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PUBLIC ASSISTANCE RESTRICTIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek E. Brown

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Family Employment Program.

Highlighted Provisions:

This bill:

- ▶ requires the Department of Workforce Services to make rules:
 - that ensure a recipient of public assistance under the Family Employment

Program does not obtain the benefit through an electronic benefit transfer transaction at a liquor store, casino, or establishment that provides adult-oriented entertainment in which performers disrobe; and

- regarding the provision of information to a recipient of public assistance under the Family Employment Program, and to the public, regarding fees and surcharges that apply to assistance obtained through an electronic fund transaction; and

- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **35A-3-302**, as last amended by Laws of Utah 2012, Chapters 242 and 354



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **35A-3-302** is amended to read:

32 **35A-3-302. Eligibility requirements.**

33 (1) The program of cash assistance provided under this part is known as the Family
34 Employment Program.

35 (2) (a) The division shall submit a state plan to the Secretary of the United States
36 Department of Health and Human Services to obtain federal funding under the Temporary
37 Assistance for Needy Families Block Grant.

38 (b) The division shall make the plan consistent with this part and federal law.

39 (c) If a discrepancy arises between a provision of the state plan and this part, this part
40 supersedes the provision in the state plan.

41 (3) The services and supports under this part are for both one-parent and two-parent
42 families.

43 (4) To be eligible for cash assistance under this part, a family shall:

44 (a) have at least one minor dependent child; or

45 (b) have a parent who is in the third trimester of a pregnancy.

46 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
47 department shall make rules for eligibility and the amount of cash assistance a family is eligible
48 to receive under this part based on:

49 (a) family size;

50 (b) family income;

51 (c) income disregards;

52 (d) other relevant factors; and

53 (e) if the applicant has met the eligibility requirements under Subsections (5)(a)
54 through (d), the assessment and other requirements described in Sections 35A-3-304 and
55 35A-3-304.5.

56 (6) The division shall disregard money on deposit in an Individual Development
57 Account established under Section 35A-3-312 in determining eligibility.

58 (7) The department shall provide for an appeal of a determination of eligibility in

59 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

60 (8) (a) The department shall make a report to either the Legislature's Executive
61 Appropriations Committee or the Social Services Appropriations Subcommittee on any
62 proposed rule change made under Subsection (5) that would modify the eligibility requirements
63 or the amount of cash assistance a family would be eligible to receive.

64 (b) The department shall submit the report prior to implementing the proposed rule
65 change and the report shall include:

66 (i) a description of the department's current practice or policy that it is proposing to
67 change;

68 (ii) an explanation of why the department is proposing the change;

69 (iii) the effect of an increase or decrease in cash benefits on families; and

70 (iv) the fiscal impact of the proposed change.

71 (c) The department may use the Notice of Proposed Rule Amendment form filed with
72 the Division of Administrative Rules as its report [~~so long as~~] if the notice contains [~~all~~] the
73 information required under Subsection (8)(b).

74 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
75 department shall make rules to ensure that no assistance provided as part of the Family
76 Employment Program is made by electronic benefit transfer transaction in:

77 (a) a retail establishment that exclusively or primarily sells intoxicating liquor;

78 (b) a casino, gambling casino, or gaming establishment; or

79 (c) a retail establishment that provides adult-oriented entertainment where performers
80 disrobe or perform in an unclothed state for entertainment.

81 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
82 the department shall make rules to ensure that:

83 (a) a recipient of assistance from the Family Employment Program:

84 (i) has adequate access to the assistance;

85 (ii) has the ability to use and withdraw assistance with minimal fees or surcharges,
86 including the opportunity to obtain assistance with no fee or surcharges; and

87 (iii) is provided information regarding fees and surcharges that apply to assistance
88 obtained through an electronic fund transaction; and

89 (b) information regarding fees and surcharges that apply when obtaining assistance

90 from the Family Employment Program through an electronic fund transaction is available to
91 the public.

Legislative Review Note
as of 2-11-13 10:12 AM

Office of Legislative Research and General Counsel