STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1073 By: Barrington

AS INTRODUCED

An Act relating to the Temporary Assistance for Needy Families (TANF) program; amending 56 O.S. 2011, Section 230.52, which relates to eligibility for the TANF program; adding drug-testing requirement as a condition for eligibility in the TANF program; requiring the Department of Human Services to develop a program to screen and test certain TANF applicants and recipients for the illegal use of controlled substances; requiring certain administrative hearing; authorizing the denial of TANF benefits for certain time period; providing exception for certain individuals entering a treatment program; requiring random or set drug tests for specified individuals; requiring certain referrals; requiring certain individuals to report suspected child abuse in specified circumstances; permitting members of certain households to continue to receive TANF benefits in specified circumstances; directing the Commission for Human Services to promulgate certain rules; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2011, 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. A recipient shall be subject to the drug-testing and related eligibility requirements specified in Section 2 of this act.

3. Single parents receiving temporary assistance pursuant to the TANF 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 TANF program shall participate in work activities for a minimum of thirty-five (35) hours per week during the month;

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

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

a. (1) unsubsidized employment which is full-time employment or part-time employment that is not directly supplemented by federal or state funds,

(2) subsidized private sector employment which is employment in a private for-profit enterprise or a private not-for-profit enterprise that is directly supplemented by federal or state funds. Prior to receiving any subsidy or incentive, the employer shall enter into a written contract with the Department, and

(3) subsidized public sector employment which is employment by an agency of a federal, state, or local governmental entity which is directly supplemented by federal or state funds. Prior to receiving any subsidy or incentive, the employer shall enter into a written contract with the Department.

Subsidized hourly employment or unsubsidized hourly employment pursuant to this subparagraph shall only be

approved by the Department as work activity if such employment is subject to:

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

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

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

b. a program of work experience,

c. on-the-job training,

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

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

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

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

(3) instruction in conducting oneself during a job interview, including appropriate dress,

f. job skills training which is directly related to employment in a specific occupation for which there is a written commitment by an employer to offer employment to a recipient who successfully completes the training. Job skills training includes, but is not limited to, customized training designed to meet the needs of a specific employer or a specific industry,

g. community service programs which are job-training activities provided in areas where sufficient public or private sector employment is not available. Such activities are linked to both education or training and activities that substantially enhance a recipient's employability,

h. literacy and adult basic education programs,

i. vocational-educational programs, not to exceed twelve (12) months for any individual, which are directed toward vocational-educational training and education directly related to employment,

j. education programs which are directly related to specific employment opportunities, if a recipient has not received a high school diploma or General Equivalency Degree, and

k. child care for other STARS recipients. The recipient must meet training and licensing requirements for child care providers as required by the Oklahoma Child Care Facilities Licensing Act;

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

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

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

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

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

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

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

a. an automobile with an equity allowance of not more than Five Thousand Dollars ($5,000.00) pursuant to Section 230.53 of this title,

b. individual development accounts established pursuant to the Family Savings Initiative Act, or individual development accounts established prior to November 1, 1998, pursuant to the provisions of Section 230.54 of this title in an amount not to exceed Two Thousand Dollars ($2,000.00),

c. the equity value of funeral arrangements owned by a recipient that does not exceed the limitation specified by Section 165 of this title, and

d. earned income disregards not to exceed One Hundred Twenty Dollars ($120.00) and one-half (1/2) of the remainder of the earned income;

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

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

~~14.~~

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

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

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

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

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

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

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

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

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

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

4. Deny temporary assistance to fugitive felons.

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

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.52a of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall develop a program to screen each applicant or recipient who is otherwise eligible for Temporary Assistance for Needy Families (TANF) benefits and then test, using a urine dipstick 5-panel test, each one who the Department has reasonable cause to believe, based on the screening, engages in illegal use of controlled substances.

B. Any applicant or recipient who is found to have tested positive for the use of a controlled substance which was not prescribed for such applicant or recipient by a licensed health care provider, or who refuses to submit to a test, shall, after an administrative hearing conducted by the Department, be declared ineligible for TANF benefits for a period of three (3) years from the date of the administrative hearing decision, unless such applicant or recipient, after having been referred by the Department, enters and successfully completes a substance abuse treatment program and does not test positive for illegal use of a controlled substance in the six-month period beginning on the date of entry into such rehabilitation or treatment program. The applicant or recipient shall continue to receive benefits while participating in the treatment program. The Department may test the applicant or recipient for illegal drug use at random or set intervals, at the Department's discretion, after such period. If the applicant or recipient tests positive for the use of illegal drugs a second time, then such applicant or recipient shall be

declared ineligible for TANF benefits for a period of three (3) years from the date of the administrative hearing decision. The Department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this section to an appropriate substance abuse treatment program approved by the Department of Mental Health and Substance Abuse Services.

C. Social services specialists working with TANF applicants or recipients shall be required to report or cause a report to be made to Child Protective Services for suspected child abuse as a result of drug abuse in instances where the social services specialist has knowledge that:

1. An applicant or recipient has tested positive for the illegal use of a controlled substance; or

2. An applicant or recipient has refused to be tested for the illegal use of a controlled substance.

D. Other members of a household which includes a person who has been declared ineligible for TANF benefits shall, if otherwise eligible, continue to receive TANF benefits as protective or vendor payments to a third-party payee for the benefit of the members of the household.

E. The Commission for Human Services shall promulgate rules to implement the provisions of this section, including, but not limited to, the screening and testing provisions of this section.

SECTION 3. This act shall become effective November 1, 2012.

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