

Senate Study Bill 3104

Bill Text

PAG LIN

1 1 Section 1. Section [217.30](#), subsection 4, paragraph c, Code
1 2 1999, is amended by striking the paragraph.

1 3 Sec. 2. Section [239B.2](#), subsection 3, Code Supplement
1 4 1999, is amended to read as follows:

1 5 3. UNEMPLOYMENT. A determination of eligibility for a
1 6 family with an unemployed parent shall not include
1 7 consideration of either parent's number of hours of employment
1 8

~~except to establish the date assistance would begin in~~

1 9

~~accordance with rules~~

~~However, both~~

~~Both~~ parents must enter

1 10 into and participate in a family investment agreement and
1 11 participate in JOBS program activities unless good cause not
1 12 to participate is established in accordance with rules.

~~For~~

1 13

~~the purposes of this chapter, an applicant family with a~~

1 14

~~parent who is partially or totally unemployed under any of the~~

1 15

~~following circumstances shall not be considered to be~~

1 16

~~unemployed:~~

1 17

~~a. The period of unemployment is less than thirty days~~

1 18

~~prior to commencing participation under this chapter.~~

1 19

~~b. The parent is partially or totally unemployed due to a~~

1 20

~~work stoppage which exists because of a labor dispute at the~~

1 21

~~factory, establishment, or other premises at which the parent~~

1 22

~~is or was last employed.~~

1 23

~~c. At any time during the thirty day period prior to~~

1 24

~~commencing participation under this chapter, the parent has~~

1 25

~~not been available for employment, has not actively sought~~

1 26

~~employment, or has without good cause refused any bona fide~~

1 27

~~offer of employment or training for employment.~~

- Any of the

1 28 following reasons for refusing employment or training are not

1 29 good cause:

1 30

~~(1)~~

- a. Unsuitable or unpleasant work or training, if the

1 31 parent is able to perform the work or training without unusual

1 32 danger to the parent's health.

1 33

~~(2)~~

- b. The amount of wages or compensation, unless the

1 34 wages for employment are below the amount customary for the

1 35 same work in the community.

2 1

~~d. The parent has not registered for work with the state~~

2 2

~~employment service established pursuant to section 96.12, or~~

2 3

~~after registration has failed to report at an employment~~

2 4

~~office in accordance with regulations prescribed pursuant to~~

2 5

~~section 96.4, subsection 1.~~

2 6

~~e. The parent is eligible but refuses to apply for or to~~

2 7

~~draw upon unemployment benefits.~~

2 8

~~f. The parent or family fails to meet other requirements~~

2 9

~~adopted by the department applicable to the applicant parent~~

2 10

~~or family. The other requirements shall be limited to those~~

2 11

~~necessary to meet federal requirements and may be in addition~~

2 12

~~to or in lieu of the requirements of this subsection, for~~

2 13

~~eligibility under this chapter to children whose parents are~~

2 14

~~partially or totally unemployed.~~

2 15 Sec. 3. Section [239B.8](#), subsection 1, Code Supplement
2 16 1999, is amended by adding the following new paragraph:
2 17 NEW PARAGRAPH. d. The individual is not a United States
2 18 citizen and is not a qualified alien as defined in 8 U.S.C. }
2 19 1641.

2 20 Sec. 4. Section [239B.9](#), subsection 1, paragraph b,
2 21 subparagraph (3), Code Supplement 1999, is amended to read as
2 22 follows:

2 23 (3) For a two-parent family in which both parents are
2 24 responsible for a family investment agreement, a first or
2 25 subsequent limited benefit plan shall remain applicable until
2 26 both parents complete significant contact with or action in
2 27 regard to the JOBS program. A limited benefit plan applied
2 28 more than once to the same two-parent family shall be treated
2 29 as a subsequent limited benefit plan.

2 30 Sec. 5. Section [239B.11](#), subsection 2, Code Supplement
2 31 1999, is amended to read as follows:

2 32 2. A diversion program subaccount is created within the
2 33 family investment program account. The subaccount may be used
2 34 to provide incentives to divert applicants' participation in
2 35 the family investment program if the applicants meet income
3 1 eligibility requirements for assistance. Incentives may be
3 2 provided in the form of payment or services with a focus on
3 3 helping applicants to obtain or retain employment. The
3 4 diversion program subaccount may also be used for payments to
3 5 participants as necessary to cover the expenses of removing
3 6 barriers to employment. In addition, the diversion program
3 7 subaccount may be used for funding of services and payments
3 8 for persons whose family investment program eligibility has
3 9 ended, in order to help the persons to stabilize or improve
3 10 their employment status.

3 11 Sec. 6. Section [239B.14](#), Code 1999, is amended to read as
3 12 follows:

3 13 239B.14 FRAUDULENT PRACTICES RECOVERY OF OVERPAYMENTS.

3 14 1. An individual who obtains, or attempts to obtain, or
3 15 aids or abets an individual to obtain, by means of a willfully

3 16 false statement or representation, by knowingly failing to
3 17 disclose a material fact, or by impersonation, or any
3 18 fraudulent device, any assistance or other benefits under this
3 19 chapter to which the individual is not entitled, commits a
3 20 fraudulent practice.

3 21 2. An individual who commits a fraudulent practice under
3 22 this section is personally liable for the amount of assistance
3 23 or other benefits fraudulently obtained. The amount of the
3 24 assistance or other benefits may be recovered from the
3 25 offender or the offender's estate in an action brought or by
3 26 claim filed in the name of the state and the recovered funds
3 27 shall be deposited in the family investment program account.
3 28 The action or claim filed in the name of the state shall not
3 29 be considered an election of remedies to the exclusion of
3 30 other remedies.

3 31 3. The department shall adopt rules pursuant to chapter
3 32 17A as necessary to recover overpayments of assistance and
3 33 benefits provided under this chapter. The recovery methods
3 34 shall include but are not limited to reducing the amount of
3 35 assistance or benefits provided.

4 1 Sec. 7. Section [239B.17](#), subsection 2, Code 1999, is
4 2 amended by adding the following new paragraph:

4 3 NEW PARAGRAPH. e. Providing services and payments for
4 4 persons whose family investment program eligibility has ended,
4 5 in order to help the persons to stabilize or improve their
4 6 employment status.

4 7 Sec. 8. Section [239B.18](#), Code 1999, is amended to read as
4 8 follows:

4 9 239B.18 JOBS PROGRAM PARTICIPATION.

4 10 Except for participants who are exempt from the requirement
4 11 to enter into a family investment agreement under section
4 12 239B.8, a participant in the family investment program shall
4 13 participate in JOBS program activities as provided in the
4 14 participant's family investment agreement.

~~A~~

- Except for

4 15 individuals who are not a United States citizen and are not a
4 16 qualified alien and exempt from the requirement to enter into
4 17 a family investment agreement under section 239B.8, subsection
4 18 1, paragraph "d", a participant who is exempt may voluntarily
4 19 participate in the JOBS program.

4 20 EXPLANATION

4 21 This bill relates to the family investment program (FIP)
4 22 and associated provisions.

4 23 Code section 217.30, subsection 4, paragraph "c", relating
4 24 to confidentiality of records of persons receiving assistance
4 25 through the department of human services, is stricken. The
4 26 stricken provision requires the department to file a quarterly
4 27 report in local and county offices showing the names and last
4 28 known addresses of persons receiving assistance under Code
4 29 chapter 249, state supplementary assistance; Code chapter
4 30 239B, family investment program; and Code chapter 249A,
4 31 medical assistance (Medicaid).

4 32 Code section 239B.2, relating to conditions of eligibility
4 33 for FIP, is amended. The bill strikes various restrictions
4 34 and requirements regarding the unemployment status of parents
4 35 in a two-parent family.

5 1 Code section 239B.8, relating to policy requirements for
5 2 family investment agreements, is amended. The bill provides a
5 3 new exemption to the requirements for participation in a
5 4 family investment agreement for persons who are not United
5 5 States citizens and are not qualified aliens as defined in
5 6 federal law.

5 7 Code section 239B.9, relating to limited benefit plans
5 8 under FIP, is amended. The bill specifies that any limited
5 9 benefit plan applied to a two-parent family more than once is

5 10 to be treated as a subsequent limited benefit plan. A
5 11 subsequent limited benefit plan is a defined term requiring a
5 12 six-month period of eligibility for reduced assistance or
5 13 ineligibility for cash assistance, followed by an
5 14 indeterminate period until the individual participant
5 15 completes significant contact with or action in regard to the
5 16 JOBS program.

5 17 Code section 239B.11, relating to the family investment
5 18 program account, is amended to expand the uses of the program
5 19 diversion subaccount. Under the bill, the subaccount can be
5 20 used to provide services and payments for persons whose family
5 21 investment program eligibility has ended, in order to help the
5 22 persons to stabilize or improve their employment status. The
5 23 bill provides a similar authorization in Code section 239B.17,
5 24 relating to activities required to be provided as part of the
5 25 JOBS program under FIP.

5 26 Code section 239B.14, relating to fraudulent practices
5 27 under FIP, is amended to refer to recovery of overpayments in
5 28 the section headnote and to direct the department to adopt
5 29 rules for such recovery. The rules are to include provision
5 30 for withholding of cash assistance or other FIP benefits.

5 31 Code section 239B.18, relating to required participation in
5 32 the JOBS program for FIP participants, is amended. Under
5 33 current law, those exempt from the requirement to enter into a
5 34 family investment agreement may choose to voluntarily
5 35 participate in the JOBS program. However, under the bill,
6 1 this choice is not available to a participant who is not a
6 2 United States citizen and is not a qualified alien as defined
6 3 in federal law.

6 4 LSB 5235DP 78

6 5 jp/gg/8.1