

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1931

By: McCall

AS INTRODUCED

An Act relating to poor persons; amending 56 O.S. 2021, Section 230.52, which relates to the Temporary Assistance for Needy Families program; updating reference; providing area in which employment may be approved; providing that recipients be screened; providing that certain services be provided in certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 2021, 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,

1 subject to the exemptions allowed by federal law. Child-only cases
2 are not subject to the five-year limitation;

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

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

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

- 20 a. (1) unsubsidized employment which is full-time
21 employment or part-time employment that is not
22 directly supplemented by federal or state funds,
23 (2) subsidized private sector employment which is
24 employment in a private for-profit enterprise or

1 a private not-for-profit enterprise that is
2 directly supplemented by federal or state funds.
3 Prior to receiving any subsidy or incentive, the
4 employer shall enter into a written contract with
5 the Department, and

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

13 Subsidized hourly employment or unsubsidized hourly
14 employment pursuant to this subparagraph shall only be
15 approved by the Department as work activity if such
16 employment is subject to:

- 17 (a) the federal minimum wage requirements
18 pursuant to the Fair Labor Standards Act of
19 1938, as amended,
- 20 (b) the federal Social Security tax and Medicare
21 tax, and
- 22 (c) regulations promulgated pursuant to the
23 federal Occupational Safety and Health Act
24

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, and
 - (4) substance abuse treatment and mental health counseling,
- 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. 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;

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

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

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

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

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

17 11. The following recipient resources are exempt from resource
18 determination criteria:

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

22 b. individual development accounts established pursuant
23 to the Family Savings Initiative Act, or individual
24 development accounts established prior to November 1,

1 1998, pursuant to the provisions of Section 230.54 of
2 this title in an amount not to exceed Two Thousand
3 Dollars (\$2,000.00),

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

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

10 ~~12.~~ 11. An applicant who applies and is otherwise eligible to
11 receive TANF benefits but who has resided in this state less than
12 twelve (12) months shall be subject to Section 230.57 of this title;

13 ~~13.~~ 12. The recipient shall enter into a personal
14 responsibility agreement with the Department for receipt of
15 assistance pursuant to Section 230.65 of this title;

16 ~~14.~~ 13. The Department shall, beginning ~~November 1, 2012~~
17 November 1, 2023, screen all adult ~~applicants for~~ TANF recipients as
18 part of the required TANF employability plan to determine if they
19 are engaged in the illegal use of a controlled substance or
20 substances. If the Department has made a determination that the
21 ~~applicant~~ recipient is engaged in the illegal use of a controlled
22 substance or substances, the ~~applicant's request for TANF cash~~
23 ~~benefits shall be denied~~ recipient's TANF employability plan will
24 include substance abuse treatment and/or mental health counseling as

1 a part of the assigned work activities as set out in paragraph 4 of
2 this subsection. ~~The Commission for~~ Department of Human Services
3 shall adopt rules to implement the requirements of this paragraph
4 consistent with the following:

- 5 a. the Department shall create a controlled substance
6 screening process to be administered ~~at the time of~~
7 ~~application~~ during the assessment process that
8 determines the TANF employability plan. The process
9 shall, at a minimum, include a Substance Abuse Subtle
10 Screening Inventory (SASSI) or other similar screening
11 methods. If necessary to establish a reasonable
12 expectation of certainty, the Department is authorized
13 to use further screening methods, which may include,
14 but are not limited to, a clinical interview, and
15 consideration of the Department's history with the
16 applicant, ~~and an Addictions Severity Index (ASI).~~ If
17 the Department has reasonable cause to believe that
18 the ~~applicant~~ recipient is engaged in the illegal use
19 of a controlled substance or substances, the
20 Department is authorized, though not required, to
21 request administration of a chemical drug test, ~~such~~
22 ~~as urinalysis.~~ The cost of all such initial
23 screenings shall not be borne by the ~~applicant~~
24 recipient,

1 b. if at any time during the controlled substance
2 screening process, the ~~applicant~~ recipient refuses to
3 participate without good cause, that refusal shall
4 lead to a ~~denial~~ closure of TANF benefits,

5 ~~e. if the Department, as the result of a controlled~~
6 ~~substance screening process, has determined that the~~
7 ~~applicant is engaged in the illegal use of a~~
8 ~~controlled substance or substances, the applicant's~~
9 ~~request for TANF cash benefits shall be denied,~~
10 ~~subject to the following:~~

11 ~~(1) if there has not already been a chemical drug~~
12 ~~test administered as part of the controlled~~
13 ~~substance screening process, the applicant may~~
14 ~~submit proof of a negative chemical drug test~~
15 ~~from a state certified laboratory to challenge~~
16 ~~the Department's finding that the applicant is~~
17 ~~engaged in the illegal use of a controlled~~
18 ~~substance or substances. Proof of the chemical~~
19 ~~drug test must be submitted to the Department no~~
20 ~~later than the tenth calendar day following~~
21 ~~denial. If denial is communicated by mail, the~~
22 ~~ten (10) day window begins on the day after the~~
23 ~~date of mailing of the denial notice to the~~
24 ~~applicant's last known address. The denial~~

~~notice is considered to be mailed on the date
that appears on the notice, unless otherwise
indicated by the facts,~~

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

~~(a) if the applicant is denied due to the
provisions of this paragraph, the Department
shall provide a list of substance abuse
treatment programs to the denied applicant,~~

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

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

1 ~~d. child only cases and minor parents under eighteen (18)~~
2 ~~years of age are not subject to the provisions of this~~
3 ~~paragraph, and~~

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

13 ~~15.~~ 14.

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

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

1 ~~16.~~ 15. The recipient shall comply with all other conditions
2 and requirements of the STARS, and rules of the Commission
3 promulgated pursuant thereto.

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

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

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

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

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

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

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

1 4. Deny temporary assistance to fugitive felons.

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

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

11 SECTION 2. This act shall become effective November 1, 2023.

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