

HOUSE BILL 142

By Lamberth

AN ACT to amend Tennessee Code Annotated, Section 71-1-105; Section 71-3-104; Section 71-3-105; Section 71-3-120; Title 71, Chapter 5, Part 12 and Section 71-5-314, relative to public assistance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-1-105(a)(16), is amended by deleting the subdivision and substituting the following:

(16)

(A) Conduct investigations, including, but not limited to, investigation into the existence of:

(i) Trafficking in, or fraud involving, the food assistance program administered by the department pursuant to chapter 5, part 3 of this title;

(ii) Fraud, abuse, theft, misappropriation, or misuse of property, funds, or services by any person or entity in any program administered by the department; and

(iii) Misconduct by any employee, contractor, or agent of the department concerning or related to the operation of any department program or any laws, regulations, or policies governing the department's operations.

(B)

(i) Except as provided in subdivisions (a)(16)(B)(ii) and (iii), all records and information obtained pursuant to an investigation conducted pursuant to this subdivision (a)(16), including the identities of witnesses or individuals with information relevant to the investigations, are confidential and not open for inspection by members of the public under title 10, chapter 7.

(ii) The records and information to which this subdivision (a)(16)(B) applies cease to be confidential under subdivision (a)(16)(B)(i) upon closure of the investigation by the department and final adjudication of any administrative appeal of an action taken based upon the results of the investigation or the conclusion of all court proceedings in a criminal prosecution related to the investigation as evidenced by an order of the court, including the opportunity for direct appeal having been exhausted, whichever occurs later.

(iii) This subdivision (a)(16)(B) does not prevent the department from sharing information or records with the district attorney general or law enforcement personnel for the purpose of cooperating with a law enforcement investigation. Information or records that the department shares with the district attorney general or law enforcement remain confidential under subdivision (a)(16)(B)(i), except to the extent that a court orders otherwise, the information or records are used as evidence in a criminal prosecution, or the Tennessee rules of criminal procedure require disclosure.

(iv) A knowing violation of this subdivision (a)(16)(B) is a Class B misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 71-3-120(d), is amended by deleting the language "or both;" and substituting the language "or both, unless the offense is committed by means of a willfully false impersonation, assumption of a false identity, or presentation of a false identification, in which case the fine is not less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000);".

SECTION 3. Tennessee Code Annotated, Section 71-5-314(d), is amended by deleting the language "or both;" and substituting the language "or both, unless the offense is committed by means of a willfully false impersonation, assumption of a false identity, or presentation of a

false identification, in which case the fine is not less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000);".

SECTION 4. Tennessee Code Annotated, Title 71, Chapter 5, Part 12, is amended by deleting the part and substituting instead the following:

71-5-1201. Families First Community Advisory Meetings.

(a) The commissioner or the commissioner's designee shall convene families first community advisory meetings to be held in each of the three (3) grand divisions at least twice annually.

(b)

(1) The commissioner or the commissioner's designee shall determine the number of attendees for families first community advisory meetings after considering the number of recipients of temporary assistance in the grand division.

(2) Attendees may include representatives of local government, private and nonprofit organizations, business and industry, faith-based organizations, and regional Workforce Innovation and Opportunity Act (29 U.S.C. § 3101 et seq.) partners. The department shall strive to include as attendees at least four (4) individuals who are current or former recipients of families first or two-generation program assistance.

(c) A representative from the department shall facilitate families first community advisory meetings to allow for input regarding the development of new or revised policies to enhance the families first and two-generation programs.

(d) The department shall publish on its website the agenda and meeting minutes for each families first community advisory meeting.

SECTION 5. Tennessee Code Annotated, Section 71-3-104(a), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2)

(A) To the extent permitted by federal law and guidance, the department shall create a two-year pilot program establishing an optional alternative temporary assistance pathway offering enhanced educational support services or enhanced cash assistance for families with individuals who are actively pursuing a degree, professional certification, or other educational advancement.

(B) In addition to requirements established by the department by rule pursuant to this subdivision (a)(2), the eligibility requirements of subdivision (a)(1) and this part apply to families or individuals seeking assistance under this subdivision (a)(2).

(C) A family may elect that all enhanced temporary assistance for which the family qualifies under this subdivision (a)(2) be provided as enhanced support services, rather than enhanced cash assistance.

(D) Notwithstanding § 71-3-105(f)(2), the department shall establish by rule the maximum enhanced grant amounts for families participating in the alternative temporary assistance pathway under this subdivision (a)(2), which must not exceed an amount one hundred percent (100%) greater than the maximum grant amounts authorized under § 71-3-105(f)(2).

(E) The annual cost of the pilot program authorized under this subdivision (a)(2) must not exceed the amount of the state's annual federal temporary assistance for needy families block grant award.

(F) The pilot program established under this subdivision (a)(2) terminates two (2) years from the effective date of the first rule promulgated pursuant to this subdivision (a)(2) regarding the program.

SECTION 6. Tennessee Code Annotated, Section 71-3-105(f)(2), is amended by deleting the subdivision and substituting the following:

(A) Notwithstanding subdivision (f)(2)(B), the maximum grants for the temporary assistance program, expressed as a percentage of the standard of need, may be raised if approved as a line item in the annual appropriations act or by rule.

(B) The maximum standard grant for the temporary assistance program for all assistance group sizes is no less than twenty-five percent (25%) of the standard of need for the applicable assistance group size.

(C) The department is authorized to promulgate rules to effectuate this subsection (f) in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 7. The commissioner of human services is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. The headings to sections in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 9. For purposes of rulemaking, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2021, the public welfare requiring it.