

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 281

By: Coleman

4
5
6 AS INTRODUCED

7 An Act relating to the Temporary Assistance for Needy
8 Families (TANF) program; amending 56 O.S. 2021,
9 Section 230.52, which relates to minimum mandatory
10 requirements; modifying certain exemption from
11 resource determination criteria; deleting obsolete
12 reference; updating statutory language; amending 56
13 O.S. 2021, Section 230.53, which relates to exclusion
14 of automobile from determination of applicant's
15 resources; modifying exclusion; providing an
16 effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 56 O.S. 2021, Section 230.52, is
19 amended to read as follows:

20 Section 230.52. A. Except for specific exceptions, conditions
21 or restrictions authorized by the Statewide Temporary Assistance
22 Responsibility System (STARS) and rules promulgated by the
23 ~~Commission for~~ Director of the Department of Human Services pursuant
24 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~~ Director 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
25

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

1 of 1970 and rules promulgated by the ~~State~~
2 Department of Labor pursuant thereto,

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

1 or private sector employment is not available. Such
2 activities are linked to both education or training
3 and activities that substantially enhance a
4 recipient's employability,

5 h. literacy and adult basic education programs,

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

10 j. education programs which are directly related to
11 specific employment opportunities, if a recipient has
12 not received a high school diploma or ~~General~~
13 ~~Equivalency Degree~~ General Educational Development
14 certificate, and

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

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

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

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

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

10 9. 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 one automobile with an equity allowance of not more~~
17 ~~than Five Thousand Dollars (\$5,000.00) per household~~
18 pursuant to 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),

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

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

7 ~~12.~~ 11. An applicant who applies and is otherwise eligible to
8 receive TANF benefits but who has resided in this state less than
9 twelve (12) months shall be subject to Section 230.57 of this title;

10 ~~13.~~ 12. The recipient shall enter into a personal
11 responsibility agreement with the Department for receipt of
12 assistance pursuant to Section 230.65 of this title;

13 ~~14.~~ 13. The Department shall, beginning November 1, 2012,
14 screen all adult applicants for TANF to determine if they are
15 engaged in the illegal use of a controlled substance or substances.
16 If the Department has made a determination that the applicant is
17 engaged in the illegal use of a controlled substance or substances,
18 the applicant's request for TANF cash benefits shall be denied. The
19 ~~Commission for Human Services~~ Director shall adopt rules to
20 implement the requirements of this paragraph consistent with the
21 following:

22 a. the Department shall create a controlled substance
23 screening process to be administered at the time of
24 application. The process shall, at a minimum, include

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

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

20 c. if the Department, as the result of a controlled
21 substance screening process, has determined that the
22 applicant is engaged in the illegal use of a
23 controlled substance or substances, the applicant's
24

1 request for TANF cash benefits shall be denied,
2 subject to the following:

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

20 (2) if denied due to the provisions of this
21 subparagraph, an applicant shall not be approved
22 until one (1) year has passed since the date of
23 denial,
24

1 (a) if the applicant is denied due to the
2 provisions of this paragraph, the Department
3 shall provide a list of substance abuse
4 treatment programs to the denied applicant,
5 and

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

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

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

21 e. in cases where the application for TANF benefits is
22 not for child-only benefits, but there is not a parent
23 who has been deemed eligible for cash benefits under
24 the provisions of this paragraph, any cash benefits

1 for which the dependent children of the family are
2 still eligible shall not be affected and may be
3 received and administered by an appropriate third
4 party approved by the Department for the benefit of
5 the members of the household;

6 ~~15.~~ 14. a. As a condition of participating in the STARS, all
7 recipients are deemed to have given authorization for
8 the release of any and all information necessary to
9 allow all state and federal agencies to meet the
10 program needs of the recipient.

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

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

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

23 2. Information received pursuant to the STARS shall be
24 maintained by the applicable agency and, except as otherwise
25

1 provided by this subsection, shall be disclosed only in accordance
2 with any confidentiality provisions applicable to the agency
3 originating the information.

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

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

8 1. Provide assistance to aliens pursuant to Section 230.73 of
9 this title;

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

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

15 4. Deny temporary assistance to fugitive felons.

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

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

1 SECTION 2. AMENDATORY 56 O.S. 2021, Section 230.53, is
2 amended to read as follows:

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

9 SECTION 3. This act shall become effective July 1, 2023.

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

14
15 59-1-581 DC 1/11/2023 4:19:56 PM
16
17
18
19
20
21
22
23
24
25