

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023

# A Bill

HOUSE BILL 1401

4  
5 By: Representatives Burkes, Lundstrum  
6 By: Senator C. Penzo

## For An Act To Be Entitled

9 AN ACT REGARDING PUBLIC ASSISTANCE; TO AMEND THE  
10 DURATION OF CASH ASSISTANCE; AND FOR OTHER PURPOSES.

### Subtitle

14 REGARDING PUBLIC ASSISTANCE; AND TO AMEND  
15 THE DURATION OF CASH ASSISTANCE.

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17  
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19  
20 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

21 (a) The General Assembly finds that:

22 (1) Thousands of individuals are trapped in the cycle of welfare  
23 dependency in Arkansas;

24 (2) Moving Arkansans from welfare to work will help them achieve  
25 self-sufficiency and purpose;

26 (3) Mitigating the cycle of dependency can help save taxpayer  
27 dollars and increase the size of Arkansas's workforce;

28 (4) Arkansas currently has a twenty-four (24) month time limit  
29 for families with work-eligible adults receiving cash welfare;

30 (5) More than one half (1/2) of all cash welfare recipients have  
31 been on cash welfare for longer than eighteen (18) months;

32 (6) Reducing the cash welfare time limit from twenty-four (24)  
33 months to twelve (12) months would not impact child-only cases where there  
34 are no work eligible adults in the household; and

35 (7) Arkansas has an opportunity to be a national leader in its  
36 cash welfare program.



1        (b) It is the intent of the General Assembly to reduce the twenty-four  
2 (24) month state limitation on cash welfare to twelve (12) months for  
3 households with work-eligible adults.  
4

5        SECTION 2. Arkansas Code § 20-76-404(a)-(d), concerning the duration  
6 of financial assistance, is amended to read as follows:

7        (a)(1) The Division of Workforce Services shall not provide financial  
8 assistance to a family that includes an adult recipient who has received  
9 financial assistance for more than ~~twenty-four (24)~~ twelve (12) months,  
10 except as provided in subsection (c) of this section.

11        (2) The number of months need not be consecutive and shall  
12 include the time a recipient receives financial assistance from another  
13 state.

14        (3) The division may by rule establish other limitations on the  
15 receipt of financial assistance not inconsistent with state or federal law.

16        (b)(1) The division shall certify to the Governor, the House Committee  
17 on Public Health, Welfare, and Labor, and the Senate Committee on Public  
18 Health, Welfare, and Labor when the support services necessary for program  
19 recipients to obtain employment or participate in allowable work activities  
20 are available.

21        (2) The division may certify subsets of program recipients,  
22 including without limitation recipients in a certain geographical area or  
23 employment opportunity district or program recipients with a high school  
24 diploma or high school equivalency diploma approved by the Adult Education  
25 Section.

26        (3) Before implementing the ~~twenty-four-month~~ twelve-month  
27 cumulative limit on financial assistance, the division shall notify program  
28 recipients by direct mail or contact and by other means reasonably calculated  
29 to reach to current and potential program recipients, including, but not  
30 limited to, the posting of notices in county offices.

31        (c) The division shall exempt or temporarily defer within thirty (30)  
32 calendar days the following persons from the ~~twenty-four-month~~ twelve-month  
33 cumulative limit on financial assistance:

34        (1) An individual, as determined by a division case manager, who  
35 cooperated and participated in activities, but was unable to obtain  
36 employment because of circumstances or barriers beyond his or her control;

- 1 (2) Child-only cases;
- 2 (3) An individual unable to obtain employment because of the  
3 lack of support services necessary to overcome barriers to employment;
- 4 (4) A parent or caregiver over sixty (60) years of age;
- 5 (5) A parent or caregiver who is caring for a disabled child  
6 relative or disabled adult relative, based upon criteria set forth in  
7 division rules;
- 8 (6) A disabled parent or caregiver, based upon criteria set  
9 forth in division rules;
- 10 (7) A parent less than eighteen (18) years of age who resides in  
11 the home of a parent or in an approved adult-supervised setting and who  
12 participates in full-time education or training;
- 13 (8) An individual, who as determined by a division case manager,  
14 is unable to obtain employment due directly to the effects of domestic  
15 violence. All case manager determinations made under this subdivision (c)(8)  
16 shall be reviewed by a supervisor within five (5) days of the determination;
- 17 (9) Other individuals as determined by the division, including,  
18 but not limited to, a child when necessary to protect the child from the risk  
19 of neglect, as defined by § 12-18-103(14); and
- 20 (10) Individuals participating in education and training  
21 activities who have reached the end of their ~~twenty-four-month~~ twelve-month  
22 cumulative limit on financial assistance, have complied with all transitional  
23 employment assistance rules, are making satisfactory academic progress as  
24 determined by the academic institution or training program in which the  
25 individual is currently enrolled, and are expected to complete the  
26 requirements for the education or training program within a reasonable period  
27 of time as defined in rules issued by the division.
- 28 (d)(1) No months shall be counted toward a person's ~~twenty-four-month~~  
29 twelve-month cumulative limit on financial assistance while he or she is  
30 receiving a deferral or exemption.
- 31 (2) There shall be no limit on the length or the number of  
32 deferrals or exemptions granted each person as long as the person meets any  
33 of the criteria outlined in subsection (c) of this section.
- 34 (3) The division shall periodically review each case to  
35 determine whether the person still meets any of the criteria outlined in  
36 subsection (c) of this section.

1 (4)(A) The division shall carry out an enhanced review of all  
2 cases six (6) months before the expiration of the time limit.

3 (B) The review shall assess the barriers that remain to  
4 the adult or adults in the case obtaining employment, what enhanced services  
5 can be provided to enable him or her to obtain employment, and whether the  
6 case should be given a six-month extension or be exempted from the time  
7 limit.

8 (C) The division shall make every reasonable effort to  
9 deliver the available services identified in subdivision (d)(4)(B) of this  
10 section.

11 (D) The division shall grant an extension at the time for  
12 review if the client meets one (1) of the grounds for extension.

13 (E) The division shall carry out a further review at the  
14 end of the extension period.

15  
16 SECTION 3. Arkansas Code § 20-76-410(c)(5)(F), concerning the  
17 suspension of benefits in the Transitional Employment Assistance Program, is  
18 amended to read as follows:

19 (F) Months during which cash assistance benefits are  
20 suspended shall not count toward the family's ~~twenty-four-month~~ twelve-month  
21 limit on receiving Transitional Employment Assistance Program assistance.

22  
23 SECTION 4. Arkansas Code § 20-76-444(b)(1), concerning eligibility for  
24 assistance under the Arkansas Work Pays Program, is amended to read as  
25 follows:

26 (b)(1) Eligibility for assistance under the Arkansas Work Pays Program  
27 is limited to applicants or participants who:

28 (A) Have care and custody of a related minor child;

29 (B) Reside in the State of Arkansas at the time of  
30 application for assistance and during the period of assistance;

31 (C) Apply for Arkansas Work Pays Program assistance within  
32 six (6) months of leaving the Transitional Employment Assistance Program  
33 after at least three (3) months of Transitional Employment Assistance Program  
34 assistance;

35 (D) Have not received more than ~~twenty-four (24)~~ twelve  
36 (12) months of Arkansas Work Pays Program benefits;

1 (E) Were engaged:

2 (i) In paid work activities for a minimum of twenty-  
 3 four (24) hours per week and met the federal work participation requirement  
 4 for the past month; or

5 (ii) In the case of continuing eligibility, in paid  
 6 work activities for a minimum of twenty-four (24) hours per week and met the  
 7 federal work participation requirement for one (1) of the past three (3)  
 8 months and for at least three (3) of the past six (6) months;

9 (F) Are:

10 (i) Citizens of the United States;

11 (ii) Qualified aliens lawfully present in the United  
 12 States before August 22, 1996;

13 (iii) Qualified aliens who physically entered the  
 14 United States on or after August 22, 1996, and have been in qualified  
 15 immigrant status for at least five (5) years; or

16 (iv) Aliens to whom benefits under Temporary  
 17 Assistance for Needy Families must be provided under federal law;

18 (G) Have income below one hundred fifty percent (150%) of  
 19 the federal poverty level; and

20 (H) Sign and comply with a personal responsibility  
 21 agreement.

22  
 23 SECTION 5. Arkansas Code § 20-76-444(d)(3), concerning the number of  
 24 months of eligibility for cash assistance under the Arkansas Work Pays  
 25 Program, is amended to read as follows:

26 (3) The number of months for which families are eligible for  
 27 cash assistance may be reduced in three-month increments from the statutory  
 28 provision of ~~twenty-four (24)~~ twelve (12) months.