

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1294

By: Pettigrew

AS INTRODUCED

An Act relating to poor persons; amending Section 1, Chapter 346, O.S.L. 1995, Section 2, Chapter 346, O.S.L. 1995, Section 3, Chapter 346, O.S.L. 1995, Section 4, Chapter 346, O.S.L. 1995, Section 5, Chapter 346, O.S.L. 1995, Section 6, Chapter 346, O.S.L. 1995, Section 10, Chapter 346, O.S.L. 1995, Section 14, Chapter 346, O.S.L. 1995, as amended by Section 27, Chapter 353, O.S.L. 1996, Section 15, Chapter 346, O.S.L. 1995, Section 18, Chapter 346, O.S.L. 1995, Section 21, Chapter 346, O.S.L. 1995, Section 22, Chapter 346, O.S.L. 1995, Section 24, Chapter 346, O.S.L. 1995, Section 25, Chapter 346, O.S.L. 1995, Section 26, Chapter 346, O.S.L. 1995 and Section 27, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Sections 230.1, 230.2, 230.3, 230.4, 230.5, 230.6, 230.8, 230.9, 230.10, 230.11, 230.12, 230.13, 230.15, 230.16, 230.17 and 230.18), which relate to the Oklahoma Welfare Self-Sufficiency Initiative; modifying name to Oklahoma Welfare Reform Act of 1997; modifying powers and duties of the Commission for Human Services and the Department of Human Services; clarifying and updating language; prohibiting certain actions; requiring implementation of certain projects and

programs on a statewide basis; limiting certain benefits; requiring participation in certain work activities; authorizing transitional Medicaid and child care assistance; removing certain exceptions; limiting certain assistance; requiring drug tests of certain applicants; providing for granting of assistance in certain situations; eliminating certain benefits; amending 56 O.S. 1991, Section 175, which relates to certain contracts; authorizing additional contracts with laboratories; amending Section 3, Chapter 291, O.S.L. 1992, as amended by Section 13, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 234.1), which relates to learnfare; expanding program statewide; amending Section 1, Chapter 354, O.S.L. 1995 and Section 2, Chapter 354, O.S.L. 1995, as amended by Section 18, Chapter 97, O.S.L. 1996 (43 O.S. Supp. 1996, Sections 139 and 139.1), which relate to suspension of licenses for nonpayment of support; authorizing suspension of certain recreational licenses; updating language; authorizing denial or nonrenewal of certain licenses; amending 56 O.S. 1991, Sections 240, as renumbered by Section 14, Chapter 365, O.S.L. 1994 and as last amended by Section 3, Chapter 354, O.S.L. 1995, 237.5, as amended by Section 9, Chapter 346, O.S.L. 1995, 237.6, as amended by Section 11, Chapter 346, O.S.L. 1995, 238.4, as amended by Section 4, Chapter 365, O.S.L. 1994, 240.4, as amended by Section 9, Chapter 365, O.S.L. 1994 and Section 3, Chapter 156, O.S.L. 1993, as amended by Section 1, Chapter 69, O.S.L. 1995 (56 O.S. Supp. 1996, Sections 237.7, 237.5,

237.6, 238.4, 240.4 and 241.1), which relate to child support; updating, clarifying and modifying definitions; updating and clarifying child support enforcement provisions; prohibiting delinquent from receipt of food stamps; requiring electronic benefit identification devices to contain photographs; requiring certain replacement fees; requiring grandparental responsibility for certain support; requiring certain persons to provide support of certain aliens; providing for computation of income; creating the Welfare and Child Support Collection Verification Act; defining terms; requiring the Department of Human Services to design, implement and operate a bank match reporting system; providing purpose; authorizing certain agreements; providing for content; requiring certain information; making release of certain information not a violation of confidentiality laws; requiring certain information; providing for procedures; providing for release of certain information to the State Banking Commissioner and the Department of Human Services; providing for use of information; requiring certain reports of fraud; providing for confidentiality and unlawful disclosures; making certain releases unlawful; making certain actions unlawful; creating an advisory committee; providing for appointment and membership; specifying duties; providing for program sharing with other states; providing conditions and restrictions; prohibiting certain disclosures; providing exceptions; providing for liability; specifying certain

penalties; authorizing certain fees; amending 12 O.S. 1991, Section 1171.3, as amended by Section 23, Chapter 356, O.S.L. 1994 (12 O.S. Supp. 1996, Section 1171.3), which relates to income assignments; updating and clarifying language; amending Section 34, Chapter 356, O.S.L. 1994 (40 O.S. Supp. 1996, Section 2-802), which relates to employer reporting obligations; making reporting mandatory; amending 43 O.S. 1991, Section 118, as last amended by Section 13, Chapter 1, O.S.L. 1995 (43 O.S. Supp. 1996, Section 118), which relates to child support determination; updating language; amending 56 O.S. 1991, Sections 502, 503, 504 and 509, which relate to Community Work Experience Program; updating language; removing certain exceptions; requiring training; amending Section 3, Chapter 336, O.S.L. 1993, as last amended by Section 1, Chapter 321, O.S.L. 1996 (56 O.S. Supp. 1996, Section 1010.3), which relates to the Oklahoma Medicaid Healthcare Options System; updating language; amending 63 O.S. 1991, Section 1-311.1, which relates to vital records; requiring social security numbers on certain documents; removing outdated language; amending 70 O.S. 1991, Section 1210.552, which relates to certain funds; updating language; amending Section 28, Chapter 346, O.S.L. 1995 (74 O.S. Supp. 1996, Section 166.6), which relates to disability benefits project; amending 11 O.S. 1991, Sections 48-103, 49-126, as amended by Section 4, Chapter 322, O.S.L. 1993 and 50-124, as amended by Section 5, Chapter 322, O.S.L. 1993 (11 O.S. Supp. 1996,

Sections 49-126 and 50-124), 19 O.S. 1991, Section 959, 20 O.S. 1991, Section 1111, as amended by Section 7, Chapter 322, O.S.L. 1993 (20 O.S. Supp. 1996, Section 1111), 29 O.S. 1991, Section 3-306, as last amended by Section 4, Chapter 81, O.S.L. 1995 (29 O.S. Supp. 1996, Section 3-306), 47 O.S. 1991, Section 2-303.3, as amended by Section 12, Chapter 322, O.S.L. 1993 (47 O.S. Supp. 1996, Section 2-303.3), 70 O.S. 1991, Section 17-109, as amended by Section 17, Chapter 322, O.S.L. 1993 (70 O.S. Supp. 1996, Section 17-109) and 74 O.S. 1991, Section 923, as amended by Section 28, Chapter 322, O.S.L. 1993 (74 O.S. Supp. 1996, Section 923), which all relate to various retirement systems; providing for support of minor children from benefits; prohibiting issuance of food stamps unless child support is paid; limiting assistance to aliens to that specified by federal law; authorizing recipients be allowed savings without loss of certain assistance; requiring certain income disregard and pass-throughs; requiring certain adjustments; providing for the setting of certain benefit levels; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.1), is amended to read as follows:

Section 230.1 A. This act shall be known and may be cited as the "Oklahoma Welfare ~~Self Sufficiency Initiative~~ Reform Act of 1997".

B. The Department of Human Services shall ~~carry~~ be responsible for:

1. Implementing the federal Temporary Assistance for Needy Families Act (TANF);

2. Carrying out the projects and programs specified in the Oklahoma Welfare ~~Self Sufficiency Initiative~~ Reform Act of 1997 and shall implement the provisions of the Oklahoma Welfare ~~Self Sufficiency Initiative~~ Reform Act of 1997 to the fullest extent permitted by law in accordance with the terms and conditions ~~granted~~ specified by the federal government.;

~~C. The Department of Human Services shall:~~

~~1. Submit any federal waiver requests and apply for and otherwise seek to obtain any amendments and exemptions from federal statutes and rules as necessary to implement the provisions of the Oklahoma Welfare ~~Self Sufficiency Initiative~~ not later than January 1, 1996;~~

~~2. Expedite~~ 3. Expediting the acquisition of any federal waivers necessary to implement the provisions of the Oklahoma Welfare ~~Self Sufficiency Initiative~~ Reform Act of 1997 through amendments, combined waivers, requests and in any other such manner authorized by federal law and ~~rules~~ regulations; and

~~3. Work~~ 4. Working in close and continuous coordination with appropriate federal officials and ~~prepare~~ preparing and ~~submit~~ submitting completely and in a timely manner all forms and data required by such federal officials to implement the Oklahoma Welfare ~~Self Sufficiency Initiative~~ Reform Act of 1997.

~~D. Upon receipt of approval of any waivers, exemptions or amendments from the federal Department of Health and Human Services or prior to implementation of any of the programs provided for in the Oklahoma Welfare Self Sufficiency Initiative, the~~

C. The Department shall not:

1. Commit or expend any funds from TANF block grants or child care grants;

2. Expand or extend any program or initiate new programs subject to and within the TANF program without specified legislative authorization.

D. The Commission for Human Services shall promulgate rules for developing any projects and programs ~~provided for in~~ to implement the Oklahoma Welfare Self Sufficiency Initiative Reform Act of 1997.

~~E.~~ E. 1. The Department of Human Services is directed to file with the Speaker of the House of Representatives and the President Pro Tempore of the Senate a copy of each waiver application or request for amendment or exemption filed with the federal government, copies of correspondence to and from the federal government explaining and elaborating upon said applications, and final documentation of any waivers, amendments, and exemptions granted by the federal government.

2. On February 1 of each year, the Department shall provide a written report on each project specified in the Oklahoma Welfare ~~Self Sufficiency Initiative~~ Reform Act of 1997 to the Legislature and the Governor which identifies:

a. the status of ~~the waiver~~ any program specified by the Oklahoma Welfare Reform Act of 1997,

b. the number of active participants, and

c. ~~demonstration~~ projects which will be completed prior to the beginning of the next regular legislative session. ~~The Department shall include in the report~~

~~required by this section recommendations for statewide implementation of any such demonstration projects.~~

~~F. 1. Each provision of the Oklahoma Welfare Self Sufficiency Initiative, shall, regardless of whether it includes a specific provision for federal approval, be subject to federal approval, if required, and federal financial participation.~~

~~2. If the state fails to receive a waiver for any provision of the Oklahoma Welfare Self Sufficiency Initiative or would otherwise fail to receive federal financial participation in the implementation of such provision, then such provision shall not be implemented, except as otherwise required by the Legislature, or unless and until the full amount required for implementation of the provision without federal participation is appropriated by the Legislature.~~

~~G. 1. Except as specifically provided by the Oklahoma Welfare Self Sufficiency Initiative, the Department shall implement each project and program required by the Oklahoma Welfare Self Sufficiency Initiative as a demonstration project.~~

~~2. F.~~ Except as otherwise provided by the Oklahoma Welfare Self Sufficiency Initiative Reform Act of 1997, the Department shall not implement on a statewide basis any of the ~~demonstration~~ projects or programs provided for in the Oklahoma Welfare Self Sufficiency Initiative Reform Act of 1997 unless specifically authorized to do so by the Legislature.

SECTION 2. AMENDATORY Section 2, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.2), is amended to read as follows:

Section 230.2 The Department of Human Services, in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services, shall implement a demonstration project which will test and evaluate elimination of the 100-hour rule under the ~~Aid to Families with Dependent Children~~



~~(AFDC)~~ Temporary Assistance for Needy Families (TANF) program. For purposes of this section, the "100-hour rule" means the limit on the number of hours a recipient may work and be considered unemployed for eligibility purposes, pursuant to the program. The recipient shall be ineligible for benefits if the total income considered after disregards are applied exceeds the standard of need.

SECTION 3. AMENDATORY Section 3, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.3), is amended to read as follows:

Section 230.3 The Department of Human Services, ~~in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services,~~ shall implement a demonstration statewide 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)~~ Three Thousand Dollars (\$3,000.00) from the determination of resources available to meet the needs of an applicant for or recipient of benefits under the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) program.

SECTION 4. AMENDATORY Section 4, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.4), is amended to read as follows:

Section 230.4 A. ~~The Department of Human Services, in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services,~~ shall implement a ~~demonstration project which provides that a participant in the Job Opportunities and Basic Skills (JOBS) program shall~~ Except as specifically authorized by law, a recipient shall only be eligible to receive ~~payments under the Aid to Families with Dependent Children (AFDC)~~ benefits pursuant to the Temporary Assistance for Needy Families (TANF) program for a lifetime total of ~~thirty-six (36)~~ months out of a sixty-month period. After such time, any

~~participant in the JOBS program who has been unsuccessful in finding unsubsidized employment shall participate in a workfare program; provided, however, this requirement shall not apply to a recipient participating in the work supplementation program or the work experience program.~~

~~B. As used in this section, "workfare" means a community work experience program in which a recipient of benefits under the AFDC program who is eligible for the JOBS program is required to work a minimum of twenty-four (24) hours per week in a community service, public works or private sector job in order to receive an AFDC grant, regardless of the size of the grant sixty (60) months.~~

B. A recipient is only eligible to receive benefits pursuant to the Oklahoma Welfare Reform Act of 1997 for a total of thirty-six (36) consecutive months out of any sixty-month period.

C. Any recipient receiving benefits pursuant to the Oklahoma Welfare Reform Act of 1997 shall be required to participate in work activities after receiving assistance for twenty-four (24) months.

SECTION 5. AMENDATORY Section 5, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.5), is amended to read as follows:

Section 230.5 A. The Department of Human Services, ~~in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services,~~ shall conduct a demonstration project in five counties to test "fill-the-gap" budgeting and to determine whether such an approach leads to improved rates of employment entry and employment retention by recipients in the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) program.

B. In the affected counties, if a family's net nonexempt earned income is below the need standard, the amount of assistance to be paid to the family shall be determined by subtracting the family's net nonexempt earned income from the need standard.

SECTION 6. AMENDATORY Section 6, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.6), is amended to read as follows:

Section 230.6 A. The Department of Human Services, in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services, shall conduct a demonstration project to revise applicable standards and rules which will allow a recipient of assistance under the Medicaid and ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) programs, who becomes employed, to continue to receive transitional Medicaid and child care assistance for ~~twenty-four (24)~~ eighteen (18) months following the initial date of employment unless:

1. The employer provides medical assistance or child care benefits; or

2. The monthly salary received from the employer exceeds the monthly allowance of assistance pursuant to the ~~AFDC~~ TANF program plus the cost of child care and medical insurance to which the recipient would be entitled.

B. The Commission for Human Services shall revise applicable standards and rules to allow ~~an AFDC~~ a TANF recipient, who becomes employed, to receive case management and transitional support services, pursuant to the Family Support Act of 1988, for a period of ninety (90) days. Such services shall include, but not be limited to, transportation assistance, ensuring that the family receives transitional Medicaid and child care, ensuring that the family is familiar with and applies for the Earned Income Tax Credit, and assistance with any other problems which emerge in the initial months of employment.

SECTION 7. AMENDATORY Section 10, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.8), is amended to read as follows:

Section 230.8 In order to establish an incentive program for the immunization of minor children pursuant to the State Department of Health immunization schedule, the Department of Human Services, ~~in accordance with the terms and conditions of a waiver granted by the federal Department of Health and Human Services,~~ shall eliminate benefits for recipients under the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) program if, upon recertification of a recipient for the ~~AFDC~~ TANF program, the recipient fails to show proof of immunization for the recipient's minor children. Proof of immunization shall be accomplished by presentation of the vaccination record by the recipient issued by the local health officer or a physician.

SECTION 8. AMENDATORY Section 14, Chapter 346, O.S.L. 1995, as amended by Section 27, Chapter 353, O.S.L. 1996 (56 O.S. Supp. 1996, Section 230.9), is amended to read as follows:

Section 230.9 A. Except as provided in subsection B of this section, if a person applying for benefits under the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) program is a minor, has never married and is pregnant or has a dependent child in such minor's care, the minor shall not be eligible for benefits unless the minor lives in a place maintained by the minor's parent, legal guardian or other adult relative as the parent's, legal guardian's or other adult relative's own home, or unless the minor lives in foster placement, a maternity home or other supportive living arrangement supervised by an adult.

B. Subsection A of this section shall not apply if:

- ~~1. The minor applying for benefits has no parent, legal guardian or adult relative, or none whose whereabouts are known;~~
- ~~2. No parent, legal guardian or adult relative of the minor applying for benefits allows such minor to live in the home of that parent, legal guardian or adult relative;~~

~~3. The Department determines that the physical or emotional health or safety of the minor applying for benefits or of the minor's dependent child would be jeopardized if the minor and the minor's dependent child lived with the minor's parent, legal guardian or adult relative;~~

~~4. The minor applying for benefits lived apart from the minor's parent, legal guardian or adult relative for at least one (1) year before the birth of any dependent child of the minor or before the minor applied for benefits; or~~

~~5. The the minor person is legally emancipated pursuant to Chapter 4 of Title 10 of the Oklahoma Statutes.~~

SECTION 9. AMENDATORY Section 15, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.10), is amended to read as follows:

Section 230.10 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 this section.~~

~~B.~~ 1. Except as otherwise provided in paragraph 4 of this subsection, for families receiving benefits pursuant to the ~~AFDC~~ Temporary Assistance for Needy Families (TANF) program, the Commission shall provide that the increment in benefits under the program for which that family would otherwise be eligible as a result of the birth of an additional child:

- a. during the period in which the family is eligible for ~~AFDC~~ TANF benefits, or
- b. during a temporary period in which the family or recipient is ineligible for ~~AFDC~~ TANF 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,

shall be paid pursuant to a voucher as provided in paragraph 2 of this subsection.

2. In the case of a family that receives ~~AFDC~~ TANF benefits if the recipient gives birth to an additional child during the period in which the family is eligible for ~~AFDC~~ TANF benefits or during a temporary penalty period of ineligibility for benefits, subsequent to which the family of the adult recipient again becomes eligible for benefits, the Department shall not issue incremental benefits for such additional child to the recipient but shall instead issue a voucher for ~~the~~ an amount of ~~the incremental benefit that such recipient would have received for the additional child~~ not more than Fifty Dollars (\$50.00) a month, upon request by the recipient. The voucher shall be made payable, on behalf of the recipient, for infant and toddler clothing, food, and other articles of necessity for the infant and toddler, in such manner as authorized pursuant to rules of the Commission for Human Services.

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

4. 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 the ~~AFDC~~ TANF program 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 10. AMENDATORY Section 18, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.11), is amended to read as follows:

Section 230.11 A. Except as otherwise provided in this section, any applicant who makes application with the Department of

Human Services for benefits under the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF)

program in order to be eligible for such assistance, shall provide the name of the person or persons alleged to be legally responsible for the support of a child, and if known, the address and employer of the person or persons alleged to be legally responsible for the support of such child prior to receipt of any such assistance.

B. 1. If the specific person or persons legally responsible for the support of the child are unknown, the applicant for ~~AFDC~~ TANF 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.

2. If the applicant does not provide the Department with the identity of the person or persons alleged to be legally responsible for the support of the child, the applicant shall be ineligible to continue to receive such assistance unless the Department determines that the applicant or recipient or a child of the applicant or recipient would more likely than not be subject to abuse for identifying the person or persons alleged to be responsible for the support of the child.

3. The Department shall promulgate policies and rules which will standardize the decision process for determining eligibility pursuant to this paragraph.

C. The Department of Human Services shall determine the father for each minor child for whom benefits are received under the ~~AFDC~~ TANF program.

SECTION 11. AMENDATORY Section 21, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.12), is amended to read as follows:

Section 230.12 A. Any person who applies and is otherwise eligible to receive benefits pursuant to the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families

(TANF) 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 the last state of residence pursuant to the ~~AFDC~~ TANF 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 ~~AFDC~~ TANF program, an applicant shall 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 ~~AFDC~~ TANF program made on or after implementation of the provisions of this section.

SECTION 12. AMENDATORY Section 22, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.13), is amended to read as follows:

Section 230.13 The Department of Human Services shall ensure, to the fullest extent possible, that any recipient of benefits under the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) and the food stamp programs, who may qualify for receipt of the Earned Income Tax Credit (EITC), pursuant to 26 U.S.C., Section 32(a-j), applies for such credit. The Department shall have EITC forms readily available and shall provide assistance and encouragement to those wishing to apply for the EITC.



SECTION 13. AMENDATORY Section 24, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.15), is amended to read as follows:

Section 230.15 A. The Department of Human Services shall establish and maintain a statewide incoming areawide telephone service hot line for the purpose of reporting suspected cases of welfare eligibility fraud, ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) fraud and food stamp fraud.

B. The Commission for Human Services shall promulgate rules to enact the provisions of this section, and shall include in such rules procedures which address false reports and issues of confidentiality.

SECTION 14. AMENDATORY Section 25, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.16), is amended to read as follows:

Section 230.16 A. 1. The Department of Human Services shall establish and operate a fraud control program. The Department shall proceed against any individual member of a family, regardless of payment status under the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) program, whom it believes to have committed an intentional program violation pursuant to federal law through an administrative hearing or by referring the matter to the appropriate authorities for civil or criminal action in a state or federal court.

2. In proceeding against such an individual, the Department shall coordinate its actions with any corresponding actions being taken under Medicaid fraud programs where the factual issues arise from the same or related circumstances.

B. Any person who has intentionally committed a program violation pursuant to the Oklahoma Welfare Reform Act of 1997 shall, in addition to any other penalties provided by law, be liable for:

1. Full restitution to the Department of Human Services and the Oklahoma Health Care Authority of all funds or payments received in violation of the Oklahoma Welfare Reform Act of 1997; and

2. The cost of investigation, litigation, and attorney fees, which shall be deposited to the General Revenue Fund.

C. 1. In addition to the penalties imposed by subsection B of this section, any person who has intentionally committed a program violation pursuant to the Oklahoma Welfare Reform Act of 1997 shall be liable for one of the following penalties:

a. a civil penalty of two times the amount of restitution and interest thereon from date of judgment, which shall be deposited to the General Revenue Fund, or

b. a civil penalty in the sum of Two Thousand Dollars (\$2,000.00) and interest thereon from date of judgment for each false or fraudulent claim, statement, or representation submitted for obtaining services, which shall be deposited to the General Revenue Fund.

2. A criminal action need not be brought against the person before civil liability attaches under this section.

D. In addition to the sanctions provided by the provisions of this section, upon the conviction of or the entry of an administrative, civil or criminal judgment against any person wherein fraud on the person's part is involved, such person shall become permanently ineligible for any future benefits authorized pursuant to the Oklahoma Welfare Reform Act of 1997.

SECTION 15. AMENDATORY Section 26, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.17), is amended to read as follows:

Section 230.17 A. The Department of Human Services shall provide case management services to a targeted group of recipients under the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) program to prevent or break the

cycle of repeated or lengthening receipt of assistance. The targeted groups shall include teen custodial parents, long-term ~~AFDC~~ TANF recipients and ~~AFDC~~ TANF recipients with a history of repeated receipt of benefits. Case management services shall include, but not be limited to:

1. Intensive and in-depth individual assessment of a recipient's education, training and employment needs;
2. Development of an employability plan which incorporates the findings of the assessment; and
3. Close follow-up of program implementation requirements and participation pursuant to a personal responsibility agreement as provided in Section ~~27~~ 230.18 of this ~~act~~ title.

B. The Department of Human Services is hereby directed to develop policy outlining procedural and educational expectations for recipients of benefits under the ~~AFDC~~ TANF program.

SECTION 16. AMENDATORY Section 27, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 230.18), is amended to read as follows:

Section 230.18 A. The Department of Human Services shall require services to be provided to each applicant or recipient of benefits in any program according to a written personal responsibility agreement. The agreement shall be:

1. Written in English, Spanish or other language, according to the applicant's or recipient's needs;
2. Signed by the applicant or recipient;
3. Signed by the parent of the applicant or recipient, if the applicant or recipient is under eighteen (18) years of age;
4. Signed by the case manager, for the applicant or recipient and the recipient's family; and
5. Reviewed by both the applicant or recipient and the case manager at least once a year. The agreement may be revised from

time to time according to the needs of the recipient, the recipient's family and the program.

B. The personal responsibility agreement shall set forth the specific responsibilities of the recipient, at a minimum, to:

1. Develop a detailed plan for achieving self-sufficiency;

2. Acknowledge that additional benefits pursuant to the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) program will be paid for a child born more than ten (10) months after the recipient qualifies for assistance only pursuant to a voucher system;

3. If the recipient is a minor parent, live in a place maintained by the recipient's parents, legal guardian or other adult relative as the parent's, legal guardian's or other adult relative's own home, or live in a foster home, maternity home or other supportive living arrangement supervised by an adult in order to receive ~~AFDC~~ TANF benefits;

4. Accept responsibility for ensuring that the recipient's child complies with the attendance requirements of the local school district and attends school until the child of the recipient either:

a. graduates from high school or attains a high school equivalency certificate, or

b. becomes nineteen (19) years of age,

whichever occurs first,

5. Accept responsibility for attending any classes required by a program at least ninety percent (90%) of the time;

6. Immunize the recipients' minor children pursuant to the State Department of Health's immunization schedule;

7. ~~Register and participate as funds are available, in the Job Opportunities and Basic Skills (JOBS)~~ Participate in the state's Work Activity program;

8. Be available for and actively seek and maintain employment and accept any reasonable employment as soon as it becomes available ~~if~~ as required by the program;

9. Participate in any educational or training program required by the Department; and

10. Participate in a community service, public works or private sector job for a minimum of twenty-four (24) hours per week regardless of the amount of the ~~AFDC~~ TANF grant if the recipient has been unsuccessful in finding unsubsidized employment; provided, that this requirement shall not apply to a recipient participating in the work supplementation program or the work experience program.

C. ~~AFDC~~ TANF benefits shall be denied to a recipient who fails to comply with the requirements of the personal responsibility agreement pursuant to this section until such time as the Department determines that the recipient is once again in compliance with the personal responsibility agreement.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.19 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall require drug tests of any applicant for assistance pursuant to this section prior to granting such assistance.

B. The tests shall only be performed at drug testing laboratories licensed by the State Department of Health pursuant to the requirements of the Standards For Workplace Drug and Alcohol Testing Act, and the tests shall only be performed in accordance with the other procedures as required by said act.

C. 1. The Department shall refuse to grant assistance to any applicant who refuses to take a drug test if so requested by the Department or submits to the tests and the tests reveal that the applicant is illegally using any controlled dangerous substance.

2. The Department shall eliminate benefits for recipients under the Temporary Assistance for Needy Families (TANF) program, if a positive test reveals the recipient is illegally using any controlled dangerous substances.

D. The Department shall pay for any drug test required of the applicant pursuant to this section.

E. The Commission for Human Services shall promulgate rules to implement the provisions of this section.

SECTION 18. AMENDATORY 56 O.S. 1991, Section 175, is amended to read as follows:

Section 175. It shall be the duty of the county department in the several respective counties in accordance with the rules ~~and regulations~~ of the Commission for Human Services to take the initiative in ascertaining the need for assistance of persons eligible for assistance ~~under the provisions of subsection (c) of Section 164 of~~ pursuant to this title and report in writing on forms furnished by the Department of Human Services its recommendations showing the nature of the need for assistance, the kind and amount of assistance needed in each case. The Department shall have authority to enter into agreements with physicians, nurses, hospitals, agencies, laboratories and individuals for the purpose of carrying into effect ~~the provisions of subsection (c) of Section 164 of this title~~ its responsibilities specified by law. All claims approved for payment under this section shall be drawn against the Human Services Medical and Assistance Fund and paid in the same manner as other expenditures.

SECTION 19. AMENDATORY Section 3, Chapter 291, O.S.L. 1992, as amended by Section 13, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 234.1), is amended to read as follows:

Section 234.1 A. ~~The Commission for Human Services, on or before August 1, 1995, shall request an amendment to the approved waiver from the Secretary of the federal Department of Health and~~

~~Human Services which authorized the Department of Human Services to waive the provisions of 45 C.F.R., paragraph 250.30(b)(1)(i) by lowering to age thirteen (13) the exemption from the required JOBS program, so that compulsory school attendance for a child thirteen (13) years of age to eighteen (18) 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. The amendment shall request the federal Department of Health and Human Services to authorize the Department of Human Services to additionally waive the provisions of 45 C.F.R., paragraph 250.30(b)(1) by lowering the exemption from the required JOBS program to Compulsory school attendance for a child at the age at which a the child is eligible to attend kindergarten so that participation in the AFDC program is conditioned upon compulsory school attendance for a child who is eligible to attend kindergarten to a child twelve (12) years of age first grade to eighteen (18) years of age, unless the child is being home educated as per the Oklahoma Constitution and statutes shall be a condition for participation in the Temporary Assistance for Needy Families (TANF) program.~~

~~C. After approval of the amended waiver, the B. The Commission for Human Services shall promulgate rules for implementing the amended waiver through the demonstration project originally prepared and planned pursuant to subsection A provisions of this section which will authorize the Department to deny a recipient of benefits under the ~~Aid to Families with Dependent Children (AFDC)~~ TANF program that portion of payments which relate to an individual who fails to comply with the requirements of this section.~~

~~D. Denial of the request for an amendment to the approved waiver from the federal Department of Health and Human Services shall not affect the implementation of the waiver originally~~

~~approved. If in denying the request for an amendment, the federal Department of Health and Human Services indicates that a separate waiver is required for implementation of the provisions of subsection B of this section, the Department shall pursue a new waiver to implement the provisions of subsection B of this section.~~

~~E. Upon receipt of an evaluation of the demonstration project established pursuant to this section by a public or private contractor which indicates that expansion of the demonstration project on a statewide basis is economically feasible and practical, the Commission for Human Services shall promulgate rules, subject to legislative review, for developing a statewide program for denying a recipient of benefits under the Aid to Families with Dependent Children (AFDC) program that portion of payments which relate to a child who is eligible to attend kindergarten to eighteen (18) years of age, who has not complied with the attendance requirements of the local school district.~~

SECTION 20. AMENDATORY Section 1, Chapter 354, O.S.L. 1995 (43 O.S. Supp. 1996, Section 139), is amended to read as follows:

Section 139. The Legislature finds and declares that child support is a basic legal right of the state's parents and children, that mothers and fathers have a legal obligation to provide financial support for their children and that child support payments can have a substantial impact on child poverty and state welfare expenditures. It is therefore the Legislature's intent to encourage payment of child support to decrease overall costs to the state's taxpayers while increasing the amount of financial support collected for the state's children by ~~authorizing~~ requiring the district courts of this state and the Department of Human Services to order the revocation or suspension of, or nonissuance or nonrenewal of, an occupational, professional or business license ~~or,~~ any recreational license or permit including but not limited to a hunting and fishing



license or other authorization issued pursuant to the Oklahoma Wildlife Conservation Code, certificates of title for vessels and motors and other licenses of registration issued pursuant to the Oklahoma Vessel and Motor Registration Act, and the driving privilege of or to order probation for a parent who is in noncompliance with an order for support for at least ninety (90) days.

SECTION 21. AMENDATORY Section 2, Chapter 354, O.S.L. 1995, as amended by Section 18, Chapter 97, O.S.L. 1996 (43 O.S. Supp. 1996, Section 139.1), is amended to read as follows:

Section 139.1 A. As used in this section, Section 230.3 of Title 56 of the Oklahoma Statutes, and Section 6-201.1 of Title 47 of the Oklahoma Statutes:

1. "Licensing board" means any bureau, department, division, board, agency or commission of this state or of a municipality in this state that issues a license;

2. "Noncompliance with an order for support" means that the obligor has failed to make child support payments required by a child support order in an amount equal to the child support payable for at least ninety (90) days or has failed to make full payments pursuant to a court-ordered payment plan for at least ninety (90) days or has failed to obtain or maintain health insurance coverage as required by an order for support for at least ninety (90) days;

3. "Order for support" means any judgment or order for the support of dependent children issued by any court of this state or other state or any judgment or order issued in accordance with an administrative procedure established by state law that affords substantial due process and is subject to judicial review;

4. "Department" means the Department of Human Services;

5. "License" means a license, certificate, registration, permit, approval or other similar document issued by a licensing board granting to an individual a right or privilege to engage in a

profession, occupation, or business, any recreational licenses or permits including but not limited to hunting and fishing licenses or other authorizations issued pursuant to the Oklahoma Wildlife Conservation Code, certificates of title for vessels and motors and other licenses or registrations issued pursuant to the Oklahoma Vessel and Motor Registration Act, or a driver license or other permit issued pursuant to Title 47 of the Oklahoma Statutes;

6. "Obligor" means the person who is required to make payments pursuant to an order for support;

7. "Person entitled" means:

- a. a person to whom a support debt or support obligation is owed,
- b. the Department of Human Services or a public agency of another state that has the right to receive current or accrued support payments or that is providing support enforcement services, or
- c. a person designated in a support order or as otherwise specified by the court; and

8. "Payment plan" includes, but is not limited to, a plan approved by the court that provides sufficient security to ensure compliance with a support order and/or that incorporates voluntary or involuntary income assignment or a similar plan for periodic payment on an arrearage and, if applicable, current and future support.

B. 1. Except as otherwise provided by this subsection, the district courts of this state ~~are hereby authorized to~~ shall order the revocation or suspension of, or nonissuance or nonrenewal of, a license or the placement of the obligor on probation who is in noncompliance with an order for support.

2. If the obligor is a licensed attorney, the court may report the matter to the Oklahoma Bar Association for appropriate action in accordance with the rules of professional conduct.

3. Pursuant to Section 6-201.1 of Title 47 of the Oklahoma Statutes, the district courts of this state ~~are hereby authorized to~~ shall order the revocation or suspension of, or nonissuance or nonrenewal of, a driver license of an obligor who is in noncompliance with an order of support. In addition, the court may, in case of extreme and unusual hardship, provide for a modification of the issuance or renewal, revocation, or suspension of the driver license of an obligor who is in noncompliance with an order of support.

4. The remedy under this section is in addition to any other enforcement remedy available to the court.

C. 1. At any hearing involving the support of a child, if the district court finds evidence presented at the hearing that an obligor is in noncompliance with an order for support and the obligor is licensed or is applying for licensure by any licensing board, the court, in addition to any other enforcement action available, may direct the licensing board to suspend ~~or~~ revoke or not renew the license of or issue a license to the obligor who is in noncompliance with the order of support until the obligor no longer is delinquent in the payments.

2. Upon a showing that a suspension or revocation or continued suspension or revocation of, or nonissuance or nonrenewal of, a license would create a significant hardship to the obligor, to the obligor's employees, to legal dependents residing in the obligor's household, or to persons, businesses, or other entities served by the obligor, the court may place the obligor on probation and allow the obligor to practice or continue to practice the obligor's profession, occupation or business. Probation shall be conditioned upon full compliance with the order. If the court grants probation, the probationary period shall not exceed three (3) years, and the terms of probation shall provide for automatic suspension or revocation of the license if the obligor does not provide monthly

proof to the court and to the person entitled to support of full compliance with the order. Proof of payment may be filed with the court clerk in the manner and form as required by the court.

D. 1. When the court determines that the support debt or support obligation is paid in full, it shall direct the licensing board to terminate the order of suspension or revocation of or to renew the license or probation of the obligor. The court shall send a copy of the order to the licensing board, the obligor and the person entitled to support.

2. Entry of this order does not limit the ability of the court to issue a new order requiring the licensing board to revoke or suspend or not renew the license of the same obligor in the event of another delinquency.

E. 1. The court shall not lift the suspension or revocation of, or nonissuance or nonrenewal of, the license or terminate the probation of the obligor until the obligor files with the court proof showing that the obligor is current in the obligor's payments as required by the court.

2. Before the court orders termination of probation or removal of a suspension ~~or,~~ revocation, or nonrenewal or nonissuance, the court shall provide written notice by certified mail, return receipt requested, to the person entitled to child support informing the person that the obligor has proven to the satisfaction of the court that the obligor is current in the payments. The notice shall also include an opportunity for the person entitled to child support to protest the termination ~~or,~~ removal, renewal or issuance, upon a claim and proof that the obligor is not current in the obligor's payments. A protest must be commenced within thirty (30) days of receipt of the notice and, upon the filing of a protest, the matter shall be set for hearing. At the hearing, the obligor shall submit proof that the obligor is current in the payments as required by the court.

F. Upon receipt of a court order to suspend or revoke the license of an obligor or end probation, the licensing board shall implement the suspension or revocation of the license or placement of the obligor on probation by:

1. Determining if the licensing board has issued a license to the individual whose name appears on the order for support;

2. Notifying the obligor of the suspension, revocation or probation;

3. Demanding surrender of the license, if required;

4. Entering the suspension or revocation of the license or probation on the appropriate records; and

5. Reporting the suspension or revocation of the license or the probation as appropriate.

G. Upon receipt of a court order to not renew or not issue the license of an obligor, the licensing board shall implement the nonrenewal of the license by:

1. Determining if the licensing board has received an application from the individual whose name appears on the order of support and an application has been submitted for renewal or issuance of such license;

2. Notifying the obligor of the nonrenewal or nonissuance;

3. Entering the nonrenewal or nonissuance of the license on the appropriate records; and

4. Reporting the nonrenewal or nonissuance of the license as appropriate.

H. An order, issued by the court, directing the licensing board to suspend ~~or~~, revoke or not issue or renew the license of the obligor or place the obligor on probation shall be processed by the licensing board without any additional review or hearing. An order, issued by the court, directing the licensing board to suspend ~~or~~, revoke or not issue or renew the license of the obligor or place the obligor on probation shall be implemented by the licensing board and

shall continue until the court, judicial court of review, or Court of Civil Appeals advises the licensing board by order that the suspension ~~or~~, revocation ~~or~~, probation, or nonissuance or nonrenewal is terminated.

~~H.~~ I. The licensing board has no jurisdiction to modify, remand, reverse, vacate, or stay the order of the court for the suspension or revocation of, or nonissuance or nonrenewal of, a license or placement of the obligor on probation.

~~I.~~ J. In the event of suspension, revocation, or nonrenewal or nonissuance of a license, or a probation of the obligor, any funds paid by the obligor to the licensing board for costs related to issuance, renewal, or maintenance of a license shall not be refunded to the obligor.

~~J.~~ K. A licensing board may charge the obligor a fee to cover the administrative costs incurred by the licensing board to administer the provisions of this section. Fees collected pursuant to this section by a licensing board which has an agency revolving fund shall be deposited in the agency revolving fund for the use by the licensing board to pay the costs of administering this section. Otherwise, the administrative costs shall be deposited in the General Revenue Fund of the state.

~~K.~~ L. Each licensing board shall promulgate rules necessary for the implementation and administration of this ~~section~~ act.

~~L.~~ M. The licensing board is exempt from liability to the obligor for activities conducted in compliance with this ~~section~~ act.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 139.2 of Title 43, unless there is created a duplication in numbering, reads as follows:

Any licensing board in this state may, in addition to the powers and duties guaranteed to it by law, and without a court order, refuse to issue or reissue any license subject to the licensing

board's jurisdictional area. Refusal to issue or reissue a license on the grounds of failure to pay child support shall require the licensing board to provide notice to the obligor of the nonissuance or nonrenewal and an opportunity for a hearing pursuant to the provisions of the enabling statutes granting regulatory authority to the licensing board.

SECTION 23. AMENDATORY 56 O.S. 1991, Section 240, as renumbered by Section 14, Chapter 365, O.S.L. 1994, and as last amended by Section 3, Chapter 354, O.S.L. 1995 (56 O.S. Supp. 1996, Section 237.7), is amended to read as follows:

Section 237.7 For the purposes of Sections 238 through 240.14 of this title:

1. The "Child Support Enforcement Division of the Department of Human Services", hereinafter referred to as the "Division" or as the "Department", is the state agency designated to administer the child support enforcement program for the State of Oklahoma and its district offices, which may be administered through contract or cooperative agreements. The District Offices provide enforcement services to individuals receiving ~~Aid to Families with Dependent Children~~ Temporary Assistance for Needy Families, hereinafter referred to as "~~AFDC~~ TANF", and to individuals not receiving ~~AFDC~~ TANF who have made proper application for enforcement services to the Division;

2. "Office of Administrative Hearings: Child Support (Legal Division, Department of Human Services, State of Oklahoma)", hereinafter referred to as "OAH", conducts child support enforcement administrative hearings. All hearings are conducted by administrative law judges assigned to OAH;

3. "Support debt" means a debt owed to the State of Oklahoma by the natural, legal or adoptive parents who are responsible for support of a child or children receiving public assistance money from the Department or the reasonable expenses of providing for a

child or children. The amount of the debt shall be determined in accordance with the provisions of Section 118 of Title 43 of the Oklahoma Statutes;

4. "Arrearage" means the total amount of unpaid support obligations;

5. "Delinquency" means any payment under an order for support which becomes due and remains unpaid;

6. "Gross income", "income" or "earnings" means income from any source and includes but is not limited to income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, rent, interest income, trust income, annuities, compensation as an independent contractor, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, any form of periodic payment to an individual regardless of source, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by law. Income specifically excluded are actual child support received for children not before the court and benefits received from means-tested public assistance programs, including but not limited to ~~AFDC~~ TANF, Supplemental Security Income (SSI), Food Stamps, General Assistance and State Supplemental Payments for Aged, Blind and the Disabled.

For purposes of computing gross income of the parents, gross income shall include for each parent all actual monthly income described in this paragraph, the average of the gross monthly income for the time actually employed during the previous three (3) years, or the minimum wage paid for a forty-hour week, whichever is the most equitable. If equitable, gross monthly income for either parent may be imputed in an amount that a person with comparable education, training and experience could reasonably expect to earn. If a person is permanently physically or mentally incapacitated, the



child support obligation shall be computed on the basis of actual monthly gross income;

7. "Disposable income" means income or earnings less any amounts required by law to be withheld, including but not limited to federal, state, and local taxes, Social Security, and public assistance payments;

8. "Obligor" means the person who is required to make payments under an order for support and/or the natural, legal, or adoptive parents who are responsible for the support of such child or children;

9. "Person entitled" means:

- a. a person to whom a support debt or support obligation is owed,
- b. the Department of Human Services or a public agency of another state that has the right to receive current or accrued support payments or that is providing support enforcement services, or
- c. a person designated in a support order or as otherwise specified by the court;

10. "Payor" means any person or entity paying monies, income or earnings to an obligor. In the case of a self-employed person, the "payor" and "obligor" may be the same person;

11. "Support order" means an order for the payment of support issued by a district or administrative court of this state or by any court or agency of another state;

12. "Income assignment" is a provision of a support order which directs the obligor to assign a portion of the monies, income, or periodic earnings due and owing to the obligor to the person entitled to the support or to another person or entity designated by the support order or assignment for payment of support, the support debt, and/or arrearages. In all other child support orders wherein child support is being paid to a recipient of AFDC TANF, the wages

of any parent required by court or administrative order to pay support shall be subject to immediate income assignments regardless of whether support payments by such parent are in arrears. In all child support orders in which child support services are being provided under the state child support plan as provided under Section 237 of this title, the court or administrative law judge shall order the wages of any person required by the court or administrative order to pay support be subject to immediate income assignment, unless:

- a. one of the parties demonstrates and the district or administrative court finds good cause not to require immediate income withholding, or
- b. a written agreement is reached between the parties which provides for an alternative arrangement.

The assignment shall be in an amount which is sufficient to meet the monthly child support payments, payments on support debt and arrearages or other maintenance payments imposed by the district or administrative court order. The income assignment shall be made a part of a support order or any order granting a judgment for a support debt or arrearages, or a review or modification of a support order pursuant to Section 118.1 of Title 43 of the Oklahoma Statutes;

13. "Voluntary acknowledgment" means a written acknowledgment executed by the obligor wherein the obligor acknowledges paternity, support liability, a support debt or arrearage amount, and agrees to a judgment and an immediate income assignment to pay monthly support and payments on the support debt or arrearage judgments;

14. "Notice" means a written announcement served upon an obligor, a custodial person or any person or entity which might be affected by the noticed proceeding;

15. "Licensing board" means any bureau, department, division, board, agency or commission of this state or of a municipality in this state that issues a license;

16. "License" means a license, certificate, registration, permit, approval or other similar document issued by a licensing board granting to an individual a right or privilege to engage in a profession, occupation, or business or industry, any recreational licenses or permits including but not limited to hunting and fishing licenses or other authorizations issued pursuant to the Oklahoma Wildlife Conservation Code, certificates of title for vessels and motors and other licenses or registrations issued pursuant to the Oklahoma Vessel and Motor Registration Act, or a driver license or other permit issued pursuant to Title 47 of the Oklahoma Statutes;

17. "Commission" means the Commission for Human Services; and

18. "Payment plan" includes but is not limited to a plan approved by the support enforcement entity that provides sufficient security to ensure compliance with a support order and/or that incorporates voluntary or involuntary income assignment or a similar plan for periodic payment of past-due support and, if applicable, current and future support.

SECTION 24. AMENDATORY 56 O.S. 1991, Section 237.5, as amended by Section 9, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 237.5), is amended to read as follows:

Section 237.5 For purposes of Title 56 of the Oklahoma Statutes, public assistance payments made to an eligible adult custodian in the ~~Aid to Families with Dependent Children~~ Temporary Assistance for Needy Families (TANF) program shall be deemed to be made for the benefit of a minor child and shall be paid to the adult having actual and continuous physical custody of the minor child.

SECTION 25. AMENDATORY 56 O.S. 1991, Section 237.6, as amended by Section 11, Chapter 346, O.S.L. 1995 (56 O.S. Supp. 1996, Section 237.6), is amended to read as follows:

Section 237.6 A. The Department of Human Services shall require, as a condition of participation, that parents or guardians receiving benefits pursuant to the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) program participate in a parent education program or enlist or enroll their child or children in a Head Start program, a Parents as Teachers program, a local early childhood education program for four-year-old children, if available, in kindergarten programs, or in schooling deemed appropriate by school authorities, unless the child is being home educated as per the Oklahoma Constitution and statutes.

B. The Department shall allow parents or guardians who attend all parent-teacher conferences requested by teachers or other officials, or who participate in parent education programs offered by a school district to apply an equivalent amount of time towards any work experience or job training requirements.

SECTION 26. AMENDATORY 56 O.S. 1991, Section 238.4, as amended by Section 4, Chapter 365, O.S.L. 1994 (56 O.S. Supp. 1996, Section 238.4), is amended to read as follows:

Section 238.4 A. If requested, a hearing shall be held at the time and place given on the notice of support debt served upon the obligor or the attorney of the obligor with a duly qualified administrative law judge appointed for that purpose by the Department. The hearing shall be held in the county of residence of the custodial parent or guardian of the child or if the custodian resides out of state, the hearing shall be held in the county of residence of the obligor. The hearing shall be conducted according to rules promulgated by the Department. The rules shall provide to both parties the right to confront and cross-examine witnesses, to present witnesses, to be represented by an attorney or other person, and to be notified of these rights in writing. After the evidence has been presented at a hearing, the administrative law judge shall

enter an order which shall be in writing and contain findings of fact and conclusions of law as to each contested issue. Each order shall include provisions requiring obligor to inform the Division of the name and address of the current employer, access to health insurance and other insurance policy information. The order shall be submitted to the district office and to the obligor or the attorney of the obligor by hand delivery by the administrative law judge or by certified mail, return receipt requested, within twenty (20) days after the conclusion of the hearing.

B. If, during the hearing, the administrative law judge finds that the issues presented will require further consideration or evidence either administratively or through the district court before adjudication, the administrative law judge may enter a temporary order for child support, pending resolution of those issues during a subsequent administrative or court hearing. Such temporary order shall be enforced until superseded by a final administrative order or district court order and may be filed in the office of the court clerk.

C. 1. Within ten (10) days of receipt of the final order of the administrative law judge, the obligor or the Division shall give written notice to OAH and other parties of the intent to appeal the decision. The appeal must be filed in the district court in the county where the district office is located or in the county in which a district court order of support is filed within fifteen (15) days after the mailing date of said notice of intent to appeal and reviewed pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes.

2. The certified transcript, exhibits, pleadings, recordings of the hearing and any written orders shall constitute the record on appeal to the district court. OAH shall prepare or direct the preparation of the official transcript by a licensed court reporter, if a transcript is requested. The party seeking a copy of the

transcript of the hearing shall prepay all costs of transcription and pay a reasonable deposit or adequate indemnity prior to preparation of the transcript. If a party is financially unable to pay the transcription costs, the party shall provide OAH and the district office with an *informa pauperis* affidavit which verifies the inability to pay. If OAH determines the party is financially unable to pay transcription costs, a transcript will be provided by OAH. The transcript shall not be provided prior to full payment of all transcription costs or an order finding OAH will bear the cost of transcription.

D. If an appeal is not made by the obligor or district office, the order of the administrative law judge shall be final, subject to collection action, and shall be filed in the office of the court clerk in the county of residence of the custodian of the child or, if the custodian resides out of state, in the county of residence of the obligor, or elsewhere as provided in this act. The administrative order shall be enforced by the district court in the same manner as an order of the district court.

E. If the obligor requests a hearing pursuant to this section but fails to appear for the hearing after proper service, an administrative order will be entered. Such order shall include findings of facts and conclusions of law and shall be subject to collection action, and shall be filed in the office of the court clerk in the county of residence of the custodian of the child or, if the custodian resides out of state, in the county of the residence of the obligor, or elsewhere as provided in this act. The administrative order shall be enforced by the district court in the same manner as an order of the district court.

F. Any order for periodic support payments made pursuant to the provisions of this title shall be payable to the Division for as long as the Division is providing support enforcement. Thereafter, if ~~AFDC~~ Temporary Assistance for Needy Families (TANF) is not being

paid, the custodian or guardian notifies the Division in writing that IV-D services are no longer requested and/or the obligor has not applied for services, current support payments shall be redirected to the custodian or guardian of the child until further order of the district or administrative court, or until the obligor is notified by the Division that the child has been recertified for receipt of public assistance, or until the child reaches the age of majority.

SECTION 27. AMENDATORY 56 O.S. 1991, Section 240.4, as amended by Section 9, Chapter 365, O.S.L. 1994 (56 O.S. Supp. 1996, Section 240.4), is amended to read as follows:

Section 240.4 A report of the payments made by the obligor or payor or of ~~AFDC~~ Temporary Assistance for Needy Families (TANF) payments made to a person entitled to support which is prepared by the Division, the district office, or by public agencies in other states with a certification of authenticity executed by the Division, the district office, or a public agency in another state is admissible into evidence in district court or in an administrative court proceeding as self-authenticated.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 245 of Title 56, unless there is created a duplication in numbering, reads as follows:

As a condition of eligibility and continued eligibility to receive food stamp benefits, any recipient or person applying for such benefits shall not be delinquent in any payment due pursuant to a court or administrative order for the support of a child of such recipient or person.

SECTION 29. AMENDATORY Section 3, Chapter 156, O.S.L. 1993, as amended by Section 1, Chapter 69, O.S.L. 1995 (56 O.S. Supp. 1996, Section 241.1), is amended to read as follows:

Section 241.1 A. The Department of Human Services shall develop an electronic benefit identification program, ~~as authorized~~

~~by the United States Department of Agriculture,~~ to expediently and accurately determine the eligibility of and the extent or limit of benefits of clients, and to serve providers and other persons providing consumer-related goods to recipients of food stamps and other assistance programs. The program shall require that any electronic benefit identification devise contain a recent photograph of the recipient. In case of a lost identification devise, the loss of which is accounted for to the satisfaction of the Department, the Department may issue a duplicate. There shall be a replacement fee for such duplicate identification card in an amount set by the Commission for Human Services.

B. 1. The electronic benefit identification program for recipients of food stamps and other assistance may be implemented on a staggered basis.

2. To provide for the implementation of the electronic benefit identification program, and as determined necessary by the Department for such implementation in compliance with federal law, the time of issuance of benefits for recipients of food stamps and other assistance programs may be modified or adjusted to provide for issuance of benefits on a staggered basis, provided recipients shall be notified, in writing, at least three (3) months prior to any modification or adjustment of the time of issuance of benefits.

C. The electronic benefit identification program shall be implemented upon the awarding of a contract to a vendor selected by competitive bid to do business with the State of Oklahoma.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.22 of Title 56, unless there is created a duplication in numbering, reads as follows:

The parents of a minor noncustodial parent of a child are responsible for the support of such child to the full extent and in such manner as required for noncustodial parents of a child if the



custodial parent is receiving any assistance pursuant to the Oklahoma Welfare Reform Act of 1997.

SECTION 31. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.23 of Title 56, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided or restricted by federal law in determining the eligibility and the amount of any assistance benefits of an alien, the Department of Human Services shall require that the income and resources of the alien shall be deemed to include:

1. The income and resources of any individual who executed an affidavit of support pursuant to Section 213A of the Immigration and Nationality Act on behalf of such alien; and

2. The income and resources of the spouse of the individual.

SECTION 32. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

Sections 32 through 41 of this act shall be known and may be cited as the "Welfare and Child Support Collection Verification Act".

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

As used in the Welfare and Child Support Collection Verification Act:

1. "Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or a money-market mutual fund account;

2. "Commissioner" means the State Banking Commissioner;

3. "Department" means the Department of Human Services;

4. "Financial institution" means every federal or state commercial or savings bank, including savings and loan associations

and cooperative banks, federal or state-chartered credit unions, benefit associations, insurance companies, safe deposit companies, any money-market mutual fund, and any entity authorized to do business in the state;

5. "For cause" means that the Commissioner has reason to believe that an individual has opened an account at such institution;

6. "Money-market mutual fund" means every regulated investment company within the meaning of Section 851(a) of the Internal Revenue Code which seeks to maintain a constant net asset value of One Dollar (\$1.00) in accordance with 17 CFR 270.2a-7;

7. "Obligor" means the person who is required to make child support payments pursuant to an order for support;

8. "Person entitled" means the person or entity to whom a duty of support is owed;

9. "Reporting system" means the bank match reporting system established in Section 34 of this act; and

10. "Unit" means the Medicaid fraud control unit created pursuant to the Oklahoma Medicaid Program Integrity Act.

SECTION 34. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall design, implement and operate a bank match reporting system to:

1. Verify financial eligibility of participants in any assistance program within the jurisdiction of the Department of Human Services; and

2. Provide for the collection of child support from an obligor pursuant to a court or administrative order directing payment of child support to either the Department or the person entitled.

B. The Department shall enter into an interagency agreement with the State Banking Commissioner and such other local and state

agencies as the Department deems are necessary to facilitate the implementation and utilization of the reporting system.

C. Said agencies shall obtain and provide to the Department the information requested for the purposes of this reporting system.

D. Release of any information pursuant to the Welfare and Child Support Collection Verification Act shall not be construed to violate any confidentiality law; provided, such release and maintenance of the information is in compliance with the Welfare and Child Support Collection Verification Act.

SECTION 35. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.4 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Each financial institution in this state shall, within thirty (30) days of the end of the first quarter of every calendar year, submit to the Commissioner a report of the name, record address, social security number and other identifying data of each person maintaining an account at the financial institution. Within thirty (30) days of the end of each subsequent quarter of every calendar year, every financial institution shall submit to the Commissioner a supplemental report regarding each new account opened by a person during such quarter and each account reported in a prior quarter that has been closed during the most recent quarter. Such information shall be submitted to the Commissioner in machine readable form satisfactory to the Department. The Commissioner pursuant to an agreement with the Department of Human Services shall submit such information received pursuant to this section to the Department.

B. The Department shall update such listing every calendar quarter by removing the names of all persons who have had no prior matches in the two immediately preceding quarters.

C. The Department may continue to request account matches on such removed names once a year for the two (2) calendar years

immediately following the year in which the names are removed or for cause.

SECTION 36. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.5 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall examine the data made available pursuant to the Welfare and Child Support Collection Verification Act under the reporting system and make positive identification of cases in which:

1. Recipients of programs included in the reporting system have assets in excess of any threshold requirement established by the Department; and

2. Child support is owed to the Department pursuant to the state child support program or to the person entitled to the support.

B. Upon a positive identification, the Department may require the financial institution to submit additional information concerning the recipient or obligor. The information furnished to the Department shall include the name of the recipient or obligor, social security number and other data to assure positive identification, and the name and location of the financial institution and the amount of financial resources of the recipient or obligor in the institution.

C. Upon the receipt of such information, the Department shall seek to verify the accuracy of the information presented which shall include but is not limited to the requirement of consultation with the recipient or obligor whose status is in question.

D. 1. If after such informal inquiry the Department determines that a recipient has incorrectly received benefits under such an assistance program, the Department shall take appropriate formal action in accordance with state and federal law to correct the error, including, but not limited to, termination of benefits.

2. If after such informal inquiry the Department determines that child support is owed pursuant to the state child support program or to the person entitled to the support, the assets of the obligor may be garnished pursuant to Sections 1170 through 1244 of Title 12 of the Oklahoma Statutes or collected pursuant to Title 56 of the Oklahoma Statutes.

SECTION 37. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.6 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. When the Department of Human Services has probable cause to believe that the receipt of incorrect benefits pursuant to any such program was a result of a fraudulent action by the recipient, the Department shall report the case to the Medicaid fraud control unit for further action. The unit shall provide for consideration of the willingness of the recipient to make restitution or to submit voluntary recoupment.

B. The unit shall have access to agency records and accounts at reasonable times and may require production of books, documents and vouchers by agencies relating to any matter within the scope of an investigation pursuant to this section.

C. Whenever the unit finds probable cause to believe that a person has engaged in fraud relating to any such programs the unit may notify other state agencies of such information so that such state agencies may investigate whether such person has engaged in fraud in other programs.

SECTION 38. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.7 of Title 56, unless there is created a duplication in numbering, reads as follows:

No employee or agent of this state shall divulge any information referred to in the Welfare and Child Support Collection Verification Act, except in the manner herein prescribed to any public or private agency or individual. Information may be disclosed and shared by

and between any employee of an administering agency and any other state or federal agency for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs included in the reporting system. Unauthorized disclosure of any such information shall be, upon conviction, a violation punishable by a fine of Five Thousand Dollars (\$5,000.00) per offense; provided that the unauthorized release of such information about any individual shall be a separate offense from information released about any other individual. Such unauthorized release of information shall also be cause for administrative discipline of any employee who engages in such unauthorized release.

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.8 of Title 56, unless there is created a duplication in numbering, reads as follows:

Any financial institution who is required to submit a report pursuant to the provisions of the Welfare and Child Support Collection Verification Act who fails, without reasonable cause, to comply with such reporting requirements after notification by certified mail return receipt requested, and such failure continues for more than thirty (30) business days after mailing of such notification of the failure to comply, without reasonable cause, or if said financial institution willfully renders false information in reply to such request, such financial institution shall be, upon conviction thereof, liable for a penalty of One Thousand Dollars (\$1,000.00).

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.9 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services, in cooperation with the State Banking Commissioner, shall establish a program of bank information sharing with other states. The Department is hereby authorized to enter into reciprocal agreements with other states to

share lists of absent parents who owe support payments to the Department. Such reciprocal agreements shall only be made with states which administer programs that are substantially similar to the reporting system in this state. The bank information sharing program shall apply only to states which have similar prohibitions and penalties for disclosure of information as provided in the Welfare and Child Support Collection Verification Act and only if such prohibitions and penalties apply to information which is transmitted by the Commissioner or the Department to the other states.

B. Nothing in the Welfare and Child Support Collection Verification Act shall be construed to prevent the release by the Commissioner or the Department, pursuant to the terms of federally mandated match programs, of bank information data to the United States Social Security Administration or to agencies of other states who administer federally funded welfare and unemployment compensation programs.

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1050.10 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. Unless otherwise required by applicable law, a financial institution furnishing a report or providing information to the Commissioner pursuant to the Welfare and Child Support Collection Verification Act shall not disclose to a depositor or an account holder that the name of such person has been received from or furnished to the Commissioner; provided, however, that a financial institution may disclose to its depositors or account holders that under the bank match reporting system the Commissioner has the authority to request certain identifying information on certain depositors or account holders.

B. If an institution willfully violates the provisions of this section, such financial institution shall, upon conviction thereof,

pay to the Commissioner the lesser of One Thousand Dollars (\$1,000.00) or the amount on deposit or in the account of the person to whom such disclosure was made.

C. A financial institution shall incur no obligation or liability to a depositor or account holder or any other person arising from the furnishing of a report or information to the Commissioner pursuant to the Welfare and Child Support Collection Verification Act, or from the failure to disclose to a depositor or account holder that the name of such person was included in a list furnished by the Commissioner or in a report furnished by the institution to the Commissioner.

D. A financial institution may charge an account levied on by the Department of Human Services a fee, as determined by the Department, of not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00) which shall be deducted from such account prior to remitting any funds to the Department.

SECTION 42. AMENDATORY 12 O.S. 1991, Section 1171.3, as amended by Section 23, Chapter 356, O.S.L. 1994 (12 O.S. Supp. 1996, Section 1171.3), is amended to read as follows:

A. Any person or entity entitled to receive child support payments for the current or for any prior month or months, or such person's legal representative may initiate income assignment proceedings by filing with the court an application signed under oath specifying:

1. That the obligor has failed to make child support payments required by a child support order in an amount equal to the child support payable for at least one (1) month;

2. A certified copy of the support order and all subsequent modifications or orders relating thereto;

3. That some person or entity, known or unknown, is indebted to or has earnings in his/its possession or under his control belonging to the obligor;



4. That the indebtedness or earnings specified in the affidavit, to the best of the knowledge and belief of the person making such affidavit, are not exempt by law; and

5. The amount of the support order and the amount of arrearage.

B. 1. Upon application by the person or entity entitled to receive child support payments or such person's legal representative, the court shall mail, by certified mail, return receipt requested, to the last-known address of the obligor, or shall serve in accordance with law, a notice of delinquency. The notice of delinquency shall be postmarked or issued no later than ten (10) days after the date on which the application was filed and shall specify:

- a. that the obligor is alleged to be delinquent under a support order in a specified amount~~†~~,
- b. that an assignment will become effective against the obligor's earnings unless within fifteen (15) days of the date of mailing or service on the obligor of the delinquency notice, said date of mailing to be specified in the notice, the obligor requests a hearing with the district court pursuant to this section~~†~~,
- c. that on or prior to the date of the hearing, in any case in which services are not being provided under the state child support plan as provided under Section 237 of Title 56 of the Oklahoma Statutes, the obligor may prevent the income assignment from taking effect by paying the full amount of the arrearage plus costs and attorney's fees provided, that the obligor shall only be entitled to prevent such income assignment from taking effect under this subparagraph a maximum of two times, thereafter, payment of any arrearages

will not prevent an income assignment from taking effect~~†~~1

- d. that at the hearing, if requested, the obligor may contest the claimed delinquency only with regards to mistake of identity, or to the existence or the amount of the delinquency~~†~~1 and
  - e. that the assignment shall remain in effect for as long as current child support is due or child support arrearages remain unpaid and that payment of any arrearages, except as provided in subparagraph c of this subsection, will not prevent an income assignment from taking effect.
2. a. An obligor may request a hearing with the court pursuant to this section on or before the fifteenth day from date of mailing or service of the delinquency notice. Upon request for hearing, the court shall set the matter for a hearing. A file-stamped copy of the request and a copy of the order for hearing shall be served in accordance with law upon the person or entity filing the affidavit for income assignment or his/its legal representative. The court shall promptly hear and determine the matter and, unless the obligor successfully shows that there is a mistake of identity or a mistake as to the existence or the amount of delinquency, the court shall order that the income assignment take effect against the disposable earnings of the obligor~~†~~1
  - b. The court may order an obligor to pay all court costs and attorneys' fees involved in an income assignment proceeding pursuant to this subsection~~†~~1

- c. The order shall be a final judgment for purposes of appeal. The effect of the income assignment shall not be stayed on appeal except by order of the court, ~~and~~ and
- d. In all cases of paternity and for arrearage of child support, the court shall make inquiry to determine if the noncustodial parent has been denied reasonable visitation. If reasonable visitation has been denied by the custodial parent to the noncustodial parent, the court or administrative judge shall include visitation provisions in the support order.

C. The court shall send a notice of the income assignment to the payor to effectuate the assignment pursuant to subsection E of this section.

D. If, within fifteen (15) days of the date of mailing or service on the obligor of the delinquency notice, the obligor fails to request a hearing pursuant to subsection B of this section, the court shall send a notice of the income assignment to the payor pursuant to subsection E of this section to effectuate the assignment.

E. 1. The notice of the income assignment required pursuant to subsections B, C and D of this section shall be sent by the court to the payor listed on the application. The notice shall be sent by certified mail, return receipt requested or served according to law. The payor shall be required to comply with the provisions of this subsection as stated in the notice. The notice shall specify:

- a. the effective date of the assignment. The assignment shall take effect on the next payment of earnings to the obligor after the payor receives notice thereof and the amount withheld shall be sent to the person entitled to the child support within ten (10) days after the date upon which the obligor is paid. The payor shall include with each payment a statement

reporting the date on which the obligor's support obligation was withheld†L

- b. the amount specified in the support order and the amount of the arrearage to be withheld from the obligor's earnings. The amount withheld by the payor shall not exceed the limits on the percentage of an obligor's income which may be assigned for support pursuant to Section 1171.2 of this title†L
- c. that the withholding is binding upon the payor until further order of the court or as long as the order for support on which it is based remains in effect†L
- d. that the payor is liable for any amount up to the accumulated amount that should have been withheld if the payor fails to withhold the earnings in accordance with the provisions of the assignment†L
- e. that two or more income assignments may be levied concurrently, but if the total levy exceeds the maximum permitted under Section 1171.2 of this title, all current child support due shall be paid before the payment of any arrearages. If total current child support exceeds the maximum permitted under Section 1171.2 of this title, the amount available shall be paid pro rata by the percentage of total current support owed to all obligees. After current support, the sums due under the first assignment issued under this section shall be paid before the payment of any sums due on any subsequent income assignment; provided, that the court which issued the initial income assignment, upon notice to all interested parties, is authorized to prorate the payment of the support between two or more income assignments levied concurrently†L

- f. If the amount of support due under the assignments exceeds the maximum amount authorized by Section 1171.2 of this title, the payor shall pay the amount due up to the statutory limit, and payor shall send written notice to the court and person entitled to support that the amount due exceeds the amount subject to withholding; if payor fails to pay or notify as required herein, the payor may be liable for an amount up to the accumulated amount that is due and owing upon receipt of the notice<sup>†</sup>
- g. that, if the payor is the obligor's employer, the payor shall notify the person entitled to the support payment, and the court when the obligor terminates employment. The payor shall provide by written notice to the person entitled to support and to the court, the obligor's last-known address and the name of the obligor's new employer, if known<sup>†</sup>
- h. that if the payor has no income due or to be due to the obligor in his possession or control, or if the obligor has terminated employment with the payor prior to the receipt of notice required pursuant to subsection C of this section, the payor shall send written notice to the court and the person entitled to support within ten (10) days of receipt of said notice. Failure to notify the person entitled to support and the court within the required time limit may subject the payor to liability for an amount up to the accumulated amount that is due and owing upon receipt of the notice<sup>†</sup>   and
- i. that the payor may also be fined not more than Two Hundred Dollars (\$200.00) for failure to make the required deductions.

2. The payor may combine withheld amounts from earnings of two or more obligors subject to the same support order in a single payment and separately identify that portion of the single payment which is attributable to each individual obligor.

3. An income assignment issued pursuant to the provisions of this section shall have priority over any prior or subsequent garnishments of the same wages; provided, however, income assignments issued pursuant to the provisions of this section and garnishments for child support issued pursuant to the provisions of Section 1173.1 of this title shall be of equal priority, except as may otherwise be provided for in this section.

4. The payor may deduct from any earnings of the obligor a sum not exceeding ~~Five Dollars (\$5.00)~~ Ten Dollars (\$10.00) per pay period as reimbursement for costs incurred in the income assignment.

5. The assignment shall remain effective upon notice to the new payor.

6. The income assignment issued pursuant to this section shall remain in effect for as long as current child support is due or until all arrearages for support are paid, whichever is later. Payment of any arrearages shall not prevent the income assignment from taking effect.

7. The payor may not discipline, suspend, or discharge an obligor because of an assignment executed pursuant to this section. Any payor who violates this section shall be liable to such obligor for all wages and employment benefits lost by the obligor from the period of unlawful discipline, suspension, or discharge to the period of reinstatement.

F. Upon written notification of the name and address of a new employer or payor and payment of the required fees for mailing by the person or entity entitled to support, the court shall issue a new notice of income assignment pursuant to subsection E of this section.

G. Any existing support order or income assignment which is brought before the court shall be modified by such court to conform to the provisions of this section.

H. Any person obligated to pay support, who has left or is beyond the jurisdiction of the court, may be prosecuted under any other proceedings available pursuant to the laws of this state for the enforcement of the duty of support and maintenance.

I. The income assignment proceedings specified in this section shall be available to other states for the enforcement of child support and maintenance or to enforce out-of-state orders. Venue for such proceedings is, at the option of the obligee:

1. In the county in Oklahoma in which the support order was entered; or

2. In the county in Oklahoma in which the obligee resides; or

3. In the county in Oklahoma in which the obligor resides or receives income.

J. 1. Effective November 1, 1989, in all child support orders wherein child support is being paid to a recipient of ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF), the wages of any parent required by court or administrative order to pay support shall be subject to immediate income assignments regardless of whether support payments by such parent are in arrears on the effective date of this act.

2. Effective November 1, 1990, in all child support orders in which child support services are being provided under the state child support plan as provided under Section 237 of Title 56 of the Oklahoma Statutes, the court or administrative hearing officer shall order the wage of any parent required by court or administrative order to pay support, be subject to immediate income assignment, regardless of whether support payments by such parent are in arrears, unless (1) one of the parties demonstrates and the court or administrative hearing officer finds that there is good cause not

to require immediate income withholding or (2) a written agreement is reached between the parties which provides for an alternative arrangement.

3. Effective January 1, 1994, in all child support cases arising out of an action for divorce, paternity or other proceeding in which services are not being provided under the state child support plan as provided under Section 237 of Title 56 of the Oklahoma Statutes, the court shall order the wages of any parent ordered to pay child support be subject to immediate income assignment regardless of whether support payments are in arrears at the time of the order, unless (1) one of the parties demonstrates and the court finds that there is good cause not to require immediate income withholding, or (2) a written agreement is reached between the parties which provides for an alternative arrangement.

K. Notwithstanding the provisions of subsection J of this section, an income assignment shall be established pursuant to subsections A through I of this section or pursuant to Section 240.2 of Title 56 of the Oklahoma Statutes when there exists a delinquency equal to at least one month's payment.

L. In all orders which are not subject to immediate income withholding pursuant to subsection J of this section and which were issued prior to November 1, 1990, the wages of any parent ordered to pay child support shall be subject to immediate income assignment without regard to whether there is an arrearage, on the earliest of:

1. The date the obligor requests that such withholding begin;

2. The date as of which the custodian requests that such withholding begin to enforce a child support order entered on or before the date of the custodian's request for income withholding if a court of competent jurisdiction finds that immediate income withholding would be in the best interest of the child. In making such determination, the court shall consider, at a minimum, the timeliness of payment of previously ordered support and the



agreement of the parent required to pay support to keep the court and custodian advised of his or her current employer and information on any employment-related health insurance coverage to which that parent has access; or

3. Such date as may be ordered by a court of competent jurisdiction.

SECTION 43. AMENDATORY Section 34, Chapter 356, O.S.L. 1994 (40 O.S. Supp. 1996, Section 2-802), is amended to read as follows:

Section 2-802. REPORTS BY EMPLOYERS TO DEPARTMENT OF HUMAN SERVICES, CHILD SUPPORT ENFORCEMENT DIVISION. A. Employers doing business in the State of Oklahoma ~~may~~ shall report to the Department of Human Services, Child Support Enforcement Division, the hiring or employment of any person who resides or works in this state to whom the employer anticipates paying earnings.

B. Such report may contain the employee's name, address, social security number and date of birth, date of employment and information regarding availability of employee dependent health care coverage, along with the employer's name, address and federal identification number. The report may be made by mailing a copy of the employee's W-4 form, by submitting a fax transmission of the employee's W-4 form, by submitting electronic media in a format that can be used by the Child Support Enforcement Division, or by any other means authorized by the Child Support Enforcement Division.

SECTION 44. AMENDATORY 43 O.S. 1991, Section 118, as last amended by Section 13, Chapter 1, O.S.L. 1995 (43 O.S. Supp. 1996, Section 118), is amended to read as follows:

Section 118. A. Except in those cases where parties represented by counsel have agreed to a different disposition, there shall be a rebuttable presumption in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the following

guidelines is the correct amount of child support to be awarded. The district or administrative court may deviate from the level of child support suggested by these guidelines where the amount of support so indicated is unjust, inequitable, unreasonable or inappropriate under the circumstances, or not in the best interests of the child or children involved. The court shall not take into account any stepchildren of such parent in making the determination, but in making such determination, the court may take into account the reasonable support obligations of either parent as to only natural, legal, or legally adopted minor children in the custody of said parent. If the district or administrative court deviates from the amount of support indicated by these guidelines, it shall make specific findings of fact supporting such action.

B. Child support guidelines are as follows:

1. All child support shall be computed as a percentage of the combined gross income of both parents. The Child Support Guideline Schedule as provided in Section 119 of this title shall be used for such computation. The child support obligations of each parent shall be computed, and the noncustodial parent's share shall be paid monthly to the custodial parent;

2. Gross income includes income from any source, except as excluded in this act, and includes but is not limited to income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, rent, interest income, trust income, annuities, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts and prizes. Specifically excluded are actual child support received for children not before the court and benefits received from means-tested public assistance programs, including but not limited to ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Food Stamps,

General Assistance and State Supplemental Payments for Aged, Blind and the Disabled;

3. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income is defined as gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Specifically excluded from ordinary and necessary expenses for purposes of this section are amounts determined by the district or administrative court to be inappropriate for determining gross income for purposes of calculating child support. The district or administrative court shall carefully review income and expenses from self-employment or operation of a business to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. A determination of business income for tax purposes shall not control for purposes of determining a child support obligation.

Expense reimbursements or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business shall be counted as income if they are significant and reduce personal living expenses. Such payments may include but are not limited to a company car, free housing, or reimbursed meals;

4. For purposes of computing gross income of the parents, the district or administrative court shall include for each parent, either the actual monthly income, the average of the gross monthly income for the time actually employed during the previous three (3) years, or the minimum wage paid for a forty-hour week, whichever is the most equitable. If equitable, the district or administrative court may instead impute as gross monthly income for either parent the amount a person with comparable education, training and experience could reasonably expect to earn; provided, however, that if a person is permanently physically or mentally incapacitated, the

child support obligation shall be computed on the basis of actual monthly gross income;

5. The amount of any preexisting district or administrative court order for current child support for children not before the court or for support alimony arising in a prior case shall be deducted from gross income to the extent payment is actually made under such order;

6. The amount of reasonable expenses of the parties attributable to debt service for preexisting, jointly acquired debt of the parties may be deducted from gross income to the extent payment of such debt is actually made. In any case where deduction for such debt service is made, the district or administrative court may make provision for prospective upward adjustments of support made possible by the reasonable anticipated reduction or elimination of such debt service;

7. The results of paragraphs 2, 3, 4, 5 and 6 of this subsection shall be denominated "adjusted gross income";

8. The adjusted gross income of both parents shall be added together and the Child Support Guideline Schedule consulted for the total combined child support;

9. After the total combined child support is determined, the percentage share of each parent shall be allocated by computing the percentage contribution of each parent to the combined adjusted gross income and allocating that same percentage to the child support obligation to determine the base child support obligation of each parent;

10. The actual dependent medical insurance premium shall be determined by the district or administrative court. The premium shall be allocated between the parents in the same proportion as base child support;

11. The obligor shall receive credit for the obligee's allocated share of medical insurance premium which the obligor pays

directly to the provider. The obligor shall pay his or her (obligor's) allocated share of the medical insurance premiums to obligee, if obligee pays the premium to the provider;

12. The district or administrative court shall then determine the "actual" child care expenses reasonably necessary to enable both parents to maintain employment or to conduct an active search for employment;

13. The actual child care costs incurred due to employment or active employment search of either parent, or incurred as a result of either parent actually attending school for the purpose of enhancing their employment or income, shall be allocated in the same proportion as base child support. If the district or administrative court determines that it will not cause detriment to the child, in lieu of payment of child care costs incurred during employment, active employment search, or while the custodial parent is attending school, the noncustodial parent may be allowed to provide care of the child during such time. The noncustodial parent shall be designated the "obligor". The custodial parent shall be designated the "obligee". Obligor's proportionate amount of the child care fee for that month shall be paid to the obligee on or before the date the child care fee is due to the provider. The district or administrative court shall require the obligee to provide obligor with timely documentation of any change in the amount of the child care fee;

14. Visitation transportation expenses shall be determined by the court on a case by case basis and may be allocated as an addition to or as a credit against the child support obligation of the obligor. Such expenses may be adjusted at any time the court deems it equitable;

15. Payment of reasonable and necessary medical, dental, orthodontic, optometrical, psychological or any other physical or mental health expenses of the child not reimbursed by insurance

shall be determined by the district or administrative court on a case by case basis and may be allocated in addition to the child support obligation of the payor, as a percentage contribution by each parent toward future expenses;

16. If the district or administrative court adopts a joint custody plan meeting the requirements of Section 109 of this title, the plan must provide for the support of the child equivalent to the amount of combined support the child would otherwise receive under these guidelines. The district or administrative court shall have the authority, however, to accept a plan which allocates the payment of actual expenses of the children, rather than designating one custodial parent the "obligor" and one the "obligee", if the district or administrative court finds the payments allocated to each respective parent are substantially equivalent to the amount of the child support obligation of the parent under these guidelines;

17. If each parent is awarded custody of one or more children, the child support obligation of each parent shall be computed for each custodial arrangement separately using the percentage applicable for the children residing with each parent. The obligation of each parent shall be compared with the other. The difference between the obligations of each parent shall be paid to the parent with the smaller obligation in order to equalize the child support spent on all of the children, regardless of the custodial arrangements. The court shall not take into account any stepchildren of such parent in making the determination but only natural, legal, or legally adopted minor children in the custody of either parent may be taken into account in determining child support;

18. The district or administrative court may make adjustments to child support guidelines for periods of extended visitation;

19. Child support orders may be modified if the support amount is not in accordance with the child support guidelines or upon other

material change in circumstances. Unless the parties agree to the contrary, a completed child support computation form provided for in Section 120 of this title shall be required to be filed with the child support order. The child support guidelines provided in this act shall be used in computing child support, subject to the discretion of the district or administrative court to deviate from the guidelines where the amount of support is unjust, inequitable, unreasonable or inappropriate under the circumstances, or not in the best interests of the child or children involved, and such deviation is supported by specific findings. A child support order shall not be construed to be a per child order unless specified by the district or administrative court in the order. Child support is not automatically modified in a child support order which provides for more than one child when one of those children reaches majority or is not otherwise entitled to support pursuant to the support order; however, such circumstance shall constitute a material change in circumstances;

20. The child support computation worksheet provided in Section 120 of this title shall be signed by the district judge or administrative law judge;

21. Child support orders may include such provisions as the district or administrative court deems appropriate to assure that the child support payments to the custodial parent are used for the support of the child;

22. The district or administrative court shall require and enforce a complete disclosure of assets by both parents; and

23. Child support orders issued for prior-born children of the payor may not be modified for the purpose of providing support for later-born children.

SECTION 45. AMENDATORY 56 O.S. 1991, Section 502, is amended to read as follows:

Section 502. A. The Legislature recognizes that most employable persons who receive public assistance would prefer to be self-supporting if offered the opportunity to do so.

B. The Legislature further recognizes that the general public lacks confidence in the existing public assistance system because rather than eliminating dependency, the system often seems to encourage it by not providing sufficient incentives for work.

C. The Legislature further recognizes that public assistance programs should be reserved for those persons who are in need because of their inability to work productively due to circumstances beyond their control.

D. Therefore, it is the intent of the Legislature to pursue a more intensive approach to solving the employment problems of those persons who are in need of assistance because, although they are able to work, they lack the training or experience required by employers or they lack the ability to find and retain suitable permanent employment. Toward the achievement of this end, the Legislature intends that the Department of Human Services shall, with the full cooperation of all state, county and municipal agencies, administer a program to prevent and reduce welfare dependency by assisting ~~AFDC~~ Temporary Assistance for Needy Families (TANF) applicants and recipients to upgrade their employment skills and to find jobs as quickly as possible.

SECTION 46. AMENDATORY 56 O.S. 1991, Section 503, is amended to read as follows:

Section 503. As used in this act:

1. ~~"AFDC" means Aid to Families with Dependent Children;~~

~~2.~~ "Commission" means the Commission for Human Services;

~~3.~~ 2. "Department" means the Department of Human Services;

~~4.~~ 3. "Director" means the Director of the Department of Human

Services; ~~and~~



~~5.~~ 4. "Program" means the Community Workfare Experience Program; and

5. "TANF" means Temporary Assistance for Needy Families.

SECTION 47. AMENDATORY 56 O.S. 1991, Section 504, is amended to read as follows:

Section 504. A. The Department shall establish and administer the Community Workfare Experience Program, which shall provide job training and experience to ~~AFDC~~ Temporary Assistance for Needy Families (TANF) recipients. The Department shall develop programs in each county of the state.

B. The Director shall promulgate rules and regulations to implement the program.

SECTION 48. AMENDATORY 56 O.S. 1991, Section 509, is amended to read as follows:

Section 509. A. Each ~~AFDC~~ Temporary Assistance for Needy Families (TANF) recipient must register and shall participate, upon referral by the Department, in ~~a~~ the program unless such individual ~~is~~. The recipient may be exempted from participation in the program if the recipient is:

1. Employed for no fewer than eighty (80) hours per month and is earning an amount not less than the applicable minimum wage for such employment;

2. A child who is under sixteen (16) years of age or attending school full time;

3. A person who is ill, incapacitated or over the age of fifty-five (55) years; or

4. A person whose presence in the home is required because of illness or incapacity of another member of the household; ~~or~~

~~5. The mother or other relative who is caring for a child under the age of one (1) year.~~

B. ~~The exemptions contained in subsection A of this section may be modified by the Department in the event of a change in the~~

~~federal exemption criteria~~ The mother or other relative who is caring for a child under the age of six (6) months shall not be required to work but shall be required to participate in training as required by rule of the Commission for Human Services pursuant to law.

C. Any individual referred to in subsection A of this section shall be advised of the option to register, if so desired, and shall be informed of the child care and other services which would be available in the event such individual should decide to register and participate in the program.

SECTION 49. AMENDATORY Section 3, Chapter 336, O.S.L. 1993, as last amended by Section 1, Chapter 321, O.S.L. 1996 (56 O.S. Supp. 1996, Section 1010.3), is amended to read as follows:

Section 1010.3 A. 1. There is hereby established the Oklahoma Medicaid Healthcare Options System. ~~On and after July 1, 1993, the~~ The Oklahoma Health Care Authority shall be responsible for ~~converting the present system of~~ the delivery of the Oklahoma Medicaid Program ~~to~~ through a managed care system.

2. The System shall be administered by the Oklahoma Health Care Authority and shall consist of a statewide system of managed care contracts with participating providers for the provision of hospitalization, eye care, dental care and medical care coverage to members and the administration, supervision, monitoring and evaluation of such contracts. The contracts for the managed care health plans shall be awarded on a competitive bid basis.

3. The System shall use both full and partial capitation models to service the medical needs of eligible persons. The highest priority shall be given to the development of prepaid capitated health plans provided, that prepaid capitated health plans shall be the only managed care model offered in the high density population areas of Oklahoma City and Tulsa.

B. On or before July 1, 1993, the Oklahoma Medicaid Healthcare Options System shall initiate a process to provide for the orderly transition of the operation of the Oklahoma Medicaid Program to a managed care program within the System.

C. The System shall develop managed care plans for all persons eligible for Title XIX of the federal Social Security Act, 42 U.S.C., Section 1396 et seq., as follows:

1. On or before January 1, 1996, managed care plans shall be developed for a minimum of fifty percent (50%) of the participants in the ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) program and participants categorized as noninstitutionalized medically needy. On or before July 1, 1997, all participants in the ~~Aid to Families with Dependent Children (AFDC)~~ TANF program and participants categorized as noninstitutionalized medically needy shall be enrolled in a managed care plan;

2. On or before July 1, 1997, managed care plans shall be developed for all participants categorized as aged, blind or disabled; and

3. On or before July 1, 1999, managed care plans shall be developed for all participants who are institutionalized or who are seriously and persistently mentally ill.

D. The Oklahoma Health Care Authority shall apply for any federal Medicaid waivers necessary to implement the System. The application made pursuant to this subsection shall be designed to qualify for federal funding primarily on a prepaid capitated basis. Such funds may only be used for eye care, dental care, medical care and related services for eligible persons.

E. Effective July 1, 1995, except as specifically required by federal law, the System shall only be responsible for providing care on or after the date that a person has been determined eligible for the System, and shall only be responsible for reimbursing the cost

of care rendered on or after the date that the person was determined eligible for the System.

SECTION 50. AMENDATORY 63 O.S. 1991, Section 1-311.1, is amended to read as follows:

Section 1-311.1 A. ~~1. The Legislature finds that:~~

- ~~a. the Federal requirement that each parent be required to furnish social security numbers in the administration of the laws of this state involving the issuance of birth certificates unduly burdens the privacy rights of parents without providing a significant benefit in the establishment of paternity,~~
- ~~b. state law prohibitions on the use of social security numbers as identifiers substantially reduce the utility of providing social security numbers,~~
- ~~c. such records would not, as a practical matter, be readily available to the state IV-D program because the records of the Vital Records Section of the State Department of Health are not electronically accessible,~~

~~therefore good cause exists for not requiring that each parent furnish social security numbers in the administration of the laws of this state involving issuance of birth certificates.~~

~~2. If the Secretary of the Department of Health and Human Services of the United States shall subsequently prescribe regulations governing the determination of such good cause for not requiring the furnishing of such social security numbers, and the Secretary determines that the good cause determination made herein is not in accordance with such prescribed regulations, then the provisions of subsection B of this section shall become operative.~~

~~B.~~ The Vital Records Section of the State Department of Health shall obtain and record all social security numbers of the parents for each live birth in this state. Such numbers shall ~~not~~ be

~~recorded on the birth certificate of the child. The social security numbers of the parents shall be released only to those entities providing child support services pursuant to the state plan as provided in Section 237 of Title 56 of the Oklahoma Statutes. Said information shall be used only in the establishment and enforcement of child support.~~

B. The Vital Records Section of the State Department of Health shall obtain and record the social security number of any person who has died in this state. Such number shall be recorded on the death certificate of such deceased person.

SECTION 51. AMENDATORY 70 O.S. 1991, Section 1210.552, is amended to read as follows:

Section 1210.552 A. The State Board of Education shall solicit proposals for, and if funds are available make grants for, pilot projects that make coordinated educational services available to families of recipients of ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF). Such proposals shall be prepared in cooperation with personnel of the Department of Human Services and shall address the needs of preschool children, dropouts, and adult members of such families who have not graduated from high school or completed a high school equivalency program.

B. The State Board of Education shall determine pilot project criteria and establish a process for the consideration of proposals. Such proposals for pilot projects shall be considered on a statewide competitive basis. The State Board of Education is authorized to promulgate rules and regulations for the operation of such projects. To the extent that funds are available, funding of projects approved shall include monies to provide child care while older members of ~~AFDC~~ TANF families are receiving services of the pilot project.

SECTION 52. AMENDATORY Section 28, Chapter 346, O.S.L. 1995 (74 O.S. Supp. 1996, Section 166.6), is amended to read as follows:

Section 166.6 A. The Commission for Rehabilitation Services shall establish and maintain a disability benefits project for the exclusive purpose of providing increased legal assistance for mentally or physically disabled persons, who are receiving ~~Aid to Families with Dependent Children (AFDC)~~ Temporary Assistance for Needy Families (TANF) benefits or have made application for ~~AFDC~~ TANF benefits and are determined to be eligible for such assistance, to secure federal disability benefits provided through the Social Security Disability Insurance program under Title II of the Social Security Act, through the Supplemental Security Income program under Title XVI of the Social Security Act, and through such other programs subsequently established by Congress to accomplish similar purposes for persons with disabilities.

B. The State Department of Rehabilitation Services may administer or contract with any organization for the purpose of administering the disability benefits project.

C. The Department may appoint a disability advisory committee for the purpose of assisting in matters pertaining to the project. The disability advisory committee shall be composed, at a minimum, of members of the legal community, including those with experience in advocacy for persons with disabilities, and members of the disabled community. The terms of the committee members and the scope of the committee's responsibilities shall be determined by the State Department of Rehabilitation Services.

SECTION 53. AMENDATORY 11 O.S. 1991, Section 48-103, is amended to read as follows:

Section 48-103. A. Every municipality establishing a retirement fund and system shall provide a fund or contribute to a fund which shall be paid to and received by the municipal treasurer

along with funds received from a duly constituted authority of the municipality for the use and benefit of the persons eligible for retirement benefits in such amount as the municipality shall provide by ordinance.

B. 1. Money on hand in this fund shall not be available for any other purpose and shall not be used for any purpose other than for retirement benefits to eligible persons.

2. The provisions of this subsection shall not apply to any action for child support. The provisions of this paragraph shall only have prospective application with regards to child support orders which become final after July 1, 1997.

C. This fund shall be nonfiscal and shall not be considered in computing any levy when the municipality makes its estimate to the Excise Board for needed appropriations.

SECTION 54. AMENDATORY 11 O.S. 1991, Section 49-126, as amended by Section 4, Chapter 322, O.S.L. 1993 (11 O.S. Supp. 1996, Section 49-126), is amended to read as follows:

Section 49-126. A. Except as otherwise provided by this section, no portion of said pension shall, either before or after its order of distribution by the State Board to such disabled members of said fire department, or the surviving spouse or guardian of such minor child or children, to the deceased or retired member of such department, be held, seized, taken, subjected to or detained or levied on by virtue of any attachment, execution, injunction, writ interlocutory or other order or decree, or any process or proceeding, whatever, issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damages, claim, demand or judgment against such member, or his or her surviving spouse, or the guardian of said minor child or children of any deceased member, nor shall said fund or any claim thereto be directly or indirectly assigned and any attempt to assign or transfer the same shall be void; but the funds shall be held,

kept, secured and distributed for the purpose of pensioning the persons named in this article, and for no other purpose whatever.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital property rights to a spouse or former spouse of a member or for support of a minor child or children and which creates or recognizes the existence of the right of an alternate ~~payee's right to~~ payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member of the System. With respect to qualified domestic orders requiring the payment of child support, the provisions of this section shall be effective for orders meeting the criteria of this section, upon acceptance by the System.

3. ~~To~~ For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the State Board and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the System to the alternate payee,



- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the System,
- b. does not require the System to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by the System as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

8. The obligation of the System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

10. The Oklahoma Firefighters Pension and Retirement Board shall promulgate such rules as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the State Board pursuant to this subsection in order to continue receiving his or her benefit.

SECTION 55. AMENDATORY 11 O.S. 1991, Section 50-124, as amended by Section 5, Chapter 322, O.S.L. 1993 (11 O.S. Supp. 1996, Section 50-124), is amended to read as follows:

Section 50-124. A. Except as otherwise provided by this section, no portion of any of the funds of the System shall, either before or after any order made by the State Board for payment to any person entitled to a pension or allowance, be held, seized, taken, subjected to, or detained, or levied on by virtue of any garnishment, attachment, execution, injunction, or other order or decree or any process or proceeding whatever, issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against any such person entitled to payment, nor shall said payments or any claim thereto be directly or indirectly assigned, and any attempt to assign or transfer the same shall be void. The said funds shall be held, invested, secured and distributed for the purposes named in this article, and for no other purpose whatever.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital property rights to a spouse or former spouse of a member or for support of a minor child or children and which creates or recognizes the existence of the right of an alternate ~~payee's right~~ to payee, or assigns to an alternate payee the right, to receive a

portion of the benefits payable with respect to a member of the System. With respect to qualified domestic orders requiring the payment of child support, the provisions of this section shall be effective for orders meeting the criteria of this section, upon acceptance by the System.

3. ~~To~~ For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the State Board and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the System to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the System,
- b. does not require the System to provide increased benefits, and

c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by the System as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

8. The obligation of the System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

10. The Oklahoma Police Pension and Retirement Board shall promulgate such rules as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the State Board pursuant to this subsection in order to continue receiving his or her benefit.

SECTION 56. AMENDATORY 19 O.S. 1991, Section 959, is amended to read as follows:

Section 959. ~~Sums~~ A. Except as otherwise provided by this section, sums of money due or to become due to any employee or retired employee shall not be liable to attachment, garnishment, levy, or seizure in any manner under any legal or equitable process, whether such sums remain in the hands of the treasurer of the

retirement system or of any official or agent of the Board of Trustees of any retirement system, or is in the course of transmission to the employee or retired employee entitled thereto, but shall inure wholly to the benefit of such employee or retired employee.

B. The provisions of subsection A of this section shall not apply to any action for child support. The provisions of this subsection shall only have prospective application with regards to child support orders or modifications to prior child support orders which become final after July 1, 1997.

SECTION 57. AMENDATORY 20 O.S. 1991, Section 1111, as amended by Section 7, Chapter 322, O.S.L. 1993 (20 O.S. Supp. 1996, Section 1111), is amended to read as follows:

Section 1111. A. Except as otherwise provided by this section, any annuity, benefit, fund, property or right created by or accruing to any person under any provision of The Uniform Retirement System for Justices and Judges, ~~Section 1101 et seq. of this title,~~ are hereby made and declared exempt from and not subject to execution, garnishment, or attachment or any other process or claim whatsoever, and shall be unassignable except as specifically provided by said act.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital property rights to a spouse or former spouse of a member or for support of a minor child or children and which creates or recognizes the existence of the right of an alternate ~~payee's right~~ ~~to~~ payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member of the

System. With respect to qualified domestic orders requiring the payment of child support, the provisions of this section shall be effective for orders meeting the criteria of this section, upon acceptance by the System.

3. ~~To~~ For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on The Uniform Retirement System for Justices and Judges and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by The Uniform Retirement System for Justices and Judges to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to The Uniform Retirement System for Justices and Judges,
- b. does not require The Uniform Retirement System for Justices and Judges to provide increased benefits, and

c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by The Uniform Retirement System for Justices and Judges as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

8. The obligation of The Uniform Retirement System for Justices and Judges to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

10. The Board of Trustees of the Oklahoma Public Employees Retirement System shall promulgate such rules as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the Board of Trustees of the Oklahoma Public Employees Retirement System pursuant to this subsection in order to continue receiving his or her benefit.

SECTION 58. AMENDATORY 29 O.S. 1991, Section 3-306, as last amended by Section 4, Chapter 81, O.S.L. 1995 (29 O.S. Supp. 1996, Section 3-306), is amended to read as follows:

Section 3-306. A. There is hereby created an Oklahoma Wildlife Conservation Department Retirement Fund for the purpose of providing

revenues for any retirement plan adopted by the Commission for the employees of the Department.

B. The method of calculation of benefits shall be the same for all employees covered under any plan adopted pursuant to this section.

C. No retirement plan adopted pursuant to this section shall pay any benefits or vest any benefits based on years of service credit related to years a plan member did not work or provide other public service.

D. The Oklahoma Department of Wildlife Conservation shall compile a quarterly financial report of all the funds of the Oklahoma Wildlife Conservation Department Retirement Fund on a fiscal year basis. The report shall be compiled pursuant to uniform reporting standards prescribed by the Oklahoma State Pension Commission for all state retirement systems. The report shall include several relevant measures of investment value, including acquisition cost and current fair market value with appropriate summaries of total holdings and returns. The report shall contain combined and individual rate of returns of the investment managers by category of investment, over periods of time. The Department shall include in the quarterly reports all commissions, fees or payments for investment services performed on behalf of the Department. The report shall be distributed to the Governor, the Oklahoma State Pension Commission, the Legislative Service Bureau, the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

E. No retirement plan adopted pursuant to this section shall prohibit or restrict:

1. An order of distribution payment of child support required pursuant to an order for child support; and

2. A qualified domestic order as provided pursuant to this section.



F. Except as otherwise provided by this section, the right of a person to an annuity or a retirement allowance, to the return of contributions, annuity, or retirement allowance itself, any optional benefit, or any other right accrued or accruing to any person under the provisions of this section, and the monies in the Oklahoma Wildlife Conservation Department Retirement Fund, is hereby exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable except as in this section specifically provided.

G. 1. The term "qualified domestic order" means an order issued by a district court of this state, pursuant to the domestic relations laws of the State of Oklahoma, which relates to the provision of marital property rights to a spouse or former spouse of a member of any retirement fund created pursuant to subsection A of this section or for support of a minor child or children and which creates or recognizes the existence of the right to an alternate payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member and amounts payable to a plan participant of any retirement plan created pursuant to subsection A of this section. With respect to qualified domestic orders requiring the payment of child support, the provisions of this section shall be effective for orders meeting the criteria of this section, upon acceptance by the System.

2. For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

3. A qualified domestic order is valid and binding on the Board and the related member only if it meets the requirements of this subsection.

4. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address, if any, of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the System to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

5. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the System,
- b. does not require the System to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by the retirement plan as a valid order prior to the effective date of this section.

6. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

7. The obligation of the System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

8. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29

U.S.C.A., Section 1001 et seq., as amended from time to time, or rules promulgated thereunder, and court cases interpreting said act.

9. The Oklahoma Wildlife Conservation Commission shall promulgate such rules as are necessary to implement the provisions of this subsection.

10. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order shall fully comply with all provisions of the rules promulgated by the Commission pursuant to this section in order to continue receiving benefits.

SECTION 59. AMENDATORY 47 O.S. 1991, Section 2-303.3, as amended by Section 12, Chapter 322, O.S.L. 1993 (47 O.S. Supp. 1996, Section 2-303.3), is amended to read as follows:

Section 2-303.3 A. Except as otherwise provided by this section, any annuity, benefits, fund, property, or rights created by or accruing to any person pursuant to the provisions of Sections 2-300 through 2-313 of this title shall not be subject to execution, garnishment or attachment, and shall be unassignable, except as specifically provided by Sections 2-300 through 2-313 of this title.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital property rights to a spouse or former spouse of a member or for support of a minor child or children and which creates or recognizes the existence of the right of an alternate payee's right ~~to payee,~~ or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member of the System. With respect to qualified domestic orders requiring the payment of child support, the provisions of this section shall be

effective for orders meeting the criteria of this section, upon acceptance by the System.

3. ~~To~~ For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the Board and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the System to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the System,
- b. does not require the System to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order

or an order recognized by the System as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

8. The obligation of the System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

10. The Oklahoma Law Enforcement Retirement Board shall promulgate such rules as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the Board pursuant to this subsection in order to continue receiving his or her benefit.

SECTION 60. AMENDATORY 70 O.S. 1991, Section 17-109, as amended by Section 17, Chapter 322, O.S.L. 1993 (70 O.S. Supp. 1996, Section 17-109), is amended to read as follows:

Section 17-109. A. Except as otherwise provided by this section, the right of a person to an annuity or a retirement allowance, to the return of contributions, annuity, or retirement allowance itself, any optional benefit, or any other right accrued or accruing to any person under the provisions of this ~~act~~ section, and the monies in the various funds created by this ~~act~~ section, are hereby exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable except as in this ~~act~~ section specifically provided.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital property rights to a spouse or former spouse of a member or for support of a minor child or children and which creates or recognizes the existence of the right of an alternate ~~payee's right to~~ payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member of the Retirement System. With respect to qualified domestic orders requiring the payment of child support, the provisions of this section shall be effective for orders meeting the criteria of this section, upon acceptance by the System.

3. ~~To~~ For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the Board of Trustees and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the Retirement System to the alternate payee,
- c. the number of payments or period to which such order applies,

- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the Retirement System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the Retirement System,
- b. does not require the Retirement System to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by the Retirement System as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

8. The obligation of the Retirement System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001, et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

10. The Board of Trustees of the Teachers' Retirement System of Oklahoma shall promulgate such rules as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the Board of Trustees pursuant to this subsection in order to continue receiving his or her benefit.

SECTION 61. AMENDATORY 74 O.S. 1991, Section 923, as amended by Section 28, Chapter 322, O.S.L. 1993 (74 O.S. Supp. 1996, Section 923), is amended to read as follows:

Section 923. A. Except as otherwise provided by this section, no alteration, amendment, or repeal of this act shall affect the then existing rights of members and beneficiaries, but shall be effective only as to rights which would otherwise accrue hereunder as a result of services rendered by an employee after such alteration, amendment, or repeal. Any annuity, benefits, fund, property, or rights created by or accruing to any person under the provisions of this act shall not be subject to execution, garnishment or attachment, or any other process or claim whatsoever, and shall be unassignable, except as specifically provided by this act.

B. 1. The provisions of subsection A of this section shall not apply to a qualified domestic order as provided pursuant to this subsection.

2. The term "qualified domestic order" means an order issued by a district court of this state pursuant to the domestic relation laws of the State of Oklahoma which relates to the provision of marital property rights to a spouse or former spouse of a member or for support of a minor child or children and which creates or recognizes the existence of the right of an alternate ~~payee's right to~~ payee, or assigns to an alternate payee the right, to receive a portion of the benefits payable with respect to a member of the System and amounts payable to a plan participant of the Oklahoma State Employees Deferred Compensation Plan as provided pursuant to



Section 1701 et seq. of this title. With respect to qualified domestic orders requiring the payment of child support, the provisions of this section shall be effective for orders meeting the criteria of this section, upon acceptance by the System.

3. ~~To~~ For purposes of the payment of marital property, to qualify as an alternate payee, a spouse or former spouse must have been married to the related member for a period of not less than thirty (30) continuous months immediately preceding the commencement of the proceedings from which the qualified domestic order issues.

4. A qualified domestic order is valid and binding on the State Board and the related member only if it meets the requirements of this subsection.

5. A qualified domestic order shall clearly specify:

- a. the name and last-known mailing address (if any) of the member and the name and mailing address of the alternate payee covered by the order,
- b. the amount or percentage of the member's benefits to be paid by the System to the alternate payee,
- c. the number of payments or period to which such order applies,
- d. the characterization of the benefit as to marital property rights or child support, and
- e. each plan to which such order applies.

6. A qualified domestic order meets the requirements of this subsection only if such order:

- a. does not require the System to provide any type or form of benefit, or any option not otherwise provided under state law as relates to the System,
- b. does not require the System to provide increased benefits, and
- c. does not require the payment of benefits to an alternate payee which are required to be paid to

another alternate payee pursuant to another order previously determined to be a qualified domestic order or an order recognized by the System as a valid order prior to the effective date of this act.

7. A qualified domestic order shall not require payment of benefits to an alternate payee prior to the actual retirement date or withdrawal of the related member.

8. The obligation of the System to pay an alternate payee pursuant to a qualified domestic order shall cease upon the death of the related member.

9. This subsection shall not be subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. Section 1001 et seq., as amended from time to time, or rules and regulations promulgated thereunder, and court cases interpreting said act.

10. The Oklahoma Public Employees Retirement System Board of Trustees shall promulgate such rules as are necessary to implement the provisions of this subsection.

11. An alternate payee who has acquired beneficiary rights pursuant to a valid qualified domestic order must fully comply with all provisions of the rules promulgated by the Board pursuant to this subsection in order to continue receiving his or her benefit.

SECTION 62. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 246 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall refuse to issue food stamps to any applicant therefor if the applicant fails to show proof of current payment of child support as required by court or administrative order.

B. The Department shall eliminate food stamp benefits for any recipient of food stamps upon discovery of the recipient's failure

to make child support payments required by court or administrative order.

SECTION 63. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.19 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall not extend or expand any benefits to qualified aliens or unqualified aliens than those that are provided in the Temporary Assistance for Needy Families (TANF) program.

SECTION 64. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.20 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall initiate a program whereby a recipient of Temporary Assistance for Needy Families (TANF) will be allowed to save up to One Thousand Dollars (\$1,000.00) without losing TANF benefits, child care, food stamps and Medicaid.

SECTION 65. 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:

A. The Commission for Human Services shall disregard the first Fifty Dollars (\$50.00) of child support received by the Department of Human Services on behalf of a recipient of assistance pursuant to the federal Temporary Assistance for Needy Families (TANF) program or the state program established pursuant thereto and pass through such monies to the recipient.

B. The Commission for Human Services shall adjust the sliding scale for child care copayments required from recipients of TANF to maintain consistency of benefits when income increases are received by the recipient pursuant to TANF or the state program established pursuant thereto.

SECTION 66. 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:

In determining any benefit level for the Temporary Assistance for Needy Families program, the Commission for Human Services shall not exceed the average of benefit levels for the Temporary Assistance for Needy Families programs established by states which are contiguous to Oklahoma. For purposes of determining the average of benefit levels in contiguous states, the benefit levels in Colorado, New Mexico, Texas, Arkansas, Missouri and Kansas shall be used. If the average benefit level calculated pursuant to this section by classification is less than the benefit level required to comply with the Family Support Act of 1988, the minimum benefit level by classification required by said act shall be adopted.

SECTION 67. This act shall become effective July 1, 1997.

SECTION 68. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-6389

KSM