

By: Naishtat

H.B. No. 3759

A BILL TO BE ENTITLED

AN ACT

relating to providing monetary and other related support services through the TANF program and other state programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0011 to read as follows:

Sec. 31.0011. GENERAL DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

SECTION 2. Sections 31.0032(a) and (c), Human Resources Code, are amended to read as follows:

(a) Except as provided by Section 231.115, Family Code, if after an investigation the commission [~~department~~] or the Title IV-D agency determines that a person is not cooperating with a requirement of the responsibility agreement required under Section 31.0031, the commission [~~department~~] shall:

(1) conduct a pre-sanction review under Section 31.00321 to determine whether the person had good cause for failing to cooperate with the agreement; and

(2) if the commission determines the person did not have good cause for failing to cooperate with the agreement, immediately apply a sanction terminating the total amount of

1 financial assistance provided under this chapter to or for the  
2 person and the person's family.

3 (c) The commission [~~To the extent allowed by federal law,~~  
4 ~~the Health and Human Services Commission~~] or any health and human  
5 services agency, as defined by Section 531.001, Government Code,  
6 may not deny medical assistance for a person who is eligible for  
7 financial assistance but to whom that assistance is not paid  
8 because of the person's failure to cooperate. Medical assistance  
9 to the person's family may not be denied for the person's failure to  
10 cooperate. [~~Medical assistance may not be denied to a person~~  
11 ~~receiving assistance under this chapter who is under the age of 19,~~  
12 ~~a pregnant adult, or any other person who may not be denied medical~~  
13 ~~assistance under federal law.~~]

14 SECTION 3. Subchapter A, Chapter 31, Human Resources Code,  
15 is amended by adding Sections 31.00321 and 31.00322 to read as  
16 follows:

17 Sec. 31.00321. PRE-SANCTION REVIEW PROCESS. (a) The  
18 commission shall develop and implement a pre-sanction review  
19 process to be used before the commission or the Title IV-D agency  
20 applies a sanction terminating financial assistance under Section  
21 31.0032. The process must require the commission to:

22 (1) make a good faith effort to contact the person  
23 determined to have failed to cooperate with a requirement of the  
24 responsibility agreement to determine whether that person had good  
25 cause, as determined using the criteria under Section 31.0033(d),  
26 for failing to cooperate with the requirement;

27 (2) ensure that the person understands the reason a

1 sanction is being applied and the steps the person must take to  
2 remove the sanction; and

3 (3) document, on a form prescribed by the executive  
4 commissioner, that the actions required under Subdivisions (1) and  
5 (2) were taken by the commission before any sanction is applied.

6 (b) If the commission determines under Subsection (a)(1)  
7 that a person had good cause for failing to cooperate, the  
8 commission may not terminate financial assistance under Section  
9 31.0032.

10 (c) The commission must develop and regularly provide  
11 training for commission employees on the pre-sanction review  
12 process, including the method and criteria employees must use for  
13 determining whether a person had good cause for failing to  
14 cooperate with a requirement of the responsibility agreement.

15 (d) The commission may not sanction a person or a person's  
16 family under Section 31.0032 unless the commission has conducted  
17 the pre-sanction review process required under this section.

18 Sec. 31.00322. PROGRAM TO ASSIST SANCTIONED PERSONS. (a)  
19 The commission, with the assistance of the Texas Workforce  
20 Commission and representatives of local workforce development  
21 boards, shall develop and implement a program to assist persons  
22 with respect to whom a sanction is applied under Section 31.0032.  
23 The program must assist those persons with taking the necessary  
24 action to demonstrate cooperation with the requirements of the  
25 responsibility agreement for purposes of removing the sanction and  
26 restoring financial assistance.

27 (b) The executive commissioner shall adopt rules necessary

1 to implement the program developed under this section.

2 SECTION 4. Section 31.0033(a), Human Resources Code, is  
3 amended to read as follows:

4 (a) If the commission [~~department~~] or Title IV-D agency  
5 determines that a person has failed to cooperate with the  
6 requirements of the responsibility agreement under Section 31.0031  
7 and the commission conducted the pre-sanction review under Section  
8 31.00321 and determined that the person did not have good cause for  
9 that failure to cooperate, the person determined to have failed to  
10 cooperate or, if different, the person receiving the financial  
11 assistance may request a hearing to show good cause for failure to  
12 cooperate not later than the 13th day after the date the notice of  
13 the imposition of a sanction is received [~~sent under Section~~  
14 ~~31.0032~~]. If the person determined to have failed to cooperate or,  
15 if different, the person receiving the financial assistance  
16 requests a hearing to show good cause not later than the 13th day  
17 after the date on which the notice of the imposition of a sanction  
18 is received [~~sent under Section 31.0032~~], the commission  
19 [~~department~~] may not withhold or reduce the payment of financial  
20 assistance until the commission [~~department~~] determines whether  
21 the person had good cause for the person's failure to cooperate. On  
22 a showing of good cause for failure to cooperate, the person may  
23 receive a financial assistance payment for the period in which the  
24 person failed to cooperate, but had good cause for that failure to  
25 cooperate.

26 SECTION 5. Section 31.0034, Human Resources Code, is  
27 amended to read as follows:

1           Sec. 31.0034. ANNUAL REPORT. The commission [~~department~~]  
2 shall prepare and submit an annual report to the legislature that  
3 contains statistical information regarding persons who are  
4 applying for or receiving financial assistance or services under  
5 this chapter, including the number of persons receiving assistance,  
6 the type of assistance those persons are receiving, and the length  
7 of time those persons have been receiving the assistance. The  
8 report also must contain information on:

9           (1) the number of persons to whom time limits apply;

10           (2) the number of persons under each time limit  
11 category;

12           (3) the number of persons who are exempt from  
13 participation under Section 31.012(c);

14           (4) the number of persons who were receiving financial  
15 assistance under this chapter but are no longer eligible to receive  
16 that assistance because they failed to cooperate with the  
17 requirements prescribed by Section 31.0031;

18           (5) the number of persons who are no longer eligible to  
19 receive financial assistance or transitional benefits under this  
20 chapter because:

21           (A) the person's household income has increased  
22 due to employment; or

23           (B) the person has exhausted the person's  
24 benefits under this chapter;

25           (6) the number of persons receiving child care, job  
26 training, or other support services designed to assist the  
27 transition to self-sufficiency; [~~and~~]

1           (7) the number of persons who were eligible to receive  
2 financial assistance under this chapter for each one-month period  
3 but to whom that financial assistance was not paid because the  
4 person failed to cooperate with the requirements of the  
5 responsibility agreement under Section 31.0031;

6           (8) the number of persons who requested a good cause  
7 hearing under Section 31.0033 and, of the hearings conducted as a  
8 result of those requests, the number of those persons the  
9 commission found had good cause for the failure to cooperate with  
10 requirements of the responsibility agreement; and

11           (9) the number and the percentage of persons who,  
12 within six months after the imposition of a sanction under Section  
13 31.0032, were able to demonstrate cooperation with the requirement  
14 for which the sanction was applied.

15           SECTION 6. Chapter 31, Human Resources Code, is amended by  
16 adding Subchapter E to read as follows:

17           SUBCHAPTER E. WORK SUPPORT PROGRAM FOR CERTAIN ELIGIBLE PERSONS

18           Sec. 31.091. DEFINITIONS. In this subchapter:

19           (1) "Assistance" has the meaning assigned by 45 C.F.R.  
20 Section 260.31.

21           (2) "Program" means the work support program  
22 implemented under this section.

23           Sec. 31.092. WORK SUPPORT PROGRAM. (a) The commission  
24 shall develop and implement a program designed to provide  
25 assistance for a period of six months to eligible persons who are  
26 former recipients of financial assistance under this chapter and  
27 who are making the transition to self-sufficiency. The commission

1 shall determine the amount and type of assistance to provide under  
2 the program.

3 (b) The executive commissioner shall adopt rules necessary  
4 to implement the program developed under this subchapter.

5 Sec. 31.093. ELIGIBILITY; PARTICIPATION. (a) A person is  
6 eligible to participate in the program implemented under this  
7 subchapter if the person is:

8 (1) no longer eligible for financial assistance under  
9 this chapter because of the expiration of the person's earned  
10 income disregard, provided that the person works the minimum number  
11 of hours required to be in compliance with the CHOICES program; or

12 (2) a recipient of financial assistance who is in  
13 compliance with the CHOICES program requirements and the  
14 requirements of the responsibility agreement but who, on  
15 redetermination of the person's eligibility for financial  
16 assistance, chooses to participate in the program instead of  
17 continuing to receive financial assistance.

18 (b) The commission shall automatically enroll a person who  
19 is eligible under Subsection (a)(1) in the program on the first day  
20 of the month immediately following the month in which the person's  
21 earned income disregard expires.

22 Sec. 31.094. TIME LIMITS NOT AFFECTED. The time during  
23 which a person participates in the program may not be counted  
24 towards time limits specified by Section 31.0065, except as  
25 provided by federal law.

26 Sec. 31.095. FUNDING. The program implemented under this  
27 subchapter must be funded using federal Temporary Assistance for

1 Needy Families (TANF) and state maintenance of effort funds.

2 SECTION 7. The heading to Section 34.002, Human Resources  
3 Code, is amended to read as follows:

4 Sec. 34.002. DEVELOPMENT AND IMPLEMENTATION OF STATE  
5 PROGRAM FOR CERTAIN PERSONS WITH BARRIERS TO EMPLOYMENT; FUNDING.

6 SECTION 8. Section 34.002, Human Resources Code, is amended  
7 by amending Subsections (a), (b), and (c) and adding Subsection  
8 (d-1) to read as follows:

9 (a) The Health and Human Services Commission~~[, the~~  
10 ~~department, and the Texas Workforce Commission, with the~~  
11 ~~participation of local workforce development boards,~~] shall  
12 [~~jointly~~] develop and implement a state program of temporary  
13 assistance and related support services that is distinct from the  
14 financial assistance program authorized by Chapter 31 and that is  
15 designed to assist eligible persons with overcoming certain  
16 barriers to employment.

17 (b) Temporary assistance and related support services may  
18 be provided under the state program only to a person who would be  
19 eligible to receive financial assistance under Chapter 31 but who  
20 faces at least one of the following barriers to employment:

21 (1) the person has a disability that prevents the  
22 person from meeting the minimum number of hours required to be in  
23 compliance with the CHOICES program [~~two-parent families~~]; [~~or~~]

24 (2) the person cares for a child with a disability;

25 (3) in the month preceding the person's application to  
26 participate in the state program, the person was living in a county  
27 with an average rate of unemployment that is at least one percentage



1 point higher than the statewide average rate of unemployment, as  
2 reported by the United States Department of Labor; or

3 (4) the person requires employment services that are  
4 not approved work activities for purposes of the financial  
5 assistance program under Chapter 31 [~~persons residing in minimum~~  
6 ~~service counties, as defined by the Texas Workforce Commission~~].

7 (c) Temporary assistance and related support services  
8 provided under the state program may not be funded with federal  
9 money provided to the state or with money included as state  
10 maintenance of effort money for the financial assistance program  
11 authorized by Chapter 31.

12 (d-1) A person who would not be included in the state's work  
13 participation rate under federal law if the person were a recipient  
14 of financial assistance under Chapter 31 is not eligible for the  
15 state program.

16 SECTION 9. Section 34.003(a), Human Resources Code, is  
17 amended to read as follows:

18 (a) The executive commissioner of the Health and Human  
19 Services Commission[~~, the department, and the Texas Workforce~~  
20 ~~Commission~~] shall adopt all rules necessary for implementation of  
21 the state program, including rules regarding eligibility, work  
22 requirements, work exemptions, time limits, and related support  
23 services, subject to the requirements specified by this chapter.

24 SECTION 10. Sections 34.002(d), 34.003(c), 34.004, 34.005,  
25 34.006, and 34.007, Human Resources Code, are repealed.

26 SECTION 11. If before implementing any provision of this  
27 Act a state agency determines that a waiver or authorization from a

1 federal agency is necessary for implementation of that provision,  
2 the agency affected by the provision shall request the waiver or  
3 authorization and may delay implementing that provision until the  
4 waiver or authorization is granted.

5 SECTION 12. This Act takes effect September 1, 2007.