

BILL ANALYSIS

C.S.H.B. 3631
By: Canales
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The supplemental nutrition assistance program (SNAP) provides millions of people with assistance for purchasing nutritious food and is a very beneficial resource for those who are suffering financially. Interested parties assert that some people who receive SNAP benefits accumulate substantial balances of unused benefits, some of which can be several thousand dollars or more, because unused benefits roll over from month to month. Although there may be only a handful of cases in which people accrue inordinately large balances, the parties assert that more stringent accounting procedures can help to ensure the program is not abused and to build trust in the program. C.S.H.B. 3631 seeks to address excessive balances of benefits in an effort to ensure that individuals use program benefits responsibly.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

C.S.H.B. 3631 amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to prevent the excessive accumulation by recipients of unused benefits under the supplemental nutrition assistance program. The bill requires HHSC to consider adopting rules that limit the amount of money that may accumulate in an electronic benefits transfer account at any one time and that require the investigation of any recipient who maintains an excessively high balance of benefits in the recipient's electronic benefits transfer account.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3631 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Section 33.038 to read as follows:

Sec. 33.038. EXPUNCTION OF UNUSED SNAP BENEFITS. The department shall expunge supplemental nutrition assistance program benefits that have not been used by the recipient after a period of 90 days beginning on the date the benefits were distributed. The amount of the expunged benefits shall be credited to the fund or account from which the amount was appropriated.

SECTION 2. The change in law made by this Act applies only to supplemental nutrition assistance program benefits distributed on or after the effective date of this Act. Benefits distributed before the effective date of this Act are governed by the law in effect on the date the distribution was made, and the former law is continued in effect for that purpose.

SECTION 3. 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

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Section 33.038 to read as follows:

Sec. 33.038. RULES CONCERNING UNUSED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.

The executive commissioner shall adopt rules to prevent the excessive accumulation by recipients of unused benefits under the supplemental nutrition assistance program. The commission shall consider adopting rules under this section that:

(1) limit the amount of money that may accumulate in an electronic benefits transfer account at any one time; and

(2) require the investigation of any recipient who maintains an excessively high balance of benefits in the recipient's electronic benefits transfer account.

No equivalent provision.

SECTION 2. Same as introduced version.

until the waiver or authorization is granted.

SECTION 4. This Act takes effect
September 1, 2013.

SECTION 3. Same as introduced version.