

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2112

By: Marlatt

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5
6 AS INTRODUCED

7 An Act relating to poor persons; amending 56 O.S.
8 2001, Section 230.52, which relates to minimum
9 mandatory requirements for the Temporary Assistance
10 for Needy Families (TANF) program; requiring the
11 Department of Human Services to develop a drug
12 screening program for applicants and recipients of
13 certain benefits; modifying eligibility requirements
14 for certain applicants; requiring drug screening of
15 certain elected officials; requiring State Department
16 of Health to implement and enforce certain testing;
17 providing for certain referral; providing certain
18 records be made available to the public; permitting
19 the State Board of Health to promulgate certain
20 rules; providing for codification; and providing an
21 effective date.

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

23 SECTION 1. AMENDATORY 56 O.S. 2001, Section 230.52, is
24 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

1 the minimum mandatory requirements for the Temporary Assistance for
2 Needy Families (TANF) program:

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

7 2. The Department of Human Services shall establish a program
8 of drug screening for those persons applying for or receiving
9 assistance pursuant to the TANF program. Those persons identified
10 as in need of substance abuse services shall be conditionally
11 eligible to receive assistance pursuant to this subsection provided
12 that the applicant participate in the recommended substance abuse
13 services;

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

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

24

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
24

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
24

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
24 provided by this subsection, shall be disclosed only in accordance

1 with any confidentiality provisions applicable to the agency
2 originating the information.

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

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

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

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

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

14 4. Deny temporary assistance to fugitive felons.

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

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

24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 570 of Title 40, unless there is
3 created a duplication in numbering, reads as follows:

4 A. A drug test shall be performed on members of the Legislature
5 and the Governor before the elected official may take office.

6 B. The State Department of Health shall implement and enforce
7 the drug tests as provided for in subsection A of this section.

8 C. If the result a drug test on a member of the Legislature or
9 the Governor is positive, the elected official shall be referred to
10 a substance abuse rehabilitation program by the Department.

11 D. The results of the drug tests on members of the Legislature
12 and on the Governor shall be kept by the Department. Such records
13 shall be made available to members of the public upon request.

14 E. The State Board of Health may promulgate rules to implement
15 the provisions of this section.

16 SECTION 3. This act shall become effective November 1, 2010.

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