

1 **DEPARTMENT OF WORKFORCE SERVICES**

2 **AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Scott K. Jenkins**

6 Karen Hale

David L. Thomas

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions of the Utah Workforce Services Code related to technical
11 changes in the names of certain divisions within Workforce Services, the composition
12 of the Child Care Advisory Committee, and the department's sunset date.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ modifies the name of the Division of Employment Development to the Employment
16 Development Division and the name of the Division of Workforce Information and
17 Payment Services to the Workforce Development and Information Division and the
18 Unemployment Insurance Division;
- 19 ▶ modifies the membership of the Child Care Advisory Committee; and
- 20 ▶ extends the repeal date of the Workforce Services Code to July 1, 2015.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **34A-2-410**, as last amended by Chapter 261, Laws of Utah 1999



- 28 **34A-8-105**, as renumbered and amended by Chapter 375, Laws of Utah 1997
- 29 **35A-1-202**, as last amended by Chapter 132, Laws of Utah 1999
- 30 **35A-3-102**, as last amended by Chapter 13, Laws of Utah 2003
- 31 **35A-3-202**, as renumbered and amended by Chapter 375, Laws of Utah 1997
- 32 **35A-3-205**, as last amended by Chapter 13, Laws of Utah 2003
- 33 **35A-4-201**, as last amended by Chapter 265, Laws of Utah 2001
- 34 **35A-4-312**, as last amended by Chapter 135, Laws of Utah 2003
- 35 **35A-5-102**, as last amended by Chapter 352, Laws of Utah 2004
- 36 **53B-12-101**, as last amended by Chapter 52, Laws of Utah 1998
- 37 **58-55-302**, as last amended by Chapters 90 and 236, Laws of Utah 2004
- 38 **58-63-302**, as last amended by Chapter 271, Laws of Utah 2001
- 39 **62A-4a-105**, as last amended by Chapter 171, Laws of Utah 2003
- 40 **62A-4a-709**, as last amended by Chapter 375, Laws of Utah 1997
- 41 **63-55-235**, as last amended by Chapter 220, Laws of Utah 2003
- 42 **63-75-6**, as last amended by Chapter 240, Laws of Utah 1996

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

45 Section 1. Section **34A-2-410** is amended to read:

46 **34A-2-410. Temporary disability -- Amount of payments -- State average weekly**
 47 **wage defined.**

48 (1) (a) In case of temporary disability, so long as the disability is total, the employee
 49 shall receive 66-2/3% of that employee's average weekly wages at the time of the injury but:

50 (i) not more than a maximum of 100% of the state average weekly wage at the time of
 51 the injury per week; and

52 (ii) not less than a minimum of \$45 per week plus \$5 for a dependent spouse and \$5 for
 53 each dependent child under the age of 18 years, up to a maximum of four dependent children,
 54 not to exceed the average weekly wage of the employee at the time of the injury, but not to
 55 exceed 100% of the state average weekly wage at the time of the injury per week.

56 (b) In no case shall the compensation benefits exceed 312 weeks at the rate of 100% of
 57 the state average weekly wage at the time of the injury over a period of 12 years from the date
 58 of the injury.

59 (2) In the event a light duty medical release is obtained prior to the employee reaching
60 a fixed state of recovery, and when no light duty employment is available to the employee from
61 the employer, temporary disability benefits shall continue to be paid.

62 (3) The "state average weekly wage" as referred to in this chapter and Chapter 3, Utah
63 Occupational Disease Act, shall be determined by the commission as follows:

64 (a) On or before June 1 of each year, the total wages reported on contribution reports to
65 the [~~Division of Workforce Information and Payment Services~~] Unemployment Insurance
66 Division for the preceding calendar year shall be divided by the average monthly number of
67 insured workers determined by dividing the total insured workers reported for the preceding
68 year by 12.

69 (b) The average annual wage obtained under Subsection (3)(a) shall be divided by 52.

70 (c) The average weekly wage determined under Subsection (3)(b) is rounded to the
71 nearest dollar.

72 (4) The state average weekly wage determined under Subsection (3) shall be used as
73 the basis for computing the maximum compensation rate for:

74 (a) injuries or disabilities arising from occupational disease that occurred during the
75 twelve-month period commencing July 1 following the June 1 determination; and

76 (b) any death resulting from the injuries or disabilities arising from occupational
77 disease.

78 Section 2. Section **34A-8-105** is amended to read:

79 **34A-8-105. Reemployment coordinator -- Duties.**

80 The commissioner shall appoint a reemployment coordinator to assist in administering
81 this chapter. The coordinator's duties include:

82 (1) identifying and verifying, if necessary, the qualifications of all public or private
83 reemployment or rehabilitation providers who render any medical or vocational reemployment
84 or rehabilitation services, including those directly employed by an insurer, employer, or
85 self-insurer;

86 (2) designing a study that will produce reliable data from employers, insurance carriers,
87 employees, and rehabilitation providers for cost effective recommendations to carry out the
88 intent of this chapter, the data shall include:

89 (a) the success rates of public and private rehabilitation and training programs in

90 assisting in the employment of the injured worker;

91 (b) the costs in providing such services; and

92 (c) the amount of time it takes to get the injured worker into gainful employment;

93 (3) evaluating results to determine whether early identification of potential candidates
94 for retraining results in overall cost reduction and return of the injured worker to gainful
95 employment;

96 (4) assuring the contact and coordination of the employer or its workers' compensation
97 insurance carrier and the disabled injured worker to encourage the development of evaluations
98 and reemployment plans for the disabled injured worker so that the completion of the plans can
99 be monitored by the commission;

100 (5) recommending procedures to avoid the duplication of services provided by other
101 state agencies or private rehabilitation services, including registering the disabled injured
102 worker with the [~~Division of~~] Employment Development Division in the Department of
103 Workforce Services for reemployment; and

104 (6) perform other duties as may be prescribed by the commission.

105 Section 3. Section 35A-1-202 is amended to read:

106 **35A-1-202. Divisions -- Creation -- Duties -- Workforce Appeals Board, councils,**
107 **Child Care Advisory Committee, and regional services areas.**

108 (1) There is created within the department the following divisions:

109 (a) the [~~Division of~~] Employment Development Division to administer the
110 development and implementation of employment assistance programs that are:

111 (i) related to the operations of the department; and

112 (ii) consistent with federal and state law;

113 (b) [~~the Division of Workforce Information and Payment Services~~] to administer those
114 services that are not delivered through the regional workforce services areas[~~and~~];

115 (i) the Workforce Development and Information Division; and

116 (ii) the Unemployment Insurance Division; and

117 (c) the Division of Adjudication to adjudicate claims or actions in accordance with this
118 title.

119 (2) In addition to the divisions created under this section, within the department are the
120 following:

- 121 (a) the Workforce Appeals Board created in Section 35A-1-205;
122 (b) the State Council on Workforce Services created in Section 35A-1-206;
123 (c) the Employment Advisory Council created in Section 35A-4-502;
124 (d) the Child Care Advisory Committee created in Section 35A-3-205; and
125 (e) the regional workforce services areas and councils created in accordance with
126 Chapter 2, Regional Workforce Services Areas.

127 Section 4. Section **35A-3-102** is amended to read:

128 **35A-3-102. Definitions.**

129 Unless otherwise specified, as used in this chapter:

- 130 (1) "Applicant" means a person who requests assistance under this chapter.
131 (2) "Average monthly number of families" means the average number of families who
132 received cash assistance on a monthly basis during the previous federal fiscal year, starting
133 from October 1, 1998 to September 30, 1999, and continuing each year thereafter.
134 (3) "Cash assistance" means a monthly dollar amount of cash a client is eligible to
135 receive under Section 35A-3-302.
136 (4) "Child care services" means care of a child for a portion of the day that is less than
137 24 hours in a qualified setting, as defined by rule, by a responsible person who is not the child's
138 parent or legal guardian.
139 (5) "Date of enrollment" means the date on which the applicant was approved as
140 eligible for cash assistance.
141 (6) "Director" means the director of the division.
142 (7) "Diversion" means a single payment of cash assistance under Section 35A-3-303 to
143 a client who is eligible for but does not require extended cash assistance under Part 3, Family
144 Employment Program.
145 (8) "Division" means the [~~Division of~~] Employment Development Division.
146 (9) "Education or training" means:
147 (a) basic remedial education;
148 (b) adult education;
149 (c) high school education;
150 (d) education to obtain the equivalent of a high school diploma;
151 (e) education to learn English as a second language;

- 152 (f) applied technology training;
- 153 (g) employment skills training; or
- 154 (h) on-the-job training.

155 (10) "Full-time education or training" means training on a full-time basis as defined by
156 the educational institution attended by the parent client.

157 (11) "General assistance" means financial assistance provided to a person who is not
158 otherwise eligible for cash assistance under Part 3, Family Employment Program, because that
159 person does not live in a family with a related dependent child.

160 (12) "Parent client" means a person who enters into an employment plan with the
161 division to qualify for cash assistance under Part 3, Family Employment Program.

162 (13) (a) "Passenger vehicle" means a self-propelled, two-axle vehicle intended
163 primarily for operation on highways and used by an applicant or client to meet basic
164 transportation needs and has a fair market value below 40% of the applicable amount of the
165 federal luxury passenger automobile tax established in 26 U.S.C. Sec. 4001 and adjusted
166 annually for inflation.

167 (b) "Passenger vehicle" does not include:

- 168 (i) a commercial vehicle, as defined in Section 41-1a-102;
- 169 (ii) an off-highway vehicle, as defined in Section 41-1a-102; or
- 170 (iii) a motor home, as defined in Section 13-14-102.

171 (14) "Plan" or "state plan" means the state plan submitted to the Secretary of the United
172 States Department of Health and Human Services to receive funding from the United States
173 through the Temporary Assistance for Needy Families Block Grant.

174 (15) "Single minor parent" means a person under 18 years of age who is not married
175 and has a minor child in the person's care and custody.

176 Section 5. Section **35A-3-202** is amended to read:

177 **35A-3-202. Creation.**

178 (1) There is created within the [~~Division of~~] Department of Workforce [Information
179 ~~and Payment]~~ Services an Office of Child Care.

180 (2) The office shall be administered by a director who shall be appointed by the
181 executive director and may be removed from that position at the will of the executive director.

182 Section 6. Section **35A-3-205** is amended to read:

183 **35A-3-205. Creation of committee.**

184 (1) There is created a Child Care Advisory Committee.

185 (2) The committee shall counsel and advise the office in fulfilling its statutory
186 obligations to include:

187 (a) a review of and recommendations on the office's annual budget;

188 (b) recommendations on how the office might best respond to child care needs
189 throughout the state; and190 (c) recommendations on the use of new monies that come into the office, including
191 those for the Child Care Fund.192 (3) The committee is composed of the following members, with special attention given
193 to insure diversity and representation from both urban and rural groups:

194 (a) one expert in early childhood development;

195 (b) one child care provider who operates a center;

196 (c) one child care provider who operates a family child care business;

197 (d) one parent who ~~[receives a child care subsidy from the office and is representative~~
198 ~~of single-parent households with children through age 12]~~ is representative of households
199 receiving a child care subsidy from the office;200 ~~[(e) one representative of two-parent households with children through age 12 using~~
201 ~~child care;]~~202 ~~[(f)]~~ (e) one representative from the public at-large;203 ~~[(g)]~~ (f) one representative of the State Office of Education;204 ~~[(h)]~~ (g) one representative of the Department of Health;205 ~~[(i)]~~ (h) one representative of the Department of Human Services;206 ~~[(j)]~~ (i) one representative of the Department of Community and Economic
207 Development;208 ~~[(k)]~~ (j) two representatives from the corporate community, one who is a recent
209 "Family Friendly" award winner and who received the award because of efforts in the child
210 care arena;211 ~~[(l)]~~ (k) two representatives from the small business community;212 ~~[(m)]~~ (l) one representative from child care advocacy groups;213 ~~[(n)]~~ (m) one representative of children with disabilities;

214 ~~(n)~~ (n) one representative from the state Head Start Association appointed by the
215 association;

216 ~~(o)~~ (o) one representative from each child care provider association; and

217 ~~(p)~~ (p) one representative of a child care resource and referral center appointed by the
218 organization representing child care resource and referral agencies.

219 (4) (a) The executive director shall appoint the members designated in Subsections
220 (3)(a) through ~~(f)~~ (e) and ~~(j)~~ (i) through (n).

221 (b) The head of the respective departments shall appoint the members referred to in
222 Subsections (3)~~(g)~~(f) through ~~(j)~~ (i).

223 (c) Each child care provider association shall appoint its respective member referred to
224 in Subsection (3)~~(p)~~(o).

225 (5) (a) Except as required by Subsection (5)(b), as terms of current committee members
226 expire, the appointing authority shall appoint each new member or reappointed member to a
227 four-year term.

228 (b) Notwithstanding the requirements of Subsection (5)(a), the appointing authority
229 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
230 terms of committee members are staggered so that approximately half of the committee is
231 appointed every two years.

232 (6) When a vacancy occurs in the membership for any reason, including missing three
233 consecutive meetings where the member has not been excused by the chair prior to or during
234 the meeting, the replacement shall be appointed for the unexpired term.

235 (7) A majority of the members constitutes a quorum for the transaction of business.

236 (8) (a) The executive director shall select a chair from the committee membership.

237 (b) A chair may serve no more than two one-year terms as chair.

238 (9) (a) Members who are not government employees may not receive compensation or
239 benefits for their services, but may receive per diem and expenses incurred in the performance
240 of the member's official duties at the rates established by the Division of Finance under
241 Sections 63A-3-106 and 63A-3-107.

242 (b) State government officer and employee members who do not receive salary, per
243 diem, or expenses from their agency for their service may receive per diem and expenses
244 incurred in the performance of their official duties from the committee at the rates established

245 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

246 (c) Members identified in Subsections (9)(a) and (b) may decline to receive per diem
247 and expenses for their service.

248 Section 7. Section **35A-4-201** is amended to read:

249 **35A-4-201. General definitions.**

250 As used in this chapter:

251 (1) "Base-period" means the first four of the last five completed calendar quarters next
252 preceding the first day of the individual's benefit year with respect to any individual whose
253 benefit year commences on or after January 5, 1986.

254 (2) "Benefit year" means the 52 consecutive week period beginning with the first week
255 with respect to which an individual files for benefits and is found to have an insured status.

256 (3) "Benefits" means the money payments payable to an individual as provided in this
257 chapter with respect to the individual's unemployment.

258 (4) "Calendar quarter" means the period of three consecutive months ending on March
259 31, June 30, September 30, or December 31, or the equivalent, as the department may by rule
260 prescribe.

261 (5) "Contribution" means the money payments required by this chapter to be made into
262 the Unemployment Compensation Fund by any employing unit on account of having
263 individuals in its employ.

264 (6) "Division" means the [~~Division of Workforce Information and Payment Services~~]
265 Unemployment Insurance Division.

266 (7) "Employment office" means a free public employment office or branch operated by
267 this or any other state as a part of a state-controlled system of public employment offices or by
268 a federal agency charged with the administration of an unemployment compensation program
269 or free public employment offices.

270 (8) "Employment Security Administration Fund" means the fund established by
271 Section 35A-4-505, and from which administrative expenses under this chapter shall be paid.

272 (9) "Extended benefits" has the meaning specified in Subsection 35A-4-402(7)(f).

273 (10) "Fund" means the Unemployment Compensation Fund established by this chapter.

274 (11) "Insured average annual wage" means on or before the 15th day of May of each
275 year, the total wages of insured workers for the preceding calendar year, divided by the average

276 monthly number of insured workers, determined by dividing by 12 the total insured workers for
277 the preceding calendar year as determined under the rules of the department calculated to two
278 decimal places, disregarding any fraction of one cent.

279 (12) "Insured average fiscal year wage" means on or before the 15th day of November
280 of each year, the total wages of insured workers for the preceding fiscal year, divided by the
281 average monthly number of insured workers, determined by dividing by 12 the total insured
282 workers for the preceding fiscal year as determined under the rules of the department calculated
283 to two decimal places, disregarding any fraction of one cent.

284 (13) "Insured average fiscal year weekly wage" means the insured average fiscal year
285 wage determined in Subsection (12), divided by 52, calculated to two decimal places,
286 disregarding any fraction of one cent.

287 (14) "Insured average weekly wage" means the insured average annual wage
288 determined in Subsection (11), divided by 52, calculated to two decimal places, disregarding
289 any fraction of one cent.

290 (15) "Insured status" means that an individual has, during the individual's base-period,
291 performed services and earned wages in employment sufficient to qualify for benefits under
292 Section 35A-4-403.

293 (16) "Insured work" means employment for an employer, as defined in Section
294 35A-4-203.

295 (17) "Monetary base period wage requirement" means 8% of the insured average fiscal
296 year wage for the preceding fiscal year, for example, fiscal year 1990 for individuals
297 establishing benefit years in 1991, rounded up to the next higher multiple of \$100.

298 (18) "State" includes the Commonwealth of Puerto Rico, the Virgin Islands, and the
299 District of Columbia.

300 (19) "Tribal unit" means a subdivision, subsidiary, or business enterprise wholly owned
301 by an American Indian tribe.

302 (20) "Week" means the period or periods of seven consecutive calendar days as the
303 department may prescribe by rule.

304 Section 8. Section **35A-4-312** is amended to read:

305 **35A-4-312. Records.**

306 (1) (a) Each employing unit shall keep true and accurate work records containing any

307 information the department may prescribe by rule.

308 (b) The records shall be open to inspection and subject to being copied by the division
309 or its authorized representatives at a reasonable time and as often as may be necessary.

310 (c) The employing unit shall make the records available in the state for three years after
311 the calendar year in which the services were rendered.

312 (2) The division may require from an employing unit any sworn or unsworn reports
313 with respect to persons employed by it that the division considers necessary for the effective
314 administration of this chapter.

315 (3) Except as provided in this section or in Sections 35A-4-103 and 35A-4-106,
316 information obtained under this chapter or obtained from an individual may not be published or
317 open to public inspection in any manner revealing the employing unit's or individual's identity.

318 (4) (a) The information obtained by the division under this section may not be used in
319 court or admitted into evidence in an action or proceeding, except:

320 (i) in an action or proceeding arising out of this chapter;

321 (ii) in an action or proceeding by the Labor Commission to enforce the provisions of
322 Title 34A, Utah Labor Code, or Chapters 23, 28, and 40 of Title 34, Labor in General, provided
323 the Labor Commission enters into a written agreement with the division under Subsection
324 (6)(b); or

325 (iii) under the terms of a court order obtained under Subsection 63-2-202(7) and
326 Section 63-2-207 of the Government Records Access and Management Act.

327 (b) The information obtained by the division under this section shall be disclosed to:

328 (i) a party to an unemployment insurance hearing before an administrative law judge of
329 the department or a review by the Workforce Appeals Board to the extent necessary for the
330 proper presentation of the party's case; or

331 (ii) an employer, upon request in writing for any information concerning claims for
332 benefits with respect to the employer's former employees.

333 (5) The information obtained by the division under this section may be disclosed to:

334 (a) an employee of the department in the performance of the employee's duties in
335 administering this chapter or other programs of the department;

336 (b) an employee of the Labor Commission for the purpose of carrying out the programs
337 administered by the Labor Commission;

338 (c) an employee of the governor's office and other state governmental agencies
339 administratively responsible for statewide economic development, to the extent necessary for
340 economic development policy analysis and formulation;

341 (d) an employee of other governmental agencies that are specifically identified and
342 authorized by federal or state law to receive the information for the purposes stated in the law
343 authorizing the employee of the agency to receive the information;

344 (e) an employee of a governmental agency or workers' compensation insurer to the
345 extent the information will aid in the detection or avoidance of duplicate, inconsistent, or
346 fraudulent claims against a workers' compensation program, public assistance funds, or the
347 recovery of overpayments of workers' compensation or public assistance funds;

348 (f) an employee of a law enforcement agency to the extent the disclosure is necessary
349 to avoid a significant risk to public safety or in aid of a felony criminal investigation;

350 (g) an employee of the State Tax Commission or the Internal Revenue Service for the
351 purposes of audit verification or simplification, state or federal tax compliance, verification of
352 Standard Industry Codes, and statistics;

353 (h) an employee or contractor of the department or an educational institution, or other
354 governmental entity engaged in workforce investment and development activities under the
355 Workforce Investment Act of 1998 for the purpose of coordinating services with the
356 department, evaluating the effectiveness of those activities, and measuring performance;

357 (i) an employee of the Department of Community and Economic Development, for the
358 purpose of periodically publishing in the Directory of Business and Industry, the name, address,
359 telephone number, number of employees by range, Standard Industrial Code, and type of
360 ownership of Utah employers;

361 (j) the public for any purpose following a written waiver by all interested parties of
362 their rights to nondisclosure; or

363 (k) an individual whose wage data has been submitted to the department by an
364 employer, so long as no information other than the individual's wage data and the identity of
365 the party who submitted the information is provided to the individual.

366 (6) Disclosure of private information under Subsection (4)(a)(ii) or Subsection (5),
367 with the exception of Subsections (5)(a) and (f), shall be made only if:

368 (a) the division determines that the disclosure will not have a negative effect on the

369 willingness of employers to report wage and employment information or on the willingness of
370 individuals to file claims for unemployment benefits; and

371 (b) the agency enters into a written agreement with the division in accordance with
372 rules made by the department.

373 (7) (a) The employees of a division of the department other than the [~~Division of~~
374 Workforce Development and Information [~~and Payment Services~~] Division and the
375 Unemployment Insurance Division or an agency receiving private information from the
376 division under this chapter are subject to the same requirements of privacy and confidentiality
377 and to the same penalties for misuse or improper disclosure of the information as employees of
378 the division.

379 (b) Use of private information obtained from the department by a person, or for a
380 purpose other than one authorized in Subsection (4) or (5) violates Subsection 76-8-1301(4).

381 Section 9. Section **35A-5-102** is amended to read:

382 **35A-5-102. Federal grants for retraining.**

383 (1) By following the procedures and requirements of Title 63, Chapter 38e, Federal
384 Funds Procedures, the state, through the [~~Division of~~] Employment Development Division may
385 and is encouraged to apply for retraining, community assistance, or technology transfer funds
386 available through:

387 (a) the United States Department of Defense;

388 (b) United States Department of Labor; or

389 (c) other appropriate federal offices or departments.

390 (2) In applying for federal funds, the state through its [~~Division of~~] Employment
391 Development Division or other appropriate office may inform the federal government of state
392 matching or enhancement funds if those funds are available under Section 67-1-12.

393 Section 10. Section **53B-12-101** is amended to read:

394 **53B-12-101. Utah Higher Education Assistance Authority designated -- Powers**
395 **and duties.**

396 The board is the Utah Higher Education Assistance Authority and, in this capacity, may
397 do the following:

398 (1) guarantee 100% of the principal of and interest on a loan to or for the benefit of a
399 person attending or accepted to attend an eligible postsecondary educational institution to assist

400 that person in meeting any educational expenses incurred in an academic year;

401 (2) take, hold, and administer real or personal property and moneys, including interest
402 and income, either absolutely or in trust, for any purpose under this chapter;

403 (3) acquire property for the purposes indicated in Subsection (2) by purchase or lease
404 and by the acceptance of gifts, grants, bequests, devises, or loans;

405 (4) enter into or contract with an eligible lending institution, or with a public or private
406 postsecondary educational institution to provide for the administration by the institution of any
407 loan or loan guarantee made by it, including application and repayment provisions;

408 (5) participate in federal programs guaranteeing, reinsuring, or otherwise supporting
409 loans to eligible borrowers for postsecondary educational purposes and agree to, and comply
410 with, the conditions and regulations applicable to those programs;

411 (6) adopt, amend, or repeal rules, in accordance with Title 63, Chapter 46a, Utah
412 Administrative Rulemaking Act, to govern the activities authorized by this chapter;

413 (7) receive state appropriations for the fund established under Section 53B-12-104 to
414 match deposits and to accept contributions received by it for this purpose;

415 (8) receive funds from the federal government to assist in implementing federally
416 supported programs administered under this chapter;

417 (9) engage, appoint, or contract for the services of officers, agents, employees, and
418 private consultants to render and perform professional and technical duties and provide
419 assistance and advice in carrying out the purposes of this chapter, to describe their duties, and
420 to fix the amount and source of their compensation; and

421 (10) receive employment information from the [~~Division of~~] Workforce Development
422 and Information [~~and Payment Services~~] Division in accordance with Section 35A-4-312 for
423 the purpose of collecting defaulted student loans made under this chapter. The information
424 obtained under this Subsection (10) shall be limited to the employer's name, address, and
425 telephone number for borrowers who have defaulted on a student loan held by the Utah Higher
426 Education Assistance Authority.

427 Section 11. Section **58-55-302** is amended to read:

428 **58-55-302. Qualifications for licensure.**

429 (1) Each applicant for a license under this chapter shall:

430 (a) submit an application prescribed by the division;

- 431 (b) pay a fee as determined by the department under Section 63-38-3.2;
- 432 (c) (i) meet the examination requirements established by rule by the commission with
433 the concurrence of the director, except for the classifications of apprentice plumber, residential
434 apprentice plumber, and apprentice electrician for whom no examination is required; or
- 435 (ii) if required in Section 58-55-304, the individual qualifier must pass the required
436 examination if the applicant is a business entity;
- 437 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;
- 438 (e) if an applicant for a contractor's license:
- 439 (i) produce satisfactory evidence of financial responsibility, except for a construction
440 trades instructor for whom evidence of financial responsibility is not required;
- 441 (ii) produce satisfactory evidence of knowledge and experience in the construction
442 industry and knowledge of the principles of the conduct of business as a contractor, reasonably
443 necessary for the protection of the public health, safety, and welfare; and
- 444 (iii) be a licensed master electrician if an applicant for an electrical contractor's license
445 or a licensed master residential electrician if an applicant for a residential electrical contractor's
446 license; or
- 447 (iv) be a journeyman plumber or residential journeyman plumber if an applicant for a
448 plumbing contractor's license; and
- 449 (f) if an applicant for a construction trades instructor license, satisfy any additional
450 requirements established by rule.
- 451 (2) After approval of an applicant for a contractor's license by the applicable board and
452 the division, the applicant shall file the following with the division before the division issues
453 the license:
- 454 (a) proof of workers' compensation insurance which covers employees of the applicant
455 in accordance with applicable Utah law;
- 456 (b) proof of public liability insurance in coverage amounts and form established by rule
457 except for a construction trades instructor for whom public liability insurance is not required;
458 and
- 459 (c) proof of registration as required by applicable law with the:
- 460 (i) Utah Department of Commerce;
- 461 (ii) Division of Corporations and Commercial Code;

462 (iii) [~~Division of Workforce Information and Payment Services~~] Unemployment
463 Insurance Division in the Department of Workforce Services, for purposes of Title 35A,
464 Chapter 4, Employment Security Act;

465 (iv) State Tax Commission; and

466 (v) Internal Revenue Service.

467 (3) In addition to the general requirements for each applicant in Subsection (1),
468 applicants shall comply with the following requirements to be licensed in the following
469 classifications:

470 (a) A journeyman plumber applicant shall produce satisfactory evidence of:

471 (i) successful completion of the equivalent of at least four years of full-time training
472 and instruction as a licensed apprentice plumber under supervision of a licensed journeyman
473 plumber and in accordance with a planned program of training approved by the division;

474 (ii) at least eight years of full-time experience approved by the division in collaboration
475 with the Plumbers Licensing Board; or

476 (iii) satisfactory evidence of meeting the qualifications determined by the board to be
477 equivalent to Subsection (3)(a)(i) or (a)(ii).

478 (b) A residential journeyman plumber shall produce satisfactory evidence of:

479 (i) completion of the equivalent of at least three years of full-time training and
480 instruction as a licensed apprentice plumber under the supervision of a licensed residential
481 journeyman plumber or licensed journeyman plumber in accordance with a planned program of
482 training approved by the division;

483 (ii) completion of at least six years of full-time experience in a maintenance or repair
484 trade involving substantial plumbing work; or

485 (iii) meeting the qualifications determined by the board to be equivalent to Subsection
486 (3)(b)(i) or (b)(ii).

487 (c) (i) A master electrician applicant shall produce satisfactory evidence that the
488 applicant:

489 (A) is a graduate electrical engineer of an accredited college or university approved by
490 the division and has one year of practical electrical experience as a licensed apprentice
491 electrician;

492 (B) is a graduate of an electrical trade school, having received an associate of applied

493 sciences degree following successful completion of a course of study approved by the division,
494 and has two years of practical experience as a licensed journeyman electrician;

495 (C) has four years of practical experience as a journeyman electrician; or

496 (D) meets the qualifications determined by the board to be equivalent to Subsection
497 (3)(c)(i)(A), (B), or (C).

498 (ii) (A) An individual holding a valid Utah license as a master electrician, based on at
499 least eight years of practical experience as a licensed apprentice under the supervision of a
500 licensed journeyman or master electrician, in effect immediately prior to May 3, 2004, is on
501 and after May 3, 2004, considered to hold a current license under this chapter and satisfies the
502 requirements of this Subsection (3)(c) for the purpose of renewal or reinstatement of that
503 license under Section 58-55-303.

504 (B) An individual who has less than four years of practical experience as a licensed
505 apprentice under the supervision of a licensed journeyman or master electrician prior to May 3,
506 2004, shall complete the education requirements of Subsection (3)(c)(i)(A) or (B) to qualify for
507 licensing as a master electrician.

508 (C) An individual who has more than four but less than six years of practical
509 experience as a licensed apprentice under the supervision of a licensed journeyman or master
510 electrician prior to May 3, 2004, may satisfy the education requirements of Subsection
511 (3)(c)(i)(A) or (B) by successfully passing a competency placement test approved by the board
512 and administered at a Utah state institution of higher education.

513 (D) An individual who has more than six but less than eight years of practical
514 experience as a licensed apprentice under the supervision of a licensed journeyman or master
515 electrician prior to May 3, 2004, satisfies the education requirements of this Subsection (3)(c)
516 by completing the eight-year term of practical experience within a reasonable time frame
517 subsequent to May 3, 2004, as established by board rule in accordance with Title 63, Chapter
518 46a, Utah Administrative Rulemaking Act.

519 (d) A master residential electrician applicant shall produce satisfactory evidence that
520 the applicant:

521 (i) has at least two years of practical experience as a residential journeyman electrician;

522 or

523 (ii) meets the qualifications determined by the board to be equivalent to this practical

524 experience.

525 (e) (i) A journeyman electrician applicant shall produce satisfactory evidence that the
526 applicant:

527 (A) has successfully completed at least four years of full-time training and instruction
528 as a licensed apprentice electrician under the supervision of a master electrician or journeyman
529 electrician and in accordance with a planned training program approved by the division;

530 (B) has at least eight years of full-time experience approved by the division in
531 collaboration with the Electricians Licensing Board; or

532 (C) meets the qualifications determined by the board to be equivalent to Subsection
533 (3)(e)(i)(A) or (B).

534 (ii) An individual holding a valid Utah license as a journeyman electrician, based on at
535 least six years of full-time experience approved by the division in collaboration with the
536 Electricians Licensing Board in effect immediately prior to May 3, 2004, is on and after May 3,
537 2004, considered to hold a current license under this chapter and satisfies the requirements of
538 Subsection (3)(e)(i)(B) for the purpose of renewal or reinstatement of that license under
539 Section 58-55-303.

540 (iii) An individual who has more than six but less than eight years of full-time
541 experience approved by the division in collaboration with the Electricians Licensing Board
542 prior to May 3, 2004, satisfies the requirements of Subsection (3)(e)(i) by completing the
543 eight-year term of practical experience within a reasonable time frame subsequent to May 3,
544 2004, as established by board rule in accordance with Title 63, Chapter 46a, Utah
545 Administrative Rulemaking Act.

546 (f) A residential journeyman electrician applicant shall produce satisfactory evidence
547 that the applicant:

548 (i) has successfully completed two years of training in an electrical training program
549 approved by the division;

550 (ii) has four years of practical experience in wiring, installing, and repairing electrical
551 apparatus and equipment for light, heat, and power under the supervision of a licensed master,
552 journeyman, residential master, or residential journeyman electrician; or

553 (iii) meets the qualifications determined by the division and applicable board to be
554 equivalent to Subsection (3)(f)(i) or (ii).

555 (g) The conduct of licensed apprentice electricians and their licensed supervisors shall
556 be in accordance with the following:

557 (i) A licensed apprentice electrician shall be under the immediate supervision of a
558 licensed master, journeyman, residential master, or residential journeyman electrician. An
559 apprentice in the fourth year of training may work without supervision for a period not to
560 exceed eight hours in any 24-hour period.

561 (ii) A licensed master, journeyman, residential master, or residential journeyman
562 electrician may have under immediate supervision on a residential project up to three licensed
563 apprentice electricians.

564 (iii) A licensed master or journeyman electrician may have under immediate
565 supervision on nonresidential projects only one licensed apprentice electrician.

566 (h) An alarm company applicant shall:

567 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of
568 the applicant who:

569 (A) demonstrates 6,000 hours of experience in the alarm company business;

570 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm
571 company business or in a construction business; and

572 (C) passes an examination component established by rule by the commission with the
573 concurrence of the director;

574 (ii) if a corporation, provide:

575 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
576 of all corporate officers, directors, and those responsible management personnel employed
577 within the state or having direct responsibility for managing operations of the applicant within
578 the state; and

579 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
580 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this
581 shall not be required if the stock is publicly listed and traded;

582 (iii) if a limited liability company, provide:

583 (A) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
584 of all company officers, and those responsible management personnel employed within the
585 state or having direct responsibility for managing operations of the applicant within the state;

586 and

587 (B) the names, addresses, dates of birth, Social Security numbers, and fingerprint cards
588 of all individuals owning 5% or more of the equity of the company;

589 (iv) if a partnership, the names, addresses, dates of birth, Social Security numbers, and
590 fingerprint cards of all general partners, and those responsible management personnel
591 employed within the state or having direct responsibility for managing operations of the
592 applicant within the state;

593 (v) if a proprietorship, the names, addresses, dates of birth, Social Security numbers,
594 and fingerprint cards of the proprietor, and those responsible management personnel employed
595 within the state or having direct responsibility for managing operations of the applicant within
596 the state;

597 (vi) be of good moral character in that officers, directors, shareholders described in
598 Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel have not
599 been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that
600 when considered with the duties and responsibilities of an alarm company is considered by the
601 board to indicate that the best interests of the public are served by granting the applicant a
602 license;

603 (vii) document that none of the applicant's officers, directors, shareholders described in
604 Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel have
605 been declared by any court of competent jurisdiction incompetent by reason of mental defect or
606 disease and not been restored;

607 (viii) document that none of the applicant's officers, directors, shareholders described
608 in Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel are
609 currently suffering from habitual drunkenness or from drug addiction or dependence;

610 (ix) file and maintain with the division evidence of:

611 (A) comprehensive general liability insurance in form and in amounts to be established
612 by rule by the commission with the concurrence of the director;

613 (B) workers' compensation insurance that covers employees of the applicant in
614 accordance with applicable Utah law; and

615 (C) registration as is required by applicable law with the:

616 (I) Division of Corporations and Commercial Code;

617 (II) [~~Division of Workforce Information and Payment Services~~] Unemployment
618 Insurance Division in the Department of Workforce Services, for purposes of Title 35A,
619 Chapter 4, Employment Security Act;

620 (III) State Tax Commission; and
621 (IV) Internal Revenue Service; and
622 (x) meet with the division and board.

623 (i) Each applicant for licensure as an alarm company agent shall:
624 (i) submit an application in a form prescribed by the division accompanied by
625 fingerprint cards;
626 (ii) pay a fee determined by the department under Section 63-38-3.2;
627 (iii) be of good moral character in that the applicant has not been convicted of a felony,
628 a misdemeanor involving moral turpitude, or any other crime that when considered with the
629 duties and responsibilities of an alarm company agent is considered by the board to indicate
630 that the best interests of the public are served by granting the applicant a license;

631 (iv) not have been declared by any court of competent jurisdiction incompetent by
632 reason of mental defect or disease and not been restored;

633 (v) not be currently suffering from habitual drunkenness or from drug addiction or
634 dependence; and

635 (vi) meet with the division and board if requested by the division or the board.

636 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
637 division may make rules establishing when Federal Bureau of Investigation records shall be
638 checked for applicants as an alarm company or alarm company agent.

639 (5) To determine if an applicant meets the qualifications of Subsections (3)(h)(vi) and
640 (3)(i)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the
641 Department of Public Safety with the division's request to:

642 (a) conduct a search of records of the Department of Public Safety for criminal history
643 information relating to each applicant for licensure as an alarm company or alarm company
644 agent and each applicant's officers, directors, shareholders described in Subsection
645 (3)(h)(ii)(B), partners, proprietors, and responsible management personnel; and
646 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
647 requiring a check of records of the F.B.I. for criminal history information under this section.

648 (6) The Department of Public Safety shall send to the division:
649 (a) a written record of criminal history, or certification of no criminal history record, as
650 contained in the records of the Department of Public Safety in a timely manner after receipt of
651 a fingerprint card from the division and a request for review of Department of Public Safety
652 records; and
653 (b) the results of the F.B.I. review concerning an applicant in a timely manner after
654 receipt of information from the F.B.I.
655 (7) (a) The division shall charge each applicant for licensure as an alarm company or
656 alarm company agent a fee, in accordance with Section 63-38-3.2, equal to the cost of
657 performing the records reviews under this section.
658 (b) The division shall pay the Department of Public Safety the costs of all records
659 reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews
660 under this section.
661 (8) Information obtained by the division from the reviews of criminal history records of
662 the Department of Public Safety and the F.B.I. shall be used or disseminated by the division
663 only for the purpose of determining if an applicant for licensure as an alarm company or alarm
664 company agent is qualified for licensure.
665 (9) (a) An application for licensure under this chapter shall be denied if:
666 (i) the applicant has had a previous license, which was issued under this chapter,
667 suspended or revoked within one year prior to the date of the applicant's application;
668 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and
669 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
670 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
671 status, performing similar functions, or directly or indirectly controlling the applicant has
672 served in any similar capacity with any person or entity which has had a previous license,
673 which was issued under this chapter, suspended or revoked within one year prior to the date of
674 the applicant's application; or
675 (iii) (A) the applicant is an individual or sole proprietorship; and
676 (B) any owner or agent acting as a qualifier has served in any capacity listed in
677 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under
678 this chapter, suspended or revoked within one year prior to the date of the applicant's

679 application.

680 (b) An application for licensure under this chapter shall be reviewed by the appropriate
681 licensing board prior to approval if:

682 (i) the applicant has had a previous license, which was issued under this chapter,
683 suspended or revoked more than one year prior to the date of the applicant's application;

684 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

685 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
686 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
687 status, performing similar functions, or directly or indirectly controlling the applicant has
688 served in any similar capacity with any person or entity which has had a previous license,
689 which was issued under this chapter, suspended or revoked more than one year prior to the date
690 of the applicant's application; or

691 (iii) (A) the applicant is an individual or sole proprietorship; and

692 (B) any owner or agent acting as a qualifier has served in any capacity listed in
693 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
694 this chapter, suspended or revoked more than one year prior to the date of the applicant's
695 application.

696 Section 12. Section **58-63-302** is amended to read:

697 **58-63-302. Qualifications for licensure.**

698 (1) Each applicant for licensure as a contract security company shall:

699 (a) submit an application in a form prescribed by the division;

700 (b) pay a fee determined by the department under Section 63-38-3.2;

701 (c) have a qualifying agent who is a resident of the state and an officer, director,
702 partner, proprietor, or manager of the applicant who:

703 (i) passes an examination component established by rule by the division in
704 collaboration with the board; and

705 (ii) (A) demonstrates 6,000 hours of experience as a manager, supervisor, or
706 administrator of a contract security company; or

707 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in
708 collaboration with the board with a federal, United States military, state, county, or municipal
709 law enforcement agency;

710 (d) if a corporation, provide:

711 (i) the names, addresses, dates of birth, and Social Security numbers of all corporate
712 officers, directors, and those responsible management personnel employed within the state or
713 having direct responsibility for managing operations of the applicant within the state; and

714 (ii) the names, addresses, dates of birth, and Social Security numbers, of all
715 shareholders owning 5% or more of the outstanding shares of the corporation, except this may
716 not be required if the stock is publicly listed and traded;

717 (e) if a limited liability company, provide:

718 (i) the names, addresses, dates of birth, and Social Security numbers of all company
719 officers, and those responsible management personnel employed within the state or having
720 direct responsibility for managing operations of the applicant within the state; and

721 (ii) the names, addresses, dates of birth, and Social Security numbers of all individuals
722 owning 5% or more of the equity of the company;

723 (f) if a partnership, the names, addresses, dates of birth, and Social Security numbers of
724 all general partners, and those responsible management personnel employed within the state or
725 having direct responsibility for managing operations of the applicant within the state;

726 (g) if a proprietorship, the names, addresses, dates of birth, and Social Security
727 numbers of the proprietor, and those responsible management personnel employed within the
728 state or having direct responsibility for managing operations of the applicant within the state;

729 (h) be of good moral character in that officers, directors, shareholders described in
730 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not
731 been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that
732 when considered with the duties and responsibilities of a contract security company is
733 considered by the division and the board to indicate that the best interests of the public are not
734 served by granting the applicant a license;

735 (i) document that none of the applicant's officers, directors, shareholders described in
736 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:

737 (i) have been declared by any court of competent jurisdiction incompetent by reason of
738 mental defect or disease and not been restored; and

739 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

740 (j) file and maintain with the division evidence of:

- 741 (i) comprehensive general liability insurance in form and in amounts to be established
742 by rule by the division in collaboration with the board;
- 743 (ii) workers' compensation insurance that covers employees of the applicant in
744 accordance with applicable Utah law;
- 745 (iii) registration with the Division of Corporations and Commercial Code; and
746 (iv) registration as required by applicable law with the:
- 747 (A) [~~Division of Workforce Information and Payment Services~~] Unemployment
748 Insurance Division in the Department of Workforce Services, for purposes of Title 35A,
749 Chapter 4, Employment Security Act;
- 750 (B) State Tax Commission; and
751 (C) Internal Revenue Service; and
- 752 (k) meet with the division and board if requested by the division or board.
- 753 (2) Each applicant for licensure as an armed private security officer shall:
- 754 (a) submit an application in a form prescribed by the division;
755 (b) pay a fee determined by the department under Section 63-38-3.2;
756 (c) be of good moral character in that the applicant has not been convicted of a felony,
757 a misdemeanor involving moral turpitude, or any other crime that when considered with the
758 duties and responsibilities of an armed private security officer is considered by the division and
759 the board to indicate that the best interests of the public are not served by granting the applicant
760 a license;
- 761 (d) not have been declared by any court of competent jurisdiction incompetent by
762 reason of mental defect or disease and not been restored;
- 763 (e) not be currently suffering from habitual drunkenness or from drug addiction or
764 dependence;
- 765 (f) successfully complete basic education and training requirements established by rule
766 by the division in collaboration with the board;
- 767 (g) successfully complete firearms training requirements established by rule by the
768 division in collaboration with the board;
- 769 (h) pass the examination requirement established by rule by the division in
770 collaboration with the board; and
- 771 (i) meet with the division and board if requested by the division or the board.

- 772 (3) Each applicant for licensure as an unarmed private security officer shall:
- 773 (a) submit an application in a form prescribed by the division;
- 774 (b) pay a fee determined by the department under Section 63-38-3.2;
- 775 (c) be of good moral character in that the applicant has not been convicted of a felony,
- 776 a misdemeanor involving moral turpitude, or any other crime that when considered with the
- 777 duties and responsibilities of an unarmed private security officer is considered by the division
- 778 and the board to indicate that the best interests of the public are not served by granting the
- 779 applicant a license;
- 780 (d) not have been declared by any court of competent jurisdiction incompetent by
- 781 reason of mental defect or disease and not been restored;
- 782 (e) not be currently suffering from habitual drunkenness or from drug addiction or
- 783 dependence;
- 784 (f) successfully complete basic education and training requirements established by rule
- 785 by the division in collaboration with the board;
- 786 (g) pass the examination requirement established by rule by the division in
- 787 collaboration with the board; and
- 788 (h) meet with the division and board if requested by the division or board.
- 789 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 790 division may make rules establishing when Federal Bureau of Investigation records shall be
- 791 checked for applicants.
- 792 (5) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
- 793 and (3)(c), the division shall provide an appropriate number of copies of fingerprint cards to the
- 794 Department of Public Safety with the division's request to:
- 795 (a) conduct a search of records of the Department of Public Safety for criminal history
- 796 information relating to each applicant for licensure under this chapter and each applicant's
- 797 officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and
- 798 responsible management personnel; and
- 799 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
- 800 requiring a check of records of the F.B.I. for criminal history information under this section.
- 801 (6) The Department of Public Safety shall send to the division:
- 802 (a) a written record of criminal history, or certification of no criminal history record, as

803 contained in the records of the Department of Public Safety in a timely manner after receipt of
804 a fingerprint card from the division and a request for review of Department of Public Safety
805 records; and

806 (b) the results of the F.B.I. review concerning an applicant in a timely manner after
807 receipt of information from the F.B.I.

808 (7) (a) The division shall charge each applicant a fee, in accordance with Section
809 63-38-3.2, equal to the cost of performing the records reviews under this section.

810 (b) The division shall pay the Department of Public Safety the costs of all records
811 reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews
812 under this chapter.

813 (8) Information obtained by the division from the reviews of criminal history records of
814 the Department of Public Safety and the F.B.I. shall be used or disseminated by the division
815 only for the purpose of determining if an applicant for licensure under this chapter is qualified
816 for licensure.

817 Section 13. Section **62A-4a-105** is amended to read:

818 **62A-4a-105. Division responsibilities.**

819 The division shall:

820 (1) administer services to children and families, including child welfare services,
821 domestic violence services, and all other responsibilities that the Legislature or the executive
822 director may assign to the division;

823 (2) establish standards for all contract providers of out-of-home care for children and
824 families;

825 (3) cooperate with the federal government in the administration of child welfare and
826 domestic violence programs and other human service activities assigned by the department;

827 (4) provide for the compilation of relevant information, statistics, and reports on child
828 and family service matters in the state;

829 (5) prepare and submit to the department, the governor, and the Legislature reports of
830 the operation and administration of the division in accordance with the requirements of
831 Sections 62A-4a-117 and 62A-4a-118;

832 (6) promote and enforce state and federal laws enacted for the protection of abused,
833 neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in

834 accordance with the requirements of this chapter, unless administration is expressly vested in
835 another division or department of the state. In carrying out the provisions of this Subsection
836 (6), the division shall cooperate with the juvenile courts, the Division of Juvenile Justice
837 Services, and with all public and private licensed child welfare agencies and institutions to
838 develop and administer a broad range of services and supports. The division shall take the
839 initiative in all matters involving the protection of abused or neglected children if adequate
840 provisions have not been made or are not likely to be made, and shall make expenditures
841 necessary for the care and protection of those children, within the division's budget;

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

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

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

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

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

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

861 (13) establish programs and provide services to minors who have been placed in the
862 custody of the division for reasons other than abuse or neglect, pursuant to Section
863 62A-4a-250;

864 (14) provide shelter care in accordance with the requirements of this chapter and Title

865 78, Chapter 3a, Juvenile Court Act of 1996;

866 (15) provide social studies and reports for the juvenile court in accordance with Section
867 78-3a-505;

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

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

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

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

878 (19) provide protective services to victims of domestic violence, as defined in Section
879 77-36-1, and their children, in accordance with the provisions of this chapter and of Title 78,
880 Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings;

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

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

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

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

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

890 (22) perform such other duties and functions as required by law.

891 Section 14. Section **62A-4a-709** is amended to read:

892 **62A-4a-709. Medical assistance identification.**

893 (1) As used in this section:

894 (a) "Adoption assistance" means financial support to adoptive parents provided under
895 the Adoption Assistance and Child Welfare Act of 1980, Titles IV (e) and XIX of the Social

896 Security Act.

897 (b) "Adoption assistance agreement" means a written agreement between the division
898 and adoptive parents or between any state and adoptive parents, providing for adoption
899 assistance.

900 (c) "Interstate compact" means an agreement executed by the division with any other
901 state, under the authority granted in Section 62A-4a-907.

902 (2) The ~~[Division of]~~ Employment Development Division in the Department of
903 Workforce Services and the Division of Health Care Financing shall cooperate with the
904 division and comply with interstate compacts.

905 (3) A child who is a resident of this state and is the subject of an interstate compact is
906 entitled to receive medical assistance identification from the ~~[Division of]~~ Employment
907 Development Division in the Department of Workforce Services and the Division of Health
908 Care Financing by filing a certified copy of his adoption assistance agreement with that office.
909 The adoptive parents shall annually provide that office with evidence, verifying that the
910 adoption assistance agreement is still effective.

911 (4) The ~~[Division of]~~ Employment Development Division in the Department of
912 Workforce Services shall consider the holder of medical assistance identification received
913 under this section as it does any other holder of medical assistance identification received
914 under an adoption assistance agreement executed by the division.

915 (5) The submission of any claim for payment or reimbursement under this section that
916 is known to be false, misleading, or fraudulent is punishable as a third degree felony.

917 Section 15. Section **63-55-235** is amended to read:

918 **63-55-235. Repeal dates, Title 35A.**

919 (1) Title 35A, Utah Workforce Services Code, is repealed July 1, ~~[2005]~~ 2015.

920 (2) Section 35A-3-114, the Displaced Homemaker Program, together with the
921 provision for funding that program contained in Subsection 17-16-21(2)(b), is repealed July 1,
922 2007.

923 ~~[(3) Section 35A-4-402.5, the additional unemployment compensation benefits~~
924 ~~program, is repealed July 1, 2004.]~~

925 Section 16. Section **63-75-6** is amended to read:

926 **63-75-6. Prevention and early intervention programs -- Applicants -- Selection**

927 **process.**

928 (1) Within appropriations from the Legislature, the council shall implement prevention
929 and early intervention programs for children and youth at risk.

930 (2) The council shall select a limited number of participants for programs described in
931 Subsection (1) through applications submitted by local entities.

932 (3) (a) (i) The written consent of a parent or guardian is necessary for a child or youth
933 at risk to participate in a program operated under Subsection (1).

934 (ii) Programs for children who are enrolled in public schools shall also be subject to the
935 disclosure and written consent provisions of Section 53A-13-301 and Section 53A-13-302.

936 (iii) A parent or guardian may withdraw consent at any time.

937 (b) Notwithstanding Subsection (3)(a), a court may order a child's participation in a
938 prevention and early intervention program.

939 (4) The prevention and early intervention services provided under this section shall:

940 (a) be comprehensive and collaborative;

941 (b) seek to strengthen and preserve families;

942 (c) be culturally sensitive, family focused, and community based;

943 (d) protect children and youth at risk;

944 (e) prevent abuse and neglect;

945 (f) provide access to health care; and

946 (g) prevent academic failure as defined in Subsection 78-3a-316(2)(a).

947 (5) (a) A case management team shall be established at each participating site.

948 (b) The case management team shall include at least the following:

949 (i) parents who represent a community perspective on children and youth at risk;

950 (ii) an educator at the school if the child receiving services is enrolled in a public
951 school;

952 (iii) the principal if the child receiving services is enrolled in a public school;

953 (iv) a public health nurse;

954 (v) a representative of the local mental health authority;

955 (vi) a representative from the Division of Child and Family Services within the
956 Department of Human Services;

957 (vii) a representative from the ~~Division of~~ Employment Development Division; and

958 (viii) other persons considered appropriate by those persons specified in Subsections
959 (5)(b)(i) through (vii), based on the needs of the child or youth and his family.

960 (6) (a) Nothing in this chapter shall be construed to waive the civil, constitutional, or
961 parental rights of any child, youth, parent, or guardian.

962 (b) The case management team shall recommend that children or youth be evaluated
963 for at risk intervention.

Legislative Review Note
as of 12-7-04 8:43 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-08-04 11:22 AM

The Workforce Services and Community and Economic Development Interim Committee recommended this bill.

Fiscal Note
Bill Number SB0012

Department of Workforce Services Amendments

12-Jan-05

2:38 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst