

1 **EMPLOYMENT SUPPORT ACT REVISIONS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian E. Shiozawa**

5 House Sponsor: Rebecca P. Edwards

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Utah Workforce Services Code by revising and updating Chapter
10 3, Employment Support Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ revises the Employment Support Act by:
 - 14 • updating language;
 - 15 • restructuring sections and parts;
 - 16 • amending definitions; and
 - 17 • adding cross-references;
- 18 ▶ amends assessment and counselor assignment provisions of the Family Employment
19 Program; and
- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 **AMENDS:**

27 **35A-3-101**, as last amended by Laws of Utah 1998, Chapter 1

28 **35A-3-102**, as last amended by Laws of Utah 2007, Chapter 235

29 **35A-3-103**, as last amended by Laws of Utah 2012, Chapter 212

- 30 **35A-3-103.5**, as last amended by Laws of Utah 2012, Chapter 305
- 31 **35A-3-104**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 32 **35A-3-105**, as last amended by Laws of Utah 2008, Chapter 382
- 33 **35A-3-106**, as last amended by Laws of Utah 2011, Chapter 297
- 34 **35A-3-108**, as last amended by Laws of Utah 2011, Chapter 297
- 35 **35A-3-109**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 36 **35A-3-110**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 37 **35A-3-111**, as last amended by Laws of Utah 2008, Chapter 382
- 38 **35A-3-112**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 39 **35A-3-113**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 40 **35A-3-115**, as last amended by Laws of Utah 2011, Chapter 188
- 41 **35A-3-201**, as last amended by Laws of Utah 2003, Chapter 13
- 42 **35A-3-202**, as last amended by Laws of Utah 2005, Chapter 81
- 43 **35A-3-203**, as last amended by Laws of Utah 2014, Chapter 371
- 44 **35A-3-204**, as renumbered and amended by Laws of Utah 1997, Chapter 375
- 45 **35A-3-205**, as last amended by Laws of Utah 2012, Chapter 212
- 46 **35A-3-206**, as last amended by Laws of Utah 2014, Chapter 371
- 47 **35A-3-207**, as last amended by Laws of Utah 2013, Chapters 167 and 413
- 48 **35A-3-301**, as enacted by Laws of Utah 1997, Chapter 174
- 49 **35A-3-302**, as last amended by Laws of Utah 2013, Chapter 112
- 50 **35A-3-303**, as enacted by Laws of Utah 1997, Chapter 174
- 51 **35A-3-304**, as last amended by Laws of Utah 2012, Chapter 354
- 52 **35A-3-304.5**, as enacted by Laws of Utah 2012, Chapter 354
- 53 **35A-3-306**, as last amended by Laws of Utah 2007, Chapter 51
- 54 **35A-3-307**, as last amended by Laws of Utah 2010, Chapter 296
- 55 **35A-3-308**, as last amended by Laws of Utah 2008, Chapter 3
- 56 **35A-3-309**, as last amended by Laws of Utah 2012, Chapter 212
- 57 **35A-3-310**, as last amended by Laws of Utah 2008, Chapter 382

- 58 **35A-3-310.5**, as last amended by Laws of Utah 2011, Chapter 297
- 59 **35A-3-311**, as last amended by Laws of Utah 2012, Chapter 41
- 60 **35A-3-312**, as last amended by Laws of Utah 2009, Chapter 39
- 61 **35A-3-313**, as last amended by Laws of Utah 2014, Chapter 371
- 62 **35A-3-401**, as last amended by Laws of Utah 2004, Chapter 29
- 63 **35A-3-402**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 64 **35A-3-502**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 65 **35A-3-503**, as last amended by Laws of Utah 2011, Chapter 297
- 66 **35A-3-504**, as last amended by Laws of Utah 1998, Chapter 1
- 67 **35A-3-505**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 68 **35A-3-506**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 69 **35A-3-507**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 70 **35A-3-508**, as last amended by Laws of Utah 1999, Chapter 21
- 71 **35A-3-510**, as renumbered and amended by Laws of Utah 1997, Chapter 174
- 72 **35A-3-601**, as renumbered and amended by Laws of Utah 2003, Chapter 90
- 73 **35A-3-603**, as last amended by Laws of Utah 2012, Chapter 41
- 74 **35A-3-604**, as last amended by Laws of Utah 2008, Chapter 382
- 75 **35A-3-605**, as renumbered and amended by Laws of Utah 2003, Chapter 90
- 76 **35A-3-606**, as renumbered and amended by Laws of Utah 2003, Chapter 90
- 77 **35A-3-607**, as renumbered and amended by Laws of Utah 2003, Chapter 90
- 78 **35A-3-608**, as last amended by Laws of Utah 2012, Chapter 41
- 79 **35A-3-609**, as renumbered and amended by Laws of Utah 2003, Chapter 90
- 80 **35A-3-610**, as renumbered and amended by Laws of Utah 2003, Chapter 90
- 81 **76-8-1201**, as last amended by Laws of Utah 2003, Chapter 90
- 82 **76-8-1205**, as last amended by Laws of Utah 2012, Chapter 41
- 83 RENUMBERS AND AMENDS:
- 84 **35A-3-701**, (Renumbered from 35A-3-116, as last amended by Laws of Utah 2014,
- 85 Chapter 371)

86 **35A-3-702**, (Renumbered from 35A-3-117, as enacted by Laws of Utah 2014, Chapter
87 250)

88 REPEALS:

89 **35A-3-602**, as last amended by Laws of Utah 2008, Chapter 382



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

92 Section 1. Section **35A-3-101** is amended to read:

93 **35A-3-101. Title.**

94 [(1)] This chapter [shall be] is known as the "Employment Support Act."

95 [(2)] ~~A person eligible for employment assistance under Chapter 3 or 5 shall receive any~~
96 ~~assistance under the applicable chapter, including stabilization, assessment, training, or~~
97 ~~placement, through the department in accordance with Chapter 2, Part 2, Service Delivery.]~~

98 Section 2. Section **35A-3-102** is amended to read:

99 **35A-3-102. Definitions.**

100 [Unless otherwise specified, as] As used in this chapter:

101 (1) "Adjudicative proceeding" has the same meaning as defined in Section **63G-4-103**.

102 (2) "Administrative order" means an order issued by the department that addresses an
103 overpayment of public assistance.

104 [(1)] (3) "Applicant" means a person who requests assistance under this chapter.

105 (4) "Assignment of support" means the transfer to the state of a recipient's right to
106 receive support from another person that accrues during the period the recipient receives public
107 assistance, including a right to receive support on behalf of any family member for whom the
108 recipient is applying for or receiving assistance.

109 [(2)] (5) "Average monthly number of families" means the average number of families
110 who received cash assistance on a monthly basis during the previous federal fiscal year.

111 [(3)] (6) "Cash assistance" means [a] the monthly dollar amount [of cash a client] a
112 recipient is eligible to receive under the Family Employment Program under Section
113 **35A-3-302**.

114 ~~[(4)]~~ (7) "Child care services" means care of a child by a responsible person who is not
115 the child's parent or legal guardian, for a portion of the day that is less than 24 hours in a
116 qualified setting, as defined by ~~[rule, by a responsible person who is not the child's parent or~~
117 ~~legal guardian]~~ rules made by the department in accordance with Title 63G, Chapter 3, Utah
118 Administrative Rulemaking Act.

119 (8) (a) "Civic organization" means an organization that provides services to its
120 community.

121 (b) "Civic organization" includes a community service club or organization, a
122 charitable health care or service organization, a fraternal organization, a labor union, a minority
123 or ethnic organization, a commercial or industrial organization, a commerce or business club, a
124 private nonprofit organization, a private nonprofit corporation that provides funding to a
125 community service organization, an organization that advocates or provides for the needs of
126 persons with low incomes, a religious organization, and an organization that fosters strong
127 neighborhoods and communities.

128 (9) "Court order" means a judgment or order of a court of this state, another state, or
129 the federal government that addresses an overpayment of public assistance.

130 ~~[(5)]~~ (10) "Date of enrollment" means the date on which the applicant was approved as
131 eligible for cash assistance.

132 ~~[(6)]~~ (11) "Director" means the director of the division assigned by the department to
133 administer a program.

134 ~~[(7)]~~ (12) "Diversion" or "diversion payment" means a ~~[single payment of cash~~
135 ~~assistance]~~ one-time cash assistance payment under Section 35A-3-303 to a ~~[client]~~ recipient
136 who is eligible for cash assistance, but does not require extended cash assistance under Part 3,
137 Family Employment Program.

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

139 ~~[(9)]~~ (13) "Education or training" means:

140 (a) basic remedial education;

141 (b) adult education;

- 142 (c) high school education;
- 143 (d) education to obtain the equivalent of a high school diploma;
- 144 (e) education to learn English as a second language;
- 145 (f) applied technology training;
- 146 (g) employment skills training; or
- 147 (h) on-the-job training.

148 ~~[(10)]~~ (14) "Full-time education or training" means training on a full-time basis as
149 defined by the educational institution attended by the parent ~~[client]~~ recipient.

150 ~~[(11)]~~ (15) "General assistance" means financial assistance provided to a person ~~[who~~
151 ~~is not otherwise eligible for cash assistance under Part 3, Family Employment Program,~~
152 ~~because that person does not live in a family with a related dependent child]~~ under Part 4,
153 General Assistance.

154 (16) "Notice of agency action" means the notice required to commence an adjudicative
155 proceeding as described in Section [63G-4-201](#).

156 (17) "Obligor" means an individual:

157 (a) who is liable to the state under Section [35A-3-603](#) and applicable federal statutes
158 and regulations; or

159 (b) against whom an administrative or judicial order determining overpayment has
160 been obtained.

161 (18) (a) "Overpayment" means money, public assistance, or another item of value
162 provided under a state or federally funded benefit program to a person that is not entitled to
163 receive it or is not entitled to receive it at the level provided.

164 (b) "Overpayment" includes money paid to a provider under this title in connection
165 with public assistance or another publicly funded assistance program to the extent that the
166 provider receives payment:

167 (i) for goods or services not provided; or

168 (ii) in excess of the amount to which the provider is entitled.

169 ~~[(12)]~~ (19) "Parent ~~[client]~~ recipient" means a person who enters into an employment

170 plan with the ~~[division]~~ department to qualify for cash assistance under Part 3, Family
171 Employment Program.

172 (20) "Performance goals" means a target level of performance that will be compared to
173 actual performance.

174 (21) "Performance indicators" means actual performance information regarding a
175 program or activity.

176 (22) "Performance monitoring system" means a process to regularly collect and analyze
177 performance information, including performance indicators and performance goals.

178 ~~[(13)]~~ (23) "Plan" or "state plan" means the state plan submitted to the Secretary of the
179 United States Department of Health and Human Services to receive funding from the United
180 States through the Temporary Assistance for Needy Families Block Grant in accordance with
181 42 U.S.C. Sec. 602.

182 (24) "Recipient" means a person who is qualified to receive, is receiving, or has
183 received assistance under this chapter.

184 ~~[(14)]~~ (25) "Single minor parent" means a person under 18 years of age who is not
185 married and has a minor child in the person's care and custody.

186 (26) "Transitional cash assistance" means assistance provided to a recipient to stabilize
187 employment and reduce the future use of cash assistance provided under Part 3, Family
188 Employment Program.

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

190 **35A-3-103. Department responsibilities.**

191 The ~~[division]~~ department shall:

192 (1) administer public assistance programs assigned by the Legislature and the
193 governor;

194 (2) determine eligibility ~~[in accordance with the requirements of this chapter]~~ for
195 public assistance programs ~~[assigned to it by the Legislature or the governor]~~ in accordance
196 with the requirements of this chapter;

197 (3) cooperate with the federal government in the administration of public assistance

198 programs;

199 (4) administer ~~[the Utah]~~ state employment ~~[service]~~ services in accordance with
200 Section 35A-3-115;

201 (5) provide for the compilation of necessary or desirable information, statistics, and
202 reports;

203 (6) perform other duties and functions required by law;

204 (7) monitor the application of eligibility policy;

205 (8) develop personnel training programs for ~~[more]~~ effective and efficient operation of
206 ~~[all]~~ the programs ~~[under the administration of]~~ administered by the ~~[division]~~ department;

207 (9) provide refugee resettlement services in accordance with Section 35A-3-116;

208 (10) provide child care assistance for children in accordance with Part 2, Office of
209 Child Care; and

210 (11) provide services ~~[and support]~~ that enable ~~[clients]~~ an applicant or recipient to
211 qualify for affordable housing in cooperation with:

212 (a) the Utah Housing Corporation;

213 (b) the Housing and Community Development Division; and

214 (c) local housing authorities.

215 Section 4. Section **35A-3-103.5** is amended to read:

216 **35A-3-103.5. Employment and the provision of services for the disabled.**

217 (1) As used in this section, "recipient" means an individual who:

218 (a) has a disability;

219 (b) suffers from a mental illness; or

220 (c) is undergoing treatment for a substance abuse problem.

221 (2) ~~[When]~~ Subject to funds made available for this purpose and subject to federal and
222 state law, when providing services to a recipient in the programs provided under this chapter,
223 the department shall~~[, within funds appropriated by the Legislature and in accordance with the~~
224 ~~requirements of federal and state law and memorandums of understanding between the~~
225 ~~department and other state entities that provide services to a recipient,]~~ give priority to

226 providing services that assist an eligible recipient in obtaining and retaining meaningful and
227 gainful employment that enables the recipient to earn sufficient income to:

- 228 (a) purchase goods and services;
- 229 (b) establish self-sufficiency; and
- 230 (c) exercise economic control of the recipient's life.

231 (3) The department shall develop a written plan to implement the policy described in
232 Subsection (2) that includes:

- 233 (a) assessing the strengths and needs of a recipient;
- 234 (b) customizing strength-based approaches to obtaining employment;
- 235 (c) expecting, encouraging, providing, and rewarding employment:
 - 236 (i) integrated employment in the workplace at competitive wages and benefits; and
 - 237 (ii) self-employment;
- 238 (d) developing partnerships with potential employers;
- 239 (e) maximizing appropriate employment training opportunities;
- 240 (f) coordinating services with other government agencies and community resources;
- 241 (g) to the extent possible, eliminating practices and policies that interfere with the
242 policy described in Subsection (2); and
- 243 (h) arranging sub-minimum wage work or volunteer work for an eligible recipient
244 when employment at market rates cannot be obtained.

245 (4) The department shall, on an annual basis:

- 246 (a) set goals to implement the policy described in Subsection (2) and the plan described
247 in Subsection (3);
- 248 (b) determine whether the goals for the previous year have been met; and
- 249 (c) modify the plan described in Subsection (3) as needed.

250 Section 5. Section **35A-3-104** is amended to read:

251 **35A-3-104. Contracts for administration and provision of public assistance.**

252 The [~~division, in consultation with the~~] department[;] may contract with other public or
253 private agencies to assist in the administration and provision of public assistance.

254 Section 6. Section **35A-3-105** is amended to read:

255 **35A-3-105. Determination of eligibility and responsibility -- Information from**
256 **State Tax Commission.**

257 (1) The ~~[division]~~ department may have access to relevant information contained in the
258 income tax returns of ~~[a client, applicant, or]~~ an applicant, a recipient, or a person who has a
259 duty to support [a client] an applicant or recipient, in determining:

- 260 (a) eligibility for public assistance;
261 (b) payment responsibilities for institutional care; or
262 (c) any other administrative purpose consistent with this chapter.

263 (2) The information requested by the ~~[division]~~ department shall be:

264 (a) provided by the State Tax Commission on forms furnished by the ~~[division]~~
265 department; and

266 (b) treated by the department as a private record under Title 63G, Chapter 2,
267 Government Records Access and Management Act~~[, by the division].~~

268 Section 7. Section **35A-3-106** is amended to read:

269 **35A-3-106. Residency requirements.**

270 ~~[To be]~~ (1) An applicant is only eligible for public assistance under this chapter~~[-an]~~ if
271 the applicant [shall be] is living in Utah voluntarily with the intention of making [this] the state
272 the applicant's place of residence~~[-, and not].~~

273 (2) An applicant is not eligible for public assistance under this chapter if the applicant
274 is living in Utah for a temporary purpose.

275 Section 8. Section **35A-3-108** is amended to read:

276 **35A-3-108. Assignment of support.**

277 (1) (a) ~~[The division shall obtain]~~ An applicant shall provide an assignment of support
278 ~~[from each applicant or client]~~ to the department regardless of whether the payment is court
279 ordered.

280 (b) Upon the receipt of public assistance, any right of the recipient to receive support
281 from another person passes to the state, including a right to support on behalf of any family

282 member for whom the recipient is applying for or receiving assistance, even if the [client]
283 recipient has not executed and delivered an assignment of support to the [division] department
284 as required by Subsection (1)(a).

285 ~~[(c) The right to support described in Subsection (1)(b) includes a right to support in~~
286 ~~the applicant's or client's own behalf or in behalf of any family member for whom the applicant~~
287 ~~or client is applying for or receiving assistance.]~~

288 (2) An assignment of support, or a ~~[passing of rights under Subsection (1)(b)]~~ right to
289 receive support passed to the state, includes payments ordered, decreed, or adjudged by [any] a
290 court within this state, ~~[any other]~~ another state, or a territory of the United States and is not in
291 lieu of, and does not supersede or alter, any other court order, decree, or judgment.

292 (3) When an assignment of support is executed or the right to support passes to the
293 [department] state under ~~[Subsection (1)(b), the applicant or client]~~ this section, the recipient is
294 eligible to regular monthly assistance and the support paid to the [division] state is a refund.

295 (4) All ~~[sums]~~ money refunded under this section shall be deposited into the General
296 Fund, except any amount which is required to be credited to the federal government~~[, shall be~~
297 ~~deposited into the General Fund]~~.

298 (5) On and after the date a [family] recipient stops receiving cash assistance, an
299 assignment of support under ~~[Subsection (1)]~~ this section does not apply to [any] support that
300 accrued before the [family] recipient received ~~[such]~~ the cash assistance ~~[if the department has~~
301 ~~not collected the support by the date the family stops receiving cash assistance, if the~~
302 ~~assignment is executed on or after October 1, 1998:]~~ if:

303 (a) the state has not collected the support by the date the recipient stops receiving cash
304 assistance; and

305 (b) the assignment was executed on or after October 1, 1998.

306 (6) The [department] state shall distribute arrearages to [families] a recipient in
307 accordance with the requirements of the Social Security Act, 42 U.S.C. Sec. 657.

308 (7) ~~[The total amount of]~~ When an assignment of support includes child support, the
309 total amount of child support assigned to the [department] state and collected under this section

310 may not exceed the total amount of cash assistance received by the recipient.

311 Section 9. Section 35A-3-109 is amended to read:

312 **35A-3-109. Assistance provided to guardian or other caretaker -- Periodic review.**

313 (1) ~~[When it appears necessary or advisable,]~~ At the discretion of the department, the
314 department may pay the public assistance ~~[may be paid]~~ to the legal guardian of ~~[an applicant~~
315 ~~or client]~~ a recipient.

316 (2) The ~~[division]~~ department may only provide cash assistance on behalf of an eligible
317 recipient under Part 3, Family Employment Program, ~~[on behalf of an eligible client,]~~ to
318 another individual interested in or concerned with the welfare of the ~~[client only when]~~
319 recipient if:

320 (a) by reason of the ~~[client's]~~ recipient's physical or mental condition, the ~~[client]~~
321 recipient is unable to manage funds;

322 (b) ~~[when]~~ the provision of cash assistance directly to the ~~[client]~~ recipient would be
323 contrary to the ~~[client's]~~ recipient's welfare; or

324 (c) ~~[when]~~ the ~~[division]~~ department is ~~[so directed by]~~ acting according to federal
325 requirements.

326 (3) The ~~[division]~~ department shall:

327 (a) undertake or contract with other state agencies to make special efforts to protect the
328 welfare of ~~[clients]~~ a recipient and improve ~~[their]~~ the recipient's capacity for self-care[-
329 Periodic]; and

330 (b) periodically review ~~[of a client's]~~ a recipient's condition ~~[is required. When~~
331 ~~conditions change,]~~ to determine whether, in the best interest of the recipient:

332 (i) cash assistance that is provided to an individual other than the ~~[client shall]~~ recipient
333 should be discontinued ~~[or, when advisable,];~~ or

334 (ii) a legal guardian ~~[shall]~~ should be appointed~~[, whichever action best serves the~~
335 ~~interests and welfare of the client].~~

336 Section 10. Section 35A-3-110 is amended to read:

337 **35A-3-110. Third party obligation -- Interest.**

338 ~~[Whenever the division]~~ (1) If the department expends public assistance on behalf of [a
339 client] a recipient for services or supplies, for which another person is obligated to reimburse
340 the ~~[division, that other]~~ department, the department shall notify the person of the obligation to
341 make the reimbursement.

342 (2) Upon receiving notification under Subsection (1), the notified person shall make
343 ~~[such]~~ the reimbursement within 60 days ~~[of notification by the division. If reimbursement is~~
344 ~~not made within that period, and no extension of time is granted by the division, interest shall~~
345 ~~accrue on the].~~

346 (3) After the time period established under Subsection (2), the department shall charge
347 interest on any unpaid balance at the rate of 8% per annum unless an extension is granted by
348 the department.

349 Section 11. Section **35A-3-111** is amended to read:

350 **35A-3-111. Collection of overpayments.**

351 (1) The department ~~[is responsible for the recovery of]~~ shall recover overpayments
352 ~~[required]~~ as described in Section **35A-3-603**.

353 (2) ~~[Excess property liens required in the various programs]~~ An excess property lien
354 that is required by a department program, but is not transferred to the federal government [shall
355 remain], remains a condition of eligibility in public assistance programs.

356 (3) A ~~[client can]~~ recipient may appeal an initial department determination that there
357 has been an overpayment under rules made by the department in accordance with Title 63G,
358 Chapter 3, Utah Administrative Rulemaking Act.

359 Section 12. Section **35A-3-112** is amended to read:

360 **35A-3-112. Assistance not assignable -- Exemption from execution, garnishment,**
361 **bankruptcy, or insolvency proceedings.**

362 (1) Public assistance provided under this chapter is not assignable[;] at law or in
363 equity[; ~~and none~~].

364 (2) None of the money paid or payable under this chapter is subject to:

365 (a) execution, levy, attachment, garnishment, or other legal process[;]; or ~~[to]~~

366 (b) the operation of ~~[any]~~ bankruptcy or insolvency law.

367 Section 13. Section **35A-3-113** is amended to read:

368 **35A-3-113. Prohibition of charges or fees for representing applicants or**
369 **recipients.**

370 ~~[A] Except for criminal proceedings, a person may not [make any] charge or receive~~
371 ~~[any] a fee for representing an applicant [or client in any] or recipient in a proceeding under~~
372 ~~this chapter, [except criminal proceedings,] or with respect to [any] an application, [whether~~
373 ~~the fee or charge is to be paid by the applicant, client, or any other person, if that fee is in~~
374 ~~excess of an amount] in an amount greater than the amount determined by the court or body~~
375 ~~before whom an applicant or [client] recipient has been represented regardless of who pays the~~
376 ~~charge or fee.~~

377 Section 14. Section **35A-3-115** is amended to read:

378 **35A-3-115. Public employment offices -- Agreements with other authorities --**
379 **Federal system accepted -- Appropriation.**

380 (1) (a) The ~~[division]~~ department shall establish and maintain ~~[free]~~ public
381 employment offices in a manner and in places as ~~[may be]~~ necessary for the proper
382 administration of this chapter and for the purposes of performing the functions ~~[as are within~~
383 ~~the purview of the Act of Congress entitled "An act to provide for the establishment of a~~
384 ~~national employment system and for co-operation with the states in the promotion of such~~
385 ~~system, and for other purposes," approved June 6, 1933, 48 Stat. 113; U. S. Code, Title 29,~~
386 ~~Section 49 (c) as amended, hereinafter referred to as the "Wagner-Peyser Act."]~~ described in
387 the Wagner-Peyser Act, 29 U.S.C. Sec. 49, as amended.

388 (b) The ~~[division]~~ department shall consult with the directors of economic service areas
389 when determining the location of public employment offices.

390 (c) The ~~[division]~~ department may locate a public employment office in connection
391 with ~~[or as an integrated part of]~~ an employment center established under Section **35A-2-203**.

392 (2) (a) The provisions of the Wagner-Peyser Act, 29 U.S.C. 49-49c, 49g, 49h, 49k, and
393 557, are accepted by ~~[this]~~ the state.

394 (b) The department is designated and constitutes the agency of ~~[this]~~ the state for the
395 purposes of the ~~[act]~~ Wagner-Peyser Act, 29 U.S.C. Sec. 49, as amended.

396 (3) (a) For the purpose of establishing and maintaining ~~[free]~~ public employment
397 offices, and promoting the use of ~~[their facilities]~~ the offices, the ~~[division]~~ department may
398 enter into agreements with ~~[the railroad retirement board, or any other]~~ any agency or
399 department of the United States, ~~[or of this or any other state, charged with the administration~~
400 ~~of any law whose purposes are reasonably related to the purposes of this chapter]~~ this state, or
401 another state.

402 (b) As a part of an agreement entered into under Subsection (3)(a), the ~~[division]~~
403 department may accept money, services, or ~~[quarters]~~ facilities as a contribution to the
404 maintenance of the state system of public employment offices or as reimbursement for services
405 performed.

406 Section 15. Section **35A-3-201** is amended to read:

407 **Part 2. Office of Child Care**

408 **35A-3-201. Definitions.**

409 As used in this part:

410 (1) "Child care" means the child care services ~~[referred to]~~ defined in ~~[Subsection]~~
411 Section 35A-3-102~~[(4) provided]~~ for:

412 (a) children ~~[through]~~ age 12 or younger; and

413 (b) children with disabilities ~~[through]~~ age 18 or younger.

414 (2) "Child care provider association" means an association:

415 (a) that has functioned as a child care provider association in the state for at least three
416 years; and

417 (b) is affiliated with a national child care provider association.

418 (3) "Committee" means the Child Care Advisory Committee created in Section
419 35A-3-205.

420 (4) "Director" means the director of the Office of Child Care.

421 (5) "Office" means the Office of Child Care created in Section 35A-3-202.

422 Section 16. Section **35A-3-202** is amended to read:

423 **35A-3-202. Creation.**

424 (1) There is created within the Department of Workforce Services an Office of Child
425 Care.

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

429 Section 17. Section **35A-3-203** is amended to read:

430 **35A-3-203. Functions and duties of office -- Annual report.**

431 The office shall:

432 (1) assess critical child care needs throughout the state on an ongoing basis and focus
433 its activities on helping to meet the most critical needs;

434 (2) provide child care subsidy services for income-eligible children through age 12 and
435 for income-eligible children with disabilities through age 18;

436 (3) provide information:

437 (a) to employers for the development of options for child care in the work place; and

438 (b) for educating the public in obtaining quality child care;

439 (4) coordinate services for quality child care training and child care resource and
440 referral core services;

441 (5) apply for, accept, or expend gifts or donations from public or private sources;

442 (6) provide administrative support services to the committee;

443 (7) work collaboratively with the following for the delivery of quality child care and
444 early childhood programs, and school age programs throughout the state:

445 (a) the State Board of Education; and

446 (b) the Department of Health;

447 (8) research child care programs and public policy [~~that will~~] to improve the quality
448 and accessibility [~~and that will further the purposes of the office and~~] of child care, early
449 childhood programs, and school age programs in the state;

450 (9) provide planning and technical assistance for the development and implementation
451 of programs in communities that lack child care, early childhood programs, and school age
452 programs;

453 (10) provide organizational support for the establishment of nonprofit organizations
454 approved by the Child Care Advisory Committee, created in Section 35A-3-205; and

455 (11) coordinate with the department to include in the annual written report described in
456 Section 35A-1-109 information regarding the status of child care in Utah.

457 Section 18. Section 35A-3-204 is amended to read:

458 **35A-3-204. Duties of director.**

459 The director shall:

460 (1) enforce rules made by the department regulating the use of services provided by the
461 office;

462 (2) supervise office staff and prepare an annual work plan; and

463 (3) apply for, accept, and expend [~~gifts or~~] donations from public or private sources to
464 assist the office in fulfilling its statutory obligations.

465 Section 19. Section 35A-3-205 is amended to read:

466 **35A-3-205. Creation of committee.**

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

468 (2) The committee shall counsel and advise the office in fulfilling its statutory
469 obligations [~~to include~~], including:

470 (a) [~~a review of and recommendations~~] reviewing and providing recommendations on
471 the office's annual budget;

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

474 (c) providing recommendations on the use of [~~new~~] money in the Child Care Fund and
475 other money that comes into the office[~~, including those for the Child Care Fund~~].

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

478 (a) one expert in early childhood development;
479 (b) one child care provider who operates a center;
480 (c) one child care provider who operates a family child care business;
481 (d) one parent who is representative of households receiving a child care subsidy from
482 the office;

483 (e) one representative from the public at-large;
484 (f) one representative of the State Office of Education;
485 (g) one representative of the Department of Health;
486 (h) one representative of the Department of Human Services;
487 (i) two representatives from the corporate community, one who is a recent "Family
488 Friendly" award winner and who received the award because of efforts [~~in the~~] related to child
489 care [~~arena~~];

490 (j) two representatives from the small business community;
491 (k) one representative from child care advocacy groups;
492 (l) one representative of children with disabilities;
493 (m) one representative from the state Head Start Association appointed by the
494 association;

495 (n) one representative from each child care provider association; and
496 (o) one representative of a child care resource and referral center appointed by the
497 organization representing child care resource and referral agencies.

498 (4) (a) The executive director shall appoint the members designated in Subsections
499 (3)(a) through (e) and (j) through (n).

500 (b) The head of the respective departments shall appoint the members referred to in
501 Subsections (3)(f) through (i).

502 (c) Each child care provider association shall appoint its respective member referred to
503 in Subsection (3)(o).

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

506 four-year term.

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

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

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

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

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

517 (9) A member may not receive compensation or benefits for the member's service, but
518 may receive per diem and travel expenses [~~in accordance with~~] as allowed in:

519 (a) Section 63A-3-106;

520 (b) Section 63A-3-107; and

521 (c) rules made by the Division of Finance [~~pursuant~~] according to Sections 63A-3-106
522 and 63A-3-107.

523 Section 20. Section 35A-3-206 is amended to read:

524 **35A-3-206. Child Care Fund -- Use of money -- Committee and director duties --**
525 **Restrictions.**

526 (1) There is created an expendable special revenue fund known as the "Child Care
527 Fund."

528 (2) The director of the office shall administer the fund under the direction of the
529 committee.

530 (3) (a) The office may form nonprofit corporations or foundations controlled by the
531 director of the office and the committee to aid and assist the office in attaining its charitable,
532 research, and educational objectives.

533 (b) The nonprofit corporations or foundations may receive and administer legislative

534 appropriations, government grants, contracts, and private gifts to carry out their public
535 purposes.

536 (c) Money collected by ~~[the]~~ a nonprofit corporation or foundation described in this
537 Subsection (3) may be deposited in the Child Care Fund.

538 (d) A nonprofit foundation controlled by the director of the office and the committee
539 shall submit to the Division of Finance, within 60 days after the close of the foundation's fiscal
540 year, a financial report summarizing the foundation's financial position and results of
541 operations of the most recent fiscal year.

542 (4) (a) ~~[There shall]~~ Money may be deposited into the fund ~~[money]~~ from ~~[numerous]~~ a
543 variety of sources, including~~;~~ grants, private foundations, and individual donors.

544 (b) The fund shall be used to accept money designated for child care initiatives
545 ~~[improving]~~ that will improve the quality, affordability, or accessibility of child care.

546 (5) The money in the fund that is not restricted to a specific use under federal law or by
547 donors may not be expended without approval of the committee.

548 (6) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,
549 State Money Management Act, except that all interest or other earnings derived from money in
550 the fund ~~[money]~~ shall be deposited in the fund.

551 (7) The money in the fund may not be used for administrative expenses of the office
552 ~~[normally]~~ provided for by legislative appropriation.

553 (8) The committee shall:

554 (a) advise the director of the office on child care needs in the state and on relevant
555 operational aspects of any grant, loan, or revenue collection program established under this
556 part;

557 (b) recommend specific child care projects to the director of the office;

558 (c) recommend policy and procedures for administering the fund;

559 (d) make recommendations on grants, loans, or contracts from the fund for any of the
560 child care activities authorized under this part;

561 (e) establish the criteria by which loans and grants will be made;

- 562 (f) determine the order in which approved child care projects will be funded;
- 563 (g) make recommendations regarding the distribution of money from the fund in
564 accordance with the procedures, conditions, and restrictions placed ~~upon~~ on the money by the
565 donors; and
- 566 (h) have joint responsibility with the office to solicit public and private funding for the
567 fund.
- 568 (9) Fund money shall be used for ~~any of~~ the following activities:
- 569 (a) training of child care providers;
- 570 (b) scholarships and grants for child care providers' professional development;
- 571 (c) child care public awareness and consumer education services;
- 572 (d) child care provider recruitment;
- 573 (e) Office of Child Care sponsored activities;
- 574 (f) matching money for obtaining grants; or
- 575 (g) other activities that will assist in the improvement of child care quality,
576 affordability, or accessibility.
- 577 (10) The director of the office, with the consent of the committee and the executive
578 director, may grant, lend, or contract ~~fund~~ money from the fund for child care purposes to:
- 579 (a) local governments;
- 580 (b) nonprofit community, charitable, or neighborhood-based organizations;
- 581 (c) regional or statewide nonprofit organizations; or
- 582 (d) child care providers.
- 583 (11) Preference may be given, but awards may not be limited to ~~applicants for fund~~
584 money, entities that apply for money from the fund and that demonstrate any of the
585 following:
- 586 (a) programmatic or financial need;
- 587 (b) diversity of ~~clientele~~ beneficiaries or geographic location; ~~and~~ or
- 588 (c) coordination with or enhancement of existing services.
- 589 (12) The executive director or the executive director's designee shall monitor on an

590 annual basis the activities of the [~~recipients of~~] entities that receive grants, loans, or contracts
 591 issued from the fund [~~on an annual basis~~] to ensure compliance with the terms and conditions
 592 imposed on the [~~recipient~~] entities by the fund.

593 (13) [~~The entities receiving grants, loans, or contracts~~] Each entity receiving a grant,
 594 loan, or contract shall provide the director of the office with an annual accounting of how the
 595 money [~~they~~] the entity received from the fund has been spent.

596 (14) (a) The director of the office shall make an annual report to the committee
 597 regarding the status of the fund and the programs and services funded by the fund.

598 (b) The report shall be included in the annual written report described in Section
 599 [35A-1-109](#).

600 Section 21. Section **35A-3-207** is amended to read:

601 **35A-3-207. Community-based prevention programs.**

602 (1) As used in this section:

603 (a) "political subdivision" means a town, city, county, or school district;

604 (b) "qualified sponsor" means a:

605 (i) political subdivision;

606 (ii) community nonprofit, religious, or charitable organization;

607 (iii) regional or statewide nonprofit organization; or

608 (iv) private for profit or nonprofit child care organization with experience and expertise
 609 in operating community-based prevention programs described in Subsection (2) and that are
 610 licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities.

611 (2) Within appropriations from the Legislature, the department may provide grants to
 612 qualified sponsors for community-based prevention programs that:

613 (a) support parents in their primary care giving role to children;

614 (b) provide positive alternatives to idleness for school-aged children when school is not
 615 in session; and

616 (c) support other community-based prevention programs.

617 (3) In awarding [~~grants~~] a grant under this section, the department shall:

618 (a) request proposals for funding from potential qualified sponsors; and
619 [~~(b) comply with the requirements of Subsection (4).~~]
620 [~~(4) In awarding these grants, the department shall~~
621 (b) ensure that each dollar of funds from political subdivisions or private funds is
622 matched for each dollar received from the department. [~~The~~]
623 (4) In meeting the matching requirements under Subsection (3), the department may
624 consider the value of in-kind contributions [such as], including materials, supplies, paid labor,
625 volunteer labor, and the incremental increase in building maintenance and operation expenses
626 incurred attributable to the prevention program [may be considered in meeting this match
627 requirement].

628 (5) In awarding a grant under this section, the department shall consider:
629 (a) the cash portion of the proposed match in relation to the financial resources of the
630 qualified sponsor; and
631 (b) the extent to which the qualified sponsor has:
632 (i) consulted and collaborated with parents of children who are likely to participate,
633 local parent-teacher organizations, and other parent organizations;
634 (ii) identified at-risk factors that will be [~~ameliorated~~] addressed through the proposed
635 prevention program;
636 (iii) identified protective factors and developmental assets that will be supported and
637 strengthened through the proposed prevention program; and
638 (iv) encouraged the financial support of parents and the organizations [~~specified~~]
639 described in Subsection (5)(b)(i).

640 (6) [~~At~~] The department shall award at least [50 percent] 50% of the grants [~~awarded~~]
641 under this section [shall be awarded] to organizations described in Subsection (1)(b)(iv).
642 (7) [~~No federal funds shall be used~~] The department may not allow the use of federal
643 funds as matching funds under this act.

644 Section 22. Section 35A-3-301 is amended to read:

645 **Part 3. Family Employment Program**

646 **35A-3-301. Purpose -- Legislative findings.**

647 (1) The Legislature finds that:

648 (a) ~~[it is in the public interest to fundamentally alter the state's cash assistance program~~
649 ~~for needy families with children; (b)]~~ employment improves the quality of life for parents,
650 children, and individuals by increasing family income, developing job skills, and improving
651 self-esteem; and652 ~~[(c)]~~ (b) the purpose of the cash assistance provided under this part is to assist a parent
653 ~~[client]~~ recipient to obtain employment that is sufficient to sustain a family, to ensure the
654 dignity of those receiving assistance, and to strengthen families.655 (2) The Legislature recognizes that even with assistance, some ~~[clients]~~ recipients may
656 be unable to attain complete self-sufficiency.657 Section 23. Section **35A-3-302** is amended to read:658 **35A-3-302. Eligibility requirements.**659 (1) ~~[The program of]~~ There is created the "Family Employment Program" to provide
660 cash assistance ~~[provided]~~ under this part ~~[is known as the Family Employment Program]~~.661 (2) (a) The ~~[division]~~ department shall submit a state plan to the Secretary of the
662 United States Department of Health and Human Services to obtain ~~[federal]~~ funding under the
663 federal Temporary Assistance for Needy Families Block Grant.664 (b) The ~~[division]~~ department shall make the state plan consistent with this part and
665 federal law.666 (c) If a discrepancy ~~[arises]~~ exists between a provision of the state plan and this part,
667 this part supersedes the provision in the state plan.668 (3) The services ~~[and supports]~~ provided under this part are for both one-parent and
669 two-parent families.

670 (4) To be eligible for cash assistance under this part, a family shall:

671 (a) have at least one minor dependent child; or

672 (b) have a parent who is in the third trimester of a pregnancy.

673 (5) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

674 Act, the department shall make rules for eligibility and the amount of cash assistance a family
675 is eligible to receive under this part based on:

- 676 (a) family size;
- 677 (b) family income;
- 678 (c) income disregards;
- 679 (d) other relevant factors; and
- 680 (e) if the applicant has met the eligibility requirements under Subsections (5)(a)
681 through (d), the assessment and other requirements described in Sections 35A-3-304 and
682 35A-3-304.5.

683 (6) ~~[The division shall disregard]~~ To determine eligibility, the department may not
684 consider money on deposit in an Individual Development Account established under Section
685 35A-3-312 ~~[in determining eligibility]~~.

686 (7) The department shall provide for an appeal of a determination of eligibility in
687 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

688 (8) (a) The department shall make a report to either the Legislature's Executive
689 Appropriations Committee or the Social Services Appropriations Subcommittee on any
690 proposed rule change made under Subsection (5) that would modify the:

- 691 (i) eligibility requirements for cash assistance; or
- 692 (ii) ~~[the]~~ amount of cash assistance a family ~~[would be]~~ is eligible to receive.

693 (b) The department shall submit the report under Subsection (8)(a) prior to
694 implementing the proposed rule change ~~[and the]~~.

695 (c) The report under Subsection (8)(a) shall include:

- 696 (i) a description of the department's current practice or policy that it is proposing to
697 change;
- 698 (ii) an explanation of why the department is proposing the change;
- 699 (iii) the effect of an increase or decrease in cash benefits on families; and
- 700 (iv) the fiscal impact of the proposed change.

701 ~~[(c)]~~ (d) The department may use the Notice of Proposed Rule Amendment form filed

702 with the Division of Administrative Rules as its report if the notice contains the information
703 required under Subsection (8)~~(b)~~(c).

704 (9) ~~The~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
705 Act, the department shall make rules to ensure that:

706 (a) a recipient of assistance from the Family Employment Program:

707 (i) has adequate access to the assistance;

708 (ii) has the ability to use and withdraw assistance with minimal fees or surcharges,
709 including the opportunity to obtain assistance with no fees or surcharges;

710 (iii) is provided information regarding fees and surcharges that may apply to assistance
711 accessed through an electronic fund transaction; and

712 (iv) is provided information explaining the restrictions on accessing assistance
713 described in Subsection (10); and

714 (b) information regarding fees and surcharges that may apply when accessing
715 assistance from the Family Employment Program through an electronic fund transaction is
716 available to the public.

717 (10) An individual receiving assistance under this section may not access the assistance
718 through an electronic benefit transfer, including through an automated teller machine or
719 point-of-sale device, in an establishment in the state that:

720 (a) exclusively or primarily sells intoxicating liquor;

721 (b) allows gambling or gaming; or

722 (c) provides adult-oriented entertainment where performers disrobe or perform
723 unclothed.

724 (11) An establishment ~~[in the state]~~ described under Subsection (10)(a), (b), or (c) may
725 not allow an individual to access the assistance ~~[described in]~~ under this section on the
726 establishment's premises through an electronic benefit transfer, including through an automated
727 teller machine or point-of-sale device~~[- if the establishment: (a) exclusively or primarily sells~~
728 ~~intoxicating liquor; (b) allows gambling or gaming; or (c) provides adult-oriented~~
729 ~~entertainment where performers disrobe or perform unclothed].~~

730 (12) In accordance with federal requirements~~[,]~~ and in accordance with Title 63G,
731 Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules to prevent
732 individuals from accessing assistance in a manner prohibited by Subsections (10) and (11),
733 which rules may include enforcement provisions that impose sanctions that temporarily or
734 permanently disqualify an individual from receiving assistance.

735 ~~[(13) When exercising rulemaking authority under this part, the department shall~~
736 ~~comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

737 Section 24. Section **35A-3-303** is amended to read:

738 **35A-3-303. Diversion.**

739 (1) (a) When an applicant applies for cash assistance under this part, the ~~[division]~~
740 ~~department~~ shall assess whether the applicant should be ~~[diverted from receiving extended cash~~
741 ~~assistance.]~~ helped by:

742 (i) diversion to avoid extended cash assistance; or

743 (ii) normal cash assistance under this part.

744 (b) In completing the assessment~~[, the division shall]~~ under this section, the department
745 may consider the following:

746 (i) the applicant's employment history;

747 (ii) the likelihood of the applicant obtaining immediate full-time employment;

748 (iii) the applicant's general prospect for obtaining full-time employment;

749 (iv) the applicant's need for cash assistance to pay for housing or substantial and
750 unforeseen expenses or work-related expenses;

751 (v) housing stability; and

752 (vi) the adequacy of the applicant's child care arrangements, if applicable.

753 ~~[(b) A finding by the division with regard to eligibility for diversion shall primarily~~
754 ~~consider whether, but for the diversion assistance received under this section, the applicant~~
755 ~~would receive extended cash assistance.]~~

756 (2) If the ~~[division]~~ department determines that the applicant ~~[is eligible for]~~ should be
757 helped by diversion [assistance] and the applicant agrees with this determination, the ~~[division]~~

758 department shall provide a single payment of cash assistance up to three times the maximum
759 monthly amount of cash assistance that the applicant would be otherwise qualified to receive
760 based on household size.

761 (3) [~~When~~] If the department determines that diversion is not appropriate, an applicant
762 may receive cash assistance as [~~otherwise~~] provided in this part.

763 Section 25. Section **35A-3-304** is amended to read:

764 **35A-3-304. Assessment -- Participation requirements and limitations --**

765 **Employment plan -- Mentors.**

766 (1) (a) Within [~~20~~] 30 business days of the date of enrollment, the department shall
767 provide that a parent [client shall] recipient:

768 (i) [~~be~~] is assigned an employment counselor; and

769 (ii) [~~complete~~] completes an assessment provided by the [~~division~~] department
770 regarding the parent [~~client's~~] recipient's:

771 [~~(A) family circumstances;~~]

772 [~~(B) education;~~]

773 [~~(C) work history;~~]

774 [~~(D) skills;~~]

775 [~~(E) ability to become self-sufficient; and~~]

776 (A) prior work experience;

777 (B) ability to become employable;

778 (C) skills; and

779 [~~(F)~~] (D) likelihood of a substance use disorder involving the misuse of a controlled
780 substance.

781 (b) The assessment provided under Subsection (1)(a)(ii) shall include:

782 (i) a survey to be completed by the parent [~~client~~] recipient with the assistance of the
783 [~~division~~] department; and

784 (ii) a written questionnaire to be completed by the parent [~~client~~] recipient designed to
785 accurately determine the likelihood of the parent [~~client~~] recipient having a substance use

786 disorder involving the misuse of a controlled substance.

787 (c) In addition to the other requirements of this part, if the results of the written
788 questionnaire taken by a parent ~~[client]~~ recipient indicate a reasonable likelihood that the parent
789 ~~[client]~~ recipient has a substance use disorder involving the misuse of a controlled substance,
790 the parent ~~[client]~~ recipient may only receive cash assistance provided under this part in
791 accordance with the additional requirements of Section [35A-3-304.5](#).

792 (2) (a) Within 15 business days of a parent ~~[client]~~ recipient completing an assessment,
793 the ~~[division]~~ department and the parent ~~[client]~~ recipient shall enter into an employment plan.

794 (b) The employment plan shall have a target date for entry into employment.

795 (c) The ~~[division]~~ department shall provide a copy of the employment plan to the
796 parent ~~[client]~~ recipient.

797 (d) ~~[As to]~~ For the parent ~~[client, the]~~ recipient, the employment plan may include:

798 (i) job searching requirements;

799 (ii) if the parent ~~[client]~~ recipient does not have a high school diploma, participation in
800 an educational program to obtain a high school diploma, or its equivalent;

801 (iii) education or training necessary to obtain employment;

802 (iv) a combination of work and education or training; and

803 (v) assisting the Office of Recovery Services in good faith to:

804 (A) establish the paternity of a minor child; and

805 (B) establish or enforce a child support order.

806 (e) If the parent ~~[client]~~ recipient tests positive for the unlawful use of a controlled
807 substance after taking a drug test under Section [35A-3-304.5](#), the employment plan shall
808 include an agreement by the parent ~~[client]~~ recipient to:

809 (i) participate in treatment for a substance use disorder; and

810 (ii) meet the other requirements of Section [35A-3-304.5](#).

811 (f) ~~[As to the division, the]~~ The department's responsibilities under the employment
812 plan may include:

813 (i) providing cash and other types of public and employment assistance, including child

814 care;

815 (ii) assisting the parent [~~client~~] recipient to obtain education or training necessary for
816 employment;

817 (iii) assisting the parent [~~client~~] recipient to set up and follow a household budget; and

818 (iv) assisting the parent [~~client~~] recipient to obtain employment.

819 (g) The [~~division~~] department may amend the employment plan to reflect new
820 information or changed circumstances.

821 (h) If immediate employment is an activity [~~contained~~] in the employment plan, the
822 parent [~~client~~] recipient shall:

823 (i) promptly commence a search for employment for a specified number of hours each
824 week [~~for employment~~]; and

825 (ii) regularly submit a report to the [~~division~~] department on:

826 (A) how time was spent in search for a job;

827 (B) the number of job applications completed;

828 (C) the interviews attended;

829 (D) the offers of employment extended; and

830 (E) other related information required by the [~~division~~] department.

831 (i) (i) If full-time education or training to secure employment is an activity [~~contained~~]
832 in an employment plan, the parent [~~client~~] recipient shall promptly undertake a full-time
833 education or training program.

834 (ii) The employment plan may describe courses, education or training goals, and
835 classroom hours.

836 (j) (i) [~~As a condition of receiving~~] The department may only provide cash assistance
837 under this part[~~, a parent client shall agree~~] if the parent recipient agrees in writing to make a
838 good faith effort to comply with the parent recipient's employment plan.

839 [~~(ii) If a parent client consistently fails to show good faith in complying with the~~
840 ~~employment plan, the division may seek under Subsection (2)(i)(iii) to terminate all or part of~~
841 ~~the cash assistance services provided under this part.]~~

842 ~~[(iii) The division shall establish a process to reconcile disputes between a client and~~
843 ~~the division as to whether:]~~

844 (ii) The department shall establish a process to reconcile disputes between a parent
845 recipient and the department as to whether:

846 (A) the parent ~~[client]~~ recipient has made a good faith effort to comply with the
847 employment plan; or

848 (B) the ~~[division]~~ department has complied with the employment plan.

849 (iii) If a parent recipient consistently fails to show good faith in complying with the
850 employment plan, the department may seek to terminate all or part of the cash assistance
851 services provided under this part.

852 (3) (a) Except as provided in Subsection (3)(b), a parent ~~[client's]~~ recipient's supported
853 participation in education or training beyond that required to obtain a high school diploma or
854 its equivalent is limited to the lesser of:

855 (i) 24 months; or

856 (ii) the completion of the education and training requirements of the employment plan.

857 (b) A parent ~~[client]~~ recipient may participate in education or training for up to six
858 months beyond the 24-month limit of Subsection (3)(a)(i) if:

859 (i) the parent ~~[client]~~ recipient is employed for 80 or more hours [a] per month; ~~[and]~~

860 (ii) the extension is for good cause shown; and

861 (iii) the extension is approved by the director or the director's designee.

862 (c) A parent ~~[client]~~ recipient who receives an extension under Subsection (3)(b)
863 ~~[remains]~~ is subject to Subsection (4).

864 (4) (a) A parent ~~[client]~~ recipient with a high school diploma or equivalent who has
865 received 24 months of education or training shall participate in full-time work activities as
866 defined by rules made by the department in accordance with Title 63G, Chapter 3, Utah
867 Administrative Rulemaking Act.

868 (b) The 24 months ~~[need not]~~ described in Subsection (4)(a) do not have to be
869 continuous~~[and the department may define "full-time work activities" by rule].~~

870 (5) [~~As a condition for receiving~~] The department may only provide cash assistance on
871 behalf of a minor child under this part[;] if the minor child [~~shall be~~] is:

872 (a) enrolled in and attending school in compliance with Sections 53A-11-101.5 and
873 53A-11-101.7; or

874 (b) exempt from school attendance under Section 53A-11-102.

875 (6) This section does not apply to a person who has received diversion assistance under
876 Section 35A-3-303.

877 (7) (a) The [~~division shall~~] department may recruit and train volunteers to serve as
878 mentors for parent [~~clients~~] recipients.

879 (b) A mentor may advocate on behalf of a parent [~~client~~] recipient and help a parent
880 [~~client~~] recipient:

881 (i) develop life skills;

882 (ii) implement an employment plan; or

883 (iii) obtain services and [~~supports~~] support from:

884 (A) the volunteer mentor;

885 (B) the [~~division~~] department; or

886 (C) civic organizations.

887 Section 26. Section 35A-3-304.5 is amended to read:

888 **35A-3-304.5. Drug testing requirements.**

889 (1) If the results of a questionnaire described in Subsection 35A-3-304(1) indicate a
890 reasonable likelihood that [~~a parent client~~] an applicant may have a substance use disorder
891 involving the misuse of a controlled substance, the [~~division~~] department shall require the
892 [~~parent client~~] applicant to take a drug test at the [~~division's~~] department's expense in order to
893 continue to receive cash assistance under this part.

894 (2) If [~~a parent client~~] an applicant refuses to take a drug test required under Subsection
895 (1), the department shall terminate cash assistance under this part and the [~~parent client~~]
896 applicant may not reapply for cash assistance under this part for:

897 (a) 90 days after a first refusal to take a drug test [~~within one year~~]; or

898 (b) one year after a second refusal to take a drug test within one year.

899 (3) A drug test given under this section shall be administered with due regard to the
900 privacy and dignity of the person being tested.

901 (4) Before taking a drug test under this section, [~~a parent client~~] an applicant may
902 advise the person administering the test regarding any prescription or over-the-counter
903 medication the [~~parent client~~] applicant is taking.

904 (5) The result of a drug test given under this section is a private record in accordance
905 with Section 63G-2-302 and disclosure to a third party is prohibited except as provided under
906 Title 63G, Chapter 2, Government Records Access and Management Act.

907 (6) If [~~a parent client~~] an applicant tests negative for the unlawful use of a controlled
908 substance after taking a drug test under Subsection (1), the [~~parent client remains~~] applicant is
909 eligible for cash assistance, subject to the other eligibility requirements of this part.

910 (7) If [~~a parent client~~] an applicant tests positive for the unlawful use of a controlled
911 substance after taking a drug test under Subsection (1), the [~~parent client~~] applicant:

912 (a) shall be given a list of approved substance use disorder treatment providers that are
913 available in the area in which the individual resides; and

914 (b) may continue to receive benefits if the [~~parent client~~] applicant enters into and
915 follows the requirements of [~~an~~] the applicant's employment plan, including:

916 (i) receiving treatment, at the [~~division's~~] department's expense, from an approved
917 substance use disorder treatment provider for at least 60 days;

918 (ii) testing negative for the unlawful use of a controlled substance:

919 (A) in each subsequent drug test required by [~~division~~] department rule during
920 treatment; and

921 (B) in an additional drug test given at the conclusion of treatment; and

922 (iii) meeting the other requirements of receiving cash assistance under this part.

923 (8) [~~If a parent client~~] (a) The department shall terminate cash assistance under this
924 part, if an applicant:

925 (i) declines to enter into an employment plan required by Subsection (7); ~~or if the~~

926 ~~parent client~~]; or

927 (ii) enters into, but fails to meet, a requirement of an employment plan under
 928 Subsection (7), including if the ~~[parent client]~~ applicant refuses to take a drug test required by
 929 the employment plan or tests positive for the unlawful use of a controlled substance in a drug
 930 test required by the employment plan~~]; the department shall terminate cash assistance under~~
 931 ~~this part and the parent client~~].

932 **(b) An applicant whose cash assistance has been terminated under Subsection (8)(a)**
 933 may not reapply for cash assistance under this part for:

934 ~~[(a)]~~ (i) except as provided in Subsection (8)(b)(ii), 90 days after the day on which the
 935 department determines, under this Subsection (8), that the ~~[parent client]~~ applicant is no longer
 936 eligible for cash assistance; or

937 ~~[(b)]~~ (ii) one year after the day on which the department determines, under this
 938 Subsection (8), that the ~~[parent client]~~ applicant is no longer eligible for cash assistance, if the
 939 department has previously determined on at least one other occasion in the past year that the
 940 ~~[parent client]~~ applicant is no longer eligible for cash assistance under this Subsection (8).

941 Section 27. Section **35A-3-306** is amended to read:

942 **35A-3-306. Limits on eligibility -- Transitional cash assistance.**

943 (1) ~~[For purposes of]~~ As used in this section, "battered or subjected to extreme cruelty"
 944 has the same meaning as defined in ~~[is defined in Section 103(a)(1) of P.L. 104-193 or 42~~
 945 ~~U.S.C. Sec. 608(a)(7)(C)(iii);]~~ The Personal Responsibility and Work Opportunity
 946 Reconciliation Act of 1996, 42 U.S.C. Sec. 608(a)(7)(C)(iii).

947 (2) Except as provided in Subsection (4), the ~~[division]~~ department may not provide
 948 cash assistance to a family who has received cash assistance for 36 months or more.

949 (3) (a) The ~~[division]~~ department shall count toward the ~~[36-month]~~ time limit
 950 described in Subsection (2) any time after January 1, 1997, during which:

951 (i) the parent ~~[client]~~ recipient received cash assistance in this or another state; and

952 (ii) the parent ~~[client]~~ recipient is disqualified from receiving cash assistance and the
 953 parent ~~[client's]~~ recipient's income and assets are counted in determining eligibility for the

954 family in this or another state.

955 (b) ~~[(i) The division]~~ The department may not count toward the ~~[36-month]~~ time limit
956 described in Subsection (2) or the ~~[24-month]~~ time period described in Subsection (4) any time
957 during which:

958 ~~[(A)]~~ (i) a person 18 years of age or older received cash assistance as a minor child and
959 not as a parent; or

960 ~~[(B)]~~ (ii) a parent ~~[client]~~ recipient received transitional ~~[support]~~ cash assistance under
961 Subsection (5).

962 ~~[(ii) Transitional support cash assistance:]~~

963 ~~[(A) may be paid if the department determines the assistance is necessary to stabilize~~
964 ~~employment and prevent recidivism;]~~

965 ~~[(B) is only available to a parent client who was previously receiving cash assistance~~
966 ~~under the Family Employment Program but who becomes ineligible due to earned or unearned~~
967 ~~income; and]~~

968 ~~[(C) may be granted for a maximum of three months provided the parent client is~~
969 ~~employed an average of 30 hours per week during the transitional period.]~~

970 (4) (a) ~~[For up to 24 months, the division]~~ The department may provide cash assistance
971 to a family for up to 24 months beyond the ~~[36-month]~~ time limit described in Subsection (2) if
972 during the previous two months~~;~~ the parent ~~[client]~~ recipient was employed for ~~[no less than]~~
973 at least 20 hours per week.

974 (b) ~~[For up to 20% of the average monthly number of families who receive cash~~
975 ~~assistance under this part, the division]~~ Notwithstanding the time limit described in Subsection
976 (2), the department may provide cash assistance to a family beyond the ~~[36-month]~~ time limit
977 in Subsection (2):

978 (i) by reason of a hardship; ~~[or]~~

979 (ii) if the family includes an individual who has been battered or subjected to extreme
980 cruelty~~[-];~~ or

981 (iii) if a parent volunteers to fully participate in a department-approved employment

982 and training activity as prescribed by rules made by the department in accordance with Title
983 63G, Chapter 3, Utah Administrative Rulemaking Act.

984 (c) ~~[For up to 20% of the average monthly number of families who receive cash~~
985 ~~assistance under this part, the division]~~ Notwithstanding the time limit established in
986 Subsection (4)(a), the department may provide cash assistance to a family beyond the
987 additional [24-month] time period in Subsection (4)(a):

988 (i) by reason of a hardship; or

989 (ii) if the family includes an individual who has been battered or subjected to extreme
990 cruelty.

991 (d) The department may only provide the additional cash assistance described in
992 Subsections (4)(b) and (c) for up to 20% of the average monthly number of families who
993 receive cash assistance under this part.

994 ~~[(d)]~~ (e) Except as provided in Subsections (4)(b) and (c), the ~~[division]~~ department
995 may not provide cash assistance to a family who has received 60 months of cash assistance
996 after October 1, 1996.

997 (5) (a) The department may provide transitional cash assistance to a parent recipient:

998 (i) if the department determines the transitional cash assistance is necessary to stabilize
999 employment and prevent recidivism of a recipient;

1000 (ii) who was previously receiving cash assistance under the Family Employment
1001 Program but who becomes ineligible due to earned or unearned income; and

1002 (iii) for a maximum of three months if the parent recipient is employed an average of
1003 30 hours per week during the transitional period.

1004 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1005 department shall make rules for the provision of transitional cash assistance under this section.

1006 Section 28. Section **35A-3-307** is amended to read:

1007 **35A-3-307. Cash assistance to a single minor parent.**

1008 (1) The ~~[division]~~ department may provide cash assistance to a single minor parent in
1009 accordance with this section.

- 1010 (2) A single minor parent who receives cash assistance under this part shall:
- 1011 (a) except as provided under Subsection (3), reside in a place of residence maintained
- 1012 by a parent, legal guardian, or other adult relative of the single minor parent~~[, except as~~
- 1013 ~~provided in Subsection (3)]~~;
- 1014 (b) participate in education for parenting and life skills;
- 1015 (c) participate in infant and child wellness programs ~~[operated by the Department of~~
- 1016 ~~Health]~~ approved by the department; and
- 1017 (d) for ~~[not less than]~~ at least 20 hours per week:
- 1018 (i) ~~[attend high school or an alternative to high school,]~~ if the single minor parent does
- 1019 not have a high school diploma, attend high school or an alternative to high school;
- 1020 (ii) participate in education or training; or
- 1021 (iii) participate in a combination of employment and education or training.
- 1022 (3) (a) If the ~~[division]~~ department determines that the requirements of Subsection
- 1023 (2)(a) are not appropriate for a single minor parent, the ~~[division]~~ department may assist the
- 1024 single minor parent to obtain suitable living arrangements, including an adult-supervised living
- 1025 arrangement.
- 1026 (b) ~~[As a condition of receiving]~~ The department may only provide cash assistance~~;~~ to
- 1027 a single minor parent who is exempt from the requirements of Subsection (2)(a) ~~[shall reside]~~ if
- 1028 the single minor parent resides in a living arrangement that is approved by the ~~[division]~~
- 1029 department.
- 1030 (c) The approval by the ~~[division]~~ department of a living arrangement under Subsection
- 1031 (3)(b):
- 1032 (i) is a means of safeguarding the use of state and federal funds; and
- 1033 (ii) is not a certification or guarantee of the safety, quality, or condition of the living
- 1034 arrangements of the single minor parent.
- 1035 (4) (a) If a single minor parent resides with a parent, the ~~[division]~~ department shall
- 1036 include the income of the parent of the single minor parent in determining the single minor
- 1037 parent's eligibility for services ~~[and supports]~~ under this part.

1038 (b) If a single minor parent receives services [~~and supports~~] under this chapter but does
1039 not reside with a parent, the [~~division~~] department shall seek an order under Title 78B, Chapter
1040 12, Utah Child Support Act, requiring the parent of the single minor parent to financially
1041 support the single minor parent.

1042 (5) The requirements of this section shall be included in a single minor parent's
1043 employment plan under Section [35A-3-304](#).

1044 Section 29. Section **35A-3-308** is amended to read:

1045 **35A-3-308. Adoption services -- Printed information -- Supports provided.**

1046 (1) The [~~division~~] department may provide assistance under this section to [~~a client~~] an
1047 applicant who is pregnant and is not receiving cash assistance [~~no sooner than~~] at the beginning
1048 of the third trimester of pregnancy.

1049 (2) For a pregnant [~~clients~~] applicant, the [~~division~~] department shall:

1050 (a) refer the [~~client~~] applicant for appropriate prenatal medical care, including maternal
1051 health services provided under Title 26, Chapter 10, Family Health Services;

1052 (b) inform the [~~client~~] applicant of free counseling about adoption from licensed child
1053 placement agencies and licensed attorneys; and

1054 (c) offer the [~~client~~] applicant the adoption information packet described in Subsection
1055 (3).

1056 (3) The department shall publish an adoption information packet that:

1057 (a) is easy to understand;

1058 (b) contains geographically indexed materials on the public and private organizations
1059 that provide adoption assistance;

1060 (c) lists the names, addresses, and telephone numbers of licensed child placement
1061 agencies and licensed attorneys who place children for adoption;

1062 (d) explains that private adoption is legal and that the law permits adoptive parents to
1063 reimburse the costs of prenatal care, childbirth, neonatal care, and other expenses related to
1064 pregnancy; and

1065 (e) describes the services [~~and supports~~] available to the [~~client~~] applicant under this

1066 section.

1067 (4) (a) A [client] recipient remains eligible for assistance under this section, even
1068 though the [client] recipient relinquishes a child for adoption, [~~provided that~~] if the adoption is
1069 in accordance with Sections 78B-6-120 through 78B-6-122.

1070 (b) The assistance provided under this section may include:

1071 (i) reimbursement for expenses associated with care and confinement during pregnancy
1072 as provided [~~for~~] in Subsection (5); and

1073 (ii) for a maximum of 12 months from the date of relinquishment, coordination of
1074 services to assist the [client] recipient in:

1075 (A) receiving appropriate educational and occupational assessment and planning;

1076 (B) enrolling in appropriate education or training programs, including high school
1077 completion and adult education programs;

1078 (C) enrolling in programs that provide assistance with job readiness, employment
1079 counseling, finding employment, and work skills;

1080 (D) finding suitable housing;

1081 (E) receiving medical assistance, under Title 26, Chapter 18, Medical Assistance Act,
1082 if the [client] recipient is otherwise eligible; and

1083 (F) receiving counseling and other mental health services.

1084 (5) (a) Except as provided in Subsection (5)(b), a [client] recipient under this section is
1085 eligible to receive an amount equal to the maximum monthly amount of cash assistance paid
1086 under this part to one person for up to 12 consecutive months from the date of relinquishment.

1087 (b) If a [client] recipient is otherwise eligible to receive cash assistance under this part,
1088 the [client] recipient is eligible to receive an amount equal to the increase in cash assistance the
1089 [client] recipient would have received but for the relinquishment for up to 12 consecutive
1090 months from the date of relinquishment.

1091 (6) (a) To [~~be~~] remain eligible for assistance under this section, a [client] recipient
1092 shall:

1093 (i) with the cooperation of the [~~division~~] department, develop and implement an

1094 employment plan [~~containing~~] that includes goals for achieving self-sufficiency and
1095 [~~describing~~] that describes the action the [~~client~~] recipient will take concerning education and
1096 training [~~that will result in~~] to achieve full-time employment;

1097 (ii) if the [~~client~~] recipient does not have a high school diploma, enroll in high school
1098 or an alternative to high school and demonstrate progress toward graduation; and

1099 (iii) make a good faith effort to meet the goals of the employment plan as [~~provided~~]
1100 described in Section 35A-3-304.

1101 (b) Cash assistance provided to a [~~client~~] recipient before the [~~client~~] recipient
1102 relinquishes a child for adoption is part of the state plan.

1103 (c) Assistance provided under Subsection (5):

1104 (i) shall be provided for with state funds; and

1105 (ii) may not be [~~told~~] counted when determining subsequent eligibility for cash
1106 assistance under this chapter.

1107 (d) The time limit provisions of Section 35A-3-306 apply to cash assistance provided
1108 under the state plan.

1109 (e) The [~~division~~] department shall monitor a [~~client's~~] recipient's compliance with this
1110 section.

1111 (f) Except for Subsection (6)(b), Subsections (2) through (6) are excluded from the
1112 state plan.

1113 Section 30. Section 35A-3-309 is amended to read:

1114 **35A-3-309. Information regarding home ownership.**

1115 (1) The [~~division~~] department shall provide information and service coordination to
1116 assist [~~a client to obtain~~] an applicant in obtaining affordable housing.

1117 (2) The information and services may include:

1118 (a) information from the Utah Housing Corporation and the Housing and Community
1119 Development Division regarding special housing programs, including programs for first-time
1120 home buyers and [~~persons~~] individuals with low and moderate incomes and the eligibility
1121 requirements for those programs;

1122 (b) referrals to programs operated by volunteers from the real estate industry that assist
1123 [~~clients~~] applicants in obtaining affordable housing, including information on home ownership,
1124 down payments, closing costs, and credit requirements; and

1125 (c) referrals to housing programs operated by municipalities, counties, local housing
1126 authorities, and nonprofit housing organizations that assist individuals [~~to obtain~~] in obtaining
1127 affordable housing, including first-time home ownership.

1128 Section 31. Section **35A-3-310** is amended to read:

1129 **35A-3-310. Child care services -- Rules.**

1130 (1) [~~A parent client~~] An applicant may receive assistance for child care under this part
1131 for a minor child in the care and custody of the parent [~~client~~] recipient, unless the other parent
1132 in a two-parent family:

1133 (a) is capable of caring for the family's child;

1134 (b) is not employed; and

1135 (c) has not entered into an employment plan with the [~~division~~] department.

1136 (2) The [~~division~~] department shall encourage a parent [~~client~~] recipient to obtain child
1137 care at no cost from a parent, sibling, relative, or other suitable provider.

1138 (3) [~~Within appropriations from the Legislature and in~~] In accordance with Title 63G,
1139 Chapter 3, Utah Administrative Rulemaking Act, the department may make rules governing
1140 eligibility for child care services for a minor child in the care and custody of a parent who does
1141 not receive cash assistance under this part.

1142 Section 32. Section **35A-3-310.5** is amended to read:

1143 **35A-3-310.5. Child care providers -- Criminal background checks -- Payment of**
1144 **costs -- Prohibitions -- Department rules.**

1145 (1) This section applies to a child care provider who:

1146 (a) (i) is selected by [~~an applicant for, or~~] a recipient of[;] a child care assistance
1147 payment; or

1148 (ii) is a recipient of a child care assistance payment;

1149 (b) is not required to undergo a criminal background check with the Department of

1150 Health, Bureau of Child Care Licensing;

1151 (c) is not a license exempt child care center or program; and

1152 (d) is an eligible child care provider ~~[under]~~ in accordance with department rules made
1153 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1154 (2) (a) ~~[Each]~~ A child care provider identified under Subsection (1) shall submit to the
1155 department the name and other identifying information, ~~[which shall include]~~ including a set of
1156 fingerprints, of:

1157 (i) existing, new, and proposed ~~[providers of]~~ individuals who provide or may provide
1158 child care; and

1159 (ii) individuals who are at least 18 years of age and reside in the premises where the
1160 child care is provided.

1161 (b) The department may waive the fingerprint requirement under Subsection (2)(a) for
1162 an individual who has:

1163 (i) resided in Utah for five years prior to the required submission; or

1164 (ii) (A) previously submitted a set of fingerprints under this section for a national
1165 criminal history record check; and

1166 (B) resided in Utah continuously since submitting the fingerprints.

1167 (c) The ~~[Utah Division of]~~ Criminal Investigation and Technical Services Division
1168 created within the Department of Public Safety under Section [53-10-103](#) shall:

1169 (i) process and conduct background checks on all individuals as requested by the
1170 department~~[; including submitting the];~~ and

1171 (ii) submit required fingerprints to the U.S. Federal Bureau of Investigation for a
1172 national criminal history background check of the individual.

1173 (d) If the department waives the fingerprint requirement under Subsection (2)(b), the
1174 ~~[Utah Division of]~~ Criminal Investigation and Technical Services Division may allow the
1175 department or its representative access to the ~~[division's]~~ Criminal Investigation and Technical
1176 Services Division's ~~[data base]~~ database to determine whether the individual has been
1177 convicted of a crime.

1178 (e) The child care provider shall pay the cost of the history background check provided
1179 under Subsection (2)(c).

1180 (3) (a) ~~[Each]~~ A child care provider identified under Subsection (1) shall submit to the
1181 department the name and other identifying information of an individual, age 12 through 17,
1182 who resides in the premises where the child care is provided.

1183 ~~[(b) The identifying information referred to in Subsection (3)(a) does not include~~
1184 ~~fingerprints.]~~

1185 ~~[(c)]~~ (b) The department or its representative shall access juvenile court records to
1186 determine whether an individual described in Subsection (2) or (3)(a) has been adjudicated in
1187 juvenile court of committing an act which, if committed by an adult, would be a felony or
1188 misdemeanor if:

1189 (i) the individual described in Subsection (2) is under the age of 28; or

1190 (ii) the individual described in Subsection (2):

1191 (A) is ~~[over the]~~ age ~~[of]~~ 28 or older; and

1192 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in
1193 abeyance or diversion agreement for a felony or misdemeanor.

1194 (4) Except as provided in Subsection (5), a child care provider under this section may
1195 not permit an individual ~~[who has been convicted of, has pleaded no contest to, or is currently~~
1196 ~~subject to a plea in abeyance or diversion agreement for a felony or misdemeanor, or if~~
1197 ~~Subsection (3)(b) applies, an individual who has been adjudicated in juvenile court of~~
1198 ~~committing an act which if committed by an adult would be a felony or misdemeanor]~~
1199 described under Subsection (3)(b) to:

1200 (a) provide subsidized child care; or

1201 (b) reside at the premises where subsidized child care is provided.

1202 (5) (a) The department may make ~~[a rule]~~ rules in accordance with Title 63G, Chapter
1203 3, Utah Administrative Rulemaking Act, to exempt the following from the restrictions of
1204 Subsection (4):

1205 (i) a specific misdemeanor;

1206 (ii) a specific act adjudicated in juvenile court, which if committed by an adult would
1207 be a misdemeanor; and

1208 (iii) background checks of individuals other than the provider who are residing at the
1209 premises where subsidized child care is provided if that child care is provided in the child's
1210 home.

1211 (b) In accordance with criteria established by ~~[rule]~~ department rules made in
1212 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the executive
1213 director or the director's designee may consider and exempt individual cases, not otherwise
1214 exempt under Subsection (5)(a), from the restrictions of Subsection (4).

1215 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1216 department shall ~~[establish by rule]~~ make rules to determine:

1217 (a) whether a child care subsidy payment should be made prior to the completion of a
1218 background check, particularly in the case of a delay in making or completing the background
1219 check; and

1220 (b) if, and how often, a child care provider shall resubmit the information required
1221 under Subsections (2) and (3).

1222 Section 33. Section **35A-3-311** is amended to read:

1223 **35A-3-311. Cash assistance to noncitizen legal residents and drug dependent**
1224 **persons.**

1225 (1) ~~[The division]~~ If barred from using federal funds under federal law, the department
1226 may provide cash assistance to a legal resident who is not a citizen of the United States using
1227 funds appropriated from the ~~[general fund if barred under federal law from using federal funds]~~
1228 General Fund.

1229 (2) (a) The State exercises the opt out provision in Section 115 of the Personal
1230 Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193.

1231 (b) Consistent with Subsection (2)(a), the ~~[division]~~ department may provide cash
1232 assistance and SNAP benefits to a person who has been convicted of a felony involving a
1233 controlled substance, as defined in Section [58-37-2](#).

1234 (c) As a condition for receiving cash assistance under this part, a drug dependant
 1235 person, as defined in Section ~~58-37-2~~, shall:

- 1236 (i) receive available treatment for the dependency; and
- 1237 (ii) make progress toward overcoming the dependency.

1238 (d) The department may only refer [~~a client~~] a recipient who is a drug dependent person
 1239 to a treatment provider [~~that~~] for treating drug dependency if the provider has achieved an
 1240 objective level of success, as defined by department [~~rule, in treating drug dependency~~] rules
 1241 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1242 Section 34. Section **35A-3-312** is amended to read:

1243 **35A-3-312. Individual development accounts.**

1244 (1) As used in this section:

1245 (a) "Individual development account" means a trust account funded through periodic
 1246 contributions by a [~~client~~] recipient and matched by or through a not-for-profit organization
 1247 organized under Section 501(c)(3), Internal Revenue Code.

1248 (b) "Qualified acquisition costs" means the costs of acquiring, constructing, or
 1249 reconstructing a residence, including settlement and closing costs.

1250 (c) "Qualified businesses capitalization expenses" means expenditures for capital,
 1251 plant, equipment, working capital, and inventory.

1252 (2) An individual development account may be established by or on behalf of a [~~client~~]
 1253 recipient to enable [~~a client~~] the recipient to accumulate funds for the following purposes:

1254 (a) postsecondary educational expenses [~~after leaving cash assistance~~], including
 1255 tuition, fees, books, supplies, and transportation costs, if:

1256 (i) the recipient has terminated cash assistance under this chapter; and

1257 (ii) the expenses are paid from the individual development account directly to an
 1258 educational institution that the [~~parent client~~] recipient is attending as part of an employment
 1259 plan;

1260 (b) qualified acquisition costs associated with a first-time home purchase if paid from
 1261 the individual development account directly to a person to whom the amount is due;

1262 (c) amounts paid from an individual development account directly to a business
 1263 capitalization account that is established in a federally insured financial institution and used
 1264 solely for qualified business capitalization expenses; or

1265 (d) the purchase of assistive technologies, vehicle modifications, or home
 1266 improvements ~~[that will]~~ to allow a ~~[client]~~ recipient with a disability to participate in
 1267 work-related activities.

1268 (3) A ~~[client]~~ recipient may only deposit earned income and funds received from a
 1269 not-for-profit organization into an individual development account.

1270 Section 35. Section **35A-3-313** is amended to read:

1271 **35A-3-313. Performance goals.**

1272 ~~[(1) As used in this section:]~~

1273 ~~[(a) "Performance goals" means a target level of performance or an expected level of~~
 1274 ~~performance against which actual performance is compared.]~~

1275 ~~[(b) "Performance indicators" means actual performance information regarding a~~
 1276 ~~program or activity.]~~

1277 ~~[(c) "Performance monitoring system" means a process to regularly collect and analyze~~
 1278 ~~performance information including performance indicators and performance goals.]~~

1279 ~~[(2)(a)]~~ (1) The department shall establish a performance monitoring system for cash
 1280 assistance provided under this part.

1281 ~~[(b)]~~ (2) The department shall establish the performance indicators and performance
 1282 goals that will be used in the performance monitoring system for cash assistance under this
 1283 part.

1284 ~~[(c)(i)]~~ (3)(a) The department shall include in the annual written report described in
 1285 Section [35A-1-109](#), a description of the difference between actual performance and
 1286 performance goals for the second, third, and fourth quarters of the prior fiscal year and the first
 1287 quarter of the current fiscal year.

1288 ~~[(i)(A)]~~ (b)(i) The legislative fiscal analyst or the analyst's designee shall convey the
 1289 information described in Subsection ~~[(2)(c)(i)]~~ (3)(a) to the appropriation subcommittee that

1290 has oversight responsibilities for the Department of Workforce Services during the general
 1291 session of the Legislature that follows the submission of the report.

1292 ~~[(B)]~~ (ii) The subcommittee may consider the information in its deliberations regarding
 1293 the budget for services ~~[and supports]~~ under this chapter.

1294 Section 36. Section **35A-3-401** is amended to read:

1295 **Part 4. General Assistance**

1296 **35A-3-401. General Assistance.**

1297 (1) (a) The department may provide General Assistance ~~[may be provided]~~ to
 1298 individuals who are;

1299 (i) not receiving cash assistance under Part 3, Family Employment Program, or
 1300 Supplemental Security Income~~;~~; and ~~[who are]~~

1301 (ii) unemployable according to standards established by the department.

1302 (b) (i) General Assistance ~~[may be provided by]~~ described in Subsection (1)(a) may
 1303 include payment in cash or in kind.

1304 (ii) The ~~[office]~~ department may provide General Assistance up to an amount ~~[less]~~
 1305 that is no more than the existing payment level for an otherwise similarly situated ~~[client of]~~
 1306 recipient receiving cash assistance under Part 3, Family Employment Program.

1307 (c) The ~~[office]~~ department shall establish asset limitations for a General Assistance
 1308 [clients] applicant.

1309 (d) (i) General Assistance may be granted to meet special nonrecurrent needs of an
 1310 applicant for the federal Supplemental Security Income ~~[program]~~ for the Aged, Blind, and
 1311 Disabled program provided under 20 C.F.R. Sec. 416, if the applicant agrees to reimburse the
 1312 ~~[division]~~ department for assistance advanced while awaiting the determination of eligibility by
 1313 the Social Security Administration.

1314 (ii) General Assistance payments may not be made to a ~~[current client of]~~ recipient
 1315 currently receiving:

1316 (A) cash assistance; or

1317 (B) Supplemental Security Income for the Aged, Blind, and Disabled.

1318 (e) (i) General Assistance may be used for the reasonable cost of burial for a ~~client,~~
1319 recipient if heirs or relatives are not financially able to assume this expense.

1320 (ii) Notwithstanding Subsection (1)(e)(i), if the body of a person is unclaimed~~;~~
1321 Section 53B-17-301 applies.

1322 (iii) The department shall fix the cost of a reasonable burial and conditions under
1323 which burial expenditures may be made.

1324 (2) The ~~division~~ department may cooperate with any governmental unit or agency, or
1325 any private nonprofit agency₂ in establishing work projects to provide employment for
1326 employable persons.

1327 Section 37. Section **35A-3-402** is amended to read:

1328 **35A-3-402. Calculation of General Assistance grants.**

1329 ~~[Grants]~~ The department shall provide grants for General Assistance ~~[made pursuant to]~~
1330 under Section 35A-3-401 ~~[, to the extent that those payments are made]~~ on an ongoing basis for
1331 ~~[persons]~~ individuals who are unemployable~~[, shall be]:~~

1332 (1) within amounts appropriated by the Legislature; and

1333 (2) calculated in a manner ~~[analogous to that]~~ substantially similar to cash assistance as
1334 provided in Section 35A-3-302.

1335 Section 38. Section **35A-3-502** is amended to read:

1336 **35A-3-502. Definitions of social capital.**

1337 (1) As used in this part~~[:]~~, "social capital" means the value provided to the state by a
1338 civic organization, including values, cooperation, strength to families and neighborhoods, and
1339 ensuring livable communities and nurturing environments.

1340 ~~[(1) "Civic organization" includes community service clubs and organizations,~~
1341 ~~charitable health care and service organizations, fraternal organizations, labor unions, minority~~
1342 ~~and ethnic organizations, commercial and industrial organizations, commerce and business~~
1343 ~~clubs, private nonprofit organizations, private nonprofit corporations that provide funding to~~
1344 ~~community service organizations, organizations that advocate or provide for the needs of~~
1345 ~~persons with low incomes, religious organizations, and organizations that foster strong~~

1346 ~~neighborhoods and communities.]~~

1347 ~~[(2) "Diversion payment" means a lump sum cash payment provided to a client in lieu~~
1348 ~~of regular monthly cash assistance.]~~

1349 ~~[(3) "Performance monitoring system" means a process to regularly collect and analyze~~
1350 ~~performance information, including performance indicators and performance goals.]~~

1351 ~~[(a) "Performance goals" means a target level of performance or an expected level of~~
1352 ~~performance against which actual performance is measured.]~~

1353 ~~[(b) "Performance indicators" means actual performance information regarding a~~
1354 ~~program or activity.]~~

1355 (2) Social capital links society together by:

1356 (a) creating opportunities for service and giving;

1357 (b) facilitating trust and cooperation; and

1358 (c) enhancing investments in physical and human capital.

1359 Section 39. Section **35A-3-503** is amended to read:

1360 **35A-3-503. Purpose -- Limitations.**

1361 ~~[(1) The Legislature finds that public policy should promote and encourage a strong~~
1362 ~~civic sector. Civic organizations have an important role that cannot be adequately addressed~~
1363 ~~through either private or public sector action. Important public values such as the condition of~~
1364 ~~our neighborhoods, the character of our children, and the renewal of our cities directly depend~~
1365 ~~on the strength of families, neighborhoods, and grassroots community organizations, as well as~~
1366 ~~the vitality of private and religious institutions that care for those in need. Civic organizations~~
1367 ~~transmit values between generations, encourage cooperation between citizens, and ensure that~~
1368 ~~our communities are livable and nurturing environments. The value provided to the state by~~
1369 ~~civic organizations is called social capital.]~~

1370 ~~[(2) The purpose of this part is to promote the availability of social capital.]~~

1371 (1) Using social capital, [clients of and applicants] an applicant for services under this
1372 chapter may receive a wide array of services [and supports] that cannot be provided by state
1373 government alone. [Social capital links all parts of our society together by creating

1374 ~~opportunities for service and giving. It facilitates trust and cooperation and enhances~~
 1375 ~~investments in physical and human capital.]~~

1376 ~~[(3) In enacting this part, the]~~ (2) The Legislature recognizes:

1377 (a) the constitutional limits of state government to sustain civic institutions that
 1378 provide social capital~~[- While state government has always depended on these institutions, it];~~

1379 (b) that the state does not create [them] nor can it replace [them. This part recognizes]
 1380 civic institutions; and

1381 (c) that state government ~~[shall]~~ should respect, recognize, and, wherever possible,
 1382 constitutionally encourage strong civic institutions that sustain a sense of community ~~[and~~
 1383 ~~humanize our lives].~~

1384 Section 40. Section **35A-3-504** is amended to read:

1385 **35A-3-504. Relationship of civic and state services.**

1386 (1) (a) Services and supports provided by a civic organization under this part are in
 1387 addition to, and not in lieu of, any service ~~[or support]~~ provided by the ~~[division to a client]~~
 1388 department to a recipient.

1389 (b) Receipt of services from a civic organization may not diminish a ~~[person's]~~
 1390 recipient's eligibility for services [or supports] from the [division] department.

1391 (2) ~~[A person]~~ An applicant or recipient is under no obligation to receive services from
 1392 a civic organization.

1393 (3) A civic organization is under no obligation to provide services to a person, except
 1394 as provided in a contract between the organization and the ~~[division pursuant to]~~ department
 1395 under Section 35A-3-507.

1396 Section 41. Section **35A-3-505** is amended to read:

1397 **35A-3-505. Application -- Referral to civic organizations.**

1398 (1) The ~~[division]~~ department:

1399 (a) shall~~[- in compliance with Section 35A-3-504,]~~ assess whether an applicant ~~[would~~
 1400 ~~be]~~ is receptive to and would benefit [by services from] from a service provided by a civic
 1401 organization[- If so, the division]; and

1402 (b) may inform the applicant of the availability of ~~[those services and supports]~~
1403 services provided by civic organizations.

1404 (2) (a) If an applicant chooses to receive ~~[those]~~ services ~~[and supports]~~ from a civic
1405 organization, the ~~[division]~~ department shall facilitate the applicant's referral to one or more
1406 appropriate civic organizations.

1407 (b) If an applicant chooses not to receive the services ~~[and supports]~~ of a civic
1408 organization or requests services ~~[and supports]~~ available under this chapter in addition to the
1409 services ~~[and supports]~~ of a civic organization, the ~~[division]~~ department shall process the
1410 application as provided under this chapter.

1411 Section 42. Section **35A-3-506** is amended to read:

1412 **35A-3-506. Diversion payment -- Referral to civic organizations.**

1413 ~~[When a client]~~ If a recipient receives a diversion payment under Section **35A-3-303**,
1414 the ~~[division]~~ department:

1415 (1) shall assess whether the ~~[client would benefit from]~~ recipient is receptive to and
1416 would benefit from services ~~[and supports]~~ from a civic organization~~[- If so, the division]; and~~

1417 (2) may inform the ~~[client]~~ recipient of the services ~~[and supports]~~ that civic
1418 organizations provide.

1419 Section 43. Section **35A-3-507** is amended to read:

1420 **35A-3-507. Request for proposals from civic organizations -- Contract**
1421 **requirements.**

1422 (1) (a) ~~[Before October 1, 1997, the director shall]~~ The director or the director's
1423 designee may issue a request for proposals~~[- Interested]~~ to civic organizations ~~[may submit~~
1424 ~~proposals]~~ for the purpose of contracting with the ~~[division]~~ department for the provision of
1425 social capital.

1426 (b) ~~[In cooperation with the coalition described in Section 35A-3-510,]~~ In accordance
1427 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall establish
1428 by rule:

1429 (i) specifications for proposals;

- 1430 (ii) deadlines for submissions;
- 1431 (iii) contents of proposals;
- 1432 (iv) the criteria upon which proposals will be accepted; and
- 1433 (v) the amount of available funding.
- 1434 (2) Within appropriations from the Legislature, the director may enter into~~[-one or more~~
- 1435 ~~contracts with civic organizations]~~ a contract with a civic organization, which shall [at least]
- 1436 include:
- 1437 (a) the funding, if any, to be provided to the civic organization by the [~~division~~]
- 1438 department;
- 1439 (b) the geographical boundary within which the civic organization is to provide
- 1440 services [~~and supports~~] to individuals referred by the [~~division~~] department;
- 1441 (c) a description of the services [~~and supports~~] to be provided by the civic organization
- 1442 to [~~clients~~] an applicant or recipient;
- 1443 (d) the performance monitoring system to be used by the civic organization to evaluate
- 1444 the [~~effects~~] effectiveness of the services [~~and supports~~] that it provides; and
- 1445 (e) other provisions [as] that the [~~division~~] department and civic organization consider
- 1446 appropriate.
- 1447 (3) (a) A contract between the [~~division~~] department and a civic organization under this
- 1448 section is for a defined period of time and a fixed funding amount.
- 1449 (b) If a contract provides public funds, the civic organization [~~will be~~] is required to
- 1450 comply with all applicable state and federal law with respect to those funds, [~~which may~~
- 1451 ~~include~~] including any audit, recordkeeping, and financial accounting requirements.
- 1452 (4) The services [~~and supports~~] provided by civic organizations under this section do
- 1453 not include eligibility determinations, cash assistance, [~~food coupons~~] SNAP benefits, or
- 1454 quality assurance related to these functions.
- 1455 Section 44. Section **35A-3-508** is amended to read:
- 1456 **35A-3-508. Inventory of civic organizations.**
- 1457 (1) [~~To enable the division to refer a client or applicant to an appropriate civic~~

1458 ~~organization under this part, the division]~~ The department, in cooperation with the coalition
1459 described in Section ~~35A-3-510~~, shall complete a statewide inventory of interested civic
1460 organizations~~[- For those organizations that wish to participate, the]~~, which inventory shall
1461 include for each participating civic organization:

- 1462 (a) a description of the services ~~[and supports]~~ provided;
- 1463 (b) the geographical locations served;
- 1464 (c) methods of accessing services; and
- 1465 (d) eligibility requirements for services.

1466 (2) The inventory shall be ~~[stored]~~ maintained, updated annually, and made available in
1467 a usable form as a resource directory for ~~[all]~~ employment counselors in the department.

1468 Section 45. Section **35A-3-510** is amended to read:

1469 **35A-3-510. Coalition of civic and other organizations.**

1470 (1) The director shall convene a coalition of civic organizations, representatives of the
1471 ~~[division]~~ department, representatives of state and local agencies, advocacy organizations,
1472 public officials, community leaders, members of the Legislature, and other persons and
1473 organizations as ~~[he determines]~~ determined by the executive director.

1474 (2) The coalition shall offer advice to the director on issues relevant to this part.

1475 Section 46. Section **35A-3-601** is amended to read:

1476 **Part 6. Administrative Determination of Overpayments Act**

1477 **35A-3-601. Title.**

1478 This part ~~[shall be]~~ is known as the "Administrative Determination of Overpayments
1479 Act."

1480 Section 47. Section **35A-3-603** is amended to read:

1481 **35A-3-603. Civil liability for overpayment.**

1482 ~~[(1) As used in this section, "intentionally, knowingly, and recklessly" mean the same~~
1483 ~~as those terms are defined in Section ~~76-2-103~~.]~~

1484 ~~[(2) Each]~~ (1) A provider, ~~[client]~~ recipient, or other person who receives an
1485 overpayment shall, regardless of fault, return the overpayment or repay its value to the

1486 department immediately:

1487 (a) upon receiving written notice of the overpayment from the department; or

1488 (b) upon discovering the overpayment, if that occurs [~~prior to~~] before receiving notice.

1489 [~~(3)~~] (2) (a) Except as provided under Subsection (3)(b), interest on the unreturned

1490 balance of the overpayment shall accrue at the rate of 1% a month.

1491 (b) If the overpayment was not the fault of the person receiving it, that person is not

1492 liable for interest on the unreturned balance.

1493 (c) In accordance with federal law and rules made by the department in accordance

1494 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, an overpayment may be

1495 recovered through deductions from cash assistance, General Assistance, SNAP benefits, other

1496 cash-related assistance provided to a [~~client~~] recipient under this chapter, or [~~any~~] other means

1497 provided by federal law.

1498 [~~(4) Each~~] (3) A person who knowingly assists a [~~client~~] recipient, provider, or other

1499 person in obtaining an overpayment is jointly and severally liable for the overpayment.

1500 [~~(5)~~] (4) (a) In proving civil liability for overpayment under this section, or Section

1501 [35A-3-605](#), when fault is alleged, the department shall prove by clear and convincing evidence

1502 that the overpayment was obtained intentionally, knowingly, recklessly as "intentionally,

1503 knowingly, and recklessly" are defined in Section [76-2-103](#), by false statement,

1504 misrepresentation, impersonation, or other fraudulent means, [~~such as by~~] including

1505 committing any of the acts or omissions described in Sections [76-8-1203](#) [~~through~~], [76-8-1204](#),

1506 or [76-8-1205](#).

1507 (b) If fault is established under Subsection [~~(5)~~] (4)(a), Section [35A-3-605](#), or Title 76,

1508 Chapter 8, Part 12, Public Assistance Fraud, [~~any~~] a person who obtained or helped another

1509 obtain an overpayment [~~shall be~~] is subject to:

1510 (i) a civil penalty of 10% of the amount of the overpayment; and

1511 (ii) disqualification from receiving cash assistance from the Family Employment

1512 Program created in Section [35A-3-302](#) and the General Assistance program under Section

1513 [35A-3-401](#), if the overpayment was obtained from either of those programs, for [~~12 months for~~

1514 ~~the first offense, 24 months for the second offense, and permanently for the third offense, or as~~
 1515 ~~otherwise provided by federal law; or~~ the period described in Subsection (4)(c); or

1516 (iii) disqualification from ~~[the]~~ SNAP, if ~~[that is the program from which]~~ the
 1517 overpayment was received from SNAP, for the period described in Subsection (4)(c).

1518 (c) Unless otherwise provided by federal law, the period of a disqualification under
 1519 Subsection (4)(b)(ii) and (iii) is for:

1520 (i) 12 months for ~~[the]~~ a first offense~~[-];~~

1521 (ii) 24 months for ~~[the]~~ a second offense~~[-];~~ and

1522 (iii) permanently for ~~[the]~~ a third offense~~[-, or as otherwise provided by federal law].~~

1523 ~~[(6) If]~~ (5) (a) Except as provided under Subsection (5)(b), if an action is filed, the
 1524 department may recover, in addition to the principal sum plus interest, reasonable ~~[attorneys']~~
 1525 attorney fees and costs [unless].

1526 (b) If the repayment obligation arose from an administrative error by the department,
 1527 the department may not recover attorney fees and costs.

1528 ~~[(7)]~~ (6) If a court finds that funds or benefits were secured, in whole or part, by fraud
 1529 by the person from whom repayment is sought, the court shall assess an additional sum as
 1530 considered appropriate as punitive damages up to the amount of repayment being sought.

1531 ~~[(8) Criminal actions]~~ (7) A criminal action for public assistance fraud [are] is
 1532 governed by Title 76, Chapter 8, Part 12, Public Assistance Fraud.

1533 ~~[(9)]~~ (8) Jurisdiction over benefits is continuous.

1534 ~~[(10)]~~ (9) This chapter does not preclude the Department of Health from carrying out
 1535 its responsibilities under Title 26, Chapter 19, Medical Benefits Recovery Act, and Chapter 20,
 1536 Utah False Claims Act.

1537 Section 48. Section **35A-3-604** is amended to read:

1538 **35A-3-604. Obligor presumed to have notice of department's rights -- Authority**
 1539 **to administer oaths, issue subpoenas, and compel witnesses and production of documents**
 1540 **-- Recovery of attorney fees, costs, and interest -- Rulemaking authority -- Administrative**
 1541 **procedures.**

1542 (1) An obligor is presumed to have received notice of the rights of the department
 1543 under this part upon engaging in this state in any of the acts described in Subsections
 1544 35A-3-603~~[(4)](3)~~ and ~~[(5)] (4)~~ or Section 76-8-1203, 76-8-1204, or 76-8-1205.

1545 (2) For the purposes of this part, the department may administer oaths and certify
 1546 official acts, issue subpoenas, and compel witnesses and the production of business records,
 1547 documents, and evidence.

1548 (3) (a) Except when an overpayment results from administrative error, the department
 1549 may recover from the obligor:

1550 (i) reasonable attorneys' fees;

1551 (ii) costs incurred in pursuing administrative remedies under this part; and

1552 (iii) interest at the rate of 1% a month accruing from the date an administrative or
 1553 judicial order is issued determining the amount due under this part.

1554 (b) The department may recover interest, ~~[attorneys']~~ attorney fees, and costs, if notice
 1555 of the assessment has been included in a notice of agency action issued in ~~[conformity]~~
 1556 compliance with Title 63G, Chapter 4, Administrative Procedures Act.

1557 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 1558 department may make, amend, and enforce rules to carry out the provisions of this part.

1559 (5) Service of all notices and orders under this part shall comply with:

1560 (a) Title 63G, Chapter 4, Administrative Procedures Act~~[-the]~~;

1561 (b) Utah Rules of Civil Procedure~~[-]~~; or

1562 (c) rules made by the department under this part in accordance with Title 63G, Chapter
 1563 3, Utah Administrative Rulemaking Act, that meet standards required by due process.

1564 Section 49. Section **35A-3-605** is amended to read:

1565 **35A-3-605. Issuance or modification of administrative order -- Voluntary**
 1566 **acknowledgment of overpayment -- Court orders supersede administrative orders --**
 1567 **Notification requirement.**

1568 ~~[(1) As used in Subsection (2)(a)(i), "intentional program violation" means obtaining~~
 1569 ~~an "overpayment" as defined in Section 35A-3-602.]~~

1570 ~~[(2)]~~ (1) (a) Through an adjudicative proceeding, the department may issue or modify
1571 an administrative order that:

1572 (i) determines whether an overpayment was made, the amount of the overpayment, and
1573 whether benefits were obtained by an intentional program violation;

1574 (ii) reduces the overpayment ~~[to]~~ determined by an administrative judgment; or

1575 (iii) renews an administrative judgment.

1576 (b) The department shall commence an adjudicative proceeding to renew a judgment
1577 by serving notice of agency action on the obligor before the judgment is barred by the
1578 applicable statute of limitations.

1579 ~~[(3)]~~ (2) The department may accept voluntary acknowledgment of an overpayment
1580 obligation and enter into stipulated agreements to issue orders and judgments.

1581 ~~[(4)]~~ (3) (a) A provision of an administrative order is enforceable against an obligor,
1582 unless it is in direct conflict with or is superseded by a provision of a court order.

1583 (b) To the extent of any conflict, the court order governs.

1584 ~~[(5)]~~ (4) After being properly served with a notice of agency action under this part, an
1585 obligor shall notify the department of any subsequent change of address or employment.

1586 Section 50. Section **35A-3-606** is amended to read:

1587 **35A-3-606. Docketing abstract of final administrative order -- Real property and**
1588 **personal property liens -- Effect of order -- Execution.**

1589 (1) (a) An abstract of a final administrative order may be docketed in the district court
1590 of any county in the state.

1591 (b) The time of receipt of the abstract shall be noted by the clerk on the abstract and
1592 entered in the docket.

1593 (2) (a) From the time the abstract is docketed in the judgment docket of a district court,
1594 any administrative judgment included in the order abstracted constitutes a lien upon the real
1595 property of the obligor situated in that county.

1596 (b) Unless satisfied, the lien is for a period of eight years from the date the order is
1597 entered ~~[unless previously satisfied]~~.

1598 (3) The final administrative order fixing the liability of the obligor shall have the same
1599 effect as any other money judgment entered in a district court.

1600 (4) ~~[Attachment]~~ (a) Except as provided under Subsection (4)(b), an attachment,
1601 garnishment, or execution on a judgment included in or accruing under an administrative order
1602 filed and docketed under this section shall be in the same manner and with the same effect as
1603 an attachment, garnishment, or execution on a judgment of a district court~~[, except that a]~~.

1604 (b) A writ of garnishment on earnings shall continue to operate and require the
1605 garnishee to withhold the nonexempt portion of the earnings at each succeeding earnings
1606 disbursement interval until released in writing by the department or by court order.

1607 (5) The lien and enforcement remedies provided by this section are in addition to any
1608 other lien or remedy provided by law.

1609 Section 51. Section **35A-3-607** is amended to read:

1610 **35A-3-607. Property subject to execution or lien -- Restriction on transfer or**
1611 **conveyance -- Release of excess amount above liability to obligor.**

1612 (1) ~~[After]~~ (a) Unless released under Subsection (1)(b), after receiving notice that an
1613 abstract has been docketed and a lien established under this part, a person in possession of
1614 ~~[any]~~ property ~~[which]~~ that may be subject to execution or lien may not pay over, release, sell,
1615 transfer, encumber, or convey that property to ~~[any]~~ a person other than the department~~;~~
1616 ~~unless~~.

1617 (b) The restrictions under Subsection (1)(a) do not apply if the person in possession
1618 first receives a release or waiver from the department, or a court order releasing the lien or
1619 stating that the liability does not exist or has been satisfied.

1620 (2) If a person has in his possession earnings, deposits, accounts, or balances owed to
1621 the obligor in excess of \$100 over the amount of the liability claimed by the department, ~~[that]~~
1622 the person may, without liability under this part, release the excess to the obligor.

1623 Section 52. Section **35A-3-608** is amended to read:

1624 **35A-3-608. Schedule of payments to be paid upon liability -- Establishment --**
1625 **Cancellation.**

1626 (1) [~~At any time, the~~] The department may at any time:

1627 (a) consistent with the income, earning capacity, and resources of the obligor, set or
1628 reset the level and schedule of payments to be paid upon the liability; and

1629 (b) [~~at any time,~~] cancel the schedule of payments and demand immediate payment in
1630 full.

1631 (2) The department may recover an overpayment through deductions from cash
1632 assistance or SNAP benefits under Section [35A-3-603](#).

1633 Section 53. Section **35A-3-609** is amended to read:

1634 **35A-3-609. Statute of limitation -- Enforcement of lien or order.**

1635 [~~No~~] The department may not take action for the enforcement of an order or lien issued
1636 under this part [~~may be maintained~~] unless [it] the action is commenced within eight years
1637 [~~after~~] of the date of the order.

1638 Section 54. Section **35A-3-610** is amended to read:

1639 **35A-3-610. Legal representation at hearings.**

1640 (1) A party may be represented by legal counsel at [~~any~~] a hearing held under this part.

1641 (2) At the request of the department [~~it is the duty of~~], the attorney general or the
1642 county attorney [~~to~~] shall represent the department in [~~any~~] a proceeding commenced under this
1643 part.

1644 Section 55. Section **35A-3-701**, which is renumbered from Section 35A-3-116 is
1645 renumbered and amended to read:

1646 **Part 7. Refugee Services**

1647 [~~35A-3-116~~]. **35A-3-701. Refugee services fund -- Use of money --**

1648 **Committee and director duties -- Restrictions.**

1649 (1) There is created an expendable special revenue fund, known as the "Refugee
1650 Services Fund."

1651 (2) The director shall administer the fund with input from the department and any
1652 advisory committee involved with the provision of refugee services within the department.

1653 (3) (a) Money shall be deposited into the fund from legislative appropriations, federal

1654 grants, private foundations, and individual donors.

1655 (b) The director shall encourage a refugee who receives services funded under
1656 Subsection (8) to be a donor to the fund when the refugee's financial situation improves
1657 sufficiently to make a donation.

1658 (4) Except for money restricted to a specific use under federal law or by a donor, the
1659 director may not spend money from the fund without the input described in Subsection (2).

1660 (5) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,
1661 State Money Management Act, and all interest or other earnings derived from the fund money
1662 shall be deposited in the fund.

1663 (6) Money in the fund may not be used by the director for administrative expenses.

1664 (7) If the department establishes a refugee services advisory committee referenced in
1665 Subsection (2), the committee may:

1666 (a) advise the director on refugee services needs in the state and on relevant operational
1667 aspects of any grant or revenue collection program established under this part;

1668 (b) recommend specific refugee projects to the director;

1669 (c) recommend policies and procedures for administering the fund;

1670 (d) make recommendations on grants made from the fund for refugee services activities
1671 authorized under this section;

1672 (e) advise the director on the criteria by which grants from the fund shall be made;

1673 (f) recommend the order approved projects should be funded;

1674 (g) make recommendations regarding the distribution of money from the fund in
1675 accordance with federal or donor restrictions; and

1676 (h) have joint responsibility to solicit public and private funding for the fund.

1677 (8) The director may use fund money to:

1678 (a) train an existing refugee organization to develop its capacity to operate
1679 professionally and effectively and to become an independent, viable organization; or

1680 (b) provide grants to refugee organizations and other entities identified in Subsection

1681 (9) to assist them:

- 1682 (i) with case management;
- 1683 (ii) in meeting emergency housing needs for refugees;
- 1684 (iii) in providing English language services;
- 1685 (iv) in providing interpretive services;
- 1686 (v) in finding and maintaining employment for refugees;
- 1687 (vi) in collaborating with the state's public education system to improve the
- 1688 involvement of refugee parents in assimilating their children into public schools;
- 1689 (vii) in meeting the health and mental health needs of refugees;
- 1690 (viii) in providing or arranging for child care services; or
- 1691 (ix) in administering refugee services.
- 1692 (9) The director, with the input described in Subsection (2), may grant fund money for
- 1693 refugee services outlined in Subsection (8) through a request for proposal process to:
- 1694 (a) local governments;
- 1695 (b) nonprofit community, charitable, or neighborhood-based organizations or private
- 1696 for-profit organizations involved with providing or arranging for the provision of refugee
- 1697 services; or
- 1698 (c) regional or statewide nonprofit organizations.
- 1699 (10) (a) The director shall enter into a written agreement with each [~~successful~~] entity
- 1700 that successfully applies for a grant [~~applicant~~].
- 1701 (b) The agreement shall include specific terms for each grant consistent with the
- 1702 provisions of this section, including the structure, amount, and nature of the grant.
- 1703 (11) The director shall monitor the activities of the recipients of grants issued from the
- 1704 fund on an annual basis to ensure compliance with the terms and conditions imposed on the
- 1705 recipient by the fund.
- 1706 (12) The director shall require an entity that receives a grant under this section to
- 1707 provide periodic accounting of how the money was used.
- 1708 (13) As part of the annual written report described in Section 35A-1-109, the director
- 1709 shall report the status of the fund, including programs and services funded by the fund.

1710 Section 56. Section **35A-3-702**, which is renumbered from Section 35A-3-117 is
1711 renumbered and amended to read:

1712 ~~[35A-3-117]~~. **35A-3-702. Continuation of refugee services.**

1713 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1714 department may make rules to provide for the administration and coordination of services to
1715 refugees beyond the time period refugee assistance is provided or funded by the federal
1716 government, including the provision of:

- 1717 (a) services to address emergency needs;
- 1718 (b) English language training; and
- 1719 (c) services for victims of domestic violence.

1720 (2) The director shall administer and coordinate services under this section:

- 1721 (a) with input from the department and any office or advisory committee involved with
1722 the provision of refugee services within the department; and
- 1723 (b) in accordance with any state and federal requirements related to the provision of
1724 services to refugees.

1725 Section 57. Section **76-8-1201** is amended to read:

1726 **76-8-1201. Definitions.**

1727 As used in this part:

- 1728 (1) "Client" means a person who receives or has received public assistance.
- 1729 (2) "Overpayment" [~~means the same as that term is~~] has the same meaning as defined
1730 in Section ~~[35A-3-602]~~ 35A-3-102.
- 1731 (3) "Provider" [~~means the same as that term is~~] has the same meaning as defined in
1732 Section 62A-11-103.
- 1733 (4) "Public assistance" [~~means the same as that term is~~] has the same meaning as
1734 defined in Section 35A-1-102.

1735 Section 58. Section **76-8-1205** is amended to read:

1736 **76-8-1205. Public assistance fraud defined.**

1737 Each of the following persons, who intentionally, knowingly, or recklessly commits any

1738 of the following acts, is guilty of public assistance fraud:

1739 (1) [any] a person who uses, transfers, acquires, traffics in, falsifies, or possesses [any]
1740 SNAP benefits as defined in Section 35A-1-102, a SNAP identification card, a certificate of
1741 eligibility for medical services, a Medicaid identification card, a fund transfer instrument, a
1742 payment instrument, or a public assistance warrant in a manner not allowed by law;

1743 (2) [any] a person who fraudulently misappropriates [any] funds exchanged for SNAP
1744 benefits as defined in Section 35A-1-102, or [any] an identification card, certificate of
1745 eligibility for medical services, Medicaid identification card, or other public assistance with
1746 which [he] the person has been entrusted or that has come into [his] the person's possession in
1747 connection with [his] the person's duties in administering [any] a state or federally funded
1748 public assistance program;

1749 (3) [any] a person who receives an unauthorized payment as a result of acts described
1750 in this section;

1751 (4) [any] a provider who receives payment or [any] a client who receives benefits after
1752 failing to comply with any applicable requirement in Sections 76-8-1203 and 76-8-1204;

1753 (5) [any] a provider who files a claim for payment under [any] a state or federally
1754 funded public assistance program for goods or services not provided to or for a client of that
1755 program;

1756 (6) [any] a provider who files or falsifies a claim, report, or document required by state
1757 or federal law, rule, or provider agreement for goods or services not authorized under the state
1758 or federally funded public assistance program for which the goods or services were provided;

1759 (7) [any] a provider who fails to credit the state for payments received from other
1760 sources;

1761 (8) [any] a provider who bills a client or a client's family for goods or services not
1762 provided, or bills in an amount greater than allowed by law or rule;

1763 (9) [any] a client who, while receiving public assistance, acquires income or resources
1764 in excess of the amount [he] the client previously reported to the state agency administering the
1765 public assistance, and fails to notify the state agency to which the client previously reported

1766 within 10 days after acquiring the excess income or resources;

1767 (10) [~~any~~] a person who fails to act as required under Section [76-8-1203](#) or [76-8-1204](#)

1768 with intent to obtain or help another obtain an "overpayment" as defined in Section

1769 [~~35A-3-602~~] [35A-3-102](#); and

1770 (11) [~~any~~] a person who obtains an overpayment by violation of Section [76-8-1203](#) or

1771 [76-8-1204](#).

1772 Section 59. **Repealer.**

1773 This bill repeals:

1774 Section [35A-3-602](#), **Definitions.**