

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1561

By: Pruitt

AS INTRODUCED

An Act relating to poor persons; amending Section 13, Chapter 414, O.S.L. 1997 (56 O.S. Supp. 1999, Section 230.62), which relates to contracts under the Temporary Assistance for Needy Families (TANF) Program; requiring the Department of Human Services to contract with specified entities pursuant to the Charitable Choice provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act; requiring the state to contract with specified organizations or to allow specified activities under certain conditions; specifying eligibility of certain organizations to perform specified actions; prohibiting discrimination against certain organizations; prohibiting requirements that alter certain governance or that require removal of specified items; allowing option to choose alternative provider for certain individuals; and providing an effective date.

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

SECTION 1. AMENDATORY Section 13, Chapter 414, O.S.L. 1997 (56 O.S. Supp. 1999, Section 230.62), is amended to read as follows:

Section 230.62 A. The Department of Human Services shall, as appropriate, provide literacy remediation, work activities, training, and other services to recipients pursuant to the Temporary Assistance for Needy Families (TANF) program through contracts. In contracting for work activities, training, or other services, the following terms and conditions shall apply:

1. A contract shall be performance based. Whenever possible, payment shall be based on performance outcomes that include, but are not limited to, such factors as job entry, job entry at a target wage, and job retention. Payment shall not be based on completion

of training, education, or any other phase of the program participation process;

2. A contract may include performance-based incentive payments that may vary according to the extent to which a recipient is more difficult to place. Contract payments may be weighted proportionally to reflect the extent to which a recipient has limitations associated with the long-term receipt of welfare, and difficulty in maintaining employment. The factors may include the extent of a recipient's prior receipt of welfare, lack of employment experience, poor literacy skills, lack of education, lack of job skills, and any other factors determined appropriate by the Department; and

3. ~~The Pursuant to the Charitable Choice provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193, the Department is hereby authorized to shall~~ contract with commercial, charitable, or religious organizations to provide the necessary services pursuant to the TANF program.

B. 1. The State shall contract with religious organizations, or allow religious organizations to accept certificates, vouchers or other forms of disbursement under any program described in paragraph 2 of subsection A of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

2. Religious organizations are eligible, on the same basis as any other private organization, as contractors to provide assistance, or to accept certificates, vouchers or other forms of disbursement, under any program described in paragraph 2 of subsection A of Public Law 104-193, so long as the programs are

implemented consistent with the Establishment Clause of the United States Constitution.

3. Except as provided in subsection K of Public Law 104-193, the state shall not discriminate against an organization which is or applies to be a contractor to provide assistance, or which accepts certificates, vouchers or other forms of disbursement, on the basis that the organization has a religious character. A religious organization with a contract described herein, or which accepts certificates, vouchers or other forms of disbursement shall retain its independence from federal, state and local governments, including such organization's control over the definition, development, practice and expression of its religious beliefs. A religious organization shall not be required to alter its form of internal governance or remove religious art, icons, scripture or other symbols in order to be eligible to contract to provide assistance, or to accept certificates, vouchers or other forms of disbursement funded under a program described in paragraph 2 of subsection A of Public Law 104-193.

4. If an individual recipient of TANF has an objection to the religious character of the organization or institution from which the individual receives or would receive assistance funded under any program described in paragraph 2 of subsection A of Public Law 104-193, then the individual, if otherwise eligible for such assistance, within a reasonable period of time after the date of such objection shall be given the option of choosing an alternative provider who is accessible to the individual, and the value of whose services is not less than the value of the assistance which the individual would have received from such organization.

SECTION 2. This act shall become effective November 1, 2000.