

HB0209S01 compared with HB0209

~~text~~ shows text that was in HB0209 but was deleted in HB0209S01.

text shows text that was not in HB0209 but was inserted into HB0209S01.

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Representative Derek E. Brown proposes the following substitute bill:

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~~ 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;

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▶ authorizes 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 the public and to a recipient of public assistance under the Family Employment Program ~~{, and to the public,}~~ regarding fees and surcharges that apply to assistance ~~{obtained}~~ 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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

35A-3-302. Eligibility requirements.

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

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

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

(c) If a discrepancy arises between a provision of the state plan and this part, this part

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supersedes the provision in the state plan.

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

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

- (a) have at least one minor dependent child; or
- (b) have a parent who is in the third trimester of a pregnancy.

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

- (a) family size;
- (b) family income;
- (c) income disregards;
- (d) other relevant factors; and
- (e) if the applicant has met the eligibility requirements under Subsections (5)(a) through (d), the assessment and other requirements described in Sections 35A-3-304 and 35A-3-304.5.

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

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

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

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

- (i) a description of the department's current practice or policy that it is proposing to change;
- (ii) an explanation of why the department is proposing the change;
- (iii) the effect of an increase or decrease in cash benefits on families; and
- (iv) the fiscal impact of the proposed change.

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

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

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

~~—— (b) a casino, gambling casino, or gaming establishment; or~~

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

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

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

(i) has adequate access to the assistance;

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

(iii) is provided information regarding fees and surcharges that apply to assistance ~~{obtained}~~ accessed through an electronic fund transaction; and

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

(b) information regarding fees and surcharges that apply when ~~{obtaining}~~ accessing assistance from the Family Employment Program through an electronic fund transaction is available to the public.

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Legislative Review Note

~~—— as of 2-11-13 10:12 AM~~

~~—— Office of Legislative Research and General Counsel~~ (10) An individual receiving

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assistance under this section may not access the assistance through an electronic benefit transfer, including through an automated teller machine or point-of-sale device, in an establishment in the state that:

- (a) exclusively or primarily sells intoxicating liquor;
- (b) allows gambling or gaming; or
- (c) provides adult-oriented entertainment where performers disrobe or perform

unclothed.

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

- (a) exclusively or primarily sells intoxicating liquor;
- (b) allows gambling or gaming; or
- (c) provides adult-oriented entertainment where performers disrobe or perform

unclothed.

(12) In accordance with federal requirements, the department shall make rules to prevent individuals from accessing assistance in a manner prohibited by Subsections (10) and (11), which rules may include enforcement provisions that impose:

(a) sanctions that temporarily or permanently disqualify an individual from receiving assistance; and

(b) penalties on an establishment.

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