

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 1932

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 that certain individuals qualify for services 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, subject to the exemptions allowed by federal law. Child-only cases are not subject to the five-year limitation;

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

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

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

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

1 Prior to receiving any subsidy or incentive, the
2 employer shall enter into a written contract with
3 the Department, and

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

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

15 (a) the federal minimum wage requirements
16 pursuant to the Fair Labor Standards Act of
17 1938, as amended,

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

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

24 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. 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. 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. 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

1 activity. For two-parent families, educational activities, except
2 vocational-technical training, do not count toward meeting the
3 required thirty-five (35) hours of work activity;

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

7 9. An applicant or recipient pregnant with an unborn child and
8 who does not have children living in the home qualifies for TANF to
9 the same extent as a parent with minor children living in the home;

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

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

14 11. The following recipient resources are exempt from resource
15 determination criteria:

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

19 b. individual development accounts established pursuant
20 to the Family Savings Initiative Act, or individual
21 development accounts established prior to November 1,
22 1998, pursuant to the provisions of Section 230.54 of
23 this title in an amount not to exceed Two Thousand
24 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. 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. 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. The Department shall, beginning November 1, 2012, screen all adult applicants for TANF to determine if they are engaged in the illegal use of a controlled substance or substances. If the Department has made a determination that the applicant is engaged in the illegal use of a controlled substance or substances, the applicant's request for TANF cash benefits shall be denied. The Commission for Human Services shall adopt rules to implement the requirements of this paragraph consistent with the following:

- a. the Department shall create a controlled substance screening process to be administered at the time of application. The process shall, at a minimum, include a Substance Abuse Subtle Screening Inventory (SASSI)

1 or other similar screening methods. If necessary to
2 establish a reasonable expectation of certainty, the
3 Department is authorized to use further screening
4 methods, which may include, but are not limited to, a
5 clinical interview, consideration of the Department's
6 history with the applicant, and an Addictions Severity
7 Index (ASI). If the Department has reasonable cause
8 to believe that the applicant is engaged in the
9 illegal use of a controlled substance or substances,
10 the Department is authorized, though not required, to
11 request administration of a chemical drug test, such
12 as urinalysis. The cost of all such initial
13 screenings shall not be borne by the applicant,

14 b. if at any time during the controlled substance
15 screening process, the applicant refuses to
16 participate, that refusal shall lead to a denial of
17 TANF benefits,

18 c. if the Department, as the result of a controlled
19 substance screening process, has determined that the
20 applicant is engaged in the illegal use of a
21 controlled substance or substances, the applicant's
22 request for TANF cash benefits shall be denied,
23 subject to the following:
24

1 (1) if there has not already been a chemical drug
2 test administered as part of the controlled
3 substance screening process, the applicant may
4 submit proof of a negative chemical drug test
5 from a state certified laboratory to challenge
6 the Department's finding that the applicant is
7 engaged in the illegal use of a controlled
8 substance or substances. Proof of the chemical
9 drug test must be submitted to the Department no
10 later than the tenth calendar day following
11 denial. If denial is communicated by mail, the
12 ten (10) day window begins on the day after the
13 date of mailing of the denial notice to the
14 applicant's last-known address. The denial
15 notice is considered to be mailed on the date
16 that appears on the notice, unless otherwise
17 indicated by the facts,

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

22 (a) if the applicant is denied due to the
23 provisions of this paragraph, the Department
24

1 shall provide a list of substance abuse
2 treatment programs to the denied applicant,
3 (b) if an applicant has successfully complied
4 with a recommended substance abuse treatment
5 program after the date of denial, the
6 applicant may be approved for cash benefits
7 after six (6) months have passed since the
8 date of denial, rather than the required one
9 (1) year, and

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

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

18 e. in cases where the application for TANF benefits is
19 not for child-only benefits, but there is not a parent
20 who has been deemed eligible for cash benefits under
21 the provisions of this paragraph, any cash benefits
22 for which the dependent children of the family are
23 still eligible shall not be affected and may be
24 received and administered by an appropriate third

1 party approved by the Department for the benefit of
2 the members of the household;

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

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

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

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

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

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

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

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

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

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

12 4. Deny temporary assistance to fugitive felons.

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

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

22 SECTION 2. This act shall become effective November 1, 2023.
23

24 59-1-6231 CMA 12/28/22