

## **BILL ANALYSIS**

Senate Research Center  
77R1454 KLA-D

S.B. 42  
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Health & Human Services  
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As Filed

### **DIGEST AND PURPOSE**

Currently, the Department of Human Services does not have a personal needs program to identify recipients of financial assistance who have high levels of barriers to employment. As proposed, S.B. 42 directs the Department of Human Services to identify and address the needs of recipients of financial assistance and dependent children of recipients of financial assistance.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Department of Human Services in SECTIONS 4, 5, and 6 (Sections 31.0111, 31.0128, and 31.046 Human Resources Code) and to the Texas Workforce Commission in SECTIONS 5 and 7 (Section 31.028, Human Resources Code, and Section 302.044, Labor Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 31A, Human Resources Code, by adding Section 31.00331, as follows:

Sec. 31.00331. CASE REVIEW FOLLOWING NONCOMPLIANCE WITH CERTAIN REQUIREMENTS. (a) Requires the Department of Human Services(DHS), on application of a sanction or penalty to a person for noncompliance with a requirement of the responsibility agreement under Section 31.0031(d)(2), (6), (7) or (8), to conduct a case review to determine:

- (1) the reasons for the noncompliance; and
- (2) whether the provision of local support services will enable the person to comply with that requirement or prevent future noncompliance.

(b) Requires the DHS to promptly refer the person to appropriate support services, if necessary.

SECTION 2. Amends the heading to Section 31.0095, Human Resources Code, to read as follows:

Sec. 31.0095. EMPLOYABILITY NEEDS ASSESSMENT.

SECTION 3. Amends the heading to Section 31.010, Human Resources Code, to read as follows:

Sec. 31.010. SUPPORT SERVICES RELATED TO EMPLOYABILITY OF A RECIPIENT.

SECTION 4. Amends Chapter 31A, Human Resources Code, by adding Sections 31.011 and 31.0111 as follows:

Sec. 31.011. PERSONAL NEEDS ASSESSMENT. (a) Requires DHS, with the participation of the Health and Human Services Commission (HHSC), to develop and

implement a personal needs assessment program to identify recipients of financial assistance who have high levels of barriers to employment and needs, other than employability needs assessed under Section 31.0095, to help the recipient achieve independence from public assistance granted to the recipient and the recipient's family, and improve case management for a recipient identified by the program.

(b) Requires DHS and HHSC to develop the assessment program based on research into the best practices and methods of needs assessment.

(c) Requires DHS to consider the barriers to employment and needs of a recipient identified by the assessment program in referring the recipient to appropriate community-based support services and developing the employability plan under Section 31.0095 and determining necessary support services under Section 31.010 for the recipient.

Sec. 31.0111. NEEDS ASSESSMENT AND SUPPORT SERVICES FOR DEPENDENT CHILDREN. (a) Requires DHS to develop and implement a needs assessment program to identify the needs of dependent children of recipients of financial assistance that, if addressed, would promote the welfare of the children.

(b) Requires DHS, after identifying the needs of a dependent child under this section, to refer the child to appropriate local support services as determined by the department.

(c) Requires DHS to adopt by rule criteria for determining when a needs assessment should be conducted under this section.

SECTION 5. Amends Chapter 31A, Human Resources Code, by adding Section 31.0128, as follows:

Sec. 31.0128. COORDINATED INTERAGENCY PLAN. (a) Requires DHS and the Texas Workforce Commission (TWC), to jointly develop and adopt a memorandum of understanding, subject to the approval of HHSC. Requires the memorandum of understanding to establish a coordinated interagency case management plan to identify each recipient of financial assistance who has, in comparison to other recipients, higher levels of barriers to employment and provide coordinated services that address those barriers to assist the recipient in finding and retaining employment.

(b) Requires the TWC and the DHS to adopt by rule the memorandum of understanding and all revisions to the memorandum.

(c) Requires the DHS and the TWC to implement the plan under this section through local DHS and TWC offices and local workforce development boards, as appropriate.

SECTION 6. Amends Chapter 31B, Human Resources Code, by adding Section 31.046, as follows:

Sec. 31.046. PERFORMANCE-BASED BONUS PROGRAM FOR LOCAL ADMINISTRATIVE UNITS THAT DESIGN AND IMPLEMENT CASE MANAGEMENT TOOLS. (a) Requires DHS to develop and implement a performance-based bonus program to reward local administrative units that design and implement effective case management tools for identifying and addressing the needs of the recipients of financial assistance who are likely to have the most difficulty becoming self-sufficient.

(b) Requires DHS, by rule, to specify the criteria to be considered by local administrative units in determining which recipients of financial assistance are likely to have the most difficulty becoming self-sufficient. Provides that DHS may include any factor determined to be relevant.

- (c) Requires DHS by rule to specify the criteria for determining whether to award a performance-based bonus to a local administrative unit of DHS. Authorizes DHS to include consideration of any factor determined relevant including certain other enumerated factors.
- (d) Prohibits DHS from denying any person access to education, job training, job placement, or other services because the person is likely to have difficulty becoming self-sufficient.
- (e) Requires DHS to coordinate with other states agencies and private organizations in developing and implementing the performance-based bonus program.
- (f) Requires a local administrative unit of DHS to use money provided under this section for expenses relating to addressing the needs of the recipients of financial assistance who are likely to have the most difficulty becoming self-sufficient.

SECTION 7. Amends Chapter 302C, Labor Code, by adding Section 302.044, as follows:

Sec. 302.044. PERFORMANCE-BASED BONUS PROGRAM FOR CAREER DEVELOPMENT CENTERS THAT DESIGN AND IMPLEMENT CASE MANAGEMENT TOOLS. (a) Requires TWC to develop and implement a performance-based bonus program to reward career development centers that design and implement effective case management tools for identifying and addressing the needs of clients who are recipients of financial assistance under Chapter 31 (Financial Assistance and Service Programs) Human Resources Code , and are likely to have the most difficulty becoming self-sufficient.

(b) Requires TWC by rule to specify the criteria to be considered by career development centers in determining which clients who are recipients of financial assistance under Chapter 31, Human Resources Code, and are likely to have the most difficulty becoming self-sufficient. Authorizes TWC to include any factor determined relevant including whether the client meets certain criteria.

(c) Requires TWC by rule to specify the criteria for determining whether to award a performance-based bonus to a career development center. Authorizes TWC to include any factor determined relevant including certain criteria.

(d) Prohibits TWC from denying a person access to education, job training, job placement, or other services because the person is likely to have difficulty becoming self-sufficient.

(e) Requires TWC to coordinate with other state agencies and private organizations in developing and implementing the performance-based bonus program.

(f) Requires a career development center to use money provided under this section for expenses relating to addressing the needs of clients who are recipients of financial assistance under Chapter 31, Human Resources Code, and are likely to have the most difficulty becoming self-sufficient.

SECTION 8. Requires DHS and HHSC, not later than January 1, 2002, to develop and implement the personal needs assessment program required by Section 31.011, Human Resources Code as added by this Act.

SECTION 9. Requires DHS, not later than January 1, 2002, to develop and implement the needs assessment program required by Section 31.0111, Human Resources Code as added by this Act.

SECTION 10. Requires DHS and TWC, not later than January 1, 2002, to adopt the memorandum of understanding and implement the interagency case management plan by Section 31.0128, Human Resources Code, as added by this Act.

Section 11. Requires a state agency, if before implementing any provision of this Act, it determines that a waiver or authorization from a federal agency is necessary for implementation, is to obtain the waiver or authorization and authorizes the state agency to delay implementing that provision until such waiver or authorization is granted.

SECTION 12. Effective date: September 1, 2001.