

SUBJECT: Excluding certain income from food stamp eligibility

COMMITTEE: Human Services — favorable, without amendment

VOTE: 5 ayes — Naishtat, Chavez, Noriega, Raymond, Villarreal

1 nay — J. Davis

3 absent — Ehrhardt, Telford, Wohlgemuth

WITNESSES: For — Celia Hagert, Center for Public Policy Priorities

Against — None

On — Judy Denton, Texas Department of Human Services

BACKGROUND: The Texas Department of Human Services (DHS) uses the income from all members of the household to calculate food stamp eligibility and level of benefits. However, it does not count legal immigrants as members of the household because they are not eligible for food assistance.

In November 2000, the USDA published regulations that allowed states to exclude the income of legal immigrants from the household income.

DIGEST: CSHB 1959 would amend Human Resources Code, ch. 33, which regulates the nutritional assistance program, by authorizing DHS to disregard the income of ineligible legal immigrants in determining eligibility for food stamps for other household members.

The bill would take effect September 1, 2001, and would apply to food stamp applicants and recipients after that date, regardless of when initial eligibility was determined.

SUPPORTERS SAY: HB 1959 would prevent “mixed” families from being penalized when applying for food stamps. Mixed families include a member who is not eligible for food stamps because of federal regulations regarding legal immigrants. Because the legal immigrant is not counted as a member of the

household, yet the income that person contributes is counted, mixed families receive less in food stamp benefits than they would otherwise. It is unfair to count an individual's income against the family's total when that person is ineligible for food stamps. Families receiving food stamps are the poorest families in the state. The income of a legal immigrant is not significant enough to make them ineligible for food stamps, just enough to decrease their level of benefits.

**OPPONENTS
SAY:**

CSHB 1959 would make families more dependent on public assistance. Benefits are based on total family income because they represent what the family needs. If actual family income were higher than DHS would calculate, then families would receive more in benefits than they need. Artificially raising a family's income makes them depend on public assistance. This would create disincentives to self-sufficiency, which ultimately would be more detrimental to families.

NOTES:

The fiscal note estimates a cost of \$2.4 million in fiscal 2002-03. The House-passed version of SB 1, the fiscal 2002-03 general appropriations bill, includes a contingency rider for \$2.4 million in Article 11.

The companion bill, SB 1448 by Shapleigh, was referred to the Senate Health and Human Services Committee on March 13.