

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1392

By: Sykes

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5  
6 AS INTRODUCED

7 An Act relating to poor persons; amending 56 O.S.  
8 2001, Section 230.52, which relates to minimum  
9 mandatory requirements for the Temporary Assistance  
10 for Needy Families (TANF) program; requiring a drug  
test as a condition of eligibility for benefits;  
11 providing that certain persons are ineligible for  
12 benefits; and providing an effective date.

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

14 SECTION 1. AMENDATORY 56 O.S. 2001, Section 230.52, is  
15 amended to read as follows:

16 Section 230.52 A. Except for specific exceptions, conditions  
17 or restrictions authorized by the Statewide Temporary Assistance  
18 Responsibility System (STARS) and rules promulgated by the  
19 Commission for Human Services pursuant thereto, the following are  
20 the minimum mandatory requirements for the Temporary Assistance for  
21 Needy Families (TANF) program:

22 1. A recipient shall be eligible to receive assistance pursuant  
23 to the TANF program only for a lifetime total of five (5) years,  
24

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

3 2. The Department of Human Services shall establish a program  
4 of drug testing for those persons applying for or receiving  
5 assistance pursuant to the TANF program. Those persons refusing to  
6 submit to the drug test, or having a confirmed positive drug test,  
7 shall not be eligible to receive assistance;

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

14 ~~3.~~ 4. A recipient must be engaged in one or more of the work  
15 activities set out in paragraph 4 5 of this subsection as soon as  
16 required by the Department of Human Services pursuant to the TANF  
17 program, but not later than twenty-four (24) months after  
18 certification of the application for assistance, unless the person  
19 is exempt from work requirements under rules promulgated by the  
20 Commission pursuant to the STARS;

21 ~~4.~~ 5. The Department shall develop and describe categories of  
22 approved work activities for the TANF program recipients in  
23 accordance with this paragraph. Work activities that qualify in  
24 meeting the requirements include, but are not limited to:

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

18 Subsidized hourly employment or unsubsidized hourly  
19 employment pursuant to this subparagraph shall only be  
20 approved by the Department as work activity if such  
21 employment is subject to:

- 22 (a) the federal minimum wage requirements  
23 pursuant to the Fair Labor Standards Act of  
24 1938, as amended,

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

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

7 b. a program of work experience,

8 c. on-the-job training,

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

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

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

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

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

19 f. job skills training which is directly related to  
20 employment in a specific occupation for which there is  
21 a written commitment by an employer to offer  
22 employment to a recipient who successfully completes  
23 the training. Job skills training includes, but is  
24 not limited to, customized training designed to meet

1 the needs of a specific employer or a specific  
2 industry,

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

9 h. literacy and adult basic education programs,

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

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

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

22 ~~5.~~ 6. Single, custodial parents with a child up to one (1) year  
23 of age may be exempt from work activities for a lifetime total  
24 exemption of twelve (12) months;

1       ~~6.~~ 7. In order to receive assistance, unmarried teen parents of  
2 a minor child at least twelve (12) weeks of age must participate in  
3 educational activities or work activities approved by the state;

4       ~~7.~~ 8. 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.~~ 9. 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.~~ 10. A recipient must comply with immunization requirements  
14 established pursuant to the TANF program;

15       ~~10.~~ 11. A recipient shall be subject to the increment in  
16 benefits for additional children established by Section 230.58 of  
17 this title;

18       ~~11.~~ 12. The following recipient resources are exempt from  
19 resource determination criteria:

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

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

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

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

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

11 ~~12.~~ 13. An applicant who applies and is otherwise eligible to  
12 receive TANF benefits but who has resided in this state less than  
13 twelve (12) months shall be subject to Section 230.57 of this title;

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

17 ~~14.~~

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

23 b. The recipient shall be provided a release form to sign  
24 in order to obtain the required information. Failure

1 to sign the release form may result in case closure;

2 and

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

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

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

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

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

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

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

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

3        4. Deny temporary assistance to fugitive felons.

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

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

13        SECTION 2. This act shall become effective November 1, 2010.

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