

ENGROSSED HOUSE
BILL NO. 2170

By: Seikel, Toure and
Pettigrew of the House

and

Cain of the Senate

(poor persons - Oklahoma Personal Responsibility and Work
Opportunity Act - codification - effective date)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 230.21 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
Personal Responsibility and Work Opportunity Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 230.22 of Title 56, unless there
is created a duplication in numbering, reads as follows:

A. It is the intent of the Oklahoma Legislature to encourage
persons receiving temporary assistance to become responsible, self-
sufficient, taxpaying citizens.

B. The Oklahoma Legislature also recognizes that it may be
necessary to provide assistance and service programs to employed
low-income persons and their families in certain times of need.
Such services include but are not limited to: career guidance and
employment preparation, job referral, vocational and technical
training, child support enforcement, child care and child support

initiatives, educational benefits (GED), nutritional aid, and medical/health assistance.

C. The Oklahoma Legislature further recognizes the importance of establishing statewide, one-stop career/employment centers that would link existing resources and federal/state programs for utilization for persons receiving temporary assistance, employed low-income persons, and unemployed persons.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.23 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Personal Responsibility and Work Opportunity Act contains the following components:

- I. The Statewide Temporary Assistance Reintegration System (STARS) program;
- II. Child Care;
- III. Food Stamps;
- IV. Miscellaneous;
- V. One-stop Career/Employment Centers;
- VI. Medicaid;
- VII. Child Support Initiatives;
- VIII. Assistance to Aliens; and
- IX. Child Protection.

I. STATEWIDE TEMPORARY

ASSISTANCE REINTEGRATION SYSTEM (STARS)

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.31 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature hereby establishes an integrated and coordinated program titled the "Statewide Temporary Assistance Reintegration System (STARS)" program, for individuals receiving temporary assistance so that they become self-sufficient, responsible, taxpaying citizens.

B. The goal of the STARS program is to provide resources, information and needed services to persons receiving temporary assistance.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.32 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that the citizens of the state recognize that:

1. There are certain times in a person's or family's life when temporary assistance may be needed;

2. The majority of persons who ultimately receive temporary assistance desire to become fully employed;

3. Often barriers exist which keep recipients of temporary assistance from becoming productive, taxpaying residents of the state and nation;

4. Most residents of the state would support a program designed to cooperatively provide services in order to ensure that recipients of temporary assistance become responsible and gainfully employed residents;

5. Those recipients of temporary assistance who are capable of but prefer not to become employed are not entitled to temporary state assistance and should be removed from all temporary assistance services; and

6. As a result of the federal enactment of P.L. 104-193, the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996", the State of Oklahoma now has the opportunity to design a program specifically tailored to the needs of qualified recipients who are becoming responsible, employed, taxpaying citizens of Oklahoma.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.33 of Title 56, unless there is created a duplication in numbering, reads as follows:

The following are mandatory requirements for the Statewide Temporary Assistance Reintegration System (STARS) program:

1. Persons eligible to receive temporary assistance pursuant to the STARS program shall receive assistance for up to a five-year period. Child-only cases are not subject to the five-year limit;

2. Parents in families receiving temporary assistance pursuant to the STARS program shall participate in work activities, developed by the Department of Human Services, after receiving assistance for twenty-four (24) months;

3. Single parents receiving temporary assistance pursuant to the STARS program shall participate in work activities for a minimum of twenty (20) hours per week during the month. Two-parent families receiving temporary assistance pursuant to the STARS program shall participate in work activities for a minimum of thirty-five (35) hours per week during the month. The following are deemed allowable work activities:

- a. unsubsidized employment,
- b. subsidized public or private sector employment,
- c. work experience, only if sufficient private sector employment is not available,
- d. on-the-job training,
- e. job search and job readiness assistance for up to six (6) weeks,
- f. community service programs,
- g. vocational education training, not to exceed twelve (12) months for any individual,
- h. job skills training directly related to employment,
- i. education directly related to employment, if recipient has not received a high school diploma or GED,
- j. satisfactory attendance at a secondary school or course of study leading to GED, and

k. provision of child care services to an individual who is participating in a community service program.

4. Single, custodial parents with a child under one (1) year of age are exempt from work activities for a lifetime total exemption of twelve (12) months;

5. In order to receive assistance, unmarried teen parents of a minor child at least twelve (12) weeks of age must participate in certain educational activities approved by the state. If the teen is not living at home or in an approved, adult-supervised setting, the teen shall not receive temporary assistance pursuant to the STARS program;

6. For single-parent families, except teens, educational activities, except vo-tech, do not count toward meeting the required twenty (20) hours of work activity. For two-parent families, educational activities, except vo-tech, do not count toward meeting the required thirty-five (35) hours of work activity;

7. As a condition of participating in the STARS program, all participants are deemed to have given authorization for the release of any and all information necessary to provide all state and federal agencies and other service providers to meet the needs of the participant;

8. Any person convicted of a drug-related felony will be denied temporary assistance pursuant to the STARS program. Temporary assistance is also denied for fugitive felons and probation and parole violators.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.34 of Title 56, unless there is created a duplication in numbering, reads as follows:

Statewide Temporary Assistance Reintegration System (STARS) program options for the State of Oklahoma include the following:

1. Treating applications of non-Oklahomans differently. The state may treat the applicant under the rules of their former state (if in state less than twelve (12) months);

2. Providing assistance to noncitizens, using state only funds. The state may require noncitizens to be deemed by their family or spouse;

3. Opting out of the community service requirement for all STARS recipients;

4. Setting different benefit levels (lower or higher than the current level);

5. Providing energy assistance with state funds;

6. Funding Individual Development Accounts;

7. Sanctioning an entire family for the parents' refusal to cooperate with case requirements;

8. Sanctioning parents who do not require their children to attend school;

9. Sanctioning a family with an individual between 20 and 51 who is not working towards achieving a high school diploma or GED;

10. Requiring the Department of Human Services to operate an employment program or provide vouchers to private employment agencies;

11. Opting out of the restriction of providing benefits to individuals convicted of drug-related felonies;

12. Limiting the period of denial of benefits to individuals convicted of drug-related felonies;

13. Exempting those who are victims of domestic abuse from certain work and other requirements;

14. Providing services through religious, charitable or private organizations;

15. Providing assistance through certificates, vouchers or other redeemable means; and

16. Exempting individuals with a child under one (1) year of age from work requirements.

II. CHILD CARE

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.35 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the new federal welfare reform mandates, the Oklahoma Legislature finds that there is a need for a statewide network of child care resource and referral centers. The resource and referral centers will strengthen the child care system in Oklahoma by:

1. Providing consumer education;
2. Maintaining child care data bases and linking working families to relevant services available in their community;
3. Developing child care supply and demand reports;
4. Fostering partnerships between churches, schools, government and nonprofit agencies, and Head Start programs;
5. Providing information and technical assistance to individuals and groups wishing to start or expand child care services;
6. Coordinating training programs and informing child care providers about available training; and
7. Working with the Department of Human Services on licensing and regulatory issues.

B. In addition, state responsibilities with regard to child care and nutrition activities shall include:

1. Using at least seventy percent (70%) of the total amount of mandatory funds to provide child care assistance to welfare recipients, to those in work programs attempting to leave welfare, and to those at risk of going on welfare;
2. Setting aside four percent (4%) of funds to improve the quality and availability of child care, including activities

designed to provide comprehensive consumer education to parents and to the public, activities that increase parental choice, and resource and referral services, as described in subsection A of this section;

3. Capping administrative costs at five percent (5%), which excludes direct services and applies to all mandatory and discretionary funding;

4. Certifying that consumer education materials will be collected and disseminated to the parents of eligible children and the general public;

5. Certifying that licensing requirements are in effect which are applicable to the child care services provided within the state, and providing a detailed description of how the requirements are enforced;

6. Demonstrating how specific child care needs of families receiving welfare, families attempting to transition off of welfare through work activities, and families who are at risk of going on welfare are met;

7. Ensuring that a substantial portion of funds will be used to provide assistance to low-income working families other than those described above;

8. Providing child care services on a sliding-fee-scale basis and other activities that improve the quality or availability of such services, or any other services that the state deems appropriate;

9. Requiring that two-parent families are eligible for federally funded child care only if both parents are participating in work activities, unless the child is severely disabled, or the parent or parents are disabled;

10. Consulting with schools on the selection and distribution of commodities; and

11. Providing school lunch and breakfast benefits to all children eligible for public education.

C. Child care and early childhood program options for the State of Oklahoma shall include the following:

1. Decreasing day care copayment requirements;
2. Increasing day care rates paid to providers; and
3. Providing incentives to Head Start programs to incorporate day care services into the program.

III. FOOD STAMPS

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.41 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. All able-bodied recipients age eighteen (18) through fifty (50) years with no dependents may receive food stamp benefits for only three (3) months in every thirty-six-month period unless they are engaged in work or work programs for at least twenty (20) hours or more a week.

B. Food stamp program options include:

1. Developing a standard home shelter allowance not to exceed One Hundred Forty-three Dollars (\$143.00) per month for households with homeless;

2. Developing and using a standard utility allowance in computing the excess shelter expense deduction;

3. Disqualifying the entire household if the parent refuses to cooperate with the Department of Human Services in a case (i.e. child support enforcement);

4. Providing a family applying for benefits after the 15th day of each month the amount of their initial allotment and regular first allotment;

5. Reducing the allotment of food stamps by up to twenty-five percent (25%) to a family if the family is sanctioned in another program;

6. Requiring an individual in a treatment center to designate the center to receive their stamps;

7. Varying operating procedures for local offices to reflect local differences; and

8. Using the amount of a household allotment to subsidize a job under a work supplementation or support program.

IV. MISCELLANEOUS

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.51 of Title 56, unless there is created a duplication in numbering, reads as follows:

Miscellaneous options for the State of Oklahoma shall include the following:

1. Test and sanction welfare recipients for use of controlled substances;

2. Use funds under Title XX of the Social Security Block Grant to provide vouchers for services to families who have become ineligible for cash assistance due to duration limit or for a child born to a welfare recipient and denied assistance; and

3. Promote monitoring, counseling, and adult supervision to promote abstinence from sexual activity.

V. ONE-STOP CAREER/EMPLOYMENT CENTERS

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.61 of Title 56, unless there is created a duplication in numbering, reads as follows:

It is the intent of the Legislature to establish one-stop career/employment centers to link federal/state resources and programs by encouraging interorganizational collaborative partnerships between certain state governmental agencies and private and nonprofit entities, including but not limited to:

1. The Department of Human Services;

2. The State Department of Education;

3. The Department of Vocational and Technical Education;

4. The Oklahoma Department of Commerce;
5. The Oklahoma Employment Security Commission;
6. The Oklahoma Health Care Authority;
7. The State Department of Health;
8. The State Department of Mental Health and Substance Abuse Services;
9. Office of Personnel Management;
10. Community action agencies;
11. The Oklahoma State Regents for Higher Education;
12. Local/municipal groups; and
13. Substate planning groups.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.62 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The purpose of the collaborative and interorganizational partnership between those entities specified in Section 11 of this act is to assist persons receiving temporary assistance, employed low-income persons, and unemployed persons to explore career and employment and job referral opportunities, improve skills through education and training and to obtain information on various services and programs in the state.

B. Employment preparation includes, but is not limited to:

1. Education, training, or retraining for specified time limits;
2. Private and public work experience; and
3. Development of certain career/job training and retraining skills and apprenticeships.

C. Any expression of intention by certain parties to enter into one-stop career/employment centers must be designated in the form of an Interorganizational Linkage Agreement. Said Agreement must be signed by all parties and submitted to the State Auditor and Inspector's Office.

D. The Interorganizational Linkage Agreements must contain the following items: names, addresses, and phone numbers of parties and organizational entities; specific goals, objectives, and plans for implementation of the initiative; signature(s) of all parties agreeing to the initiative; and date agreed upon by said parties.

VI. MEDICAID

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.71 of Title 56, unless there is created a duplication in numbering, reads as follows:

Medicaid program options for the State of Oklahoma shall include the following:

1. Lower the income or resource standards, no lower than May 1, 1988 (will result in fewer eligibles);
2. Increase the income or resource standards (will result in more eligibles);
3. Use less restrictive income and resource methodologies (could result in most new eligibles); and
4. Terminate medical benefits for failure to cooperate in a case.

VII. CHILD SUPPORT INITIATIVES

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.81 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. State responsibilities with regard to child support initiatives shall include:

1. Revising collections distribution procedures;
2. Operation of a single, statewide, automated information system that includes a state case registry;
3. Operation of an automated centralized unit to collect and disburse support payments;
4. Implementation of a state directory of new hires and transmission of income withholding orders with two (2) days;

5. Entering into agreements with financial institutions doing business in the state to do quarterly data matches;

6. Accessing data from utilities and cable companies;

7. Recording social security number on driver, professional, occupational and marriage applications, divorce decrees, paternity and support orders, and death certificates;

8. Authorizing the Department of Human Services to attach assets in a financial institution, and retirement funds;

9. Implementing required child support enforcement procedures including Internal Revenue Service collections of arrearages and United States consent to withhold income; and

10. Authorizing the Department of Human Services to withhold, suspend or restrict recreational licenses of individuals who owe overdue support or fail to comply with subpoenas or warrants.

B. Child support enforcement options for the State of Oklahoma include the following:

1. Contracting with private attorneys or companies to process child support cases;

2. Continuing to provide the fifty-dollar disregard in child support cases;

3. Retaining or distributing to the family the state share of the amount collected;

4. Implementing the new before and after assistance arrearage procedures before their effective dates (October 1, 1997 and October 1, 2000 respectively);

5. Excluding gap payments from the distribution requirements;

6. Allowing contractors to report directly to the state agency in the operation of the state distribution unit;

7. Continuing to process all child support payments through the local courts until September 30, 1999;

8. Assessing penalties for employers and employees who refuse to cooperate with the new hires reporting requirements;

9. Requiring genetic test results be introduced into evidence and establish presumptive threshold probability levels;

10. Requiring an unemployed parent delinquent child support payments to participate in work activities;

11. Allowing the Department of Human Services to enter into reciprocal arrangements with other counties or Indian tribes;

12. Pursuing child support enforcement cases against the parents of a noncustodial minor parent; and

13. Funding and operating a program for access and visitation for noncustodial parents.

VIII. ALIENS

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.91 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. New rules for eligibility and sponsorship agreements are enacted in order to assure that aliens are self-reliant in accordance with national immigration policy. States are given authority to provide for the eligibility of certain aliens for state assistance programs.

B. Unqualified Aliens: An alien who is not a qualified alien is barred from the following federal, state and local public benefits which are defined as: grants, contracts, loans, licenses, retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefits provided to an individual, household or family by the United States or by appropriated funds of the United States. (States may provide state and local benefits only through enactment of a state law).

C. Exceptions for unqualified aliens include:

1. Emergency medical assistance under Medicaid, if eligibility requirements under the state plan are met;

2. Short-term, noncash, in-kind emergency disaster relief;

3. Public health assistance for immunizations and treatment of communicable diseases;

4. Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention and short-term shelter) specified by the U.S. Attorney General; and

5. Programs for housing or community development assistance or financial assistance to the extent the alien is receiving the benefit on the effective date of the act.

D. Qualified Aliens: Except as otherwise provided, generally a qualified alien is not eligible for any "specified federal programs" defined as supplemental security income and food stamps. The eligibility of qualified aliens currently receiving benefits will be redetermined within one (1) year of enactment of the act and eligibility for such benefits will apply after the redetermination.

E. Limited Eligibility for Designated Federal Programs: Except as otherwise provided, generally the states are authorized to determine the eligibility of a qualified alien for "designated federal programs", services authorized pursuant to the Social Service Block Grant and Medicaid. Aliens currently receiving designated federal programs will continue to receive benefits until January 1, 1997.

F. Federal Means-tested Public Benefit: Generally, a qualified alien is not eligible for any federal means-tested public benefit for a period of five (5) years beginning on the date of the alien's entry into the United States. Exception to the five-year eligibility period includes medical assistance; short-term, noncash, in-kind emergency disaster relief; school lunch program; child nutrition; public health assistance; payment for foster care and adoption assistance; Head Start and Job Training Partnership Act.

G. State and Local Governments: States are given the authority to determine the eligibility of most qualified aliens for state and local means-tested programs. New qualified aliens are first subject

to a five-year bar of SSI and Food Stamp benefits, and then the state may provide or deny services.

H. General Exceptions to Federal, State and Local Public Benefits Restrictions:

1. Except as otherwise specified for refugees, asylees and other persons in the following paragraphs, qualified aliens are not authorized to receive benefits for a period of five (5) years beginning on the date of the alien's entry into the United States;

2. Refugees, asylees, or those granted withholding of deportation are eligible only for their first five (5) years in the United States (if these individuals have already been in the United States for five (5) years, they lose benefits);

3. Lawful permanent residents with forty qualifying quarters of work may receive benefits; for work quarters after December 31, 1996, to qualify, the individual must not receive any federal means-tested public benefit during that quarter (minor children and the spouse can be credited with qualifying quarters); and

4. Veterans, active duty military, spouses and dependents.

I. School Lunch and School Breakfast: School lunch and school breakfast may be made available to all aliens, regardless of status, who are eligible for public education benefits under state or local law. States may provide certain other nutrition programs to immigrants not considered "qualified aliens" under the act.

J. Reporting: On a quarterly basis, agencies that administer SSI, housing assistance, or the federal Temporary Assistance to Needy Families must report to the Immigration and Naturalization Service (INS) the names and addresses of individuals they know are unlawfully in the United States.

IX. CHILD PROTECTION

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.101 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Preference will be given to an adult relative when determining a placement for a child, provided the relative meets all Oklahoma child protection standards.

B. Child protection program options for the State of Oklahoma include using federal funds to contract with foster care for-profit providers.

SECTION 17. This act shall become effective November 1, 1997.

Passed the House of Representatives the 27th day of February, 1997.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1997.

President of the Senate