

CS for SB 390

1 THE STATE SENATE
2 Tuesday, February 17, 2009

3 Committee Substitute for
4 Senate Bill No. 390

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 390 - By: Brogdon of the
6 Senate and Rousselot of the House.

7 [poor persons - drug screening for TANF benefits -
8 effective date]

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

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

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

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

22 2. The Department of Human Services shall establish a program
23 of drug screening for those persons applying for or receiving
24 assistance pursuant to the TANF program. Those persons identified

1 as in need of substance abuse services shall be conditionally
2 eligible to receive assistance pursuant to this subsection provided
3 that the applicant participate in the recommended substance abuse
4 services;

5 3. Single parents receiving temporary assistance pursuant to
6 the TANF program shall participate in work activities for a minimum
7 of twenty (20) hours per week during the month. Two-parent families
8 receiving temporary assistance pursuant to the TANF program shall
9 participate in work activities for a minimum of thirty-five (35)
10 hours per week during the month;

11 ~~3.~~ 4. A recipient must be engaged in one or more of the work
12 activities set out in paragraph ~~4~~ 5 of this subsection as soon as
13 required by the Department of Human Services pursuant to the TANF
14 program, but not later than twenty-four (24) months after
15 certification of the application for assistance, unless the person
16 is exempt from work requirements under rules promulgated by the
17 Commission pursuant to the STARS;

18 ~~4.~~ 5. The Department shall develop and describe categories of
19 approved work activities for the TANF program recipients in
20 accordance with this paragraph. Work activities that qualify in
21 meeting the requirements include, but are not limited to:

- 1 (a) the federal minimum wage requirements
2 pursuant to the Fair Labor Standards Act of
3 1938, as amended,
4 (b) the federal Social Security tax and Medicare
5 tax, and
6 (c) regulations promulgated pursuant to the
7 federal Occupational Safety and Health Act
8 of 1970 and rules promulgated by the State
9 Department of Labor pursuant thereto,
10 b. a program of work experience,
11 c. on-the-job training,
12 d. assisted job search which may include supervised or
13 unsupervised job-seeking activities,
14 e. job readiness assistance which may include, but is not
15 limited to:
16 (1) orientation in the work environment and basic
17 job-seeking and job retention skills,
18 (2) instruction in completing an application for
19 employment and writing a resume, and
20 (3) instruction in conducting oneself during a job
21 interview, including appropriate dress,
22 f. job skills training which is directly related to
23 employment in a specific occupation for which there is

1 a written commitment by an employer to offer
2 employment to a recipient who successfully completes
3 the training. Job skills training includes, but is
4 not limited to, customized training designed to meet
5 the needs of a specific employer or a specific
6 industry,
7 g. community service programs which are job-training
8 activities provided in areas where sufficient public
9 or private sector employment is not available. Such
10 activities are linked to both education or training
11 and activities that substantially enhance a
12 recipient's employability,
13 h. literacy and adult basic education programs,
14 i. vocational-educational programs, not to exceed twelve
15 (12) months for any individual, which are directed
16 toward vocational-educational training and education
17 directly related to employment,
18 j. education programs which are directly related to
19 specific employment opportunities, if a recipient has
20 not received a high school diploma or General
21 Equivalency Degree, and
22 k. child care for other STARS recipients. The recipient
23 must meet training and licensing requirements for

1 child care providers as required by the Oklahoma Child
2 Care Facilities Licensing Act;

3 ~~5.~~ 6. Single, custodial parents with a child up to one (1) year
4 of age may be exempt from work activities for a lifetime total
5 exemption of twelve (12) months;

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

9 ~~7.~~ 8. For single-parent families, except for teen parents,
10 educational activities, other than vocational-technical training, do
11 not count toward meeting the required twenty (20) hours of work
12 activity. For two-parent families, educational activities, except
13 vocational-technical training, do not count toward meeting the
14 required thirty-five (35) hours of work activity;

15 ~~8.~~ 9. A teen parent must live at home or in an approved, adult-
16 supervised setting as specified in Section 230.55 of this title to
17 receive TANF assistance;

18 ~~9.~~ 10. A recipient must comply with immunization requirements
19 established pursuant to the TANF program;

20 ~~10.~~ 11. A recipient shall be subject to the increment in
21 benefits for additional children established by Section 230.58 of
22 this title;

1 ~~11.~~ 12. The following recipient resources are exempt from
2 resource determination criteria:

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

18 ~~12.~~ 13. An applicant who applies and is otherwise eligible to
19 receive TANF benefits but who has resided in this state less than
20 twelve (12) months shall be subject to Section 230.57 of this title;

21 ~~13.~~ 14. The recipient shall enter into a personal
22 responsibility agreement with the Department for receipt of
23 assistance pursuant to Section 230.65 of this title;

1 ~~14.~~

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

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

11 ~~15.~~ 16. The recipient shall comply with all other conditions
12 and requirements of the STARS, and rules of the Commission
13 promulgated pursuant thereto.

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

19 2. Information received pursuant to the STARS shall be
20 maintained by the applicable agency and, except as otherwise
21 provided by this subsection, shall be disclosed only in accordance
22 with any confidentiality provisions applicable to the agency
23 originating the information.

1 3. The various agencies of the state shall execute operating
2 agreements to facilitate information exchanges pursuant to the
3 STARS.

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

5 1. Provide assistance to aliens pursuant to Section 230.73 of
6 this title;

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

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

12 4. Deny temporary assistance to fugitive felons.

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

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

22 SECTION 2. This act shall become effective November 1, 2009.

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO
24 PASS, As Amended and Coauthored.