

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2168

By: Toure

AS INTRODUCED

An Act relating to poor persons; creating the Oklahoma Personal Responsibility and Work Opportunity Act; providing legislative intent; specifying components; providing mandatory requirements; specifying options; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.21 of Title 56, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Personal Responsibility and Work Opportunity Act".

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

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

B. The Oklahoma Legislature also recognizes that it may be necessary to provide assistance and service programs to employed

low-income persons and their families in certain times of need. Such services include but are not limited to: career guidance and employment preparation, job referral, vocational and technical training, child support enforcement, child care and child support initiatives, educational benefits (GED), nutritional aid, and medical/health assistance.

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

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

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

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

I. STATEWIDE TEMPORARY
ASSISTANCE REINTEGRATION SYSTEM (STARS)

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

A. The Oklahoma Legislature hereby establishes an integrated and coordinated program titled the "Statewide Temporary Assistance Reintegration System (STARS)" program, for individuals receiving

temporary assistance so that they become self-sufficient, responsible, taxpaying citizens.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- j. satisfactory attendance at a secondary school or course of study leading to GED, and
- k. provision of child care services to an individual who is participating in a community service program.

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

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

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

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

8. Any person convicted of a drug-related felony will be denied temporary assistance for one (1) year after date of conviction. Temporary assistance is also denied for fugitive felons and probation and parole violators for one (1) year after the adjudication of the violation.

II. CHILD CARE

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.41 of Title 56, unless there is created a duplication in numbering, reads as follows:

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

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

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

1. Using at least seventy percent (70%) of the total amount of mandatory funds to provide child care assistance to welfare recipients, to those in work programs attempting to leave welfare, and to those at risk of going on welfare;
2. Setting aside four percent (4%) of funds to improve the quality and availability of child care, including activities designed to provide comprehensive consumer education to parents and to the public, activities that increase parental choice, and resource and referral services, as described in subsection A of this section;

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

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

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

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

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

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

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

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

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

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

1. Decreasing day care copayment requirements;

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

III. FOOD STAMPS

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.51 of Title 56, unless there is created a duplication in numbering, reads as follows:

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

B. Food stamp program options include:

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

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

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

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

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

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

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

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

IV. ONE-STOP CAREER/EMPLOYMENT CENTERS

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.61 of Title 56, unless there is created a duplication in numbering, reads as follows:

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

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

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.62 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The purpose of the collaborative and interorganizational partnership between those entities specified in Section 9 of this act is to assist persons receiving temporary assistance, employed low-income persons, and unemployed persons to explore career and

employment and job referral opportunities, improve skills through education and training and to obtain information on various services and programs in the state.

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

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

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

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

V. CHILD SUPPORT INITIATIVES

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.71 of Title 56, unless there is created a duplication in numbering, reads as follows:

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

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

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

6. Accessing data from utilities and cable companies;

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

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

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

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

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

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

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

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

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

5. Excluding gap payments from the distribution requirements;

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

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

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

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

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

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

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

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

VI. CHILD PROTECTION

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.81 of Title 56, unless there is created a duplication in numbering, reads as follows:

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

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

SECTION 13. 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.

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