

PUBLIC ASSISTANCE RESTRICTIONS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek E. Brown

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies the Family Employment Program.

Highlighted Provisions:

This bill:

- ▶ prohibits a recipient of public assistance under the Family Employment Program from accessing the assistance through an electronic benefit transfer, including through an automated teller machine, at a liquor store, gaming establishment, or adult-oriented entertainment establishment;
- ▶ prohibits a liquor store, gaming establishment, or adult-oriented entertainment establishment from allowing an individual to access assistance under the Family Employment Program through an electronic benefit transfer on the establishment's premises, including through an automated teller machine;
- ▶ authorizes the Department of Workforce Services to make rules:
 - regarding the provision of information to the public and to a recipient of public assistance under the Family Employment Program regarding fees and surcharges that apply to assistance accessed through an electronic fund transaction; and
 - to prevent access to assistance through electronic fund transfers at liquor stores, gaming establishments, or adult-oriented entertainment establishments, including enforcement provisions for violations; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **35A-3-302**, as last amended by Laws of Utah 2012, Chapters 242 and 354



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

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

38 **35A-3-302. Eligibility requirements.**

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

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

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

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

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

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

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

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

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

55 (a) family size;

56 (b) family income;

57 (c) income disregards;

58 (d) other relevant factors; and
59 (e) if the applicant has met the eligibility requirements under Subsections (5)(a)
60 through (d), the assessment and other requirements described in Sections 35A-3-304 and
61 35A-3-304.5.

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

64 (7) The department shall provide for an appeal of a determination of eligibility in
65 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

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

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

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

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

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

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

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

80 (9) The department shall make rules to ensure that:

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

82 (i) has adequate access to the assistance;

83 (ii) has the ability to use and withdraw assistance with minimal fees or surcharges,

84 including the opportunity to obtain assistance with no fees or surcharges;

85 (iii) is provided information regarding fees and surcharges that may apply to assistance

86 accessed through an electronic fund transaction; and

87 (iv) is provided information explaining the restrictions on accessing assistance
88 described in Subsection (10); and

89 (b) information regarding fees and surcharges that may apply when accessing
90 assistance from the Family Employment Program through an electronic fund transaction is
91 available to the public.

92 (10) An individual receiving assistance under this section may not access the assistance
93 through an electronic benefit transfer, including through an automated teller machine or
94 point-of-sale device, in an establishment in the state that:

95 (a) exclusively or primarily sells intoxicating liquor;

96 (b) allows gambling or gaming; or

97 (c) provides adult-oriented entertainment where performers disrobe or perform
98 unclothed.

99 (11) An establishment in the state may not allow an individual to access the assistance
100 described in this section on the establishment's premises through an electronic benefit transfer,
101 including through an automated teller machine or point-of-sale device, if the establishment:

102 (a) exclusively or primarily sells intoxicating liquor;

103 (b) allows gambling or gaming; or

104 (c) provides adult-oriented entertainment where performers disrobe or perform
105 unclothed.

106 (12) In accordance with federal requirements, the department shall make rules to
107 prevent individuals from accessing assistance in a manner prohibited by Subsections (10) and
108 (11), which rules may include enforcement provisions that impose sanctions that temporarily or
109 permanently disqualify an individual from receiving assistance.

110 (13) When exercising rulemaking authority under this part, the department shall
111 comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.