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THE STATE SENATE  
Tuesday, February 16, 2010

Committee Substitute for  
Senate Bill No. 1392

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1392 - By: Sykes of the Senate and Enns of the House.

[ poor persons - drug testing for the Temporary Assistance for Needy Families (TANF) program - effective date ]

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

SECTION 1. AMENDATORY 56 O.S. 2001, Section 230.52, is amended to read as follows:

Section 230.52 A. Except for specific exceptions, conditions or restrictions authorized by the Statewide Temporary Assistance Responsibility System (STARS) and rules promulgated by the Commission for Human Services pursuant thereto, the following are the minimum mandatory requirements for the Temporary Assistance for Needy Families (TANF) program:

1. A recipient shall be eligible to receive assistance pursuant to the TANF program only for a lifetime total of five (5) years, subject to the exemptions allowed by federal law. Child-only cases are not subject to the five-year limitation;

2. The Department of Human Services shall establish a program of random drug testing for those persons receiving assistance pursuant to the TANF program. Those persons refusing to submit to

1 the drug test, or having a confirmed positive drug test, shall be  
2 referred to the Department of Mental Health and Substance Abuse  
3 Services for a substance abuse program. The Department of Mental  
4 Health and Substance Abuse Services shall advise the Department of  
5 Human Services as to a person's compliance or noncompliance with the  
6 substance abuse program. If the person is compliant and completes  
7 the substance abuse program, the Department of Human Services shall  
8 continue to provide benefits to the person under the TANF program.  
9 If the person is not compliant or does not complete the substance  
10 abuse program, the Department of Human Services shall terminate the  
11 person's benefits under the TANF program;

12 3. Single parents receiving temporary assistance pursuant to  
13 the TANF program shall participate in work activities for a minimum  
14 of twenty (20) hours per week during the month. Two-parent families  
15 receiving temporary assistance pursuant to the TANF program shall  
16 participate in work activities for a minimum of thirty-five (35)  
17 hours per week during the month;

18 ~~3.~~ 4. A recipient must be engaged in one or more of the work  
19 activities set out in paragraph 4 5 of this subsection as soon as  
20 required by the Department of Human Services pursuant to the TANF  
21 program, but not later than twenty-four (24) months after  
22 certification of the application for assistance, unless the person

1 is exempt from work requirements under rules promulgated by the  
2 Commission pursuant to the STARS;

3 ~~4.~~ 5. The Department shall develop and describe categories of  
4 approved work activities for the TANF program recipients in  
5 accordance with this paragraph. Work activities that qualify in  
6 meeting the requirements include, but are not limited to:

- 7 a. (1) unsubsidized employment which is full-time  
8 employment or part-time employment that is not  
9 directly supplemented by federal or state funds,  
10 (2) subsidized private sector employment which is  
11 employment in a private for-profit enterprise or  
12 a private not-for-profit enterprise that is  
13 directly supplemented by federal or state funds.  
14 Prior to receiving any subsidy or incentive, the  
15 employer shall enter into a written contract with  
16 the Department, and  
17 (3) subsidized public sector employment which is  
18 employment by an agency of a federal, state, or  
19 local governmental entity which is directly  
20 supplemented by federal or state funds. Prior to  
21 receiving any subsidy or incentive, the employer  
22 shall enter into a written contract with the  
23 Department.

1                   Subsidized hourly employment or unsubsidized hourly  
2                   employment pursuant to this subparagraph shall only be  
3                   approved by the Department as work activity if such  
4                   employment is subject to:

5                   (a) the federal minimum wage requirements  
6                   pursuant to the Fair Labor Standards Act of  
7                   1938, as amended,

8                   (b) the federal Social Security tax and Medicare  
9                   tax, and

10                  (c) regulations promulgated pursuant to the  
11                  federal Occupational Safety and Health Act  
12                  of 1970 and rules promulgated by the State  
13                  Department of Labor pursuant thereto,

14                  b. a program of work experience,

15                  c. on-the-job training,

16                  d. assisted job search which may include supervised or  
17                  unsupervised job-seeking activities,

18                  e. job readiness assistance which may include, but is not  
19                  limited to:

20                  (1) orientation in the work environment and basic  
21                  job-seeking and job retention skills,

22                  (2) instruction in completing an application for  
23                  employment and writing a resume, and

- 1                   (3) instruction in conducting oneself during a job  
2                   interview, including appropriate dress,  
3           f. job skills training which is directly related to  
4           employment in a specific occupation for which there is  
5           a written commitment by an employer to offer  
6           employment to a recipient who successfully completes  
7           the training. Job skills training includes, but is  
8           not limited to, customized training designed to meet  
9           the needs of a specific employer or a specific  
10           industry,  
11           g. community service programs which are job-training  
12           activities provided in areas where sufficient public  
13           or private sector employment is not available. Such  
14           activities are linked to both education or training  
15           and activities that substantially enhance a  
16           recipient's employability,  
17           h. literacy and adult basic education programs,  
18           i. vocational-educational programs, not to exceed twelve  
19           (12) months for any individual, which are directed  
20           toward vocational-educational training and education  
21           directly related to employment,  
22           j. education programs which are directly related to  
23           specific employment opportunities, if a recipient has

1 not received a high school diploma or General  
2 Equivalency Degree, and  
3 k. child care for other STARS recipients. The recipient  
4 must meet training and licensing requirements for  
5 child care providers as required by the Oklahoma Child  
6 Care Facilities Licensing Act;

7 ~~5-~~ 6. Single, custodial parents with a child up to one (1) year  
8 of age may be exempt from work activities for a lifetime total  
9 exemption of twelve (12) months;

10 ~~6-~~ 7. In order to receive assistance, unmarried teen parents of  
11 a minor child at least twelve (12) weeks of age must participate in  
12 educational activities or work activities approved by the state;

13 ~~7-~~ 8. For single-parent families, except for teen parents,  
14 educational activities, other than vocational-technical training, do  
15 not count toward meeting the required twenty (20) hours of work  
16 activity. For two-parent families, educational activities, except  
17 vocational-technical training, do not count toward meeting the  
18 required thirty-five (35) hours of work activity;

19 ~~8-~~ 9. A teen parent must live at home or in an approved, adult-  
20 supervised setting as specified in Section 230.55 of this title to  
21 receive TANF assistance;

22 ~~9-~~ 10. A recipient must comply with immunization requirements  
23 established pursuant to the TANF program;

1       ~~10.~~ 11. A recipient shall be subject to the increment in  
2 benefits for additional children established by Section 230.58 of  
3 this title;

4       ~~11.~~ 12. The following recipient resources are exempt from  
5 resource determination criteria:

- 6           a. an automobile with an equity allowance of not more  
7 than Five Thousand Dollars (\$5,000.00) pursuant to  
8 Section 230.53 of this title,
- 9           b. individual development accounts established pursuant  
10 to the Family Savings Initiative Act, or individual  
11 development accounts established prior to November 1,  
12 1998, pursuant to the provisions of Section 230.54 of  
13 this title in an amount not to exceed Two Thousand  
14 Dollars (\$2,000.00),
- 15           c. the equity value of funeral arrangements owned by a  
16 recipient that does not exceed the limitation  
17 specified by Section 165 of this title, and
- 18           d. earned income disregards not to exceed One Hundred  
19 Twenty Dollars (\$120.00) and one-half (1/2) of the  
20 remainder of the earned income;

21       ~~12.~~ 13. An applicant who applies and is otherwise eligible to  
22 receive TANF benefits but who has resided in this state less than  
23 twelve (12) months shall be subject to Section 230.57 of this title;

1       ~~13.~~ 14. The recipient shall enter into a personal  
2 responsibility agreement with the Department for receipt of  
3 assistance pursuant to Section 230.65 of this title;

4       ~~14.~~

5       15. a. As a condition of participating in the STARS, all  
6 recipients are deemed to have given authorization for  
7 the release of any and all information necessary to  
8 allow all state and federal agencies to meet the  
9 program needs of the recipient.

10       b. The recipient shall be provided a release form to sign  
11 in order to obtain the required information. Failure  
12 to sign the release form may result in case closure;  
13 and

14       ~~15.~~ 16. The recipient shall comply with all other conditions  
15 and requirements of the STARS, and rules of the Commission  
16 promulgated pursuant thereto.

17       B. 1. Agencies of this state involved in providing services to  
18 recipients pursuant to the STARS shall exchange information as  
19 necessary for each agency to accomplish objectives and fulfill  
20 obligations created or imposed by the STARS and rules promulgated  
21 pursuant thereto.

22       2. Information received pursuant to the STARS shall be  
23 maintained by the applicable agency and, except as otherwise

1 provided by this subsection, shall be disclosed only in accordance  
2 with any confidentiality provisions applicable to the agency  
3 originating the information.

4 3. The various agencies of the state shall execute operating  
5 agreements to facilitate information exchanges pursuant to the  
6 STARS.

7 C. In implementing the TANF program, the Department shall:

8 1. Provide assistance to aliens pursuant to Section 230.73 of  
9 this title;

10 2. Provide for the closure of the TANF case when the adult  
11 recipient refuses to cooperate with agreed upon work activities or  
12 other case requirements pursuant to the TANF program;

13 3. Provide for the sanctioning of parents who do not require  
14 their minor children to attend school; and

15 4. Deny temporary assistance to fugitive felons.

16 D. In order to ensure that the needy citizens of this state are  
17 receiving necessary benefits, the Department shall maintain a  
18 listing of all recipients receiving public assistance. The listing  
19 shall reflect each recipient's income, social security number, and  
20 the programs in which the recipient is participating including, but  
21 not limited to, TANF, food stamps, child care, and medical  
22 assistance.

1           E. The Department is hereby authorized to establish a grant  
2 diversion program and emergency assistance services.

3           SECTION 2. This act shall become effective November 1, 2011.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-10-10 - DO  
5 PASS, As Amended and Coauthored.