

DEPARTMENT OF WORKFORCE SERVICES

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott K. Jenkins

Karen Hale

David L. Thomas

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

34A-8-105, as renumbered and amended by Chapter 375, Laws of Utah 1997

35A-1-202, as last amended by Chapter 132, Laws of Utah 1999

- 35A-3-102, as last amended by Chapter 13, Laws of Utah 2003
- 35A-3-202, as renumbered and amended by Chapter 375, Laws of Utah 1997
- 35A-3-205, as last amended by Chapter 13, Laws of Utah 2003
- 35A-4-201, as last amended by Chapter 265, Laws of Utah 2001
- 35A-4-312, as last amended by Chapter 135, Laws of Utah 2003
- 35A-5-102, as last amended by Chapter 352, Laws of Utah 2004
- 53B-12-101, as last amended by Chapter 52, Laws of Utah 1998
- 58-55-302, as last amended by Chapters 90 and 236, Laws of Utah 2004
- 58-63-302, as last amended by Chapter 271, Laws of Utah 2001
- 62A-4a-105, as last amended by Chapter 171, Laws of Utah 2003
- 62A-4a-709, as last amended by Chapter 375, Laws of Utah 1997
- 63-55-235, as last amended by Chapter 220, Laws of Utah 2003
- 63-75-6, as last amended by Chapter 240, Laws of Utah 1996

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

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

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

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

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

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

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

the injury.

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

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

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

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

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

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

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

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

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

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

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

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

(2) designing a study that will produce reliable data from employers, insurance carriers, employees, and rehabilitation providers for cost effective recommendations to carry out the intent

of this chapter, the data shall include:

- (a) the success rates of public and private rehabilitation and training programs in assisting in the employment of the injured worker;
- (b) the costs in providing such services; and
- (c) the amount of time it takes to get the injured worker into gainful employment;
- (3) evaluating results to determine whether early identification of potential candidates for retraining results in overall cost reduction and return of the injured worker to gainful employment;
- (4) assuring the contact and coordination of the employer or its workers' compensation insurance carrier and the disabled injured worker to encourage the development of evaluations and reemployment plans for the disabled injured worker so that the completion of the plans can be monitored by the commission;
- (5) recommending procedures to avoid the duplication of services provided by other state agencies or private rehabilitation services, including registering the disabled injured worker with the ~~[Division of]~~ Employment Development Division in the Department of Workforce Services for reemployment; and
- (6) perform other duties as may be prescribed by the commission.

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

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

- (1) There is created within the department the following divisions:
 - (a) the ~~[Division of]~~ Employment Development Division to administer the development and implementation of employment assistance programs that are:
 - (i) related to the operations of the department; and
 - (ii) consistent with federal and state law;
 - (b) ~~[the Division of Workforce Information and Payment Services]~~ to administer those services that are not delivered through the regional workforce services areas~~;~~and:
 - (i) the Workforce Development and Information Division; and

(ii) the Unemployment Insurance Division; and

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

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

(a) the Workforce Appeals Board created in Section 35A-1-205;

(b) the State Council on Workforce Services created in Section 35A-1-206;

(c) the Employment Advisory Council created in Section 35A-4-502;

(d) the Child Care Advisory Committee created in Section 35A-3-205; and

(e) the regional workforce services areas and councils created in accordance with

Chapter 2, Regional Workforce Services Areas.

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

35A-3-102. Definitions.

Unless otherwise specified, as used in this chapter:

(1) "Applicant" means a person who requests assistance under this chapter.

(2) "Average monthly number of families" means the average number of families who received cash assistance on a monthly basis during the previous federal fiscal year, starting from October 1, 1998 to September 30, 1999, and continuing each year thereafter.

(3) "Cash assistance" means a monthly dollar amount of cash a client is eligible to receive under Section 35A-3-302.

(4) "Child care services" means care of a child for a portion of the day that is less than 24 hours in a qualified setting, as defined by rule, by a responsible person who is not the child's parent or legal guardian.

(5) "Date of enrollment" means the date on which the applicant was approved as eligible for cash assistance.

(6) "Director" means the director of the division.

(7) "Diversion" means a single payment of cash assistance under Section 35A-3-303 to a client who is eligible for but does not require extended cash assistance under Part 3, Family

Employment Program.

(8) "Division" means the [~~Division of~~] Employment Development Division.

(9) "Education or training" means:

- (a) basic remedial education;
- (b) adult education;
- (c) high school education;
- (d) education to obtain the equivalent of a high school diploma;
- (e) education to learn English as a second language;
- (f) applied technology training;
- (g) employment skills training; or
- (h) on-the-job training.

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

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

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

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

(b) "Passenger vehicle" does not include:

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

(14) "Plan" or "state plan" means the state plan submitted to the Secretary of the United States Department of Health and Human Services to receive funding from the United States

through the Temporary Assistance for Needy Families Block Grant.

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

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

35A-3-202. Creation.

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

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

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

35A-3-205. Creation of committee.

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

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

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

(b) recommendations on how the office might best respond to child care needs throughout the state; and

(c) recommendations on the use of new monies that come into the office, including those for the Child Care Fund.

(3) The committee is composed of the following members, with special attention given to insure diversity and representation from both urban and rural groups:

(a) one expert in early childhood development;

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

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

(d) one parent who ~~[receives a child care subsidy from the office and is representative of single-parent households with children through age 12]~~ is representative of households receiving a child care subsidy from the office;

~~[(e) one representative of two-parent households with children through age 12 using~~

child care;]

- [~~(f)~~] (e) one representative from the public at-large;
- [~~(g)~~] (f) one representative of the State Office of Education;
- [~~(h)~~] (g) one representative of the Department of Health;
- [~~(i)~~] (h) one representative of the Department of Human Services;
- [~~(j)~~] (i) one representative of the Department of Community and Economic

Development;

[~~(k)~~] (j) two representatives from the corporate community, one who is a recent "Family Friendly" award winner and who received the award because of efforts in the child care arena;

[~~(l)~~] (k) two representatives from the small business community;

[~~(m)~~] (l) one representative from child care advocacy groups;

[~~(n)~~] (m) one representative of children with disabilities;

[~~(o)~~] (n) one representative from the state Head Start Association appointed by the association;

[~~(p)~~] (o) one representative from each child care provider association; and

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

(4) (a) The executive director shall appoint the members designated in Subsections (3)(a) through [~~(f)~~] (e) and [~~(k)~~] (j) through (n).

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

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

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

(b) Notwithstanding the requirements of Subsection (5)(a), the appointing authority 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.

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

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

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

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

(9) (a) 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 the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) 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.

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

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

35A-4-201. General definitions.

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

(13) "Insured average fiscal year weekly wage" means the insured average fiscal year wage determined in Subsection (12), divided by 52, calculated to two decimal places,

disregarding any fraction of one cent.

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

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

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

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

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

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

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

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

35A-4-312. Records.

(1) (a) Each employing unit shall keep true and accurate work records containing any information the department may prescribe by rule.

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

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

(2) The division may require from an employing unit any sworn or unsworn reports with respect to persons employed by it that the division considers necessary for the effective

administration of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

(d) an employee of other governmental agencies that are specifically identified and

authorized by federal or state law to receive the information for the purposes stated in the law authorizing the employee of the agency to receive the information;

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

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

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

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

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

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

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

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

(a) the division determines that the disclosure will not have a negative effect on the willingness of employers to report wage and employment information or on the willingness of

individuals to file claims for unemployment benefits; and

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

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

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

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

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

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

- (a) the United States Department of Defense;
- (b) United States Department of Labor; or
- (c) other appropriate federal offices or departments.

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

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

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

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

- (1) guarantee 100% of the principal of and interest on a loan to or for the benefit of a

person attending or accepted to attend an eligible postsecondary educational institution to assist that person in meeting any educational expenses incurred in an academic year;

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

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

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

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

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

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

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

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

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

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

58-55-302. Qualifications for licensure.

- (1) Each applicant for a license under this chapter shall:
- (a) submit an application prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63-38-3.2;
 - (c) (i) meet the examination requirements established by rule by the commission with the concurrence of the director, except for the classifications of apprentice plumber, residential apprentice plumber, and apprentice electrician for whom no examination is required; or
 - (ii) if required in Section 58-55-304, the individual qualifier must pass the required examination if the applicant is a business entity;
 - (d) if an apprentice, identify the proposed supervisor of the apprenticeship;
 - (e) if an applicant for a contractor's license:
 - (i) produce satisfactory evidence of financial responsibility, except for a construction trades instructor for whom evidence of financial responsibility is not required;
 - (ii) produce satisfactory evidence of knowledge and experience in the construction industry and knowledge of the principles of the conduct of business as a contractor, reasonably necessary for the protection of the public health, safety, and welfare; and
 - (iii) be a licensed master electrician if an applicant for an electrical contractor's license or a licensed master residential electrician if an applicant for a residential electrical contractor's license; or
 - (iv) be a journeyman plumber or residential journeyman plumber if an applicant for a plumbing contractor's license; and
 - (f) if an applicant for a construction trades instructor license, satisfy any additional requirements established by rule.
- (2) After approval of an applicant for a contractor's license by the applicable board and the division, the applicant shall file the following with the division before the division issues the license:
- (a) proof of workers' compensation insurance which covers employees of the applicant in

accordance with applicable Utah law;

(b) proof of public liability insurance in coverage amounts and form established by rule except for a construction trades instructor for whom public liability insurance is not required; and

(c) proof of registration as required by applicable law with the:

(i) Utah Department of Commerce;

(ii) Division of Corporations and Commercial Code;

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

(iv) State Tax Commission; and

(v) Internal Revenue Service.

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

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

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

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

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

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

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

(ii) completion of at least six years of full-time experience in a maintenance or repair

trade involving substantial plumbing work; or

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

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

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

(B) is a graduate of an electrical trade school, having received an associate of applied sciences degree following successful completion of a course of study approved by the division, and has two years of practical experience as a licensed journeyman electrician;

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

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

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

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

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

Utah state institution of higher education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) An alarm company applicant shall:

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

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

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

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

(ii) if a corporation, provide:

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

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

(iii) if a limited liability company, provide:

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

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

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

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

(vi) be of good moral character in that officers, directors, shareholders described in Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel have not

been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of an alarm company is considered by the board to indicate that the best interests of the public are served by granting the applicant a license;

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

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

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

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

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

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

(I) Division of Corporations and Commercial Code;

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

(III) State Tax Commission; and

(IV) Internal Revenue Service; and

(x) meet with the division and board.

(i) Each applicant for licensure as an alarm company agent shall:

(i) submit an application in a form prescribed by the division accompanied by fingerprint cards;

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

(iii) be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of an alarm company agent is considered by the board to indicate that the best interests of the public are served by granting the applicant a license;

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

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

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

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

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

(a) conduct a search of records of the Department of Public Safety for criminal history information relating to each applicant for licensure as an alarm company or alarm company agent and each applicant's officers, directors, shareholders described in Subsection (3)(h)(ii)(B), partners, proprietors, and responsible management personnel; and

(b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant requiring a check of records of the F.B.I. for criminal history information under this section.

(6) The Department of Public Safety shall send to the division:

(a) a written record of criminal history, or certification of no criminal history record, as contained in the records of the Department of Public Safety in a timely manner after receipt of a fingerprint card from the division and a request for review of Department of Public Safety records; and

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

(7) (a) The division shall charge each applicant for licensure as an alarm company or alarm company agent a fee, in accordance with Section 63-38-3.2, equal to the cost of performing the records reviews under this section.

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

(8) Information obtained by the division from the reviews of criminal history records of the Department of Public Safety and the F.B.I. shall be used or disseminated by the division only for the purpose of determining if an applicant for licensure as an alarm company or alarm company agent is qualified for licensure.

(9) (a) An application for licensure under this chapter shall be denied if:

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

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

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

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

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

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

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

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

(iii) (A) the applicant is an individual or sole proprietorship; and
(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked more than one year prior to the date of the applicant's application.

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

58-63-302. Qualifications for licensure.

- (1) Each applicant for licensure as a contract security company shall:
- (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63-38-3.2;
 - (c) have a qualifying agent who is a resident of the state and an officer, director, partner, proprietor, or manager of the applicant who:
 - (i) passes an examination component established by rule by the division in collaboration with the board; and
 - (ii) (A) demonstrates 6,000 hours of experience as a manager, supervisor, or administrator of a contract security company; or
(B) demonstrates 6,000 hours of supervisory experience acceptable to the division in collaboration with the board with a federal, United States military, state, county, or municipal law enforcement agency;
 - (d) if a corporation, provide:
 - (i) the names, addresses, dates of birth, and Social Security numbers of all corporate

officers, directors, and those responsible management personnel employed within the state or having direct responsibility for managing operations of the applicant within the state; and

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

(e) if a limited liability company, provide:

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

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

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

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

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

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

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

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

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

division in collaboration with the board;

(h) pass the examination requirement established by rule by the division in collaboration with the board; and

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

(3) Each applicant for licensure as an unarmed private security officer shall:

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

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

(c) be of good moral character in that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of an unarmed private security officer is considered by the division and the board to indicate that the best interests of the public are not served by granting the applicant a license;

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

(e) not be currently suffering from habitual drunkenness or from drug addiction or dependence;

(f) successfully complete basic education and training requirements established by rule by the division in collaboration with the board;

(g) pass the examination requirement established by rule by the division in collaboration with the board; and

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

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the division may make rules establishing when Federal Bureau of Investigation records shall be checked for applicants.

(5) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c), and (3)(c), the division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to:

(a) conduct a search of records of the Department of Public Safety for criminal history

information relating to each applicant for licensure under this chapter and each applicant's officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel; and

(b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant requiring a check of records of the F.B.I. for criminal history information under this section.

(6) The Department of Public Safety shall send to the division:

(a) a written record of criminal history, or certification of no criminal history record, as contained in the records of the Department of Public Safety in a timely manner after receipt of a fingerprint card from the division and a request for review of Department of Public Safety records; and

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

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

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

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

Section 13. 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 Juvenile Justice Services, 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 Division 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;

(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

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

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

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

(1) As used in this section:

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

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

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

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

(3) A child who is a resident of this state and is the subject of an interstate compact is entitled to receive medical assistance identification from the [~~Division of~~] Employment Development Division in the Department of Workforce Services and the Division of Health Care Financing by filing a certified copy of his adoption assistance agreement with that office. The

adoptive parents shall annually provide that office with evidence, verifying that the adoption assistance agreement is still effective.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Notwithstanding Subsection ~~(3)~~(a), a court may order a child's participation in a

prevention and early intervention program.

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

- (a) be comprehensive and collaborative;
- (b) seek to strengthen and preserve families;
- (c) be culturally sensitive, family focused, and community based;
- (d) protect children and youth at risk;
- (e) prevent abuse and neglect;
- (f) provide access to health care; and
- (g) prevent academic failure as defined in Subsection 78-3a-316(2)(a).

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

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

- (i) parents who represent a community perspective on children and youth at risk;
- (ii) an educator at the school if the child receiving services is enrolled in a public school;
- (iii) the principal if the child receiving services is enrolled in a public school;
- (iv) a public health nurse;
- (v) a representative of the local mental health authority;
- (vi) a representative from the Division of Child and Family Services within the

Department of Human Services;

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

(viii) other persons considered appropriate by those persons specified in Subsections

(5)(b)(i) through (vii), based on the needs of the child or youth and his family.

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

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