

## BILL ANALYSIS

Senate Research Center  
80R7321 UM-F

S.B. 1096  
By: Janek  
Health & Human Services  
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As Filed

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

The federal Deficit Reduction Act of 2005 reauthorized the Temporary Assistance for Needy Families (TANF) program. This Act included significant changes that increases federal work participation expectations and affects how work participation rates are calculated. Currently, state law and rules promulgated by the Health and Human Services Commission exempt individuals from participation in TANF work activities that the federal Department of Health and Human Services mandates are required to be included in the calculation of state performance. Statutory changes related to work participation in TANF programs are necessary in order for the state to continue to receive TANF-related funding.

As proposed, S.B. 1096 amends certain state requirements relating to TANF-related programs or exceptions to those requirements in order to bring the state in line with federal requirements.

### RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Human Services is modified in SECTION 2 (Section 31.0033, Human Resources Code).

Rulemaking authority previously granted to the Texas Department of Human Services is transferred to the Texas Workforce Commission in SECTION 4 (Section 31.012, Human Resources Code) of this bill

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission in Section 531.0055, Government Code, is modified in SECTION 4 (Section 31.012, 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) Sets forth certain persons who are not to be included within the definition of "nonrecipient parent."

SECTION 2. Amends Section 31.0033(d), Human Resources Code, to require the Texas Department of Human Services (DHS), by rule, to establish criteria for good cause failure to cooperate and guidelines for what constitutes a good faith effort on behalf of a recipient under this section, except that the Texas Workforce Commission is required to establish criteria for good cause failure to cooperate with regard to work or employment activities as specified under Section 31.012(b), Human Resources Code.

SECTION 3. Amends the heading to Section 31.012, Human Resources Code, to read as follows:

Sec. 31.012. MANDATORY WORK OR PARTICIPATION IN EMPLOYMENT ACTIVITIES.

SECTION 4. Amends Section 31.012, Human Resources Code, by amending Subsections (a) through (d) and adding Subsections (c-1) and (g), as follows:

(a) Requires the Health and Human Services Commission (HHSC), rather than DHS, to require the adult or the nonrecipient parent, during any one-month period in which an adult who is receiving or the child of a nonrecipient parent who is receiving financial assistance under this chapter to work no less than 30 hours a week, or to participate for no less than 20 hours a week in an activity established under a Temporary Assistance for Needy Families (TANF) employment program under Part A, Subchapter IV, of the federal Social Security Act, rather than the job opportunities and basic skills (JOBS) training program under Part F, Subchapter IV, of the federal Social Security Act.

(b) Requires TWC, rather than DHS, by rule to establish criteria for good cause failure to cooperate and for notification procedures regarding participation in work or employment activities under this section.

(c) Provides that an adult recipient providing care for a disabled family member living in the home, if that person does not attend school full-time, rather than a person who is the caretaker of a physically or mentally disabled child who requires the caretaker's presence, is not required to participate in a program under this section. Provides that a single person who is the caretaker of a child is not required to participate in a program under this section, rather than exempt, until the caretaker's youngest child at the time the caretaker first became eligible for assistance reaches the age of one. Requires HHSC to provide six months of transitional benefits in addition to the applicable limit prescribed by Section 31.0065 (Time-Limited Benefits), Human Resources Code, to a person who is not required to participate in a program, rather than one who is exempted, under this subsection and who voluntarily participates in a program under Subsection (a)(2), notwithstanding Sections 31.0035(b) (relating to limits on transitional child care services), and 32.0255(b) (relating to time limits on transitional medical assistance), Human Resources Code.

(c-1) Prohibits the executive commissioner of HHSC (executive commissioner) from adopting rules that provide exceptions to a person's required participation in work or employment activities that are in addition to the exceptions provided under Subsection (c).

(d) Deletes existing text relating to when a state-operated program under this section is transferred to TWC.

(g) Provides that a nonrecipient parent who receives Supplemental Security Income benefits is not subject to the requirements of this section. Authorizes TWC to provide services to the nonrecipient parent under this chapter in accordance with TWC rules.

SECTION 5. Amends Section 34.014(a), Human Resources Code, as follows:

(a) Requires HHSC, rather than DHS, to provide financial assistance, in accordance with rules adopted by the executive commissioner, to a two-parent family if the primary wage earner parent, other than a nonrecipient parent, is registered with a TANF employment program under Part A, Subchapter IV, of the federal Social Security Act, or is registered with TWC, rather than the Texas Employment Commission. Makes conforming changes.

SECTION 6. Repealer: Section 31.0126(c) (relating to rules adopted by DHS for the JOBS program); and Section 31.014(c) (relating to an exception for requirements to be met by a two-parent family to receive assistance from HHSC), Human Resources Code.

SECTION 7. Makes application of this Act prospective, regardless of the date that the determination of assistance eligibility for certain persons was made.

SECTION 8. 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 9. Effective date: September 1, 2007.