

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1939

By: Branan

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5
6 AS INTRODUCED

7 An Act relating to drug testing; amending 56 O.S.
8 2011, Section 230.52, which relates to the Temporary
9 Assistance for Needy Families program; directing the
10 Department of Human Services to establish a program
11 of random drug testing for persons receiving certain
12 assistance; providing for referrals to the Department
13 of Mental Health and Substance Abuse Services in
14 certain circumstances; directing the Department of
15 Mental Health and Substance Abuse Services to advise
16 the Department of Human Services on certain
17 compliance; suspending certain benefits for specified
18 persons; and providing an effective date.

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

20 SECTION 1. AMENDATORY 56 O.S. 2011, Section 230.52, is
21 amended to read as follows:

22 Section 230.52 A. Except for specific exceptions, conditions
23 or restrictions authorized by the Statewide Temporary Assistance
24 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 1. A recipient shall be eligible to receive assistance pursuant
2 to the TANF program only for a lifetime total of five (5) years,
3 subject to the exemptions allowed by federal law. Child-only cases
4 are not subject to the five-year limitation;

5 2. The Department of Human Services shall establish a program
6 of random drug testing for those persons receiving assistance
7 pursuant to the TANF program. Those persons refusing to submit to
8 the drug test or having a confirmed positive drug test shall be
9 referred to the Department of Mental Health and Substance Abuse
10 Services for a substance abuse program. The Department of Mental
11 Health and Substance Abuse Services shall advise the Department of
12 Human Services as to a person's compliance or noncompliance with the
13 substance abuse program. If the person is compliant and completes
14 the substance abuse program, the Department of Human Services shall
15 continue to provide benefits to the person under the TANF program.
16 If the person is not compliant or does not complete the substance
17 abuse program, the Department of Human Services shall suspend the
18 person's benefits under the TANF program;

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

1 ~~3.~~ 4. A recipient must be engaged in one or more of the work
2 activities set out in paragraph 4 5 of this subsection as soon as
3 required by the Department of Human Services pursuant to the TANF
4 program, but not later than twenty-four (24) months after
5 certification of the application for assistance, unless the person
6 is exempt from work requirements under rules promulgated by the
7 Commission pursuant to the STARS;

8 ~~4.~~ 5. The Department shall develop and describe categories of
9 approved work activities for the TANF program recipients in
10 accordance with this paragraph. Work activities that qualify in
11 meeting the requirements include, but are not limited to:

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

1 supplemented by federal or state funds. Prior to
2 receiving any subsidy or incentive, the employer
3 shall enter into a written contract with the
4 Department.

5 Subsidized hourly employment or unsubsidized hourly
6 employment pursuant to this subparagraph shall only be
7 approved by the Department as work activity if such
8 employment is subject to:

9 (a) the federal minimum wage requirements
10 pursuant to the Fair Labor Standards Act of
11 1938, as amended,

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

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

18 b. a program of work experience,

19 c. on-the-job training,

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

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

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

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

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

11 ~~5.~~ 6. Single, custodial parents with a child up to one (1) year
12 of age may be exempt from work activities for a lifetime total
13 exemption of twelve (12) months;

14 ~~6.~~ 7. In order to receive assistance, unmarried teen parents of
15 a minor child at least twelve (12) weeks of age must participate in
16 educational activities or work activities approved by the state;

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

1 ~~8.~~ 9. A teen parent must live at home or in an approved, adult-
2 supervised setting as specified in Section 230.55 of this title to
3 receive TANF assistance;

4 ~~9.~~ 10. A recipient must comply with immunization requirements
5 established pursuant to the TANF program;

6 ~~10.~~ 11. A recipient shall be subject to the increment in
7 benefits for additional children established by Section 230.58 of
8 this title;

9 ~~11.~~ 12. The following recipient resources are exempt from
10 resource determination criteria:

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

14 b. individual development accounts established pursuant
15 to the Family Savings Initiative Act, or individual
16 development accounts established prior to November 1,
17 1998, pursuant to the provisions of Section 230.54 of
18 this title in an amount not to exceed Two Thousand
19 Dollars (\$2,000.00),

20 c. the equity value of funeral arrangements owned by a
21 recipient that does not exceed the limitation
22 specified by Section 165 of this title, and
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1 d. earned income disregards not to exceed One Hundred
2 Twenty Dollars (\$120.00) and one-half (1/2) of the
3 remainder of the earned income;

4 ~~12.~~ 13. An applicant who applies and is otherwise eligible to
5 receive TANF benefits but who has resided in this state less than
6 twelve (12) months shall be subject to Section 230.57 of this title;

7 ~~13.~~ 14. The recipient shall enter into a personal
8 responsibility agreement with the Department for receipt of
9 assistance pursuant to Section 230.65 of this title;

10 ~~14.~~

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

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

20 ~~15.~~ 16. The recipient shall comply with all other conditions
21 and requirements of the STARS, and rules of the Commission
22 promulgated pursuant thereto.

23 B. 1. Agencies of this state involved in providing services to
24 recipients pursuant to the STARS shall exchange information as

1 necessary for each agency to accomplish objectives and fulfill
2 obligations created or imposed by the STARS and rules promulgated
3 pursuant thereto.

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

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

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

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

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

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

20 4. Deny temporary assistance to fugitive felons.

21 D. In order to ensure that the needy citizens of this state are
22 receiving necessary benefits, the Department shall maintain a
23 listing of all recipients receiving public assistance. The listing
24 shall reflect each recipient's income, social security number, and

1 the programs in which the recipient is participating including, but
2 not limited to, TANF, food stamps, child care, and medical
3 assistance.

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

6 SECTION 2. This act shall become effective November 1, 2012.

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