

Representative Timothy D. Hawkes proposes the following substitute bill:

WORKFORCE SERVICES REVISIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Timothy D. Hawkes

LONG TITLE

General Description:

This bill modifies the Utah Workforce Services Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the names of divisions within the Department of Workforce Services;
- ▶ creates the State Workforce Development Board and describes its membership and duties;
- ▶ makes the Department of Workforce Services' Code consistent with the federal Workforce Innovation and Opportunity Act;
- ▶ modifies background check provisions for certain child care providers;
- ▶ modifies the membership of the Utah Intergenerational Welfare Reform Commission; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **35A-1-104**, as last amended by Laws of Utah 2008, Chapter 382
- 29 **35A-1-202**, as last amended by Laws of Utah 2012, Chapter 212
- 30 **35A-1-206**, as last amended by Laws of Utah 2014, Chapters 371 and 387
- 31 **35A-1-207**, as last amended by Laws of Utah 2011, Chapter 188
- 32 **35A-2-101**, as last amended by Laws of Utah 2011, Chapter 188
- 33 **35A-2-102**, as last amended by Laws of Utah 2011, Chapter 188
- 34 **35A-2-201**, as last amended by Laws of Utah 2011, Chapter 188
- 35 **35A-3-102**, as last amended by Laws of Utah 2015, Chapter 221
- 36 **35A-3-103**, as last amended by Laws of Utah 2015, Chapter 221
- 37 **35A-3-310.5**, as last amended by Laws of Utah 2015, Chapter 221
- 38 **35A-4-312**, as last amended by Laws of Utah 2015, Chapter 143
- 39 **35A-5-102**, as last amended by Laws of Utah 2008, Chapter 382
- 40 **35A-5-202**, as last amended by Laws of Utah 2012, Chapter 347
- 41 **35A-9-301**, as enacted by Laws of Utah 2013, Chapter 59
- 42 **35A-9-302**, as enacted by Laws of Utah 2013, Chapter 59
- 43 **35A-11-203**, as enacted by Laws of Utah 2014, Chapter 127
- 44 **53B-12-101**, as last amended by Laws of Utah 2008, Chapter 382
- 45 **62A-1-111**, as last amended by Laws of Utah 2014, Chapter 213
- 46 **62A-4a-105**, as last amended by Laws of Utah 2014, Chapters 140 and 265
- 47 **62A-4a-709**, as last amended by Laws of Utah 2005, Chapter 81

48 REPEALS:

- 49 **35A-2-103**, as last amended by Laws of Utah 2011, Chapter 188
- 50 **35A-3-115**, as last amended by Laws of Utah 2015, Chapter 221
- 51 **35A-5-201**, as renumbered and amended by Laws of Utah 1997, Chapter 375

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

54 Section 1. Section **35A-1-104** is amended to read:

55 **35A-1-104. Department authority.**

56 Within all other authority or responsibility granted to it by law, the department may:

- 57 (1) adopt rules when authorized by this title, in accordance with the procedures of Title
58 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 59 (2) purchase, as authorized or required by law, services that the department is
60 responsible to provide for legally eligible persons;
- 61 (3) conduct adjudicative proceedings in accordance with the procedures of Title 63G,
62 Chapter 4, Administrative Procedures Act;
- 63 (4) establish eligibility standards for its programs, not inconsistent with state or federal
64 law or regulations;
- 65 (5) take necessary steps, including legal action, to recover money or the monetary value
66 of services provided to a recipient who is not eligible;
- 67 (6) administer oaths, certify to official acts, issue subpoenas to compel witnesses and
68 the production of books, accounts, documents, and other records necessary as evidence;
- 69 (7) acquire, manage, and dispose of any real or personal property needed or owned by
70 the department, not inconsistent with state law;
- 71 (8) receive gifts, grants, devises, and donations or their proceeds, crediting the program
72 designated by the donor, and using the gift, grant, devise, or donation for the purposes
73 requested by the donor, as long as the request conforms to state and federal policy;
- 74 (9) accept and employ volunteer labor or services;
- 75 (10) reimburse volunteers for necessary expenses, when the department considers that
76 reimbursement to be appropriate;
- 77 (11) carry out the responsibility assigned by the state workforce services plan
78 developed by the [~~State Council on Workforce Services~~] State Workforce Development Board;
- 79 (12) provide training and educational opportunities for its staff;
- 80 (13) examine and audit the expenditures of any public funds provided to a local
81 authority, agency, or organization that contracts with or receives funds from those authorities or
82 agencies;
- 83 (14) accept and administer grants from the federal government and from other sources,
84 public or private;
- 85 (15) employ and determine the compensation of clerical, legal, technical, investigative,
86 and other employees necessary to carry out its policymaking, regulatory, and enforcement
87 powers, rights, duties, and responsibilities under this title;

88 (16) establish and conduct free employment agencies, and bring together employers
89 seeking employees and working people seeking employment, and make known the
90 opportunities for employment in this state;

91 (17) collect, collate, and publish statistical and other information relating to employees,
92 employers, employments, and places of employment, and other statistics as it considers proper;

93 (18) encourage the expansion and use of apprenticeship programs meeting state or
94 federal standards for apprenticeship programs;

95 (19) develop processes to ensure that the department responds to the full range of
96 employee and employer clients; and

97 (20) carry out the responsibilities assigned to it by statute.

98 Section 2. Section 35A-1-202 is amended to read:

99 **35A-1-202. Divisions -- Creation -- Duties -- Workforce Appeals Board, councils,
100 Child Care Advisory Committee, and economic service areas.**

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

102 (a) the ~~[Employment]~~ Workforce Development Division to administer the development
103 and implementation of employment assistance programs ~~[that are: (i) related to the operations~~
104 ~~of the department; and (ii) consistent with federal and state law; (b) to administer those~~
105 ~~services that are not delivered through the economic service areas: (i)];~~

106 (b) the Workforce ~~[Development and Information]~~ Research and Analysis Division;
107 ~~[and]~~

108 ~~[(i)]~~ (c) the Unemployment Insurance Division to administer Chapter 4, Employment
109 Security Act;

110 (d) the Eligibility Services Division to administer public assistance eligibility;

111 ~~[(e)]~~ (e) the Division of Adjudication to adjudicate claims or actions in accordance
112 with this title; and

113 ~~[(f)]~~ (f) the Housing and Community Development Division, ~~[which is]~~ described in
114 Sections 35A-8-201 and 35A-8-202.

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

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

118 (b) the State ~~[Council on Workforce Services]~~ Workforce Development Board created

119 in Section 35A-1-206;

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

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

122 (e) the economic service areas created in accordance with Chapter 2, Economic Service

123 Areas.

124 Section 3. Section 35A-1-206 is amended to read:

125 **35A-1-206. State Workforce Development Board -- Appointment -- Membership**

126 **-- Terms of members -- Compensation.**

127 [~~(1) There is created a State Council on Workforce Services that shall:~~]

128 [~~(a) perform the activities described in Subsection (8);~~]

129 [~~(b) advise on issues requested by the department and the Legislature; and~~]

130 [~~(c) make recommendations to the department regarding:~~]

131 [~~(i) the implementation of Chapter 2, Economic Service Areas, Chapter 3,~~]

132 ~~Employment Support Act, and Chapter 5, Training and Workforce Improvement Act; and]~~

133 [~~(ii) the coordination of apprenticeship training;~~]

134 [~~(2) (a) The council shall consist of the following voting members:~~]

135 [~~(i) a private sector representative from each economic service area as designated by~~
136 ~~the economic service area director;~~]

137 [~~(ii) the superintendent of public instruction or the superintendent's designee;~~]

138 [~~(iii) the commissioner of higher education or the commissioner's designee; and~~]

139 [~~(iv) the following members appointed by the governor in consultation with the~~
140 ~~executive director:~~]

141 [~~(A) four representatives of small employers as defined by rule by the department;~~]

142 [~~(B) four representatives of large employers as defined by rule by the department;~~]

143 [~~(C) four representatives of employees or employee organizations, including at least~~
144 ~~one representative from nominees suggested by public employees organizations;~~]

145 [~~(D) two representatives of the clients served under this title including~~
146 ~~community-based organizations;~~]

147 [~~(E) a representative of veterans in the state;~~]

148 [~~(F) the executive director of the Utah State Office of Rehabilitation; and~~]

149 [~~(G) the Applied Technology College president.]~~]

150 ~~[(b) The following shall serve as nonvoting ex officio members of the council:]~~

151 ~~[(i) the executive director or the executive director's designee;]~~

152 ~~[(ii) a legislator appointed by the governor from nominations of the speaker of the~~
153 ~~House of Representatives and president of the Senate;]~~

154 ~~[(iii) the executive director of the Department of Human Services;]~~

155 ~~[(iv) the director of the Governor's Office of Economic Development or the director's~~
156 ~~designee; and]~~

157 ~~[(v) the executive director of the Department of Health.]~~

158 (1) There is created within the department the State Workforce Development Board in
159 accordance with the provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C.
160 Sec. 3101 et seq.

161 (2) The board shall consist of the following 39 members:

162 (a) the governor or the governor's designee;

163 (b) one member of the Senate, appointed by the president of the Senate;

164 (c) one representative of the House of Representatives, appointed by the speaker of the
165 House of Representatives;

166 (d) the executive director or the executive director's designee;

167 (e) the executive director of the Department of Human Services or the executive
168 director's designee;

169 (f) the executive director of the Utah State Office of Rehabilitation or the executive
170 director's designee;

171 (g) the superintendent of the State Board of Education or the superintendent's designee;

172 (h) the commissioner of higher education or the commissioner's designee;

173 (i) the president of the Utah College of Applied Technology or the president's designee;

174 (j) the executive director of the Governor's Office of Economic Development or the
175 executive director's designee;

176 (k) the executive director of the Department of Veterans' and Military Affairs or the
177 executive director's designee; and

178 (l) the following members appointed by the governor:

179 (i) 20 representatives of business in the state, selected among the following:

180 (A) owners of businesses, chief executive or operating officers of businesses, or other

181 business executives or employers with policy making or hiring authority;

182 (B) representatives of businesses, including small businesses, that provide employment
 183 opportunities that include high-quality, work-relevant training and development in in-demand
 184 industry sectors or occupations in the state; and

185 (C) representatives of businesses appointed from among individuals nominated by state
 186 business organizations or business trade associations;

187 (ii) six representatives of the workforce within the state, which:

188 (A) shall include at least two representatives of labor organizations who have been
 189 nominated by state labor federations;

190 (B) shall include at least one representative from a registered apprentice program;

191 (C) may include one or more representatives from a community-based organization
 192 that has demonstrated experience and expertise in addressing the employment, training, or
 193 educational needs of individuals with barriers to employment; and

194 (D) may include one or more representatives from an organization that has
 195 demonstrated experience and expertise in addressing the employment, training, or education
 196 needs of eligible youth, including organizations that serve out of school youth; and

197 (iii) two elected officials that represent a city or a county.

198 (3) (a) The governor shall appoint [~~one nongovernmental member from the council as~~
 199 ~~the chair of the council~~] one of the appointed business representatives as chair of the board.

200 (b) The chair shall serve at the pleasure of the governor.

201 (4) (a) The governor shall ensure that members appointed to the board represent
 202 diverse geographic areas of the state, including urban, suburban, and rural areas.

203 [~~(a)~~] (b) A member appointed by the governor shall serve a term of four years and may
 204 be reappointed to one additional term.

205 [~~(b)~~] (c) A member shall continue to serve until the member's successor has been
 206 appointed and qualified.

207 [~~(c)~~] (d) Except as provided in Subsection (4)[~~(d)~~] (e), as terms of [~~council~~] board
 208 members expire, the governor shall appoint each new member or reappointed member to a
 209 four-year term.

210 [~~(d)~~] (e) Notwithstanding the requirements of Subsection (4)[~~(e)~~] (d), the governor
 211 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the

212 terms of ~~[council]~~ board members are staggered so that approximately one half of the ~~[council]~~
213 board is appointed every two years.

214 ~~[(e)]~~ (f) When a vacancy occurs in the membership for any reason, the replacement
215 shall be appointed for the unexpired term.

216 (g) The executive director shall terminate the term of any governor-appointed member
217 of the board if the member leaves the position that qualified the member for the appointment.

218 (5) A majority of ~~[the voting]~~ members constitutes a quorum for the transaction of
219 business.

220 (6) (a) A member of the board who is not a legislator may not receive compensation or
221 benefits for the member's service, but may receive per diem and travel expenses as allowed in:

222 (i) Section 63A-3-106;

223 (ii) Section 63A-3-107; and

224 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and
225 63A-3-107.

226 (b) Compensation and expenses of a member who is a legislator are governed by
227 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

228 (7) The department shall provide staff and administrative support to the ~~[council]~~ board
229 at the direction of the executive director.

230 ~~[(8) The council shall:]~~

231 ~~[(a) develop a state workforce services plan in accordance with Section 35A-1-207;]~~

232 ~~[(b) review economic service area plans to certify consistency with state policy~~
233 ~~guidelines;]~~

234 ~~[(c) improve the understanding and visibility of state workforce services efforts~~
235 ~~through external and internal marketing strategies;]~~

236 ~~[(d) include in the annual written report described in Section 35A-1-109, information~~
237 ~~and accomplishments related to the activities of the department;]~~

238 ~~[(e) issue other studies, reports, or documents the council considers advisable that are~~
239 ~~not required under Subsection (8)(d);]~~

240 ~~[(f) coordinate the planning and delivery of workforce development services with~~
241 ~~public education, higher education, vocational rehabilitation, and human services; and]~~

242 (8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec.

243 3111, including:

244 (a) identifying opportunities to align initiatives in education, training, workforce
245 development, and economic development;

246 (b) developing and implementing the state workforce services plan described in
247 Section [35A-1-207](#);

248 (c) utilizing strategic partners to ensure the needs of industry are met, including the
249 development of expanded strategies for partnerships for in-demand occupations and
250 understanding and adapting to economic changes;

251 (d) developing strategies for staff training;

252 (e) developing and improving employment centers; and

253 ~~[(g) perform]~~ (f) performing other responsibilities within the scope of workforce
254 services as requested by:

255 (i) the Legislature;

256 (ii) the governor; or

257 (iii) the executive director.

258 Section 4. Section **35A-1-207** is amended to read:

259 **35A-1-207. State workforce services plan -- Economic service area plans.**

260 ~~[(H)]~~ The State ~~[Council on Workforce Services]~~ Workforce Development Board shall
261 annually ~~[develop]~~ maintain and update a state workforce services plan that ~~[shall include]~~
262 includes:

263 (1) a four-year strategy, as described in 29 U.S.C. Sec. 3112, for the following core
264 programs:

265 (a) youth services;

266 (b) adult employment and training services;

267 (c) dislocated worker employment and training services;

268 (d) adult education and literacy activities;

269 (e) employment services; and

270 (f) vocational rehabilitation services;

271 (2) a strategy for aligning and coordinating the core programs;

272 (3) a strategy for coordinating the workforce needs of job seekers and employers in the
273 various regions of the state;

274 (4) planning to ensure that employment centers address the requirements of the special
275 employment needs population, including:

276 (a) individuals who have special employment needs based on factors such as race,
277 gender, age, disability, economic status, education, language skills, or work history; and

278 (b) an "individual with a barrier to employment" as that term is defined in 29 U.S.C.
279 Sec. 3102;

280 ~~[(a)] (5) a mechanism for getting consumer and public feedback on department~~
281 ~~programs [in each economic service area];~~

282 ~~[(b)] (6) projected analysis of the workforce needs of employers and clients;~~

283 ~~[(c)] policy standards in programs and process when required by statute or considered~~
284 ~~necessary by the council that ensure statewide program consistency among economic service~~
285 ~~areas;]~~

286 ~~[(d)] (7) state outcome-based standards for measuring program performance to ensure~~
287 ~~equitable service to all clients;~~

288 ~~[(e)] state oversight systems to review economic service area compliance with state~~
289 ~~policies;]~~

290 ~~[(f)] elements of economic service area plans that relate to statewide initiatives and~~
291 ~~programs;]~~

292 ~~[(g)] (8) strategies to ensure program responsiveness, universal access, and unified case~~
293 ~~management;~~

294 ~~[(h)] (9) strategies to eliminate unnecessary barriers to access services; and~~

295 ~~[(i)] (10) strategies to provide assistance to employees facing employment dislocation~~
296 ~~and their employers.~~

297 ~~[(2) (a) Economic service area directors shall annually develop an economic service~~
298 ~~area plan to be followed in administering services.]~~

299 ~~[(b) The plan shall include:]~~

300 ~~[(i) a projected analysis of the economic service area workforce needs of employers~~
301 ~~and clients;]~~

302 ~~[(ii) assurances that state policy standards will be incorporated into the economic~~
303 ~~service area design;]~~

304 ~~[(iii) an economic service area budget outlining administration and customer support~~

305 and services expenditures;]
 306 [~~(iv) the location of employment centers and staff levels to deliver services;~~]
 307 [~~(v) the services to be provided including assessment and support services, job training~~
 308 ~~options, job placement, and employer outreach;~~]
 309 [~~(vi) identification of targeted occupations for which training will be approved;~~]
 310 [~~(vii) economic service area outcome-based performance standards that ensure~~
 311 ~~equitable services to all clients;~~]
 312 [~~(viii) economic service area oversight processes that include a process to evaluate~~
 313 ~~program effectiveness and develop plans to improve programs;~~]
 314 [~~(ix) internal and external marketing strategies to improve the understanding and~~
 315 ~~visibility of economic service area efforts;~~]
 316 [~~(x) coordination of apprenticeship training; and~~]
 317 [~~(xi) strategies to provide assistance to employees facing employment dislocation and~~
 318 ~~their employers;~~]

319 Section 5. Section **35A-2-101** is amended to read:

320 **35A-2-101. Economic service areas -- Creation.**

321 (1) (a) The executive director shall establish economic service areas to furnish the
 322 services described in Section [35A-2-201](#).

323 (b) In establishing economic service areas, the executive director shall seek input
 324 from[:]

325 [~~(i) state and local government agencies and departments;~~]

326 [~~(ii) the groups representing public employees;~~]

327 [~~(iii) employers, business, education, and other entities affected by the structure of the~~
 328 ~~economic service areas; and~~]

329 [~~(iv) the general public] the State Workforce Development Board.~~

330 (2) In establishing the economic service areas, the executive director [~~shall~~] may
 331 consider:

332 (a) areas comprised of multiple counties;

333 (b) the alignment of transportation and other infrastructure or services;

334 (c) the interdependence of the economy within a geographic area;

335 (d) the ability to develop regional marketing and economic development programs;

- 336 (e) the labor market areas;
- 337 (f) the population of the area, as established in the most recent estimate by the Utah
- 338 Population Estimates Committee;
- 339 (g) the number of individuals in the previous year receiving:
- 340 (i) services under Chapter 3, Employment Support Act; and
- 341 (ii) benefits under Chapter 4, Employment Security Act; and
- 342 (h) other factors that relate to the management of the programs administered or that
- 343 relate to the delivery of services provided under this title.

344 Section 6. Section 35A-2-102 is amended to read:

345 **35A-2-102. Directors of economic service areas -- Appointment.**

346 (1) ~~[The chief officer of each economic service area shall be a director, who serves as~~
347 ~~the executive and administrative head of the economic service area]~~ The executive director
348 shall appoint a director to oversee each economic service area.

349 (2) A director~~[(a) shall be appointed by the executive director; and (b)]~~ appointed
350 under this section may be removed from that position at the will of the executive director.

351 (3) ~~[An economic service]~~ A director shall be experienced in administration and
352 possess additional qualifications as determined by the executive director, and as provided by
353 law.

354 (4) The director shall report on a regular basis to the ~~[State Council on Workforce~~
355 ~~Services]~~ State Workforce Development Board on the delivery of services in the economic
356 service area.

357 Section 7. Section 35A-2-201 is amended to read:

358 **35A-2-201. Services provided in economic service areas.**

359 ~~[(+)]~~ Economic service areas shall:

360 ~~[(a)]~~ (1) through their employment centers, be the primary provider of services and
361 support under Chapter 3, Employment Support Act; and

362 ~~[(b) broker or contract]~~ (2) provide access to and assess eligibility for services or
363 training under Chapter 5, Training and Workforce Improvement Act~~[-and]~~.

364 ~~[(c) serve as economic service area clearinghouses of information concerning~~
365 ~~workforce development and services and support available under this title.]~~

366 ~~[(2)(a) In providing, brokering, or contracting for the services or training described in~~

367 ~~Subsection (1)(b), the economic service area director, in consultation with the executive~~
368 ~~director, shall ensure that the economic service area provides, brokers, or contracts for services~~
369 ~~and training that meet the needs of the special needs population in the economic service area.]~~

370 ~~[(b) For purposes of Subsection (2)(a), "special needs population" means individuals~~
371 ~~who have special employment needs based on factors including race, gender, age, disability,~~
372 ~~economic status, education, language skills, and work history.]~~

373 Section 8. Section **35A-3-102** is amended to read:

374 **35A-3-102. Definitions.**

375 As used in this chapter:

376 (1) "Adjudicative proceeding" has the same meaning as defined in Section [63G-4-103](#).

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

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

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

384 (5) "Average monthly number of families" means the average number of families who
385 received cash assistance on a monthly basis during the previous federal fiscal year.

386 (6) "Cash assistance" means the monthly dollar amount a recipient is eligible to receive
387 under the Family Employment Program under Section [35A-3-302](#).

388 (7) "Child care services" means care of a child by a responsible person who is not the
389 child's parent or legal guardian, for a portion of the day that is less than 24 hours in a qualified
390 setting, as defined by rules made by the department in accordance with Title 63G, Chapter 3,
391 Utah Administrative Rulemaking Act.

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

394 (b) "Civic organization" includes a community service club or organization, a
395 charitable health care or service organization, a fraternal organization, a labor union, a minority
396 or ethnic organization, a commercial or industrial organization, a commerce or business club, a
397 private nonprofit organization, a private nonprofit corporation that provides funding to a

398 community service organization, an organization that advocates or provides for the needs of
399 persons with low incomes, a religious organization, and an organization that fosters strong
400 neighborhoods and communities.

401 (9) "Core programs" means the following activities as described in 29 U.S.C. Sec.
402 3102:

403 (a) youth services;

404 (b) adult employment and training services;

405 (c) dislocated worker employment and training services;

406 (d) adult education and literacy activities;

407 (e) employment services; and

408 (f) vocational rehabilitation services.

409 [~~9~~] (10) "Court order" means a judgment or order of a court of this state, another
410 state, or the federal government that addresses an overpayment of public assistance.

411 [~~10~~] (11) "Date of enrollment" means the date on which the applicant was approved
412 as eligible for cash assistance.

413 [~~11~~] (12) "Director" means the director of the division assigned by the department to
414 administer a program.

415 [~~12~~] (13) "Diversion" or "diversion payment" means a one-time cash assistance
416 payment under Section 35A-3-303 to a recipient who is eligible for cash assistance, but does
417 not require extended cash assistance under Part 3, Family Employment Program.

418 [~~13~~] (14) "Education or training" means education or training in accordance with 29
419 U.S.C. Sec. 3174 and includes:

420 (a) basic remedial education;

421 (b) adult education;

422 (c) high school education;

423 (d) education to obtain the equivalent of a high school diploma;

424 (e) education to learn English as a second language;

425 (f) applied technology training;

426 (g) employment or occupational skills training; [or]

427 (h) on-the-job training[.];

428 (i) incumbent worker training;

429 (j) programs that combine workplace training with related instruction, which may
430 include cooperative education programs;

431 (k) training programs operated by the private sector;

432 (l) skills upgrading and retraining;

433 (m) entrepreneurial training; or

434 (n) customized training conducted with a commitment by an employer to employ an
435 individual upon successful completion of the training.

436 [~~(14)~~] (15) "Full-time education or training" means training on a full-time basis as
437 defined by the educational institution attended by the parent recipient.

438 [~~(15)~~] (16) "General assistance" means financial assistance provided to a person under
439 Part 4, General Assistance.

440 [~~(16)~~] (17) "Notice of agency action" means the notice required to commence an
441 adjudicative proceeding as described in Section 63G-4-201.

442 [~~(17)~~] (18) "Obligor" means an individual:

443 (a) who is liable to the state under Section 35A-3-603 and applicable federal statutes
444 and regulations; or

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

447 [~~(18)~~] (19) (a) "Overpayment" means money, public assistance, or another item of
448 value provided under a state or federally funded benefit program to a person that is not entitled
449 to receive it or is not entitled to receive it at the level provided.

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

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

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

455 [~~(19)~~] (20) "Parent recipient" means a person who enters into an employment plan with
456 the department to qualify for cash assistance under Part 3, Family Employment Program.

457 [~~(20)~~] (21) "Performance goals" means a target level of performance that will be
458 compared to actual performance.

459 [~~(21)~~] (22) "Performance indicators" means actual performance information regarding

460 a program or activity.

461 ~~[(22)]~~ (23) "Performance monitoring system" means a process to regularly collect and
462 analyze performance information, including performance indicators and performance goals.

463 ~~[(23)]~~ (24) "Plan" or "state plan" means the state plan submitted to the Secretary of the
464 United States Department of Health and Human Services to receive funding from the United
465 States through the Temporary Assistance for Needy Families Block Grant in accordance with
466 42 U.S.C. Sec. 602.

467 ~~[(24)]~~ (25) "Recipient" means a person who is qualified to receive, is receiving, or has
468 received assistance under this chapter.

469 ~~[(25)]~~ (26) "Single minor parent" means a person under 18 years of age who is not
470 married and has a minor child in the person's care and custody.

471 ~~[(26)]~~ (27) "Transitional cash assistance" means assistance provided to a recipient to
472 stabilize employment and reduce the future use of cash assistance provided under Part 3,
473 Family Employment Program.

474 Section 9. Section **35A-3-103** is amended to read:

475 **35A-3-103. Department responsibilities.**

476 The department shall:

477 (1) administer public assistance programs assigned by the Legislature and the
478 governor;

479 (2) determine eligibility for public assistance programs in accordance with the
480 requirements of this chapter;

481 (3) cooperate with the federal government in the administration of public assistance
482 programs;

483 (4) administer state employment services [~~in accordance with Section 35A-3-115~~];

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

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

487 (7) monitor the application of eligibility policy;

488 (8) develop personnel training programs for effective and efficient operation of the
489 programs administered by the department;

490 (9) provide refugee resettlement services in accordance with Section [~~35A-3-116~~]

491 [35A-3-701](#);

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

494 (11) provide services that enable an applicant or recipient to qualify for affordable
495 housing in cooperation with:

496 (a) the Utah Housing Corporation;

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

498 (c) local housing authorities.

499 Section 10. Section **35A-3-310.5** is amended to read:

500 **35A-3-310.5. Child care providers -- Criminal background checks -- Payment of**
501 **costs -- Prohibitions -- Department rules.**

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

503 (a) (i) is selected by a recipient of a child care assistance payment; or

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

505 (b) is not required to undergo a criminal background check with the Department of
506 Health, Bureau of Child Care Licensing;

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

508 (d) is an eligible child care provider in accordance with department rules made in
509 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

510 (2) (a) A child care provider identified under Subsection (1) shall submit to the
511 department the name and other identifying information, including a set of fingerprints, of:

512 (i) existing, new, and proposed individuals who provide or may provide child care; and

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

515 ~~[(b) The department may waive the fingerprint requirement under Subsection (2)(a) for~~
516 ~~an individual who has:]~~

517 ~~[(i) resided in Utah for five years prior to the required submission; or]~~

518 ~~[(ii) (A) previously submitted a set of fingerprints under this section for a national~~
519 ~~criminal history record check; and]~~

520 ~~[(B) resided in Utah continuously since submitting the fingerprints.]~~

521 ~~[(c)]~~ (b) The Criminal Investigation and Technical Services Division created within the

522 Department of Public Safety under Section 53-10-103 shall:

523 (i) process and conduct background checks on all individuals as requested by the
524 department; and

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

527 ~~[(d) If the department waives the fingerprint requirement under Subsection (2)(b), the~~
528 ~~Criminal Investigation and Technical Services Division may allow the department or its~~
529 ~~representative access to the Criminal Investigation and Technical Services Division's database~~
530 ~~to determine whether the individual has been convicted of a crime.]~~

531 ~~[(e)]~~ (c) The child care provider shall pay the cost of the history background check
532 provided under Subsection (2)~~[(e)]~~(b).

533 (3) (a) A child care provider identified under Subsection (1) shall submit to the
534 department the name and other identifying information of an individual, age 12 through 17,
535 who resides in the premises where the child care is provided.

536 (b) The department or its representative shall access juvenile court records to determine
537 whether an individual described in Subsection (2) or (3)(a) has been adjudicated in juvenile
538 court of committing an act which, if committed by an adult, would be a felony or misdemeanor
539 if:

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

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

542 (A) is age 28 or older; and

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

545 (4) Except as provided in Subsection (5), a child care provider under this section may
546 not permit an individual described under Subsection (3)(b) to:

547 (a) provide subsidized child care; or

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

549 (5) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah
550 Administrative Rulemaking Act, to exempt the following from the restrictions of Subsection
551 (4):

552 (i) a specific misdemeanor;

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

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

558 (b) In accordance with criteria established by department rules made in accordance
559 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the executive director or the
560 director's designee may consider and exempt individual cases, not otherwise exempt under
561 Subsection (5)(a), from the restrictions of Subsection (4).

562 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
563 department shall make rules to determine:

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

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

569 Section 11. Section **35A-4-312** is amended to read:

570 **35A-4-312. Records.**

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

573 (b) A record shall be open to inspection and subject to being copied by the division or
574 its authorized representatives at a reasonable time and as often as necessary.

575 (c) An employing unit shall make a record available in the state for three years after the
576 calendar year in which the services are rendered.

577 (2) The division may require from an employing unit a sworn or unsworn report with
578 respect to a person employed by the employing unit that the division considers necessary for
579 the effective administration of this chapter.

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

583 (4) (a) The information obtained by the division under this section may not be used in

584 court or admitted into evidence in an action or proceeding, except:

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

586 (ii) if the Labor Commission enters into a written agreement with the division under

587 Subsection (6)(b), in an action or proceeding by the Labor Commission to enforce:

588 (A) Title 34, Chapter 23, Employment of Minors;

589 (B) Title 34, Chapter 28, Payment of Wages;

590 (C) Title 34, Chapter 40, Utah Minimum Wage Act; or

591 (D) Title 34A, Utah Labor Code;

592 (iii) under the terms of a court order obtained under Subsection 63G-2-202(7) and

593 Section 63G-2-207; or

594 (iv) under the terms of a written agreement between the Office of State Debt Collection
595 and the division as provided in Subsection (5).

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

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

600 (ii) an employer, upon request in writing for information concerning a claim for a
601 benefit with respect to a former employee of the employer.

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

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

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

607 (c) an employee of the Department of Commerce for the purpose of carrying out the
608 programs administered by the Department of Commerce;

609 (d) an employee of the governor's office or another state governmental agency
610 administratively responsible for statewide economic development, to the extent necessary for
611 economic development policy analysis and formulation;

612 (e) an employee of another governmental agency that is specifically identified and
613 authorized by federal or state law to receive the information for the purposes stated in the law
614 authorizing the employee of the agency to receive the information;

- 615 (f) an employee of a governmental agency or workers' compensation insurer to the
616 extent the information will aid in:
- 617 (i) the detection or avoidance of duplicate, inconsistent, or fraudulent claims against:
618 (A) a workers' compensation program; or
619 (B) public assistance funds; or
620 (ii) the recovery of overpayments of workers' compensation or public assistance funds;
621 (g) an employee of a law enforcement agency to the extent the disclosure is necessary
622 to avoid a significant risk to public safety or in aid of a felony criminal investigation;
623 (h) an employee of the State Tax Commission or the Internal Revenue Service for the
624 purposes of:
- 625 (i) audit verification or simplification;
626 (ii) state or federal tax compliance;
627 (iii) verification of a code or classification of the:
628 (A) 1987 Standard Industrial Classification Manual of the federal Executive Office of
629 the President, Office of Management and Budget; or
630 (B) 2002 North American Industry Classification System of the federal Executive
631 Office of the President, Office of Management and Budget; and
632 (iv) statistics;
- 633 (i) an employee or contractor of the department or an educational institution, or other
634 governmental entity engaged in workforce investment and development activities under the
635 [~~Workforce Investment Act of 1998~~ Workforce Innovation and Opportunity Act, 29 U.S.C.
636 Sec. 3101 et seq., for the purpose of:
- 637 (i) coordinating services with the department;
638 (ii) evaluating the effectiveness of those activities; and
639 (iii) measuring performance;
- 640 (j) an employee of the Governor's Office of Economic Development, for the purpose of
641 periodically publishing in the Directory of Business and Industry, the name, address, telephone
642 number, number of employees by range, code or classification of an employer, and type of
643 ownership of Utah employers;
- 644 (k) the public for any purpose following a written waiver by all interested parties of
645 their rights to nondisclosure;

646 (l) an individual whose wage data is submitted to the department by an employer, if no
647 information other than the individual's wage data and the identity of the employer who
648 submitted the information is provided to the individual;

649 (m) an employee of the Insurance Department for the purpose of administering Title
650 31A, Chapter 40, Professional Employer Organization Licensing Act;

651 (n) an employee of the Office of State Debt Collection for the purpose of collecting
652 state accounts receivable as provided in Section 63A-3-502;

653 (o) a creditor, under a court order, to collect on a judgment as provided in Section
654 35A-4-314; or

655 (p) an employee of the Wage and Hour Division of the United States Department of
656 Labor for the purpose of carrying out the programs administered by the Wage and Hour
657 Division as permitted under 20 C.F.R. 603.5(e), if the information is subject to the payment of
658 costs described in 20 C.F.R. 603.8(d) and:

659 (i) is limited to:

660 (A) the name and identifying information of an employer found by the department to
661 have misclassified one or more workers under Subsection 35A-4-204(3);

662 (B) the total number of misclassified workers for that employer; and

663 (C) the aggregate amount of misclassified wages for that employer;

664 (ii) an employer is given the opportunity to cure a misclassification of one or more
665 workers, in a manner established by division rule in accordance with Title 63G, Chapter 3,
666 Utah Administrative Rulemaking Act, before the information is disclosed as described in this
667 Subsection (5)(p); and

668 (iii) an annual report regarding the benefit to the state from disclosure of information
669 under this Subsection (5)(p) is provided to the department for inclusion in the department's
670 annual report described in Section 35A-1-109.

671 (6) Disclosure of private information under Subsection (4)(a)(ii) or Subsection (5),
672 with the exception of Subsections (5)(a), (g), and (o), may be made if:

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

674 (i) the willingness of employers to report wage and employment information; or

675 (ii) the willingness of individuals to file claims for unemployment benefits; and

676 (b) the agency enters into a written agreement with the division in accordance with

677 rules made by the department.

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

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

685 Section 12. Section 35A-5-102 is amended to read:

686 **35A-5-102. Federal grants for retraining.**

687 (1) By following the procedures and requirements of Title 63J, Chapter 5, Federal
688 Funds Procedures Act, the state, through the [~~Employment Development Division~~] department,
689 may and is encouraged to apply for retraining, community assistance, or technology transfer
690 funds available through:

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

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

697 Section 13. Section 35A-5-202 is amended to read:

698 **35A-5-202. Contracts with providers.**

699 (1) In compliance with Title 63G, Chapter 6a, Utah Procurement Code, the department
700 shall enter into a contract with one or more qualified providers to implement the [~~workforce~~
701 ~~improvement plan created under~~] state workforce services plan described in Section
702 [~~35A-5-201~~] 35A-1-207.

703 (2) A contract entered into under this section [~~shall be~~]:

- 704 (a) shall be performance based; and
705 (b) may be structured so that the provider receives reimbursement based on:
706 (i) job development;
707 (ii) participant placement in jobs;

708 (iii) wages and benefits provided; and
709 (iv) participant retention in jobs over at least a 12-month period.
710 (3) If the department determines through the procurement process that there are no
711 qualified providers to implement the [~~workforce improvement plan~~] state workforce services
712 plan, the department may implement the plan.

713 Section 14. Section **35A-9-301** is amended to read:

714 **35A-9-301. Creation of the Utah Intergenerational Welfare Reform Commission.**

715 There is created the Utah Intergenerational Welfare Reform Commission composed of:

716 [(+)] the following [~~five voting~~] seven members:

717 (1) the lieutenant governor;

718 [(a)] (2) the executive director of the Department of Workforce Services or the deputy
719 director if designated by the executive director;

720 [(b)] (3) the executive director of the Department of Health or the deputy director if
721 designated by the executive director;

722 [(c)] (4) the executive director of the Department of Human Services or the deputy
723 director if designated by the executive director;

724 [(d)] (5) the state superintendent of public education or the deputy state superintendent
725 if designated by the superintendent; [~~and~~]

726 [(e)] (6) the state juvenile court administrator; and

727 [(2)] (7) the chair of the Intergenerational Poverty Advisory Committee created [~~by~~] in
728 Section **35A-9-304** [~~, as a nonvoting member~~].

729 Section 15. Section **35A-9-302** is amended to read:

730 **35A-9-302. Chair of commission -- Meetings -- Quorum -- Staff support.**

731 (1) The lieutenant governor shall serve as chair of the commission.

732 [(+)] (2) The executive director of the Department of Workforce Services, or the
733 deputy director of the Department of Workforce Services if designated by the executive
734 director, shall serve as vice chair of the commission.

735 [(2)] (3) The chair:

736 (a) is responsible for the call and conduct of meetings;

737 (b) shall call and hold meetings of the commission at least quarterly; [~~and~~]

738 (c) shall call additional meetings upon request by a majority of the commission's

739 [~~voting~~] members[-]; and

740 (d) may delegate duties to the vice chair.

741 [~~(3)~~] (4) A majority of the [~~voting~~] members of the commission constitutes a quorum
742 of the commission at any meeting and the action of the majority of [~~voting~~] members present is
743 the action of the commission.

744 [~~(4)~~] (5) The Department of Workforce Services shall provide staff support to the
745 commission.

746 Section 16. Section **35A-11-203** is amended to read:

747 **35A-11-203. Annual report.**

748 (1) The commission shall annually prepare and publish a report directed to the:

749 (a) governor;

750 (b) Education Interim Committee;

751 (c) Economic Development and Workforce Services Interim Committee;

752 (d) Executive Appropriations Committee;

753 (e) Legislative Management Committee;

754 (f) Business, Economic Development, and Labor Appropriations Subcommittee; and

755 (g) State [~~Council on Workforce Services~~] Workforce Development Board.

756 (2) The report described in Subsection (1) shall:

757 (a) describe how the commission fulfilled its statutory purposes and duties during the
758 year; and

759 (b) contain recommendations on how the state should act to address issues relating to
760 women in the economy.

761 Section 17. Section **53B-12-101** is amended to read:

762 **53B-12-101. Utah Higher Education Assistance Authority designated -- Powers.**

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

765 (1) guarantee 100% of the principal of and interest on a loan to or for the benefit of a
766 person attending or accepted to attend an eligible postsecondary educational institution to assist
767 that person in meeting any educational expenses incurred in an academic year;

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

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

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

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

778 (6) adopt, amend, or repeal rules, in accordance with Title 63G, Chapter 3, Utah
779 Administrative Rulemaking Act, to govern the activities authorized by this chapter;

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

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

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

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

794 Section 18. Section 62A-1-111 is amended to read:

795 **62A-1-111. Department authority.**

796 The department may, in addition to all other authority and responsibility granted to it by
797 law:

798 (1) adopt rules, not inconsistent with law, as the department may consider necessary or
799 desirable for providing social services to the people of this state;

800 (2) establish and manage client trust accounts in the department's institutions and

801 community programs, at the request of the client or the client's legal guardian or representative,
802 or in accordance with federal law;

803 (3) purchase, as authorized or required by law, services that the department is
804 responsible to provide for legally eligible persons;

805 (4) conduct adjudicative proceedings for clients and providers in accordance with the
806 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

807 (5) establish eligibility standards for its programs, not inconsistent with state or federal
808 law or regulations;

809 (6) take necessary steps, including legal action, to recover money or the monetary value
810 of services provided to a recipient who was not eligible;

811 (7) set and collect fees for its services;

812 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
813 or limited by law;

814 (9) acquire, manage, and dispose of any real or personal property needed or owned by
815 the department, not inconsistent with state law;

816 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
817 the proceeds thereof, may be credited to the program designated by the donor, and may be used
818 for the purposes requested by the donor, as long as the request conforms to state and federal
819 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
820 under guidelines established by the state treasurer;

821 (11) accept and employ volunteer labor or services; the department is authorized to
822 reimburse volunteers for necessary expenses, when the department considers that
823 reimbursement to be appropriate;

824 (12) carry out the responsibility assigned in the workforce services plan by the State
825 [~~Council on Workforce Services~~] Workforce Development Board;

826 (13) carry out the responsibility assigned by Section [35A-8-602](#) with respect to
827 coordination of services for the homeless;

828 (14) carry out the responsibility assigned by Section [62A-5a-105](#) with respect to
829 coordination of services for students with a disability;

830 (15) provide training and educational opportunities for its staff;

831 (16) collect child support payments and any other money due to the department;

832 (17) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
833 whose child lives out of the home in a department licensed or certified setting;

834 (18) establish policy and procedures, within appropriations authorized by the
835 Legislature, in cases where the department is given custody of a minor by the juvenile court
836 pursuant to Section 78A-6-117 or ordered to prepare an attainment plan for a minor found not
837 competent to proceed pursuant to Section 78A-6-1301; any policy and procedures shall
838 include:

839 (a) designation of interagency teams for each juvenile court district in the state;

840 (b) delineation of assessment criteria and procedures;

841 (c) minimum requirements, and timeframes, for the development and implementation
842 of a collaborative service plan for each minor placed in department custody; and

843 (d) provisions for submittal of the plan and periodic progress reports to the court;

844 (19) carry out the responsibilities assigned to it by statute;

845 (20) examine and audit the expenditures of any public funds provided to local
846 substance abuse authorities, local mental health authorities, local area agencies on aging, and
847 any person, agency, or organization that contracts with or receives funds from those authorities
848 or agencies. Those local authorities, area agencies, and any person or entity that contracts with
849 or receives funds from those authorities or area agencies, shall provide the department with any
850 information the department considers necessary. The department is further authorized to issue
851 directives resulting from any examination or audit to local authorities, area agencies, and
852 persons or entities that contract with or receive funds from those authorities with regard to any
853 public funds. If the department determines that it is necessary to withhold funds from a local
854 mental health authority or local substance abuse authority based on failure to comply with state
855 or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of
856 services. For purposes of this Subsection (20) "public funds" means the same as that term is
857 defined in Section 62A-15-102;

858 (21) pursuant to Subsection 62A-2-106(1)(d), accredit one or more agencies and
859 persons to provide intercountry adoption services; and

860 (22) within appropriations authorized by the Legislature, promote and develop a
861 system of care, as defined in Section 62A-1-104, within the department and with contractors
862 that provide services to the department or any of the department's divisions.

863 Section 19. Section **62A-4a-105** is amended to read:

864 **62A-4a-105. Division responsibilities.**

865 (1) The division shall:

866 (a) administer services to minors and families, including:

867 (i) child welfare services;

868 (ii) domestic violence services; and

869 (iii) all other responsibilities that the Legislature or the executive director may assign
870 to the division;

871 (b) provide the following services:

872 (i) financial and other assistance to an individual adopting a child with special needs
873 under Part 9, Adoption Assistance, not to exceed the amount the division would provide for the
874 child as a legal ward of the state;

875 (ii) non-custodial and in-home services, including:

876 (A) services designed to prevent family break-up; and

877 (B) family preservation services;

878 (iii) reunification services to families whose children are in substitute care in
879 accordance with the requirements of this chapter and Title 78A, Chapter 6, Juvenile Court Act;

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

882 (v) shelter care in accordance with the requirements of this chapter and Title 78A,
883 Chapter 6, Juvenile Court Act;

884 (vi) domestic violence services, in accordance with the requirements of federal law;

885 (vii) protective services to victims of domestic violence, as defined in Section [77-36-1](#),
886 and their children, in accordance with the provisions of this chapter and Title 78A, Chapter 6,
887 Part 3, Abuse, Neglect, and Dependency Proceedings;

888 (viii) substitute care for dependent, abused, neglected, and delinquent children;

889 (ix) programs and services for minors who have been placed in the custody of the
890 division for reasons other than abuse or neglect, under Section [62A-4a-250](#);

891 (x) services for minors who are victims of human trafficking or human smuggling as
892 described in Sections [76-5-308](#) through [76-5-310](#) or who have engaged in prostitution or sexual
893 solicitation as defined in Section [76-10-1302](#); and

- 894 (xi) training for staff and providers involved in the administration and delivery of
895 services offered by the division in accordance with this chapter;
- 896 (c) establish standards for all:
- 897 (i) contract providers of out-of-home care for minors and families;
- 898 (ii) facilities that provide substitute care for dependent, abused, neglected, and
899 delinquent children placed in the custody of the division; and
- 900 (iii) direct or contract providers of domestic violence services described in Subsection
901 (1)(b)(vi);
- 902 (d) have authority to:
- 903 (i) contract with a private, nonprofit organization to recruit and train foster care
904 families and child welfare volunteers in accordance with Section [62A-4a-107.5](#); and
- 905 (ii) approve facilities that meet the standards established under Subsection (1)(c) to
906 provide substitute care for dependent, abused, neglected, and delinquent children placed in the
907 custody of the division;
- 908 (e) cooperate with the federal government in the administration of child welfare and
909 domestic violence programs and other human service activities assigned by the department;
- 910 (f) in accordance with Subsection (2)(a), promote and enforce state and federal laws
911 enacted for the protection of abused, neglected, dependent, delinquent, ungovernable, and
912 runaway children, and status offenders, in accordance with the requirements of this chapter,
913 unless administration is expressly vested in another division or department of the state;
- 914 (g) cooperate with the ~~[Employment]~~ Workforce Development Division in the
915 Department of Workforce Services in meeting the social and economic needs of an individual
916 who is eligible for public assistance;
- 917 (h) compile relevant information, statistics, and reports on child and family service
918 matters in the state;
- 919 (i) prepare and submit to the department, the governor, and the Legislature reports of
920 the operation and administration of the division in accordance with the requirements of
921 Sections [62A-4a-117](#) and [62A-4a-118](#);
- 922 (j) provide social studies and reports for the juvenile court in accordance with Section
923 [78A-6-605](#);
- 924 (k) within appropriations from the Legislature, provide or contract for a variety of

925 domestic violence services and treatment methods;

926 (l) ensure regular, periodic publication, including electronic publication, regarding the
927 number of children in the custody of the division who:

928 (i) have a permanency goal of adoption; or

929 (ii) have a final plan of termination of parental rights, pursuant to Section 78A-6-314,
930 and promote adoption of those children;

931 (m) subject to Subsection (2)(b), refer an individual receiving services from the
932 division to the local substance abuse authority or other private or public resource for a
933 court-ordered drug screening test; and

934 (n) perform other duties and functions required by law.

935 (2) (a) In carrying out the requirements of Subsection (1)(f), the division shall:

936 (i) cooperate with the juvenile courts, the Division of Juvenile Justice Services, and
937 with all public and private licensed child welfare agencies and institutions, to develop and
938 administer a broad range of services and support;

939 (ii) take the initiative in all matters involving the protection of abused or neglected
940 children, if adequate provisions have not been made or are not likely to be made; and

941 (iii) make expenditures necessary for the care and protection of the children described
942 in this Subsection (2)(a), within the division's budget.

943 (b) When an individual is referred to a local substance abuse authority or other private
944 or public resource for court-ordered drug screening under Subsection (1)(n), the court shall
945 order the individual to pay all costs of the tests unless:

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

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

949 (iii) the court finds that the individual is impecunious.

950 (3) Except to the extent provided by rule, the division is not responsible for
951 investigating domestic violence in the presence of a child, as described in Section 76-5-109.1.

952 (4) The division may not require a parent who has a child in the custody of the division
953 to pay for some or all of the cost of any drug testing the parent is required to undergo.

954 Section 20. Section 62A-4a-709 is amended to read:

955 **62A-4a-709. Medical assistance identification.**

956 (1) As used in this section:

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

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

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

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

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

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

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

980 Section 21. **Repealer.**

981 This bill repeals:

982 Section 35A-2-103, **Advisory groups -- Creation.**

983 Section 35A-3-115, **Public employment offices -- Agreements with other authorities**
984 **-- Federal system accepted -- Appropriation.**

985 Section 35A-5-201, **Workforce improvement plan.**

986 Section 22. **Effective date.**

987

This bill takes effect on July 1, 2016.