

The Senate Committee on Health and Human Services offered the following substitute to SB 389:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so
2 as to provide for certain program violation sanctions; to require certain data matches
3 concerning program participants; to require additional information regarding participants for
4 annual reports related to the program; to provide for an exception to lifetime maximum
5 assistance; to revise provisions relating to rules and regulations; to provide for a cash
6 diversion program; to revise sanctions; to provide for intervention for a recipient who fails
7 to comply with the work activity requirement; to provide for annual reports; to authorize
8 contracting for eligibility data verification services; to amend Article 1 of Chapter 27 of Title
9 50 of the Official Code of Georgia Annotated, relating to general provisions relative to
10 lottery for education, so as to provide for monthly reports to the Department of Agriculture
11 and the Department of Human Services and the confidentiality of same; to provide for related
12 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

14 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
15 by adding new Code sections to read as follows:

16 "49-4-12.1.

17 (a) As used in this Code section, the term 'sanction' means a 100 percent reduction of any
18 assistance provided to a program participant for three months for the first material
19 violation, six months for the second material violation, one year for the third material
20 violation, and termination of any assistance provided to the program participant for a fourth
21 material violation within a time period established by the board; provided, however, that
22 the department may determine that there is good cause not to apply such a sanction in
23 specific circumstances.

24 (b) A program participant shall be subject to sanction for failing to comply with the state
25 plan if the program participant:
26

27 (1) Violates any personal responsibility or work participation requirement; provided,
 28 however, that a single custodial parent with a child under 12 months of age may be
 29 exempt from any work participation requirement until adequate child care is available;
 30 (2) Except for violations of this chapter which result in the program participant no longer
 31 being eligible for assistance, violates any other term or condition specified in the federal
 32 Social Security Act, as amended, the state plan, or the rules and regulations of the board;
 33 or
 34 (3) Fails to pay child support as required by Chapter 6 of Title 19 or by any similar law
 35 of any other state.

36 49-4-12.2.

37 (a) No later than July 1, 2017, the department shall conduct data matches using the name,
 38 date of birth, address, social security number of each applicant and program participant,
 39 and additional data provided by the applicant or program participant relevant to eligibility
 40 against public records and other relevant data sources to verify eligibility data.

41 (b) The contractor selected by the department, upon completing an eligibility data
 42 verification of an applicant or program participant, shall notify the department of the
 43 results, except that the contractor shall not verify the eligibility of persons residing in
 44 long-term care facilities whose income and resources were at or below the applicable
 45 financial eligibility standards at the time of their last review. Within 20 business days of
 46 such notification, the department shall make an eligibility determination. The department
 47 shall retain final authority over eligibility determinations. The contractor shall keep a
 48 record of all eligibility data verifications communicated to the department.

49 (c) Within 30 days of the end of each calendar year, the department and contractor shall
 50 file a joint report on a yearly basis to the Governor, the President of the Senate, and the
 51 Speaker of the House of Representatives. The report shall include, but shall not be limited
 52 to, the number of applicants and program participants determined ineligible for assistance
 53 programs based on the eligibility data verification by the contractor and the stated reasons
 54 for the determination of ineligibility by the department.

55 (d) The department's report shall include the mean, median, and mode of the amount of
 56 time program participants are provided assistance; the number of program participants who
 57 concurrently received multiple types of public assistance and the types of public assistance;
 58 and the type and weight of food purchased pursuant to Code Section 2-17-5."

59 **SECTION 2.**

60 Said title is further amended by revising Code Section 49-4-182, relating to the creation of
 61 the Temporary Assistance for Needy Families Program, as follows:

62 "49-4-182.

63 (a) There is created the Georgia Temporary Assistance for Needy Families Program,
 64 which shall be known as the 'Georgia TANF Program.' The purpose of such program is to
 65 provide necessary assistance to needy families with children on a temporary basis and to
 66 provide parents, legal guardians, or other caretaker relatives of children with the necessary
 67 support services to enable such parents, legal guardians, or caretaker relatives to become
 68 self-sufficient and leave the program as soon as possible. After an initial assessment and
 69 once the state determines an applicant is ready for work, applicants for assistance shall be
 70 required to engage in a work activity in accordance with Part A of Title IV of the federal
 71 Social Security Act, as amended, and the state plan as soon as possible after making
 72 application for assistance, but in any event no later than 24 months after first receiving cash
 73 assistance.

74 (b) Assistance shall be provided in accordance with the state plan and any future
 75 amendments thereto. Cash assistance to a recipient who is not a minor child and who is a
 76 head of a household or married to the head of a household shall be limited to a lifetime
 77 maximum of 48 months, whether or not consecutive, beginning January 1, 1997; provided,
 78 however, that the lifetime maximum shall not apply to any family to which the department
 79 has granted an exemption for reasons of hardship or if the family includes an individual
 80 who has been battered or subjected to extreme cruelty, provided that the average monthly
 81 number of such families in a fiscal year shall not exceed 20 percent of the average monthly
 82 number of families to which TANF is provided during the current fiscal year or the
 83 immediately preceding fiscal year.

84 (c) Nothing in this article, the state plan, or any rules or regulations adopted pursuant to
 85 this article shall be interpreted to entitle any individual or any family to assistance under
 86 the Georgia TANF Program."

87 **SECTION 3.**

88 Said article is further amended by revising subsection (b) of Code Section 49-4-183, relating
 89 to administration of article by department, promulgation of rules and regulations by board,
 90 and duties of the department, as follows:

91 "(b) The board shall ensure that such rules and regulations provide for:

- 92 (1) Methods of administration necessary for the proper and efficient operation of the
 93 state plan for implementation of this article;
- 94 (2) Reasonable standards for determining eligibility and the extent of assistance available
 95 for recipients;
- 96 (3) Consideration of the income and resources of an applicant for assistance in
 97 determining eligibility; provided, however, that in order to encourage the formation and

98 maintenance of two-parent families, when a TANF recipient marries, the new spouse's
 99 income and assets shall be disregarded for six consecutive months. This disregard shall
 100 be a once-in-a-lifetime benefit for the recipient;

101 (4) Personal responsibility obligations and work activity requirements consistent with
 102 Part A of Title IV of the federal Social Security Act, as amended, and the state plan,
 103 provided that programs included in the personal responsibility obligations established by
 104 the board shall include counseling on abstinence until marriage; and provided, further,
 105 that a single custodial parent with a child under 12 months of age may be exempt from
 106 any work activity requirement until adequate child care is available;

107 (5) Criteria which make an applicant ineligible to receive benefits under the Georgia
 108 TANF Program, including but not limited to those specified in Code Section 49-4-184;

109 (6) Specific conduct which would authorize the reduction or termination of assistance
 110 to a recipient, including but not limited to that specified in Code Section 49-4-185;

111 (7) Standards whereby certain obligations, requirements, and criteria will be waived for
 112 specific applicants or recipients based on hardship;

113 (8) An administrative hearing process with hearings to be conducted by the Office of
 114 State Administrative Hearings in accordance with Chapter 13 of Title 50, the 'Georgia
 115 Administrative Procedure Act,' and subsection (b) of Code Section 49-4-13;

116 (9) Safeguards which restrict the use and disclosure of information concerning applicants
 117 for and recipients of assistance under this article and in accordance with Code Section
 118 49-4-14 and Part A of Title IV of the federal Social Security Act, as amended;

119 (10) Immunizations for specified diseases for preschool age children as a condition of
 120 assistance being provided for such children, and the schedule of and standards for
 121 administering such immunizations, including the presentation of a certificate of
 122 immunization, unless:

123 (A) There is appropriate evidence from the local health department or a physician that
 124 an immunization sequence has been started and can be completed within a period of up
 125 to 180 days, in which case a waiver of the immunization requirement for up to 180 days
 126 shall be granted;

127 (B) After examination by the local board of health or a physician, any preschool age
 128 child is found to have a physical disability which may make vaccination undesirable,
 129 in which case a certificate to that effect issued by the local board of health or the
 130 physician may be accepted in lieu of a certificate of immunization and shall exempt the
 131 child from obtaining a certificate of immunization until the disability is relieved;

132 (C) The parent or legal guardian furnishes an affidavit swearing or affirming that the
 133 immunization conflicts with the religious beliefs of the parent or legal guardian; or

134 (D) The implementation of such an immunization requirement violates any federal law
 135 or regulations or would result in the loss of any federal funds to this state; ~~and~~
 136 (11) The establishment and maintenance of individual development accounts. The funds
 137 in such accounts may be used for postsecondary educational expenses, the purchase of
 138 a first home, or business capitalization. The funds in such accounts shall not be
 139 considered in determining eligibility for cash assistance pursuant to 42 U.S.C. Section
 140 604(h); and
 141 (12) Procedures to determine whether a recipient has cooperated with a work activity
 142 requirement and procedures for notification of a caretaker relative, second parent, or
 143 payee receiving the financial assistance on behalf of the recipient's family unit."

144 **SECTION 4.**

145 Said article is further amended by adding a new Code section to read as follows:

146 "49-4-184.1.
 147 Beginning July 1, 2017, the department shall implement a cash diversion program that
 148 grants eligible TANF recipients lump sum cash grants for short-term needs, as well as job
 149 referrals or referrals to career centers, in lieu of signing up for the long-term monthly cash
 150 assistance program upon a showing of good cause as determined by the department. Such
 151 lump sum grants shall be available for use once in a 12 month period and only five times
 152 in a lifetime. Good cause may include loss of employment, excluding voluntarily quitting
 153 or being dismissed due to poor job performance or failure to meet a condition of
 154 employment; catastrophic illness or accident of a family member that requires an employed
 155 recipient to leave employment; a domestic violence incident; or any other situation or
 156 emergency that renders an employed family member unable to care for the basic needs of
 157 the family. The board shall promulgate rules and regulations determining the parameters
 158 for the cash diversion program, including good cause determinations, and shall set the lump
 159 sum maximum limit at three times the family size allowance and for use once in a 12
 160 month period and only five times in a lifetime."

161 **SECTION 5.**

162 Said article is further amended by revising Code Section 49-4-185, relating to sanctions
 163 against recipient for failure to comply, as follows:

164 "49-4-185.
 165 (a) As used in this Code section, the term 'sanction' means a 25 percent reduction of any
 166 cash assistance provided to a family for a time period established by the board for the first
 167 material violation and termination of any cash assistance provided to the family for any
 168 subsequent material violation within a time period established by the board; provided,

169 however, that the department may determine that there is good cause not to apply such a
 170 sanction in specific circumstances.

171 (b) ~~▲~~ Except as otherwise provided in Code Section 49-4-185.1, a recipient shall be
 172 subject to sanction for failing to comply with the state plan if the recipient:

173 (1) Fails to report that a child is absent from home for a period of 45 consecutive days
 174 or, in the case of a child who is a recipient, being absent from home for a period of 45
 175 consecutive days; provided, however, that a child who is a recipient shall not be
 176 sanctioned if the department determines there is good cause not to sanction the child
 177 under such circumstances;

178 ~~(2) Violates any personal responsibility or work participation requirement; provided,~~
 179 ~~however, that a single custodial parent with a child under 12 months of age may be~~
 180 ~~exempt from any work participation requirement until adequate child care is available;~~
 181 or

182 ~~(3)~~(2) Except for violations of subsection (a) of Code Section 49-4-184 which result in
 183 the recipient no longer being eligible for assistance, violates any other term or condition
 184 specified in the federal Social Security Act, as amended, the state plan, or the rules and
 185 regulations of the board."

186 SECTION 6.

187 Said article is further amended by adding new Code sections to read as follows:

188 "49-4-185.1.

189 (a) If after an investigation the department determines that a recipient is not cooperating
 190 with a work activity requirement under the Georgia TANF Program, a representative of the
 191 department shall meet face-to-face with the recipient to explain the potential sanction and
 192 the requirements to cure the sanction. After the meeting, such recipient shall have six
 193 weeks to comply with the work activity requirement, during which time no sanction of
 194 benefits shall occur. If the recipient does not comply with the work activity requirement
 195 within that six-week period, the department shall immediately apply a sanction terminating
 196 25 percent of the amount of temporary assistance benefits to or for the recipient and the
 197 recipient's family for a maximum of 12 weeks. During such period of sanctions, the
 198 recipient shall remain on the caseload in sanction status and a representative of the
 199 department shall attempt to meet face-to-face with the recipient to explain the existing
 200 sanction and the requirements to cure the sanction. To cure a sanction, the recipient shall
 201 perform work activities for at least a minimum average of 20 hours per week for one
 202 month, as described in 45 C.F.R. 261.31(d). If the recipient does not cure the sanction, the
 203 case shall be closed.

204 (b) To return to the Georgia TANF Program after having been sanctioned and removed
205 from the caseload under subsection (a) of this Code section, an applicant shall complete
206 work activities for a minimum average of 20 hours per week within one month of the
207 temporary assistance eligibility interview.

208 (c) The department shall not impose sanctions under this Code section where a recipient
209 has good cause for any failure to comply with requirements.

210 (d) Nothing in this article shall be construed to prohibit the state from providing child care
211 or any other related social or support services for a person who is eligible for cash
212 assistance but to whom such assistance is not paid because of the person's failure to
213 cooperate with the work activity."

214 "49-4-194.

215 Within 90 days of the conclusion of the state's fiscal year, the department shall produce an
216 annual report which shall account fully for and shall specify the expenditure of funds made
217 pursuant to the program. Within 180 days of the end of the state's fiscal year, the
218 Commissioner shall submit an annual report to the Governor, the President of the Senate,
219 and the Speaker of the House of Representatives. Such report shall include, but not be
220 limited to, relevant information concerning the operation of the program for the preceding
221 fiscal year; the quantity and dollar value of Georgia products distributed; the number of
222 recipients served in each county; the mean, median, and mode of the amount of time
223 recipients are served; and the number of recipients who concurrently received other types
224 of public assistance and the types of public assistance.

225 49-4-195.

226 (a) No later than January 1, 2017, the department shall procure and enter into a
227 competitively bid contract with a contractor to provide verification of initial and ongoing
228 eligibility data for assistance under the Georgia TANF Program. The contractor shall
229 conduct data matches using the name, date of birth, address, social security number of each
230 applicant and recipient, and additional data provided by the applicant or recipient relevant
231 to eligibility against public records and other relevant data sources to verify eligibility data.

232 (b) The contractor, upon completing an eligibility data verification of an applicant or
233 recipient, shall notify the department of the results, except that the contractor shall not
234 verify the eligibility of persons residing in long-term care facilities whose income and
235 resources were at or below the applicable financial eligibility standards at the time of their
236 last review. Within 20 business days of such notification, the department shall make an
237 eligibility determination. The department shall retain final authority over eligibility

238 determinations. The contractor shall keep a record of all eligibility data verifications
 239 communicated to the department.
 240 (c) Within 30 days of the end of each calendar year, the department and contractor shall
 241 file a joint report on a yearly basis to the Governor, the President of the Senate, and the
 242 Speaker of the House of Representatives. The report shall include, but shall not be limited
 243 to, the number of applicants and recipients determined ineligible for assistance programs
 244 based on the eligibility data verification by the contractor and the stated reasons for the
 245 determination of ineligibility by the department."

246 **SECTION 7.**

247 Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to
 248 general provisions relative to lottery for education, is amended by revising Code Section
 249 50-27-29, relating to agreements with agencies of other jurisdictions and restriction on
 250 release of records, documents, and information, as follows:

251 "50-27-29.

252 (a) The corporation may enter into intelligence sharing, reciprocal use, or restricted use
 253 agreements with the federal government, law enforcement agencies, lottery regulation
 254 agencies, and gaming enforcement agencies of other jurisdictions which provide for and
 255 regulate the use of information provided and received pursuant to the agreement.

256 (b) Records, documents, and information in the possession of the corporation received
 257 pursuant to an intelligence-sharing, reciprocal use, or restricted use agreement entered into
 258 by the corporation with a federal department or agency, any law enforcement agency, or
 259 the lottery regulation or gaming enforcement agency of any jurisdiction shall be considered
 260 investigative records of a law enforcement agency and are not subject to Article 4 of
 261 Chapter 18 of this title and shall not be released under any condition without the permission
 262 of the person or agency providing the record or information.

263 (c)(1) Notwithstanding subsection (b) of this Code section, the corporation shall provide
 264 to the Department of Human Services and the Department of Agriculture monthly written
 265 reports no later than the twentieth day of each month listing the names, addresses, and
 266 winning amounts of all individuals who during the prior calendar month claimed
 267 winnings in excess of \$1,000.00.

268 (2) The written reports provided to the Department of Human Services and the
 269 Department of Agriculture from the corporation in accordance with subsection (c) of this
 270 Code section shall retain their confidentiality and shall only be used in the administration
 271 of public benefits pursuant to Chapter 17 of Title 2 and Chapter 4 of Title 49. Any
 272 employee or prior employee of any state agency who unlawfully discloses any such
 273 information for any other purpose, except as otherwise specifically authorized by law,

274 shall be subject to the same penalties specified by law for unauthorized disclosure of
275 confidential information by an agent or employee of the corporation."

276 **SECTION 8.**

277 This Act shall become effective upon its approval by the Governor or upon its becoming law
278 without such approval.

279 **SECTION 9.**

280 All laws and parts of laws in conflict with this Act are repealed.