

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 74

By: Standridge

AS INTRODUCED

An Act relating to public assistance; amending 56 O.S. 2011, Section 230.52, as amended by Section 1, Chapter 263, O.S.L. 2012 (56 O.S. Supp. 2014, Section 230.52), which relates to requirements of the Temporary Assistance for Needy Families (TANF) program; deleting obsolete language; denying TANF eligibility for persons convicted of certain crimes; directing the Department of Human Services to provide certain list; requiring completion of a substance abuse program to reestablish eligibility; declaring that persons convicted of drug trafficking are ineligible for TANF cash benefits; amending Section 28, Chapter 414, O.S.L. 1997, which relates to opting out of certain federal requirements; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 2011, Section 230.52, as amended by Section 1, Chapter 263, O.S.L. 2012 (56 O.S. Supp. 2014, 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

1 Responsibility System (STARS) and rules promulgated by the
2 Commission for Human Services pursuant thereto, the following are
3 the minimum mandatory requirements for the Temporary Assistance for
4 Needy Families (TANF) program:

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

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

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

22 4. The Department shall develop and describe categories of
23 approved work activities for the TANF program recipients in
24

1 accordance with this paragraph. Work activities that qualify in
2 meeting the requirements include, but are not limited to:

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

7 ~~(2)~~

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

16 ~~(3)~~

17 (c) subsidized public sector employment which is
18 employment by an agency of a federal, state,
19 or local governmental entity which is
20 directly supplemented by federal or state
21 funds. Prior to receiving any subsidy or
22 incentive, the employer shall enter into a
23 written contract with the Department.
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1 (2) Subsidized hourly employment or unsubsidized
2 hourly employment pursuant to this subparagraph
3 shall only be approved by the Department as work
4 activity if such 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

- (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

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

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

13 7. 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. 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. A recipient must comply with immunization requirements
23 established pursuant to the TANF program;
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1 10. ~~A recipient shall be subject to the increment in benefits~~
2 ~~for additional children established by Section 230.58 of this title;~~

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

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

8 b. individual development accounts established pursuant
9 to the Family Savings Initiative Act, or individual
10 development accounts established prior to November 1,
11 1998, pursuant to the provisions of Section 230.54 of
12 this title in an amount not to exceed Two Thousand
13 Dollars (\$2,000.00),

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

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

20 ~~12.~~ 11. An applicant who applies and is otherwise eligible to
21 receive TANF benefits but who has resided in this state less than
22 twelve (12) months shall be subject to Section 230.57 of this title;

1 ~~13.~~ 12. 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.~~ 13. The Department shall, beginning November 1, 2012,
5 screen all adult applicants for TANF to determine if they are
6 engaged in the illegal use of a controlled substance or substances.
7 If the Department has made a determination that the applicant is
8 engaged in the illegal use of a controlled substance or substances,
9 the applicant's request for TANF cash benefits shall be denied. The
10 Commission for Human Services shall adopt rules to implement the
11 requirements of this paragraph consistent with the following:

- 12 a. the Department shall create a controlled substance
13 screening process to be administered at the time of
14 application. The process shall, at a minimum, include
15 a Substance Abuse Subtle Screening Inventory (SASSI)
16 or other similar screening methods. If necessary to
17 establish a reasonable expectation of certainty, the
18 Department is authorized to use further screening
19 methods, which may include, but are not limited to, a
20 clinical interview, consideration of the Department's
21 history with the applicant, and an Addictions Severity
22 Index (ASI). If the Department has reasonable cause
23 to believe that the applicant is engaged in the
24 illegal use of a controlled substance or substances,

1 the Department is authorized, though not required, to
2 request administration of a chemical drug test, such
3 as urinalysis. The cost of all such initial
4 screenings shall not be borne by the applicant,

5 b. if at any time during the controlled substance
6 screening process, the applicant refuses to
7 participate, that refusal shall lead to a denial of
8 TANF benefits,

9 c. if the Department, as the result of a controlled
10 substance screening process, has determined that the
11 applicant is engaged in the illegal use of a
12 controlled substance or substances, the applicant's
13 request for TANF cash benefits shall be denied,
14 subject to the following:

15 (1) if there has not already been a chemical drug
16 test administered as part of the controlled
17 substance screening process, the applicant may
18 submit proof of a negative chemical drug test
19 from a state certified laboratory to challenge
20 the Department's finding that the applicant is
21 engaged in the illegal use of a controlled
22 substance or substances. Proof of the chemical
23 drug test must be submitted to the Department no
24 later than the tenth calendar day following

1 denial. If denial is communicated by mail, the
2 ten (10) day window begins on the day after the
3 date of mailing of the denial notice to the
4 applicant's last-known address. The denial
5 notice is considered to be mailed on the date
6 that appears on the notice, unless otherwise
7 indicated by the facts,

8 (2) if denied due to the provisions of this
9 subparagraph, an applicant shall not be approved
10 until one (1) year has passed since the date of
11 denial,

12 (a) if the applicant is denied due to the
13 provisions of this paragraph, the Department
14 shall provide a list of substance abuse
15 treatment programs to the denied applicant,
16 or

17 (b) if an applicant has successfully complied
18 with a recommended substance abuse treatment
19 program after the date of denial, the
20 applicant may be approved for cash benefits
21 after six (6) months have passed since the
22 date of denial, rather than the required one
23 (1) year, and
24

1 (3) if an applicant has been denied TANF cash
2 benefits two times due to the provisions of this
3 subparagraph, the applicant shall be ineligible
4 for TANF benefits for a period of three (3) years
5 from the date of the second denial,

6 d. child-only cases and minor parents under eighteen (18)
7 years of age are not subject to the provisions of this
8 paragraph, and

9 e. in cases where the application for TANF benefits is
10 not for child-only benefits, but there is not a parent
11 who has been deemed eligible for cash benefits under
12 the provisions of this paragraph, any cash benefits
13 for which the dependent children of the family are
14 still eligible shall not be affected and may be
15 received and administered by an appropriate third
16 party approved by the Department for the benefit of
17 the members of the household;

18 14. Pursuant to P.L. 104-193, s. 115, an applicant who has been
19 convicted of an offense classified as a felony for possession of a
20 controlled dangerous substance as defined in the Controlled
21 Substances Act, 21 U.S.C. s. 802(6), is not eligible for TANF cash
22 benefits unless the Department receives verification that the
23 individual has satisfactorily completed a drug treatment program.
24 The Department shall provide a list of substance abuse treatment

1 programs to the applicant. If the individual has successfully
2 complied with a recommended substance abuse treatment program after
3 the date of denial based on the conviction, the applicant may be
4 approved for TANF cash benefits after six (6) months have passed
5 since the date of denial. An applicant who has a felony conviction
6 for drug trafficking, as defined in 18 U.S.C. s. 924(c)(2), is not
7 eligible for TANF cash benefits;

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

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

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

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

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

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

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

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

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

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

17 4. Deny temporary assistance to fugitive felons.

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

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

3 SECTION 2. AMENDATORY Section 28, Chapter 414, O.S.L.
4 1997, is amended to read as follows:

5 Section 28. A. The Governor of this state is hereby directed
6 to inform the Secretary of the United States Department of Health
7 and Human Services that this state hereby opts out of the special
8 provision related to community work, as described in Section
9 402(a) (1) (B) (IV) of the Social Security Act, as amended, by the
10 federal Personal Responsibility and Work Opportunity Reconciliation
11 Act of 1996, P.L. 104-193.

12 B. Pursuant to the authorization given to the states under
13 Section 115(d) (1) (A) of the federal Personal Responsibility and Work
14 Opportunity Reconciliation Act of 1996, P.L. 104-193, the State of
15 Oklahoma hereby opts out of the requirements of Section 115(a) (2) of
16 the federal Personal Responsibility and Work Opportunity
17 Reconciliation Act of 1996, P.L. 104-193, to ensure that the
18 Department of Human Services has the ability to require full
19 participation in work activities and other mandates of the Statewide
20 Temporary Assistance Responsibility System.

21 SECTION 3. This act shall become effective July 1, 2015.

22 SECTION 4. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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