

Ronald M. Winterton proposes the following substitute bill:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Refugee Services Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill creates the Refugee Services Office within the Department of Workforce Services.

Highlighted Provisions:

This bill:

- defines terms;
- creates the Refugee Services Office (office) within the Department of Workforce Services;
- describes the duties and functions of the office; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-1-202, as last amended by Laws of Utah 2021, Chapter 281

35A-3-103, as last amended by Laws of Utah 2023, Chapter 328

ENACTS:

35A-3-801, Utah Code Annotated 1953

35A-3-802, Utah Code Annotated 1953

35A-3-803, Utah Code Annotated 1953

35A-3-804, Utah Code Annotated 1953

35A-3-805, Utah Code Annotated 1953

35A-3-806, Utah Code Annotated 1953

REPEALS:

35A-3-701, as renumbered and amended by Laws of Utah 2015, Chapter 221

29 **35A-3-702**, as renumbered and amended by Laws of Utah 2015, Chapter 221



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

32 Section 1. Section **35A-1-202** is amended to read:

33 **35A-1-202 . Divisions -- Creation -- Duties -- Workforce Appeals Board, councils,**
34 **Child Care Advisory Committee, and economic service areas.**

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

- 36 (a) the Workforce Development Division to administer the development and
- 37 implementation of employment assistance programs;
- 38 (b) the Workforce Research and Analysis Division;
- 39 (c) the Unemployment Insurance Division to administer Chapter 4, Employment
- 40 Security Act;
- 41 (d) the Eligibility Services Division to administer public assistance eligibility;
- 42 (e) the Division of Adjudication to adjudicate claims or actions in accordance with this
- 43 title;
- 44 (f) the Housing and Community Development Division, which is described in Sections
- 45 35A-8-201 and 35A-8-202;
- 46 (g) the Utah State Office of Rehabilitation, which is described in Section 35A-13-103;[
- 47 and]
- 48 (h) the Office of Homeless Services, which is described in Section 35A-16-202[.];
- 49 (i) the Office of Child Care, which is described in Sections 35A-3-202 and 35A-3-203;
- 50 and
- 51 (j) the Refugee Services Office, which is described in Chapter 3, Part 8, Refugee
- 52 Services.

53 (2) In addition to the divisions created under Subsection (1), within the department are the
54 following:

- 55 (a) the Workforce Appeals Board created in Section 35A-1-205;
- 56 (b) the State Workforce Development Board created in Section 35A-1-206;
- 57 (c) the Employment Advisory Council created in Section 35A-4-502;
- 58 (d) the Child Care Advisory Committee created in Section 35A-3-205; and
- 59 (e) the economic service areas created in accordance with Chapter 2, Economic Service
- 60 Areas.

61 Section 2. Section **35A-3-103** is amended to read:

62 **35A-3-103 . Department responsibilities.**

- 63 The department shall:
- 64 (1) administer public assistance programs assigned by the Legislature and the governor;
- 65 (2) determine eligibility for public assistance programs in accordance with the requirements
66 of this chapter;
- 67 (3) cooperate with the federal government in the administration of public assistance
68 programs;
- 69 (4) administer state employment services;
- 70 (5) provide for the compilation of necessary or desirable information, statistics, and reports;
- 71 (6) perform other duties and functions required by law;
- 72 (7) monitor the application of eligibility policy;
- 73 (8) develop personnel training programs for effective and efficient operation of the
74 programs administered by the department;
- 75 (9) provide refugee resettlement services in accordance with Section [~~35A-3-701~~] 35A-3-803;
- 76 (10) provide child care assistance for children in accordance with Part 2, Office of Child
77 Care;
- 78 (11) provide services that enable an applicant or recipient to qualify for affordable housing
79 in cooperation with:
- 80 (a) the Utah Housing Corporation;
- 81 (b) the Housing and Community Development Division; and
- 82 (c) local housing authorities;
- 83 (12) administer the Medicaid Eligibility Quality Control function in accordance with 42
84 C.F.R. Sec. 431.812; and
- 85 (13) conduct non-clinical eligibility hearings and issue final decisions in adjudicative
86 proceedings, including expedited appeals as defined in 42 C.F.R. Sec. 431.224, for
87 medical assistance eligibility under:
- 88 (a) Title 26B, Chapter 3, Health Care - Administration and Assistance; or
- 89 (b) Title 26B, Chapter 3, Part 9, Utah Children's Health Insurance Program.

90 Section 3. Section **35A-3-801** is enacted to read:

91 **Part 8. Refugee Services**

92 **35A-3-801 . Definitions.**

93 As used in this part:

- 94 (1) "Director" means the director of the Refugee Services Office.
- 95 (2) "Office" means the Refugee Services Office created in Section 35A-3-802.
- 96 (3) "Refugee" means a person who is lawfully present in the United States and who meets

97 the definition of a refugee under the Immigration and Nationality Act, 8 U.S.C. Sec.
98 1101(a)(42), and related federal regulations.

99 Section 4. Section **35A-3-802** is enacted to read:

100 **35A-3-802 . Refugee Services Office - Creation.**

101 (1) There is created within the department a Refugee Services Office.

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

104 Section 5. Section **35A-3-803** is enacted to read:

105 **35A-3-803 . Functions and duties of office -- Annual report.**

106 (1) The office shall:

107 (a) provide refugee resettlement services to eligible refugees pursuant to federal
108 regulations;

109 (b) operate a refugee cash assistance program;

110 (c) provide administrative support services to any refugee advisory committee;

111 (d) work collaboratively with community partners for the delivery of services to
112 refugees;

113 (e) coordinate with the department to include in the annual written report, described in
114 Section 35A-1-109, information regarding refugee services; and

115 (f) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
116 Rulemaking Act, and consistent with state and federal law establishing the eligibility
117 requirements for refugee case assistance.

118 (2) The office may apply for, accept, or expend gifts or donations from public or private
119 sources.

120 Section 6. Section **35A-3-804** is enacted to read:

121 **35A-3-804 . Duties of director.**

122 (1) The director shall:

123 (a) enforce rules made by the department regulating the use of services provided by the
124 office; and

125 (b) supervise office staff and prepare an annual work plan.

126 (2) The director may apply for, accept, and expend donations from public or private sources
127 to assist the office in fulfilling its statutory obligations.

128 Section 7. Section **35A-3-805** is enacted to read:

129 **35A-3-805 . Refugee services fund -- Use of money -- Committee and director**
130 **duties -- Restrictions.**

- 131 (1) There is created an expendable special revenue fund, known as the "Refugee Services
132 Fund."
- 133 (2) The director shall administer the fund with input from the department and any advisory
134 committee involved with the provision of refugee services within the department.
- 135 (3)(a) Money shall be deposited into the fund from legislative appropriations, federal
136 grants, private foundations, and individual donors.
- 137 (b) The director shall encourage a refugee who receives services funded under
138 Subsection (8) to be a donor to the fund when the refugee's financial situation
139 improves sufficiently to make a donation.
- 140 (4) Except for money restricted to a specific use under federal law or by a donor, the
141 director may not spend money from the fund without the input described in Subsection
142 (2).
- 143 (5) The state treasurer shall invest the money in the fund under Title 51, Chapter 7, State
144 Money Management Act, and all interest or other earnings derived from the fund money
145 shall be deposited into the fund.
- 146 (6) Money in the fund may not be used by the director for administrative expenses.
- 147 (7) If the department establishes a refugee services advisory committee referenced in
148 Subsection (2), the committee may:
- 149 (a) advise the director on refugee services needs in the state and on relevant operational
150 aspects of any grant or revenue collection program established under this part;
- 151 (b) recommend specific refugee projects to the director;
- 152 (c) recommend policies and procedures for administering the fund;
- 153 (d) make recommendations on grants made from the fund for refugee services activities
154 authorized under this section;
- 155 (e) advise the director on the criteria by which grants from the fund shall be made;
- 156 (f) recommend the order approved projects should be funded;
- 157 (g) make recommendations regarding the distribution of money from the fund in
158 accordance with federal or donor restrictions; and
- 159 (h) have joint responsibility to solicit public and private funding for the fund.
- 160 (8) The director may use fund money to:
- 161 (a) train an existing refugee organization to develop its capacity to operate
162 professionally and effectively and to become an independent, viable organization; or
- 163 (b) provide grants to refugee organizations and other entities identified in Subsection (9)
164 to assist them:

- 165 (i) with case management;
166 (ii) in meeting emergency housing needs for refugees;
167 (iii) in providing English language services;
168 (iv) in providing interpretive services;
169 (v) in finding and maintaining employment for refugees;
170 (vi) in collaborating with the state's public education system to improve the
171 involvement of refugee parents in assimilating their children into public schools;
172 (vii) in meeting the health and mental health needs of refugees;
173 (viii) in providing or arranging for child care services; or
174 (ix) in administering refugee services.
- 175 (9) The director, with the input described in Subsection (2), may grant fund money for
176 refugee services outlined in Subsection (8) through a request for proposal process to:
177 (a) local governments;
178 (b) nonprofit community, charitable, or neighborhood-based organizations or private
179 for-profit organizations involved with providing or arranging for the provision of
180 refugee services; or
181 (c) regional or statewide nonprofit organizations.
- 182 (10)(a) The director shall enter into a written agreement with each entity that
183 successfully applies for a grant.
184 (b) The agreement shall include specific terms for each grant consistent with the
185 provisions of this section, including the structure, amount, and nature of the grant.
- 186 (11) The director shall monitor the activities of the recipients of grants issued from the fund
187 on an annual basis to ensure compliance with the terms and conditions imposed on the
188 recipient by the fund.
- 189 (12) The director shall require an entity that receives a grant under this section to provide
190 periodic accounting of how the money was used.
- 191 (13) As part of the annual written report described in Section 35A-1-109, the director shall
192 report the status of the fund, including programs and services funded by the fund.
- 193 Section 8. Section **35A-3-806** is enacted to read:
194 **35A-3-806 . Continuation of refugee services.**
- 195 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
196 department may make rules to provide for the administration and coordination of
197 services to refugees beyond the time period refugee assistance is provided or funded by
198 the federal government, including the provisions of:

- 199 (a) services to address emergency needs;
- 200 (b) English language training; and
- 201 (c) services for victims of domestic violence.
- 202 (2) The director shall administer and coordinate services under this section:
- 203 (a) with input from the department and any office or advisory committee involved with
- 204 the provision of refugee services within the department; and
- 205 (b) in accordance with any state and federal requirements related to the provision of
- 206 services to refugees.

207 Section 9. **Repealer.**

208 This bill repeals:

209 Section **35A-3-702, Continuation of refugee services.**

210 Section **35A-3-701, Refugee services fund -- Use of money -- Committee and director**

211 **duties -- Restrictions.**

212 Section 10. **Effective Date.**

213 This bill takes effect on May 7, 2025.