

By: Janek, Eltife S.B. No. 1096
(In the Senate - Filed March 2, 2007; March 14, 2007, read first time and referred to Committee on Health and Human Services; April 16, 2007, reported favorably by the following vote: Yeas 5, Nays 4; April 16, 2007, sent to printer.)

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

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

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

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

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

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

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

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

(c) An adult recipient providing care for a disabled family member living in the home, if the family member does not attend school full-time, [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. A single person who is the caretaker of a child is not required to participate in a program under this section [exempt] until the

caretaker's youngest child at the time the caretaker first became eligible for assistance reaches the age of one. Notwithstanding Sections 31.0035(b) and 32.0255(b), the department shall provide to a person who is not required to participate in a program ~~[exempt]~~ under this subsection and who voluntarily participates in a program under Subsection (a)(2) six months of transitional benefits in addition to the applicable limit prescribed by Section 31.0065.

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

(d) A state program operated under this section shall be administered by the division of workforce development of the Texas Workforce Commission ~~[when the program is transferred to that commission]~~.

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

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

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

SECTION 6. Subsection (c), Section 31.0126, and Subsection (c), Section 31.014, Human Resources Code, are repealed.

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

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

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

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