

1 SB285
2 172947-5
3 By Senator Orr
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 23-FEB-16

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8 SYNOPSIS: This bill would further provide for
9 procedures and limitations for various public
10 assistance programs administered by the Department
11 of Human Resources.

12 This bill would limit the resource limit
13 standard for the Supplemental Nutrition Assistance
14 Program (SNAP) to the federal asset limits, would
15 further provide disqualification periods for
16 violations of SNAP requirements, including a
17 one-year disqualification period for the third
18 instance of noncompliance with any SNAP
19 requirement, would preclude the department from
20 seeking, applying for, accepting, or renewing any
21 waiver of work requirements for SNAP benefits, and
22 would preclude the department from granting
23 categorical eligibility for SNAP benefits.

24 This bill would require the Department of
25 Human Resources to terminate benefits for any
26 recipient of SNAP benefits upon a determination
27 that the recipient has failed to cooperate with

1 child support enforcement requirements or the Child
2 Support Enforcement Division of the department
3 without good cause, or is delinquent on any
4 court-ordered support payments, including arrears.

5 This bill would require the Department of
6 Human Resources to place a photograph of the
7 recipient on any electronic benefits transfer card
8 (EBT card) issued by the department.

9 This bill would provide a lifetime limit of
10 36 months for temporary cash payments under the
11 state Family Assistance Program administering the
12 Temporary Assistance for Needy Families Program
13 (TANF) and would provide sanctions for violations
14 of TANF requirements, including termination of
15 benefits for the second instance of noncompliance
16 with any TANF requirement.

17 This bill would require the Department of
18 Human Resources to utilize best efforts to identify
19 purchases at points of sale outside this state
20 using cash benefits under the Temporary Assistance
21 for Needy Families Program (TANF) and to establish
22 a benchmark number of out-of-state transactions
23 using TANF benefits that will automatically
24 generate review of the recipient's residency status
25 by the department.

26 This bill would also require the Medicaid
27 Agency to implement certain practices relating to

1 identity verification and earnings and asset
2 verification of applicants for benefits.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Relating to public assistance; to limit the resource
9 limit standard for the Supplemental Nutrition Assistance
10 Program (SNAP) to the federal asset limit; to preclude the
11 department from seeking, applying for, accepting, or renewing
12 any waiver of work requirements for SNAP benefits; to preclude
13 the department from granting categorical eligibility for SNAP
14 benefits; to further provide for sanctions for violations of
15 SNAP requirements; to require the Department of Human
16 Resources to terminate SNAP benefits upon a recipient's
17 failure to comply with certain child support obligations; to
18 require the Department of Human Resources to place a
19 photograph of the recipient on any electronic benefits
20 transfer card issued by the department; to provide a lifetime
21 limit of 36 months for temporary cash payments under the
22 Temporary Assistance for Needy Families program (TANF); to
23 provide full sanctions for violations of TANF requirements; to
24 require the department to utilize best efforts to identify
25 purchases using TANF benefits at points of sale outside this
26 state; to require the department to establish a benchmark
27 number of out-of-state transactions using TANF benefits that

1 will automatically generate review of the recipient's
2 residency status; to require the Medicaid Agency to implement
3 certain practices relating to identity verification and
4 earnings and asset verification of applicants for benefits;
5 and to provide rulemaking authority.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) Unless expressly required by federal
8 law, the resource limit standards of the Supplemental
9 Nutrition Assistance Program (SNAP) may not exceed the
10 standards specified in 7 U.S.C. § 2014(g)(1).

11 (b) Unless expressly required by federal law,
12 categorical eligibility exempting households from the required
13 resource limits provided in subsection (a) may not be granted
14 for any non-cash, in-kind, or other benefit.

15 Section 2. Unless expressly required by federal law,
16 the Department of Human Resources may not do either of the
17 following:

18 (1) Seek, apply for, accept, or renew any waiver of
19 work requirements for Supplemental Nutrition Assistance
20 Program (SNAP) benefits established under 7 U.S.C. § 2015(o).

21 (2) Grant categorical eligibility under 7 U.S.C. §
22 2014(a) or 7 C.F.R § 273.2(j)(2)(iii) for any non-cash,
23 in-kind, or other Supplemental Nutrition Assistance Program
24 (SNAP) benefit.

25 Section 3. Unless expressly prohibited by federal
26 law, the Department of Human Resources shall do all of the

1 following with regard to benefits under the Supplemental
2 Nutrition Assistance Program (SNAP):

3 (1)a. Set the following disqualification periods for
4 all instances of noncompliance with any SNAP requirement:

5 1. Institute a three-month disqualification period
6 for the first instance of noncompliance with any SNAP
7 requirement.

8 2. Institute a six-month disqualification period for
9 the second instance of noncompliance with any SNAP
10 requirement.

11 3. Institute a one-year disqualification period for
12 the third or subsequent instance of noncompliance with any
13 SNAP requirement.

14 b. In its discretion, and upon consideration of the
15 specific facts relating to the instance of noncompliance, the
16 department may institute a full-household disqualification for
17 the periods provided in paragraph a. for a second, third, or
18 subsequent instance of noncompliance.

19 (2) Unless expressly prohibited by federal law,
20 recipients of benefits under SNAP shall be subject to
21 disqualification for failure to perform actions required by
22 other federal, state, or local means-tested public assistance
23 programs.

24 Section 4. (a) Unless expressly prohibited by
25 federal law, the Department of Human Resources shall terminate
26 benefits for any recipient of Supplemental Nutrition
27 Assistance Program (SNAP) benefits upon a determination that

1 the recipient has failed to cooperate with child support
2 enforcement requirements or the Child Support Enforcement
3 Division of the department without good cause, or is
4 delinquent on any court-ordered support payments, including
5 arrears.

6 (b) The period of disqualification for recipients
7 terminated under subsection (a) shall end once the Child
8 Support Enforcement Division of the department determines that
9 the individual is cooperating with child support requirements
10 and is no longer delinquent on any court-ordered child support
11 payments, including arrears.

12 Section 5. (a) Unless the recipient declines to have
13 the photograph included, the Department of Human Resources
14 shall place a photograph of the recipient on any electronic
15 benefits transfer card issued by the department. If a
16 recipient is a minor or is an otherwise incapacitated
17 individual, a parent or legal guardian of the recipient may
18 have a photograph of the parent or legal guardian placed on
19 the card.

20 (b) The Department of Human Resources may enter into
21 memoranda of understanding with the Alabama State Law
22 Enforcement Agency or the Secretary of State to share
23 photographs when practical.

24 Section 6. (a) Except as provided in subsection (b)
25 and beginning on the effective date of this act, the lifetime
26 limit temporary cash payments under the Temporary Assistance
27 for Needy Families Program (TANF) shall be 36 months.

1 (b) The lifetime limit in subsection (a) does not
2 apply to the exceptions set forth in 42 U.S.C. § 608(a)(7).

3 Section 7. (a) The Department of Human Resources
4 shall only grant benefits under the Temporary Assistance for
5 Needy Families Program (TANF) when an approved applicant has
6 signed a written agreement clearly enumerating continued
7 eligibility requirements, circumstances in which sanctions may
8 be imposed, and any potential penalties for noncompliance.

9 (b) The department shall do all of the following:

10 (1) Require all enrollees to be compliant with all
11 program requirements, including work requirements, before
12 granting benefits.

13 (2) Unless expressly prohibited by federal law,
14 require a three-month sanction for the first instance of
15 noncompliance with any TANF requirement.

16 (3) Unless expressly prohibited by federal law,
17 terminate benefits for the second instance of noncompliance
18 with any TANF requirement.

19 (4) Deny benefits to any adult member of a household
20 where another adult member of the household has been found to
21 have committed public assistance fraud under TANF or any other
22 public assistance program administered by the department.

23 (c) An individual sanctioned under subsection (b)
24 may not have benefits reinstated without reviewing the
25 agreement required under subsection (a).

26 Section 8. The Department of Human Resources shall
27 do both of the following:

1 (1) Utilize best efforts to identify purchases using
2 cash benefits under the Temporary Assistance for Needy
3 Families Program (TANF) at points of sale outside this state.

4 (2) Establish a benchmark number of out-of-state
5 transactions using TANF benefits that will generate automatic
6 review of the recipient's residency status by the department.

7 Section 9. The Medicaid Agency shall implement the
8 following practices relating to identity verification and
9 earnings and asset verification for applicants:

10 (1) A check of a nationwide best-address and
11 driver's license data source to verify individuals are
12 residents of this state.

13 (2) A check of the death register information
14 maintained by the Social Security Administration.

15 (2) A check of national fleeing felon information
16 maintained by the Federal Bureau of Investigation.

17 (3) A check for unearned income with the Internal
18 Revenue Service and through income information maintained by
19 the Social Security Administration.

20 (4) A check of income and employment information
21 maintained by the Child Support Enforcement Division of the
22 Department of Human Resources and the U.S. Department of
23 Health and Human Services' Office of Child Support
24 Enforcement.

25 (5) A check of earnings and pension information
26 maintained by the state.

1 (6) A check of utility payments information
2 maintained by the state under the Low Income Home Energy
3 Assistance Program.

4 (7) Check emergency utility payment information
5 maintained by the state or local entities.

6 (8) Check child care services information maintained
7 by the state.

8 Section 10. The Department of Human Resources and
9 the Medicaid Agency may adopt rules for the implementation and
10 administration of this act.

11 Section 11. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.