

SB0042S01 compared with SB0042

~~{deleted text}~~ shows text that was in SB0042 but was deleted in SB0042S01.

inserted text shows text that was not in SB0042 but was inserted into SB0042S01.

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Senator Luz Escamilla proposes the following substitute bill:

GENERAL ASSISTANCE PROGRAM CHANGES

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies ~~{how money refunded}~~provisions related to the Employment Development ~~{Division through an assignment of support may be used by the division}~~Division's General Assistance program.

Highlighted Provisions:

This bill:

- ▶ ~~{provides that money refunded to the Employment Development Division through an assignment of support shall be retained by the division and may}~~creates an expendable special revenue fund called the "General Assistance Fund":
- ▶ establishes that the fund consists of reimbursements to the state for General Assistance advanced to an applicant while awaiting the determination of federal Supplemental Security Income;

SB0042S01 compared with SB0042

- ▶ requires that money in the fund be used by the division for the General Assistance program ~~{ under certain circumstances }~~; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{35A-3-108}~~35A-3-401, as last amended by Laws of Utah ~~{2011}~~2004, Chapter ~~{297}~~29

ENACTS:

35A-3-403, Utah Code Annotated 1953

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

Section 1. Section ~~{35A-3-108}~~35A-3-401 is amended to read:

~~{35A-3-108}~~35A-3-401. ~~{Assignment of support:~~

~~—— (1) (a) The division shall obtain an assignment of support from each applicant or client regardless of whether the payment is court ordered.~~

~~—— (b) Upon the receipt of assistance, [any] the right to receive support from another person passes to the state, even if the client has not executed and delivered an assignment to the division as required by Subsection (1)(a):~~

~~—— (c) The right to support}~~General Assistance.

(1) (a) General Assistance may be provided to individuals who are not receiving cash assistance under Part 3, Family Employment Program, or Supplemental Security Income, and who are unemployable according to standards established by the department.

(b) (i) General Assistance may be provided by payment in cash or in kind.

(ii) The office may provide an amount less than the existing payment level for an otherwise similarly situated client of cash assistance under Part 3, Family Employment Program.

(c) The office shall establish asset limitations for General Assistance clients.

SB0042S01 compared with SB0042

(d) (i) General Assistance may be granted to meet special nonrecurrent needs of an applicant for the federal Supplemental Security Income program, if the applicant agrees to reimburse the [division] state for assistance advanced while awaiting the determination of eligibility by the Social Security Administration.

(ii) All reimbursements to the state for General Assistance advanced while awaiting the determination of an applicant's eligibility for Supplemental Security Income, as described in Subsection (1)(~~b~~) includes a right to support in the applicant's or client's own behalf or in behalf of [any] a family member for whom the applicant or client is applying for or receiving assistance.

~~(2) An assignment of support or a passing of rights under Subsection (1)(b) includes payments ordered, decreed, or adjudged by [any] a court within this state, [any other] another state, or a territory of the United States and is not in lieu of, and does not supersede or alter, any other court order, decree, or judgment.~~

~~(3) When an assignment is executed or the right to support passes to the department under Subsection (1)(b), the applicant or client is eligible to regular monthly assistance and the support paid to the division is a refund.~~

~~(4) All sums refunded, except any amount which is required to be credited to the federal government}~~d)(i), shall be deposited into the General Assistance Fund created in Section 35A-3-403.

[~~iii~~] (iii) General Assistance payments may not be made to a current client of cash assistance or Supplemental Security Income.

(e) (i) General Assistance may be used for the reasonable cost of burial for a client, if heirs or relatives are not financially able to assume this expense.

(ii) Notwithstanding Subsection (1)(e)(i), if the body of a person is unclaimed, Section 53B-17-301 applies.

(iii) The department shall fix the cost of a reasonable burial and conditions under which burial expenditures may be made.

(2) The division may cooperate with any governmental unit or agency, or any private nonprofit agency in establishing work projects to provide employment for employable persons.

Section 2. Section 35A-3-403 is enacted to read:

35A-3-403. General Assistance Fund.~~}}~~

SB0042S01 compared with SB0042

~~(4)(a) A refund as~~ (1) There is created an expendable special revenue fund called the "General Assistance Fund."

~~(2) As described in Subsection (3) that offsets a benefit provided to a recipient of 35A-3-401(1)(d)(ii), the fund consists of the reimbursements received by the state for General Assistance as defined in Section 35A-3-102 shall be retained by the division and may be~~ advanced to applicants of the federal Supplemental Security Income program.

~~(3) Money in the fund shall be~~ used by the division to administer the General Assistance program and provide General Assistance to ~~other recipients, unless the refund is required to be credited to the federal government.~~

~~(b) Except as provided in Subsection (4)(a), a refund as described in Subsection (3) that is not required to be credited to the federal government shall be deposited into the General Fund.~~

~~(5) On and after the date a family stops receiving cash assistance, an assignment of support under Subsection (1) does not apply to [any] support that accrued before the family received such assistance if the department has not collected the support by the date the family stops receiving cash assistance[, if the assignment is executed on or after October 1, 1998].~~

~~(6) The department shall distribute arrearages to families in accordance with the Social Security Act, 42 U.S.C. Sec. 657.~~

~~(7) The total amount of child support assigned to the department and collected under this section may not exceed the total amount of cash assistance received by the recipient.~~

Legislative Review Note

~~as of 11-17-14 2:48 PM~~

~~Office of Legislative Research and General Counsel~~ eligible applicants.