

BILL ANALYSIS

Senate Research Center
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S.B. 723
By: Perry
Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Temporary Assistance for Needy Families (TANF) was established as a temporary safety net for very low income families and their children while they search for work and self-sufficiency. Adult recipients are required to work or receive or fulfill other training or education requirements.

However, work and training exemptions are made for nonrecipient parents who are able to work. Currently, over 57 percent of families who receive assistance are exempt from work and training requirements. These exemptions undermine the stated goal of TANF to create self-sufficient families.

S.B. 723 has taken recommendations from the Committee on Health and Human Services Interim Report, which requires nonrecipient parents, also known as child-only cases, to meet mandatory employment or employment training requirements. Good cause excuses will still apply under this bill.

As proposed, S.B. 723 amends current law relating to mandatory participation in certain TANF employment and other programs by certain persons.

[**Note:** While the statutory reference in this bill is to the Texas Department of Human Services (TDHS), the following amendments affect the Health and Human Services Commission, as the successor agency to TDHS.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Department of Human Services is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 31.0031, Human Resources Code) of this bill.

Rulemaking authority previously granted to the Texas Department of Human Services is transferred to the executive commissioner of the Health and Human Services Commission and modified in SECTION 5 (Section 31.014, Human Resources Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is rescinded in SECTION 6 (Section 31.0126, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 31.0031(a) and (d), Human Resources Code, as follows:

(a) Requires the Texas Department of Human Services (TDHS) to require each adult recipient and nonrecipient parent to sign a bill of responsibilities that defines the responsibilities of the state and of the recipient or nonrecipient parent, as applicable, and encourages personal responsibility.

(d) Requires the responsibility agreement to require that:

(1) and (2) Makes no change to these subdivisions;

(3) each adult recipient, or teen parent recipient who has completed the requirements regarding school attendance in Subdivision (6) (requiring a child, notwithstanding certain circumstances, to attend school), not voluntarily terminate paid employment of at least 30 hours each week without good cause in accordance with rules adopted by the executive commissioner of the Health and Human Services Commission (executive commissioner), rather than in accordance with rules adopted by TDHS.

(4)-(6) Makes no change to these subdivisions;

(7) Makes a nonsubstantive change;

(8) each recipient or nonrecipient parent, as applicable, attend appropriate parenting skills training classes, as determined by a needs assessment; and

(9) each nonrecipient parent, other than a nonrecipient parent subject to Section 31.012(c) (relating to exemption for a person who is the caretaker of a physically or mentally disabled child) or (g), satisfy mandatory employment or employment training requirements under Section 31.012.

SECTION 2. Amends the heading to Section 31.012, Human Resources Code, to read as follows:

Sec. 31.012. MANDATORY WORK OR PARTICIPATION IN EMPLOYMENT ACTIVITIES.

SECTION 3. Amends Section 31.012, Human Resources Code, by amending Subsection (a) and adding Subsections (c-1) and (g), as follows:

(a) Requires TDHS to 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, as applicable, shall during that period:

(1) Makes no change to this subdivision;

(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, Title IV, Social Security Act (42 U.S.C. Section 601 et seq.), rather than participate for not less than 20 hours a week in an activity established under the job opportunities and basic skills (JOBS) training program under Part F, Subchapter IV, Social Security Act (42 U.S.C. Section 682).

(c-1) Prohibits the executive commissioner, notwithstanding Section 531.0055 (Executive Commissioner: General Responsibility for Health and Human Services Agencies), Government Code, from adopting rules that provide exceptions to a person's required participation in work or employment activities that are in addition to the exceptions provided by Subsections (c) and (g).

(g) Provides that a nonrecipient parent who receives Supplemental Security Income (SSI) benefits under 42 U.S.C. Section 1381 et seq. is not subject to the requirements of this section. Authorizes the Texas Workforce Commission to provide services to the nonrecipient parent under this chapter in accordance with rules adopted by the executive commissioner.

SECTION 4. Amends Sections 31.0135(a) and (b), Human Resources Code, as follows:

(a) Requires TDHS, in cooperation with the Texas Education Agency, the Department of Family and Protective Services, the Texas A&M AgriLife Extension Service, rather than in cooperation with the Texas Education Agency, the Department of Protective and

Regulatory Services, the Texas Agriculture Extension Service, or any other public or private entity, to develop a parenting skills training program to assist a recipient of assistance under this chapter, including a child who receives assistance on behalf of a dependent child, and a nonrecipient parent.

(b) Requires TDHS to require that a caretaker relative or parent who is receiving assistance under this chapter on behalf of a dependent child, including a nonrecipient parent, receive appropriate parenting skills training as needed.

SECTION 5. Amends Section 31.014(a), Human Resources Code, as follows:

(a) Requires TDHS to provide financial assistance, in accordance with 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 subject to Section 31.012(c) or (g), is registered with a Temporary Assistance for Needy Families employment program under Part A, Title IV, Social Security Act (42 U.S.C. Section 601 et seq.) or is registered with the Texas Workforce Commission, rather than requiring TDHS to provide financial assistance in accordance with TDHS rules, to a two-parent family if the primary wage earner parent is registered 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 Employment Commission.

SECTION 6. Repealer: 31.0126(c) (requiring the executive commissioner of the Health and Human Services Commission to adopt certain rules relating to governing a program prescribed this by this chapter), Human Resources Code.

SECTION 7. Provides that 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 (Definition of Nonrecipient Parent), Human Resources Code, on or after the effective date of this Act, regardless of the date the determination of eligibility for that assistance was made.

SECTION 8. Requires a state agency, if necessary for implementation of a provision of the Act, to requires a waiver or authorization from a federal agency, and authorizes delay of implantation until such a wavier or authorization is granted.

SECTION 9. Effective date: September 1, 2015.