

FIRST REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 82

102ND GENERAL ASSEMBLY

1141H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 208.053, 208.247, 570.400, and 570.404, RSMo, and to enact in lieu thereof six new sections relating to public assistance, with existing penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 208.053, 208.247, 570.400, and 570.404, RSMo, are repealed
2 and six new sections enacted in lieu thereof, to be known as sections 208.035, 208.053,
3 208.066, 208.247, 570.400, and 570.404, to read as follows:

208.035. 1. Subject to appropriations and any necessary waivers or approvals,
2 **the department of social services shall develop and implement a transitional benefits**
3 **program for temporary assistance for needy families (TANF) and the supplemental**
4 **nutrition assistance program (SNAP) that is designed in such a way that a TANF or**
5 **SNAP beneficiary will not experience an immediate loss of benefits should his or her**
6 **income exceed the maximum allowable income for such program. The transitional**
7 **benefits offered shall provide for a transition to self-sufficiency while incentivizing work**
8 **and financial stability.**

9 **2. The transitional benefits offered shall gradually step down the beneficiary's**
10 **monthly benefit proportionate to the increase in the beneficiary's income. The**
11 **determination for a beneficiary's transitional benefit shall be as follows: For each**
12 **percentage increase in the beneficiary's monthly household income over the program's**
13 **maximum allowable income or six thousand two hundred fifty dollars, adjusted for**
14 **increases in cost-of-living, if any, as of the preceding July over the level as of July of the**
15 **immediately preceding year of the Consumer Price Index for All Urban Consumers, or**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **successor index, published by the U.S. Department of Labor, or its successor agency,**
17 **whichever is lower, up to two hundred twenty-five percent of the federal poverty level,**
18 **the monthly benefits shall be decreased by the same percentage.**

19 **3. Beneficiaries receiving transitional benefits under this section shall comply**
20 **with all requirements of each program for which they are eligible, including work**
21 **requirements. Transitional benefits received under this section shall not be included in**
22 **the lifetime limit for receipt of TANF benefits under section 208.040.**

23 **4. The department may promulgate any rules or regulations necessary for the**
24 **implementation of this section. Any rule or portion of a rule, as that term is defined in**
25 **section 536.010, that is created under the authority delegated in this section shall**
26 **become effective only if it complies with and is subject to all of the provisions of chapter**
27 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
28 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
29 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
30 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
31 **adopted after August 28, 2023, shall be invalid and void.**

208.053. 1. [~~The provisions of this section shall be known as the "Low Wage Trap~~
2 ~~Elimination Act".] In order to more effectively transition persons receiving state-funded child
3 care subsidy benefits under this chapter, the department of elementary and secondary
4 education[~~, in conjunction with the department of revenue,~~] shall, subject to appropriations,
5 by July 1, [~~2022~~] **2024**, implement a [~~pilot~~] program [~~in a county with a charter form of~~
6 ~~government and with more than six hundred thousand but fewer than seven hundred thousand~~
7 ~~inhabitants, a county of the first classification with more than two hundred sixty thousand but~~
8 ~~fewer than three hundred thousand inhabitants, and a county of the first classification with~~
9 ~~more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, to be~~
10 ~~called the "Hand-Up Program",] to allow [~~applicants in the program~~] **recipients** to receive
11 transitional child care benefits without the requirement that such [~~applicants~~] **recipients** first
12 be eligible for full child care benefits.~~~~

13 (1) For purposes of this section, "full child care benefits" shall be the full benefits
14 awarded to a recipient based on the income eligibility amount established by the department
15 through the annual appropriations process as of August 28, [~~2021~~] **2023**, to qualify for the
16 benefits and shall not include the transitional child care benefits that are awarded to recipients
17 whose income surpasses the eligibility level for full benefits to continue. The [~~hand-up~~]
18 program shall be voluntary and shall be designed such that [~~an applicant~~] **a recipient** may
19 begin receiving the transitional child care benefit without having first qualified for the full
20 child care benefit or any other tier of the transitional child care benefit. [~~Under no~~
21 ~~circumstances shall any applicant be eligible for the hand-up program if the applicant's~~

22 ~~income does not fall within the transitional child care benefit income limits established~~
23 ~~through the annual appropriations process.]~~

24 (2) **Transitional child care benefits shall be determined on a sliding scale as**
25 **follows for recipients with household incomes in excess of the eligibility level for full**
26 **benefits:**

27 (a) **Eighty percent of the state base rate for recipients with household incomes**
28 **greater than the eligibility level for full benefits but less than or equal to one hundred**
29 **eighty percent of the federal poverty level;**

30 (b) **Sixty percent of the state base rate for recipients with household incomes**
31 **greater than one hundred eighty percent but less than or equal to two hundred five**
32 **percent of the federal poverty level; and**

33 (c) **Forty percent of the state base rate for recipients with household incomes**
34 **greater than two hundred five percent but less than or equal to two hundred twenty-five**
35 **of the federal poverty level, but not greater than seventy-five percent of the state median**
36 **income.**

37 (3) **As used in this section, "state base rate" shall refer to the rate established by**
38 **the department for provider payments that accounts for geographic area, type of**
39 **facility, duration of care, and age of the child, as well as any enhancements reflecting**
40 **after-hours or weekend care, accreditation, or licensure status, as determined by the**
41 **department. Recipients shall be responsible for paying the remaining sliding fee to the**
42 **child care provider.**

43 (4) **A participating recipient shall be allowed to opt out of the program at any time,**
44 **but such person shall not be allowed to participate in the program a second time.**

45 2. The department shall track the number of participants in the ~~[hand-up]~~ program
46 and shall issue an annual report to the general assembly by September 1, ~~[2023]~~ **2025**, and
47 annually on September first thereafter, detailing the effectiveness of the ~~[pilot]~~ program in
48 encouraging recipients to secure employment earning an income greater than the maximum
49 wage eligible for the full child care benefit. The report shall also detail the costs of
50 administration and the increased amount of state income tax paid as a result of the program];
51 ~~as well as an analysis of whether the pilot program could be expanded to include other types~~
52 ~~of benefits, including, but not limited to, food stamps, temporary assistance for needy~~
53 ~~families, low income heating assistance, women, infants and children supplemental nutrition~~
54 ~~program, the state children's health insurance program, and MO HealthNet benefits].~~

55 3. The department shall pursue all necessary waivers from the federal government to
56 implement the ~~[hand-up]~~ program. If the department is unable to obtain such waivers, the
57 department shall implement the program to the degree possible without such waivers.

58 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is
59 created under the authority delegated under this section shall become effective only if it
60 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
61 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
62 the general assembly pursuant to chapter 536 to review, to delay the effective date, or to
63 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
64 rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid
65 and void.

66 ~~[5. Pursuant to section 23.253 of the Missouri sunset act:~~

67 ~~(1) The provisions of the new program authorized under this section shall sunset~~
68 ~~automatically three years after August 28, 2021, unless reauthorized by an act of the general~~
69 ~~assembly; and~~

70 ~~(2) If such program is reauthorized, the program authorized under this section shall~~
71 ~~sunset automatically three years after the effective date of the reauthorization of this section;~~
72 ~~and~~

73 ~~(3) This section shall terminate on September first of the calendar year immediately~~
74 ~~following the calendar year in which the program authorized under this section is sunset.]~~

**208.066. 1. The department of social services shall limit any initial application
2 for the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance
3 for Needy Families program (TANF), the child care assistance program, or MO
4 HealthNet to a one-page form that is easily accessible on the department of social
5 services' website.**

6 **2. Persons who are participants in a program listed in subsection 1 of this section
7 who are required to complete a periodic eligibility review form may submit such form as
8 an attachment to their Missouri state individual income tax return if the person's
9 eligibility review form is due before or at the same time that he or she files such state tax
10 return. The department of social services shall limit periodic eligibility review forms
11 associated with the programs listed in subsection 1 of this section to a one-page form
12 that is easily accessible on both the department of social services' website and the
13 department of revenue's website.**

14 **3. Notwithstanding the provisions of section 32.057 to the contrary, the
15 department of revenue shall share any eligibility form submitted under this section with
16 the department of social services.**

17 **4. The department of revenue may promulgate all necessary rules and
18 regulations for the administration of this section. Any rule or portion of a rule, as that
19 term is defined in section 536.010, that is created under the authority delegated in this
20 section shall become effective only if it complies with and is subject to all of the**

21 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
22 536 are nonseverable, and if any of the powers vested with the general assembly
23 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
24 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
25 and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

208.247. ~~1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an~~
2 ~~individual who has pled guilty or nolo contendere to or is found guilty under federal or state~~
3 ~~law of a felony involving possession or use of a controlled substance shall be exempt from the~~
4 ~~prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program~~
5 ~~benefits for such convictions, if such person, as determined by the department:~~

6 ~~(1) Meets one of the following criteria:~~

7 ~~(a) Is currently successfully participating in a substance abuse treatment program~~
8 ~~approved by the division of alcohol and drug abuse within the department of mental health; or~~

9 ~~(b) Is currently accepted for treatment in and participating in a substance abuse~~
10 ~~treatment program approved by the division of alcohol and drug abuse, but is subject to a~~
11 ~~waiting list to receive available treatment, and the individual remains enrolled in the treatment~~
12 ~~program and enters the treatment program at the first available opportunity; or~~

13 ~~(c) Has satisfactorily completed a substance abuse treatment program approved by~~
14 ~~the division of alcohol and drug abuse; or~~

15 ~~(d) Is determined by a division of alcohol and drug abuse certified treatment provider~~
16 ~~not to need substance abuse treatment; and~~

17 ~~(2) Is successfully complying with, or has already complied with, all obligations~~
18 ~~imposed by the court, the division of alcohol and drug abuse, and the division of probation~~
19 ~~and parole; and~~

20 ~~(3) Does not plead guilty or nolo contendere to or is not found guilty of an additional~~
21 ~~controlled substance misdemeanor or felony offense after release from custody or, if not~~
22 ~~committed to custody, such person does not plead guilty or nolo contendere to or is not found~~
23 ~~guilty of an additional controlled substance misdemeanor or felony offense, within one year~~
24 ~~after the date of conviction. Such a plea or conviction within the first year after conviction~~
25 ~~shall immediately disqualify the person for the exemption; and~~

26 ~~(4) Has demonstrated sobriety through voluntary urinalysis testing paid for by the~~
27 ~~participant.~~

28 ~~2. Eligibility based upon the factors in subsection 1 of this section shall be based upon~~
29 ~~documentary or other evidence satisfactory to the department of social services, and the~~
30 ~~applicant shall meet all other factors for program eligibility.~~

31 ~~3. The department of social services, in consultation with the division of alcohol and~~
32 ~~drug abuse, shall promulgate rules to carry out the provisions of this section including~~

33 specifying criteria for determining active participation in and completion of a substance abuse
34 treatment program.

35 ~~4. The exemption under this section shall not apply to an individual who has pled~~
36 ~~guilty or nolo contendere to or is found guilty of two subsequent felony offenses involving~~
37 ~~possession or use of a controlled substance after the date of the first controlled substance~~
38 ~~felony conviction.] Pursuant to the option granted to the state under 21 U.S.C. Section~~
39 **862a(d)(1), an individual convicted under federal or state law of a felony offense**
40 **involving possession, distribution, or use of a controlled substance shall be exempt from**
41 **the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for the**
42 **supplemental nutrition assistance program for such convictions.**

570.400. 1. A person commits the offense of unlawfully receiving public assistance
2 benefits or EBT cards if he or she knowingly receives, **including by sale for consideration,**
3 or uses the proceeds of public assistance benefits or EBT cards to which he or she is not
4 lawfully entitled or for which he or she has not applied and been approved by the department
5 to receive.

6 2. The offense of unlawfully receiving public assistance benefits or EBT cards is a
7 class A misdemeanor, unless the face value of the public assistance benefits or EBT cards is
8 seven hundred fifty dollars or more or the person is found guilty of a second offense of
9 unlawfully receiving public assistance benefits or EBT cards in an amount less than seven
10 hundred fifty dollars, in which case it is a class E felony. Any person who is found guilty of a
11 second or subsequent offense of felony unlawfully receiving public assistance benefits or
12 EBT cards, or any person who is found guilty of an offense under this section and has
13 previously been found guilty of two violations under sections 570.400 to 570.410, shall be
14 guilty of a class D felony. Any person who is found guilty of felony unlawfully receiving of
15 public assistance benefits or EBT cards shall serve not less than one hundred twenty days in
16 the department of corrections unless such person pays full restitution to the state of Missouri
17 within thirty days of the date of execution of sentence.

18 3. In addition to any criminal penalty, any person found guilty of unlawfully receiving
19 public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for
20 the total amount of moneys converted. No person placed on probation for the offense shall be
21 released from probation until full restitution has been paid.

570.404. 1. A person commits the offense of unlawful transfer of public assistance
2 benefits or EBT cards if he or she knowingly transfers, **including by sale for consideration,**
3 public assistance benefits or EBT cards to another not lawfully entitled or approved by the
4 department of social services to receive the public assistance benefits or EBT cards.

5 2. The offense of unlawful transfer of public assistance benefits or EBT cards is a
6 class A misdemeanor, unless the face value of the public assistance benefits or EBT cards is

7 seven hundred fifty dollars or more or the person is found guilty of a second offense of
8 unlawful transfer of public assistance benefits or EBT cards in an amount less than seven
9 hundred fifty dollars, in which case it is a class E felony. Any person who is found guilty of a
10 second or subsequent offense of felony unlawful transfer of public assistance benefits, or any
11 person who is found guilty of an offense under this section and has been found guilty of two
12 or more violations under sections 570.400 to 570.410, shall be guilty of a class D felony. Any
13 person who is found guilty of felony unlawful transfer of public assistance benefits or EBT
14 cards shall serve not less than one hundred twenty days in the department of corrections
15 unless such person pays full restitution to the state of Missouri within thirty days of the date
16 of execution of sentence.

17 3. In addition to any criminal penalty, any person found guilty of unlawful transfer of
18 public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for
19 the total amount of moneys converted. No person placed on probation for the offense shall be
20 released from probation until full restitution has been paid.

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