

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 394

6 By: Coleman

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Temporary Assistance for Needy
9 Families (TANF) program; amending 56 O.S. 2011,
10 Section 230.52, as amended by Section 1, Chapter 263,
11 O.S.L. 2012 (56 O.S. Supp. 2020, Section 230.52),
12 which relates to minimum requirements; amending 56
13 O.S. 2011, Section 230.53, which relates to exclusion
14 of automobile from determination of applicant's
15 resources; increasing amount of excluded equity
16 allowance; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 56 O.S. 2011, Section 230.52, as
19 amended by Section 1, Chapter 263, O.S.L. 2012 (56 O.S. Supp. 2020,
20 Section 230.52), is amended to read as follows:

21 Section 230.52. A. Except for specific exceptions, conditions
22 or restrictions authorized by the Statewide Temporary Assistance
23 Responsibility System (STARS) and rules promulgated by the
24 ~~Commission for~~ Director of 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. Single parents receiving temporary assistance pursuant to
6 the TANF program shall participate in work activities for a minimum
7 of twenty (20) hours per week during the month. Two-parent families
8 receiving temporary assistance pursuant to the TANF program shall
9 participate in work activities for a minimum of thirty-five (35)
10 hours per week during the month;

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

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

- 22 a. (1) unsubsidized employment which is full-time
23 employment or part-time employment that is not
24 directly supplemented by federal or state funds,

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

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

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

19 (a) the federal minimum wage requirements
20 pursuant to the Fair Labor Standards Act of
21 1938, as amended,

22 (b) the federal Social Security tax and Medicare
23 tax, and
24

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

- 5 b. a program of work experience,
- 6 c. on-the-job training,
- 7 d. assisted job search which may include supervised or
8 unsupervised job-seeking activities,
- 9 e. job readiness assistance which may include, but is not
10 limited to:
 - 11 (1) orientation in the work environment and basic
12 job-seeking and job retention skills,
 - 13 (2) instruction in completing an application for
14 employment and writing a resume, and
 - 15 (3) instruction in conducting oneself during a job
16 interview, including appropriate dress,
- 17 f. job skills training which is directly related to
18 employment in a specific occupation for which there is
19 a written commitment by an employer to offer
20 employment to a recipient who successfully completes
21 the training. Job skills training includes, but is
22 not limited to, customized training designed to meet
23 the needs of a specific employer or a specific
24 industry,

- 1 g. community service programs which are job-training
- 2 activities provided in areas where sufficient public
- 3 or private sector employment is not available. Such
- 4 activities are linked to both education or training
- 5 and activities that substantially enhance a
- 6 recipient's employability,
- 7 h. literacy and adult basic education programs,
- 8 i. vocational-educational programs, not to exceed twelve
- 9 (12) months for any individual, which are directed
- 10 toward vocational-educational training and education
- 11 directly related to employment,
- 12 j. education programs which are directly related to
- 13 specific employment opportunities, if a recipient has
- 14 not received a high school diploma or General
- 15 Equivalency Degree, and
- 16 k. child care for other STARS recipients. The recipient
- 17 must meet training and licensing requirements for
- 18 child care providers as required by the Oklahoma Child
- 19 Care Facilities Licensing Act;

20 5. Single, custodial parents with a child up to one (1) year of
21 age may be exempt from work activities for a lifetime total
22 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)~~ Ten Thousand
21 Dollars (\$10,000.00) pursuant to Section 230.53 of
22 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. 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. The recipient shall enter into a personal responsibility
15 agreement with the Department for receipt of assistance pursuant to
16 Section 230.65 of this title;

17 14. The Department shall, beginning November 1, 2012, screen
18 all adult applicants for TANF to determine if they are engaged in
19 the illegal use of a controlled substance or substances. If the
20 Department has made a determination that the applicant is engaged in
21 the illegal use of a controlled substance or substances, the
22 applicant's request for TANF cash benefits shall be denied. The
23 ~~Commission for Human Services~~ Director shall adopt rules to

1 implement the requirements of this paragraph consistent with the
2 following:

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

20 b. if at any time during the controlled substance
21 screening process, the applicant refuses to
22 participate, that refusal shall lead to a denial of
23 TANF benefits,
24

1 c. if the Department, as the result of a controlled
2 substance screening process, has determined that the
3 applicant is engaged in the illegal use of a
4 controlled substance or substances, the applicant's
5 request for TANF cash benefits shall be denied,
6 subject to the following:

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

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

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

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

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

21 d. child-only cases and minor parents under eighteen (18)
22 years of age are not subject to the provisions of this
23 paragraph, and
24

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

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

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

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

22 B. 1. Agencies of this state involved in providing services to
23 recipients pursuant to the STARS shall exchange information as
24 necessary for each agency to accomplish objectives and fulfill

1 obligations created or imposed by the STARS and rules promulgated
2 pursuant thereto.

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

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

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

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

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

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

19 4. Deny temporary assistance to fugitive felons.

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

1 not limited to, TANF, food stamps, child care, and medical
2 assistance.

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

5 SECTION 2. AMENDATORY 56 O.S. 2011, Section 230.53, is
6 amended to read as follows:

7 Section 230.53. The Department of Human Services shall exclude
8 an automobile with an equity allowance of not more than ~~Five~~
9 ~~Thousand Dollars (\$5,000.00)~~ Ten Thousand Dollars (\$10,000.00) from
10 the determination of resources available to meet the needs of an
11 applicant for or recipient of benefits under the Temporary
12 Assistance for Needy Families (TANF) program.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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