

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 1887

By: Worthen, Ferguson, Pope
(Tim) and Hiatt of the
House

and

Wright of the Senate

(poor persons - restricting public assistance -
codification - effective date - emergency)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting
clause and entire bill and insert

[poor persons - Oklahoma Welfare Reform Act of 1995
- amending various sections in Titles 56 and 70 -
repealing 56 O.S., Section 234.2 - codification -
effective date]

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 231.1 of Title 56, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Welfare Reform Act of 1995".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 231.2 of Title 56, unless there
is created a duplication in numbering, reads as follows:

As used in the Oklahoma Welfare Reform Act of 1995:

1. "Benefits" means benefits provided under the program of Aid to Families with Dependent Children (AFDC) established pursuant to federal law; and

2. "Eligible person" means a person who is or would be eligible for benefits based upon income standards and criteria established pursuant to the Aid to Families with Dependent Children program and otherwise established pursuant to the Oklahoma Welfare Reform Act of 1995.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall submit any federal waiver requests as necessary no later than July 1, 1996, to implement the provisions of the Oklahoma Welfare Reform Act of 1995. The Oklahoma Welfare Reform Act of 1995 shall not be implemented until such federal waivers are approved and a certification is made by the Department of Human Services to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives that implementation of the Oklahoma Welfare Reform Act of 1995 shall not result in the loss of any federal funds.

SECTION 4. AMENDATORY 56 O.S. 1991, Section 231, is amended to read as follows:

Section 231. A. 1. Except as otherwise provided in this subsection, any eligible parent who makes application with the Department of Human Services for assistance under the Aid to Families with Dependent Children program (AFDC), in order to be eligible for and prior to receipt of any such assistance, shall provide to the Department the name of the person alleged to be legally responsible for the support of a child and, if known, the name and address of the employer of the person alleged to be legally responsible for the support of such child.

2. If the person or persons legally responsible for the support of the child are unknown, the eligible parent making application for AFDC shall submit with the application a list of names of persons alleged to be responsible for the support of the child to the Department of Human Services. If the eligible parent has not provided the Department of Human Services with the identity of the person or persons alleged to be legally responsible for the support of the child within one (1) year of the date of application for AFDC benefits, the parent shall be ineligible to continue to receive such assistance.

3. The provisions of this subsection shall not apply to any eligible parent who alleges that the dependent child is a result of rape or incest; provided that the eligible parent submits proper proof that the eligible parent reported the incident within fourteen (14) days of such incident to a law enforcement officer in the county where the incident occurred or to the communication service for victim's of rape, forcible sodomy and domestic violence operated by the Department of Mental Health and Substance Abuse Services.

B. Any person who ~~shall make~~ makes application for ~~aid for dependent children~~ the Aid to Families with Dependent Children program with the Department of ~~Public Welfare~~ Human Services, or any of its county offices or other subagencies, ~~must~~ shall, in order to be eligible for further assistance payments, where the person or persons determined to be legally responsible for such support ~~is~~ are willfully and without lawful excuse failing to furnish necessary food, clothing, shelter or medical attendance for such child or children, within three (3) months from the day of application, request the district attorney of the county where such applicant resides to file criminal charges against the person or persons legally responsible for the support of such child or children, and cooperate fully in prosecuting such charges to completion when filed by the district attorney.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.4 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, if a person applying for assistance pursuant to the federal Aid to Families with Dependent Children program is under eighteen (18) years of age, has never married and has a dependent child in his or her care, the person is not eligible for such assistance unless he or she lives in a place maintained by his or her parent, legal guardian or other adult relative or the parent's, guardian's or other adult relative's own home or lives in a foster home, maternity home or other supportive living arrangement supervised by a responsible adult. For the purposes of this subsection the term "responsible adult" shall mean such person is over the age of eighteen (18) years and is self-supporting with a verifiable income.

B. Pursuant to the provisions of the federal Family Support Act of 1988, subsection A of this section shall not apply in any of the following situations:

1. The person applying for assistance has no parent or legal guardian or whose whereabouts are known;

2. No parent or legal guardian of the person applying for assistance allows the person to live in the home of that parent or legal guardian;

3. The Department determines that the physical or emotional health or safety of the person applying for assistance or the dependent child would be jeopardized if the person and the dependent child lived with the person's parent or guardian; or

4. The person applying for assistance lived apart from his or her parent or legal guardian for at least one (1) year before the birth of any dependent child or before the person applied for assistance.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.5 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Commission for Human Services shall revise the schedule of benefits to be paid to a recipient family under the program of Aid to Families with Dependent Children (AFDC) pursuant to the provisions of the Oklahoma Welfare Reform Act of 1995.

B. Except as otherwise provided in subsection E of this section, for families receiving benefits pursuant to the AFDC program the Commission shall eliminate the increment in benefits under the program for which that family would otherwise be eligible as a result of the birth of another child:

1. During the period in which the family is eligible for AFDC benefits; and

2. During a temporary period in which the family or adult recipient is ineligible for AFDC benefits pursuant to a penalty imposed by the Department of Human Services for failure to comply with benefit eligibility requirements, subsequent to which the family or adult recipient is again eligible for benefits.

The Department shall provide instead that a recipient family in which the adult recipient parents an additional child during a temporary penalty period of ineligibility for benefits may receive additional benefits only pursuant to subsection C of this section, except in the case of a general increase in the amount of Aid to Families with Dependent Children benefits which is provided to all program recipients.

C. In the case of a family that receives Aid to Families with Dependent Children benefits in which the adult recipient parents an additional child during the period in which the family is eligible for Aid to Families with Dependent Children benefits subsequent to which the family of the adult recipient again becomes eligible for benefits, the Department, subject to federal approval, shall, in

addition to eliminating the increase in the benefit as provided in subsection A of this section, provide that in computing the amount of financial assistance which is available to the family that receives Aid to Families with Dependent Children, the monthly earned income disregarded in the family shall increase by an amount equal to that which the family would have otherwise received by parenting an additional child, adjusted for family size.

D. A minor child of an applicant or a recipient family that bears one child shall not be subject to the restriction on incremental benefits for that one child.

E. Any child born to an eligible person within ten (10) months of the effective date of this act or within ten (10) months of application for Aid to Families with Dependent Children shall not be construed to be an additional child pursuant to the provisions of this section and the recipient family shall not be subject to the restriction on incremental benefits for that child.

SECTION 7. AMENDATORY Section 3, Chapter 291, O.S.L. 1992 (56 O.S. Supp. 1994, Section 234.1), is amended to read as follows:

Section 234.1 A. The Commission for Human Services, on or before January 1, ~~1993~~ 1996, shall request a waiver from the Secretary of the federal Department of Health and Human Services to permit the Department of Human Services to waive ~~42~~ 45 C.F.R., paragraph 250.30(b)(1)(i) by lowering to age ~~thirteen (13)~~ six (6) the exemption from the required JOBS program, so that compulsory school attendance for a child ~~thirteen (13)~~ six (6) years of age to ~~eighteen (18)~~ twelve (12) years of age, unless said child is being home educated as per the Oklahoma Constitution and statutes, shall be a condition for participation in the Aid to Families with Dependent Children (AFDC) program.

B. After receipt of the waiver, the Commissioner for Human Services shall promulgate rules for developing a pilot project for

denying a recipient of Aid to Families with Dependent Children that portion of payments which relate to an individual.

C. Upon receipt of recommendations of an evaluation of the pilot project established pursuant to this section by a public or private contractor which indicates that the expansion of the pilot project on a statewide basis would be economically feasible and practical, the Commission for Human Services shall promulgate rules for developing a statewide program for denying a recipient of Aid to Families with Dependent Children that portion of payments which relate to a child who is age six (6) years to twelve (12) years who has not been present for instruction at school at least eighty percent (80%) of the time without a valid excuse as defined in Section 10-105 of Title 70 of the Oklahoma Statutes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 234.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

Upon receipt of recommendations of the Task Force Linking School Attendance with Public Assistance Payments pursuant to Section 234.2 of Title 56 of the Oklahoma Statutes and an evaluation of the pilot project established pursuant to this section by a public or private contractor which indicates that the expansion of the pilot project on a statewide basis would be economically feasible and practical, the Commission for Human Services shall promulgate rules for developing a statewide program for denying a recipient of Aid to Families with Dependent Children that portion of payments which relate to a child who is age thirteen (13) years to eighteen (18) years who has not been present for instruction at school at least eighty percent (80%) of the time without a valid excuse as defined in Section 10-105 of Title 70 of the Oklahoma Statutes.

SECTION 9. AMENDATORY 70 O.S. 1991, Section 24-120, as amended by Section 5, Chapter 291, O.S.L. 1992 (70 O.S. Supp. 1994, Section 24-120), is amended to read as follows:

Section 24-120. A. At the close of each attendance period of the school term, the board of education of each school district shall notify in writing the Department of Human Services of the name of any child who has not been present for instruction at least eighty percent (80%) of the time without valid excuse as defined in Section 10-105 of this title.

B. Upon the receipt of such information from the board of education of a school district, the Director of the Department of Human Services is authorized to withhold assistance payments to the payee of such child and to instigate an investigation for the purpose of improving the school attendance of such child. After such investigation, if the attendance record of the child investigated is satisfactory, such withheld payments may be released. In the event the investigation results in change in custody and care of such child, payments to the payee shall be canceled.

C. ~~For purposes of the pilot project, the~~ The Department of Human Services and the State Board of Education shall establish a procedure which will provide for the exchange of information required by this section concerning students subject to the provisions of this section. Any procedure thus established shall, if applicable, comply with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g et seq., and any other applicable federal law.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.6 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Commission for Human Services shall revise the schedule of benefits in accordance with the provisions of subsection B of this section.

B. An eligible parent who is married to a person who is not the parent of one or more of the eligible parent's children shall not be

eligible for benefits if the household income exceeds the state eligibility standard for benefits; however, the eligible parent's natural children shall be eligible for benefits according to a sliding income scale established by the Commission which does not take into account the income of the eligible parent's spouse, if the total annual household income does not exceed one hundred percent (100%) of the official poverty level, adjusted for family size, established pursuant to Section 673(2) of Subtitle B, the "Community Services Block Grant Act", of Pub. L. 97-35 (42 U.S.C., Section 9902(2)). The spouse of the eligible parent and the spouse's natural child, if any, who is not the eligible parent's natural child, who is living with the family shall not be eligible for benefits.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.7 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall seek federal approval to operate a pilot project in six counties for the purpose of testing "fill-the-gap" budgeting and determining whether such an approach leads to improved rates of employment entry and employment retention by AFDC recipients.

B. In the affected counties, if a family's net earned income is below the standard of need, the amount of assistance to be paid to the family shall be the difference between the standard of need and the family's net earned income, multiplied by the percentage of the deficit to be paid.

C. For purposes of implementing "fill-the-gap" budgeting in the pilot counties, the "percentage of the deficit" is defined as the percentage of the state's standard of need reflected by the amount of assistance to be paid to a family with no income.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.8 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall apply to the Secretary of the federal Department of Health and Human Services for approval of a demonstration project under which the Department is authorized to exclude an automobile with an equity allowance of not more than Five Thousand Dollars (\$5,000.00) from the determination of resources available to meet the needs of an applicant for or recipient of Aid to Families with Dependent Children.

B. If approval is granted pursuant to subsection A of this section the Department shall implement the demonstration project. The Department may conduct the demonstration project for a period not to exceed thirty-six (36) months.

C. If the Department conducts the demonstration project, the Department shall enter into a contract with a private or public agency for the performance of an evaluation of the demonstration project. The Department shall submit the evaluation of the demonstration project to the Governor and to the chief clerk of each house of the Legislature for distribution to its members.

D. Upon the completion of the evaluation which indicates that such exclusion is economically feasible and practical, the Department shall implement the demonstration project statewide.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.9 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Any person who is otherwise eligible to receive benefits pursuant to the Aid to Families with Dependent Children program who has resided in this state less than twelve (12) months on a continuous basis and who is unable to demonstrate to the satisfaction of the Department of Human Services that such person

was employed for at least thirteen (13) weeks after moving to this state shall receive the lesser of payments in an amount equal to:

1. The amount received by persons similarly situated residing in this state for twelve (12) months or less; or

2. The benefits such person received or would have received in his last state of residence pursuant to the Aid to Families with Dependent Children program in that state.

B. Any person who is otherwise eligible and who has resided in this state on a continuous basis for twelve (12) months or more may receive the authorized full level of benefits.

C. To be eligible to receive benefits pursuant to the Aid to Families with Dependent Children program, any such applicant must provide verification as to length of residence in this state and if a resident of this state less than twelve (12) months, the previous state of residence.

D. The provisions of this section shall only apply to new applications for benefits pursuant to the Aid to Families with Dependent Children program made on or after implementation of the provisions of this section.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.10 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall apply to the Secretary of the federal Agency of Health and Human Services for approval of a demonstration project under which the Department is authorized to exclude from the definition of "eligible person" a person holding a bachelor, master's or doctorate degree nine (9) months after such person was graduated with such degree.

B. If approval is granted pursuant to subsection A of this section, the Department shall implement the demonstration project. The Department may conduct the demonstration project for a period not to exceed thirty-six (36) months.

C. If the Department conducts the demonstration project, the Department shall enter into a contract with a private or public agency for the performance of an evaluation of the demonstration project. The Department shall submit the evaluation of the demonstration project to the Governor and to the chief clerk of each house of the Legislature for distribution to its members.

D. Upon the completion of the evaluation which indicates that such exclusion is economically feasible and practical, the Department shall implement the demonstration project statewide.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.11 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by subsection C of this section, after July 1, 1995, any person who is a participant in the Job Opportunity Basic Skills (JOBS) program shall only be eligible to receive payments pursuant to the Aid to Families with Dependent Children program for thirty-six (36) months out of sixty (60) months.

B. The Department of Human Services shall review the case of each participant in the JOBS program receiving benefits pursuant to the Aid to Families with Dependent Children program at least once every twelve (12) months during eligibility, prior to termination of benefits to ensure that the person receiving such benefits is receiving the training, counseling or rehabilitation necessary to become self-sufficient.

C. The provisions of this section shall not apply to any person eligible to receive benefits pursuant to the Aid to Families with Dependent Children who is not a participant in the JOBS program or to any person who is exempt from the JOBS program by the terms and conditions of the JOBS program including, but not limited to, an incapacitated person, a custodian of a child under the age of one (1) year and a disabled person.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 231.12 of Title 56, unless there is created a duplication in numbering, reads as follows:

The recipient shall be required to participate in a JOBS program. This program shall require the recipient to participate in education, job training or work search. Failure to complete or comply with education, job training or work search shall subject such person to benefits termination.

SECTION 17. REPEALER Section 4, Chapter 291, O.S.L. 1992 (56 O.S. Supp. 1994, Section 234.2), is hereby repealed.

SECTION 18. This act shall become effective November 1, 1995."

Passed the Senate the 5th day of April, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker of the House of Representatives