

## **BILL ANALYSIS**

Senate Research Center  
77R8186 KKA-D

C.S.S.B. 184  
By: Zaffirini  
Health and Human Services  
3/27/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

C.S.S.B. 184 clarifies that the Texas Department of Human Services (DHS) may require a person to personally appear to establish initial or periodic eligibility requirements if it is necessary to protect the integrity of the food stamp program or to prevent an adverse determination that would be less likely to occur if the person appeared personally. C.S.S.B. 184 also allows a person to elect to appear in person and requires DHS to adopt rules to exercise the federal option that allows households that are eligible for non-cash or in-kind benefits under Temporary Assistance for Needy Families programs to be categorically eligible for food stamps.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Human Services in SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 33, Human Resources Code, by adding Section 33.015, as follows:

Sec. 33.015. INITIAL ESTABLISHMENT AND RECERTIFICATION OF ELIGIBILITY FOR CERTAIN PERSONS. (a) Requires the Texas Department of Human Services (department), in administering the food stamp program, to, except as provided by Subsection (c), allow a person to comply with initial eligibility requirements, including any initial interview, and with subsequent periodic eligibility recertification requirements by telephone instead of through a personal appearance at department offices under certain conditions.

(b) Provides that for the purposes of Subsection (a)(2), a hardship includes a situation in which a person is subject to a work or training schedule that prevents the person from personally appearing at department offices; subject to transportation difficulties; subject to other difficulties arising from the person's residency in a rural area; subject to prolonged severe weather; ill; or needed to care for a member of the person's household.

(c) Authorizes the department to require a person described by Subsection (a) to personally appear at the department offices to establish initial eligibility or to comply with periodic eligibility recertification requirements if the department considers a personal appearance necessary to protect the integrity of the food stamp program or to prevent an adverse determination regarding the person's eligibility that would be less likely to occur if the person made a personal appearance.

(d) Authorizes a person described by Subsection (a) to elect to personally appear at the department offices to establish initial eligibility or to comply with periodic eligibility recertification requirements.

SECTION 2. Requires the department, as soon as practicable after the effective date of this Act, to

adopt rules necessary for this state to exercise the federal option described by 7 CFR Part 273.2(j) under which households that are eligible for non-cash or in-kind benefits under the Temporary Assistance for Needy Families program administered under Chapter 31, Human Resources Code, are considered categorically eligible for food stamps. Requires the department, in adopting rules, to designate the specific non-cash or in-kind benefit that will result in categorical eligibility for food stamps.

SECTION 3. Requires a state agency affected by a provision of this Act to request a waiver or authorization and authorizes the agency to delay implementing that provision until the waiver or authorization is granted, if the agency determines before implementing any provision of this Act that a waiver or authorization from a federal agency is necessary.

SECTION 4. Effective date: September 1, 2001.  
Makes application of this Act prospective.

### **SUMMARY OF COMMITTEE CHANGES**

Differs from original as follows:

- Eliminates original SECTION 1 which amended Section 11.001(5), Human Resources Code, to redefine “financial assistance.”
- Eliminates original SECTION 2 which amended Chapter 31A, Human Resources Code, to require the Texas Department of Human Services (department) to develop and implement services or programs related to the financial assistance program.
- Eliminates original SECTION 3 which amended Section 31.032, Human Resources Code, to change the motor vehicle allowance standards used to determine whether a person meets resource requirements for eligibility for food stamps.
- Original SECTION 4 is redesignated as SECTION 1 the addition of Section 33.014 to the Human Resources Code is eliminated. Section 33.015, Human Resources Code is still added but the references to “recipient” is changed to “person” and language relating to initial establishment with the program is added. Further differs from the original by adding language to authorize the department to require a person to appear at department offices for the interview if the department considers a personal appearance necessary to protect the integrity of the food stamp program and prevent any adverse determination regarding the person’s eligibility that would be less likely to occur if the person made a personal appearance. Adds Subsection (d) to authorize a person to elect to personally appear at the department offices to establish initial eligibility or to comply with periodic eligibility recertification requirements.
- Adds a new SECTION 2 requiring the department to adopt rules necessary for the state to exercise the federal option described by 7 CFR Part 273.2(j), and in adopting rules, to designate the specific non-cash or in-kind benefit that will result in categorical eligibility for food stamps.
- Original SECTIONS 5 and 6 are redesignated as SECTIONS 3 and 4 in the substitute.