

## **BILL ANALYSIS**

Senate Research Center

S.B. 589  
By: Nelson et al.  
Health & Human Services  
7/2/2007  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

On February 8, 2006, the President of the United States signed the Deficit Reduction Act (DRA) to reauthorize Temporary Assistance for Needy Families (TANF). New rules implementing DRA contain significant changes in the method of calculation of federal work participation rates. For a state to continue to receive TANF funds, a participation rate of 50 percent (all-family) and 90 percent (two parent family) must be achieved. Certain low-income parents have become ineligible for TANF for various reasons, including not complying with work participation requirements. Under current law, the Texas Workforce Commission (TWC) is prohibited from providing job training and support services to persons who are no longer TANF eligible.

S.B. 589 requires TWC to provide employment services, including needs assessment, job training, post-employment, and related support services, to non-recipient parents.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Department of Human Services (DHS) is transferred to the Texas Workforce Commission in SECTION 6 (Section 31.0126, Human Resources Code) of this bill.

Rulemaking authority previously granted to DHS is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 6 (Section 31.0126, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 31, Human Resources Code, by adding Section 31.0021, as follows:

Sec. 31.0021. DEFINITION OF NONRECIPIENT PARENT. (a) Defines "nonrecipient parent."

(b) Excludes certain persons from the definition of "nonrecipient parent."

SECTION 2. Amends Section 31.0095, Human Resources Code, as follows:

Sec. 31.0095. NEEDS ASSESSMENT. Requires the Health and Human Services Commission (HHSC), rather than the Texas Department of Human Services (DHS), to assist a recipient or a nonrecipient parent in assessing the particular needs of that person, rather than the recipient, and the person's family upon notification employment in a Temporary Assistance for Needy Families (TANF) employment program, rather than the JOBS program. Requires the Texas Workforce Commission (TWC) and the recipient or the nonrecipient parent to develop an employability plan to help the recipient or nonrecipient parent achieve independence from public assistance granted to the recipient and the recipient's family, or to the child of the nonrecipient parent. Makes conforming changes.

SECTION 3. Amends Sections 31.010(a) and (f), Human Resources Code, as follows:

(a) Requires TWC to provide a recipient or a nonrecipient parent with support services designed to assist the recipient or nonrecipient parent and the person's family to attain

and retain the capability of independence and self-care, subject to the availability of funds. Makes conforming changes.

(f) Requires TWC to emphasize training for sustainable wage jobs and promote understanding of nontraditional work opportunities for recipients and nonrecipient parents. Makes conforming changes.

SECTION 4. Amends the heading to Section 31.0121, Human Resources Code, to read as follows:

Sec. 31.0121. SKILLS ASSESSMENT AND DEVELOPMENT FOR CERTAIN RECIPIENTS AND CERTAIN NONRECIPIENT PARENTS.

SECTION 5. Amends Sections 31.0121(a), (b), (d), and (e), Human Resources Code, as follows:

(a) Includes nonrecipient parents in the assessment of the local workforce development board (board) for the CHOICES program.

(b) Requires the board to place the recipient or the nonrecipient parent in training activities designed to improve employment and wage outcomes and job retention rates if a local workforce development board determines that the recipient or the nonrecipient parent requires job-specific training for placement in a job paying wages that equal or exceed the self-sufficiency wage developed for the board under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.).

(d) and (e) Makes conforming changes.

SECTION 6. Amends Sections 31.0126(a) and (c), Human Resources Code, as follows:

(a) Requires TWC, rather than the Department of Human Services (DHS) in consultation with certain entities, by rule to develop certain programs to assist recipients of financial assistance and services under this chapter and nonrecipient parents in finding and retaining employment.

(c) Requires the executive commissioner of the HHSC, rather than DHS, in adopting rules governing a program prescribed by this section, to establish criteria for determining which recipients and nonrecipient parents who are eligible to participate in TANF employment programs, rather than the JOBS training program, are required to participate in a particular program and ensure that recipient or a nonrecipient parent who is incapable of participating in a particular program is not required to participate in that program. Deletes existing text requiring DHS to provide technical assistance to local workforce development boards.

SECTION 7. Amends Subchapter A, Chapter 31, Human Resources Code, by adding Section 31.01261, as follows:

Sec. 31.01261. PROVISION OF EMPLOYMENT SERVICES TO CERTAIN NONRECIPIENT PARENTS. Requires TWC to provide employment services, including certain support services, to nonrecipient parents to the same extent the services are provided to recipients under this chapter.

SECTION 8. Amends Section 301.063(d), Labor Code, to include each nonrecipient parent who is receiving benefits in the list of persons that TWC is required to inform an agency of the United States of those persons' rights and eligibility.

SECTION 9. Amends Section 302.001, Labor Code, by adding Subdivision (3) to define "nonrecipient parent."

SECTION 10. Amends Section 302.0025, Labor Code, to make conforming changes.

SECTION 11. Amends Section 302.0026(a), Labor Code, to make conforming changes.

SECTION 12. Amends Section 302.003, Labor Code, to make a conforming change.

SECTION 13. Amends Section 302.0036, Labor Code, make conforming changes.

SECTION 14. Amends Section 302.0037(a), Labor Code, make a conforming change.

SECTION 15. Amends the heading to Section 302.0038, Labor Code, to read as follows:

Sec. 302.0038. HOUSING RESOURCES FOR CERTAIN RECIPIENTS OF FINANCIAL ASSISTANCE AND CERTAIN NONRECIPIENT PARENTS.

SECTION 16. Amends Sections 302.0038(a) and (b), Labor Code, to make conforming changes.

SECTION 17. Amends Sections 302.009(a) and (d), Labor Code, to make conforming changes.

SECTION 18. Amends Sections 302.010(a) and (b), Labor Code, to make conforming changes.

SECTION 19. Amends Section 302.011, Labor Code, to make conforming changes.

SECTION 20. Amends Subchapter A, Chapter 302, Labor Code, by adding Section 302.015, as follows:

Sec. 302.015. PROVISION OF EMPLOYMENT SERVICES TO CERTAIN NONRECIPIENT PARENTS. Requires TWC to provide employment services, including certain support services, to nonrecipient parents to the same extent the services are provided to recipients of financial assistance under Chapter 31, Human Resources Code.

SECTION 21. Authorizes a state agency to delay implementing a provision of this Act until a requested federal waiver or authorization necessary to implement that provision is obtained.

SECTION 22. Effective date: upon passage or September 1, 2007.