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S.B. No. 1096

A BILL TO BE ENTITLED

AN ACT

relating to mandatory participation in certain TANF employment programs by certain persons.

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 31.0021 to read as follows:

Sec. 31.0021. DEFINITION OF NONRECIPIENT PARENT.

(a) Except as provided by Subsection (b), in this chapter, "nonrecipient parent" means an adult or minor parent who is not a recipient of financial assistance but who is living with the person's child who is a recipient of financial assistance.

(b) "Nonrecipient parent" does not include:

(1) a minor parent who is not the head of household;

(2) a person who is ineligible for financial assistance because of the person's immigration status; or

(3) a parent who cares for a disabled family member living in the home if the family member does not attend school full-time and the need for the care is supported by medical documentation.

SECTION 2. Subsection (d), Section 31.0033, Human Resources Code, is amended to read as follows:

(d) The department by rule shall 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,

1 except that the Texas Workforce Commission shall establish criteria  
2 for good cause failure to cooperate with regard to work or  
3 employment activities in accordance with Section 31.012(b).

4 SECTION 3. The heading to Section 31.012, Human Resources  
5 Code, is amended to read as follows:

6 Sec. 31.012. MANDATORY WORK OR PARTICIPATION IN EMPLOYMENT  
7 ACTIVITIES [~~THROUGH THE JOB OPPORTUNITIES AND BASIC SKILLS~~  
8 ~~PROGRAM~~].

9 SECTION 4. Section 31.012, Human Resources Code, is amended  
10 by amending Subsections (a) through (d) and adding Subsections  
11 (c-1) and (g) through (j) to read as follows:

12 (a) The Health and Human Services Commission [~~department~~]  
13 shall require that, during any one-month period in which an adult is  
14 receiving or the child of a nonrecipient parent is receiving  
15 financial assistance under this chapter, the adult or nonrecipient  
16 parent shall during that period:

17 (1) work not less than 30 hours a week; or

18 (2) participate for not less than 20 hours a week in an  
19 activity established under a Temporary Assistance for Needy  
20 Families employment program under Part A, Subchapter IV, Social  
21 Security Act (42 U.S.C. Section 601 et seq.) [~~the job opportunities~~  
22 ~~and basic skills (JOBS) training program under Part F, Subchapter~~  
23 ~~IV, Social Security Act (42 U.S.C. Section 682)].~~

24 (b) The Texas Workforce Commission [~~department~~] by rule  
25 shall establish criteria for good cause failure to cooperate and  
26 for notification procedures regarding participation in work or  
27 employment activities under this section.

1           (c) An adult recipient providing care for a disabled family  
2 member living in the home, if the family member does not attend  
3 school full-time, is not required to participate in a program under  
4 this section. A person who is physically or mentally disabled or  
5 the caretaker of a physically or mentally disabled child who,  
6 because of the care required for the child, is prevented from  
7 participating for the number of hours required under Subsection  
8 (a), ~~[requires the caretaker's presence]~~ is not required to  
9 participate in a program under this section if the Health and Human  
10 Services Commission determines that the disability or condition is  
11 expected to last six months or longer. A single person who is the  
12 caretaker of a child is not required to participate in a program  
13 under this section ~~[exempt]~~ until the caretaker's youngest child at  
14 the time the caretaker first became eligible for assistance reaches  
15 the age of one. Notwithstanding Sections 31.0035(b) and  
16 32.0255(b), the department shall provide to a person who is not  
17 required to participate in a program ~~[exempt]~~ under this subsection  
18 and who voluntarily participates in a program under Subsection  
19 (a)(2) six months of transitional benefits in addition to the  
20 applicable limit prescribed by Section 31.0065.

21           (c-1) Notwithstanding Section 531.0055, Government Code,  
22 the executive commissioner of the Health and Human Services  
23 Commission may not adopt rules that provide exceptions to a  
24 person's required participation in work or employment activities  
25 that are in addition to the exceptions provided by Subsection (c).

26           (d) A state program operated under this section shall be  
27 administered by the division of workforce development of the Texas

1 Workforce Commission [~~when the program is transferred to that~~  
2 ~~commission~~].

3 (g) A nonrecipient parent who receives Supplemental  
4 Security Income (SSI) benefits under 42 U.S.C. Section 1381 et  
5 seq., as amended, is not subject to the requirements of this  
6 section. The Texas Workforce Commission may provide services to  
7 the nonrecipient parent under this chapter in accordance with  
8 commission rules.

9 (h) A determination by the Health and Human Services  
10 Commission that a person is not required to participate in a program  
11 under this section remains in effect until the person's next  
12 eligibility recertification. On the person's initial eligibility  
13 recertification and on each subsequent eligibility  
14 recertification, the Texas Workforce Commission shall determine  
15 whether the person is required to participate in a program under  
16 this section using the process developed under Subsection (i),  
17 except that if the person has an application for Supplemental  
18 Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq.  
19 pending on the date of the person's eligibility recertification,  
20 the Health and Human Services Commission shall determine whether  
21 the person is required to participate.

22 (i) The Health and Human Services Commission, after  
23 receiving recommendations from the Texas Workforce Commission and  
24 the Department of Aging and Disability Services, shall develop and  
25 implement a process for:

26 (1) determining whether a person's physical or mental  
27 disability would prevent the person or the person's caretaker, if

1 the person is a child, from participating in a program under this  
2 section; and

3 (2) ensuring that a person who is physically or  
4 mentally disabled but who is required to participate in a program  
5 under this section has equal access and opportunity to participate  
6 in employment and training activities as required by the federal  
7 Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et  
8 seq.).

9 (j) The Texas Workforce Commission shall develop and  
10 provide training regarding the process developed under Subsection  
11 (i) to local workforce development board staff and contractors that  
12 provide employment and training services under this section.

13 SECTION 5. Subsection (a), Section 31.014, Human Resources  
14 Code, is amended to read as follows:

15 (a) The Health and Human Services Commission ~~[department]~~  
16 shall provide financial assistance, in accordance with  
17 ~~[department]~~ rules adopted by the executive commissioner of the  
18 Health and Human Services Commission, to a two-parent family if the  
19 primary wage earner parent, other than a nonrecipient parent  
20 described by Section 31.012(g), is registered with a Temporary  
21 Assistance for Needy Families employment program under Part A,  
22 Subchapter IV, Social Security Act (42 U.S.C. Section 601 et seq.)  
23 ~~[in the job opportunities and basic skills (JOBS) training program~~  
24 ~~under Part F, Subchapter IV, Social Security Act (42 U.S.C. Section~~  
25 ~~682)]~~, or is registered with the Texas Workforce ~~[Employment]~~  
26 Commission.

27 SECTION 6. Subsection (c), Section 31.0126, and Subsection

1 (c), Section 31.014, Human Resources Code, are repealed.

2 SECTION 7. The changes in law made by this Act apply to a  
3 person receiving financial assistance, including a nonrecipient  
4 parent, as defined by Section 31.0021, Human Resources Code, as  
5 added by this Act, on or after the effective date of this Act,  
6 regardless of the date the determination of eligibility for that  
7 assistance was made.

8 SECTION 8. If before implementing any provision of this Act  
9 a state agency determines that a waiver or authorization from a  
10 federal agency is necessary for implementation of that provision,  
11 the agency affected by the provision shall request the waiver or  
12 authorization and may delay implementing that provision until the  
13 waiver or authorization is granted.

14 SECTION 9. This Act takes effect September 1, 2007.