13-102. Definitions.

As used in this chapter:

(1) "Applicant" means a person who meets the application requirements established by the committee for a grant or a scholarship under this chapter.

~~[(2) "Committee" means the Rural Mental Health Therapist Financial Assistance Committee created by Section 62A-13-103.]~~

~~[(3)]~~ (2) "Educational expenses" are tuition, fees, books, supplies, educational equipment and material, and reasonable living expenses.

~~[(4)]~~ (3) "Medically underserved rural area" means a county, city, town, or other service area with a population of less than 99 people per square mile and designated by the committee as underserved by mental health therapists.

~~[(5)]~~ (4) "Mental health therapist" means an individual exempt from licensure under Subsection 58-1-307(1)(c) or licensed under Title 58, Occupations and Professions, as a:

(a) physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;

(b) registered psychiatric mental health nurse specialist;

(c) psychologist qualified to engage in the practice of mental health therapy;

(d) certified psychology resident;

(e) clinical social worker;

(f) certified social worker;

(g) marriage and family therapist;

(h) certified marriage and family therapist intern;

(i) professional counselor; or

(j) certified professional counselor intern.

~~[(6)]~~ (5) "Practice of mental health therapy" means treatment or prevention of mental illness, including:

(a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized in the professions of mental health therapy listed under Subsection ~~[(5)]~~ (4);

(b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection ~~[(5)]~~ (4);

(c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; or

(d) engaging in the conduct of professional intervention, including psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection ~~[(5)]~~ (4).

~~[(7)]~~ (6) "Recipient" means an applicant selected to receive a grant or a scholarship under this chapter.

Section 9. Section **62A-13-105** is amended to read:

62A-13-105. Department duties and powers.

(1) The department shall administer this chapter within the Division of Substance Abuse and Mental Health, created in Section 62A-15-103~~[, and provide division staff to the committee]~~ and under the policy direction of the Board of Substance Abuse and Mental Health created in Section 62A-1-105.

(2) The Division of Substance Abuse and Mental Health shall establish rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act to:

(a) establish application procedures for grants and scholarships;

(b) establish eligibility and selection criteria for grant and scholarship recipients;

(c) determine grant and scholarship awards and conditions for each recipient;

(d) designate eligible underserved rural areas regarding available mental health therapy services in which recipients may fulfill their service obligations; and

(e) establish educational requirements necessary for the grant or scholarship recipient to

be qualified to meet service obligations.

(3) The Division of Substance Abuse and Mental Health may:

(a) approve the specific site at which a recipient may fulfill his service obligations under this chapter;

(b) set limitations on the amount an individual may receive and on the number of years for which an individual may receive funds under this chapter;

(c) cancel grants or scholarships for cause and, for compelling reasons, accept a lesser measure of damages for breach of a grant or scholarship contract or release a recipient from the service obligation without penalty for extreme hardship or other good cause;

(d) cancel a grant or scholarship for cause without penalty to the state; and

(e) cancel a grant or a scholarship if the recipient fails to meet the conditions of the award or if it reasonably appears the recipient will not meet the grant or scholarship conditions.

~~[(2)]~~ (4) The department may accept gifts, grants, loans, and other aid or funds from any person, association, foundation, trust, corporation, governmental agency, or other entity for the purposes set forth in this chapter.

Section 10. Section **62A-13-109** is amended to read:

62A-13-109. Funding.

(1) Appropriations for programs under this chapter shall be a separate line item to the department in the annual appropriations act, and unless otherwise provided in an appropriations act, is nonlapsing.

(2) Federal funds, gifts, endowments, contributions for the programs, and damages collected from breach of program contracts may also be used for programs under this chapter and are nonlapsing.

(3) After a program contract has been signed by both parties, the department shall set aside the funds necessary to ensure sufficient funds will be available to make payments under the contract for the full term of obligated service.

(4) Funding under Subsections (1) and (2) shall be used to make payments under the program contracts.

(5) [~~Committee and department~~] Department staff support costs necessary to administer this chapter shall be appropriated by the Legislature.

Section 11. Section **62A-13-110** is amended to read:

62A-13-110. Reporting.

Annually on or before August 1, the [~~committee~~] Division of Substance Abuse and Mental Health shall submit a written report of its activities under this chapter to the executive director of the department and to the Health and Human Services Interim Committee of the Legislature. The report shall include:

- (1) the number and type of grant and scholarship recipients;
- (2) the total amount of each grant and scholarship;
- (3) the site at which each grant recipient is practicing;
- (4) the site at which each scholarship recipient is practicing;
- (5) the number of applications filed under this chapter within the preceding year; and
- (6) the amount of administrative expenses incurred by the committee and by the department to provide staff support during the preceding year in carrying out the provisions of this chapter.

Section 12. Section **62A-14-106** is amended to read:

62A-14-106. Board of Public Guardian Services.

(1) The Board of Public Guardian Services, created in accordance with this section and Section 62A-1-105, is responsible for establishing the policy of the office in accordance with this chapter and seeing that the legislative purposes for the office are carried out.

(2) The executive director shall appoint nine members to the Board of Public Guardian Services, as follows:

- (a) a member of the Board of Aging and Adult Services or designee;
- (b) a member of the Board of Services for Persons with Disabilities or designee;
- (c) a member of the Board of Substance Abuse and Mental Health or designee;
- (d) a representative of the long-term care industry;
- (e) a representative of the hospital industry;

- (f) a representative of persons with disabilities;
- (g) a representative of senior citizens;
- (h) a physician; and
- (i) an attorney with experience in guardianship and conservatorship law.

(3) (a) Except as provided in Subsection (3)(b), each member shall be appointed for a four-year term and eligible for one reappointment.

(b) Notwithstanding Subsection (3)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years, taking into account the remaining term of board members who serve on other department boards.

(c) A board member shall continue in office until the expiration of the member's term and until a successor is appointed, which may not exceed 90 days after the formal expiration of the term.

(d) When a vacancy occurs in membership for any reason, the replacement shall be appointed for the unexpired term.

(e) The make up of the board should reflect political and geographic diversity.

(4) The board shall annually elect a chairperson from its membership. The board shall hold meetings at least once every three months. Meetings shall be held from time to time on the call of the chairperson or a majority of the board members. Five board members are necessary to constitute a quorum at any meeting and, if a quorum exists, the action of a majority of members present shall be the action of the board.

(5) (a) Board members who are not government employees may not receive compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of their official duties at rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members of the board may decline to receive per diem expenses for their services.

(6) The board shall:

(a) establish program policy for the office;

(b) establish a mechanism for systematic and regular review of existing policy and for consideration of policy changes; and

(c) set fees for the office, excluding attorneys fees, in accordance with Section 63-38-3.2.

Section 13. Section **78-45-7.13** is amended to read:

78-45-7.13. Advisory committee -- Membership and functions.

(1) On or before March 1, ~~[1995]~~ 2007 and then on or before March 1 of every fourth year subsequently, the governor shall appoint an advisory committee consisting of:

(a) one representative recommended by the Office of Recovery Services;

(b) one representative recommended by the Judicial Council;

(c) two representatives recommended by the Utah State Bar Association;

(d) two representatives of noncustodial parents~~[- one male and one female, appointed by the governor];~~

(e) two representatives of custodial parents~~[- one male and one female, appointed by the governor; and];~~

~~[(f) an uneven number of additional persons, not to exceed three, who represent]~~

(f) one representative with expertise in economics; and

(g) two representatives from diverse interests related to child support issues, as the governor may consider appropriate. However, none of the individuals appointed under this subsection may be members of the Utah State Bar Association.

~~[(2)(a) Except as required by Subsection (b), as terms of current committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.]~~

~~[(b) Notwithstanding the requirements of Subsection (a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.]~~

(2) The term of the committee members expires one month after the report of the committee is submitted to the Legislature under Subsection (4).

(3) When a vacancy occurs in the membership for any reason, the replacement shall be

appointed for the unexpired term.

(4) (a) The advisory committee shall review the child support guidelines to ensure their application results in the determination of appropriate child support award amounts.

(b) The committee shall report to the Legislative Judiciary Interim Committee on or before October 1 in [~~1989~~] 2007 and [~~1991, and~~] then on or before October 1 of every fourth year subsequently.

(c) The committee's report shall include recommendations of the majority of the committee, as well as specific recommendations of individual members of the committee.

(5) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(6) Staff for the committee shall be provided from the existing budgets of the Department of Human Services.

(7) The committee ceases to exist no later than [~~the date the subsequent committee under this section is appointed~~] November 1, 2003 and then on November 1 of every fourth year subsequently.

(8) Any committee appointed by the governor prior to October 1, 2003 ceases to exist on November 1, 2003.

Section 14. **Repealer.**

This act repeals:

Section **62A-7-401, Juvenile Sex Offender Authority -- Purpose -- Duties -- Members --Staff specialists.**

Section **62A-13-103, Rural Mental Health Therapist Financial Assistance Committee created.**

Section **62A-13-104, Committee duties and powers.**

Section 15. **Effective date.**

This act takes effect on May 6, 2003, except that Section 78-45-7.13 takes effect on November 1, 2003.