



28 (6) "Director" means the director of the division.

29 (7) "Diversion" means a single payment of cash assistance under Section 35A-3-303 to a  
30 client who is eligible for but does not require extended cash assistance under Part 3, Family  
31 Employment Program.

32 (8) "Division" means the Division of Employment Development.

33 (9) "Education or training" means:

34 (a) basic remedial education;

35 (b) adult education;

36 (c) high school education;

37 (d) education to obtain the equivalent of a high school diploma;

38 (e) education to learn English as a second language;

39 (f) applied technology training;

40 (g) employment skills training; or

41 (h) on-the-job training.

42 (10) "Full-time education or training" means training on a full-time basis as defined by the  
43 educational institution attended by the parent client.

44 (11) "General assistance" means financial assistance provided to a person who is not  
45 otherwise eligible for cash assistance under Part 3, Family Employment Program, because that  
46 person does not live in a family with a related dependent child.

47 (12) "Office of Recovery Services" means the state's Title IV-D child support enforcement  
48 agency organized within the Department of Human Services.

49 (13) (a) "Passenger vehicle" means a self-propelled, two-axle vehicle intended primarily  
50 for operation on highways and used by an applicant or client to meet basic transportation needs.

51 (b) "Passenger vehicle" does not include:

52 (i) a commercial vehicle, as defined in Section 41-1a-102;

53 (ii) an off-highway vehicle, as defined in Section 41-1a-102; or

54 (iii) a motor home, as defined in Section 13-14-102.

55 [~~13~~] (14) "Plan" or "state plan" means the state plan submitted to the Secretary of the  
56 United States Department of Health and Human Services to receive funding from the United States  
57 through the Temporary Assistance for Needy Families Block Grant.

58 [~~14~~] (15) "Parent client" means a person who enters into an employment plan with the

59 division to qualify for cash assistance under Part 3, Family Employment Program.

60 ~~[(15)]~~ (16) "Single minor parent" means a person under 18 years of age who is not married  
61 and has a minor child in his care and custody.

62 Section 2. Section **35A-3-302** is amended to read:

63 **35A-3-302. Eligibility requirements.**

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

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

69 (b) The provisions of the state plan submitted under Subsection (2)(a) shall be consistent  
70 with this part and federal law.

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

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

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

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

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

78 (5) (a) In an appropriations act, the Legislature shall determine annually the maximum  
79 monthly dollar amount of cash assistance for families based on family size.

80 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
81 department shall establish rules for eligibility and the amount of cash assistance a family is eligible  
82 to receive under this part, which shall be based on:

83 (i) family size;

84 (ii) family income;

85 (iii) the maximum monthly income established under Subsection (5)(a); and

86 (iv) other relevant factors.

87 (6) ~~h~~ (a) ~~h~~ When determining the dollar amount of cash assistance to be provided under this  
88 chapter, the division shall disregard from earned income:

89 ~~h~~ [(a)] (i) ~~h~~ \$100; [~~and~~]

90           ~~h~~ ~~(b)~~ ~~(ii)~~ ~~h~~ a monthly insurance payment of up to ~~h~~ ~~(\$100)~~ ~~\$50~~ ~~h~~ for a passenger vehicle  
 90a owned or  
 90a leased  
 91 by the applicant;

92           ~~h~~ ~~(c)~~ ~~(iii)~~ ~~h~~ a monthly lease or purchase payment of up to ~~h~~ ~~(\$200)~~ ~~\$100~~ ~~h~~ for a passenger  
 92a vehicle  
 92a owned or  
 93 leased by the applicant if that passenger vehicle is the only such vehicle reasonably available to  
 94 the applicant to meet basic transportation needs; and

95           ~~(b)~~ ~~h~~ ~~(d)~~ ~~(iv)~~ ~~h~~ 50% of the remaining monthly income.

95a           ~~h~~ ~~(b)~~ SUBSECTIONS (6)(a)(ii) AND (iii) MAY ONLY BE CONSIDERED IN DETERMINING THE  
 95b DOLLAR AMOUNT OF CASH ASSISTANCE:

95c           (i) FOR CASH ASSISTANCE ONLY CASES; AND

95d           (ii) FOR OTHER PUBLIC ASSISTANCE CASES IF:

95e           (A) SUBSECTIONS (6)(a)(ii) AND (iii) CAN BE IMPLEMENTED WITHIN THE STATE'S EXISTING  
 95f PUBLIC ASSISTANCE RELATED WAIVERS AS OF JANUARY 1, 1999;

95g           (B) THE FEDERAL GOVERNMENT EXTENDS A WAIVER THAT PERMITS THE  
 95h IMPLEMENTATION OF SUBSECTIONS (6)(a)(ii) AND (iii); OR

95i           (C) THE FEDERAL GOVERNMENT DETERMINES THAT THE STATE'S WAIVERS THAT PERMIT  
 95j DUAL ELIGIBILITY DETERMINATIONS FOR CASH ASSISTANCE AND MEDICAID ARE NO LONGER  
 95k VALID. ~~h~~

96           (7) Once eligibility has been established, the division shall disregard money on deposit in  
 97 an Individual Development Account established under Section 35A-3-312 when determining  
 98 subsequent eligibility.

99           (8) The department shall provide for an appeal of a determination of eligibility in  
 100 accordance with Title 63, Chapter 46b, Administrative Procedures Act.

101           Section 3. **Effective date.**

102           This act takes effect on July 1, 1999.

**Legislative Review Note**  
**as of 2-23-99 2:39 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**