

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 909

By: Thompson

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5  
6 AS INTRODUCED

7 An Act relating to public assistance; amending 56  
8 O.S. 2011, Section 230.52, as amended by Section 1,  
9 Chapter 263, O.S.L. 2012 (56 O.S. Supp. 2015, Section  
10 230.52), which relates to minimum mandatory  
11 requirements for Temporary Assistance for Needy  
12 Families (TANF) program; requiring recipients to  
13 enter into certain contracts; prohibiting receipt of  
benefits for certain actions for certain time period;  
14 providing definition; providing certain exception;  
15 amending 56 O.S. 2011, Section 230.65, which relates  
16 to personal responsibility agreements; requiring  
17 Department of Human Services to impose penalties for  
18 certain acts; and providing an effective date.

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

20 SECTION 1. AMENDATORY 56 O.S. 2011, Section 230.52, as  
21 amended by Section 1, Chapter 263, O.S.L. 2012 (56 O.S. Supp. 2015,  
22 Section 230.52), is amended to read as follows:

23 Section 230.52. A. Except for specific exceptions, conditions  
24 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 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 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 and recipient shall enter into a written  
7 contract with 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) 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. 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. The recipient shall enter into a personal responsibility  
14 agreement with the Department for receipt of assistance pursuant to  
15 Section 230.65 of this title;

16 14. The Department shall, beginning November 1, 2012, screen  
17 all adult applicants for TANF to determine if they are engaged in  
18 the illegal use of a controlled substance or substances. If the  
19 Department has made a determination that the applicant is engaged in  
20 the illegal use of a controlled substance or substances, the  
21 applicant's request for TANF cash benefits shall be denied. The  
22 Commission for Human Services shall adopt rules to implement the  
23 requirements of this paragraph consistent with the following:  
24

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



1 controlled substance or substances, the applicant's  
2 request for TANF cash benefits shall be denied,  
3 subject to the following:

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

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

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

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

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

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

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

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

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

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

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

22 2. Information received pursuant to the STARS shall be  
23 maintained by the applicable agency and, except as otherwise  
24 provided by this subsection, shall be disclosed only in accordance

1 with any confidentiality provisions applicable to the agency  
2 originating the information.

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

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

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

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

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

14 4. Deny temporary assistance to fugitive felons.

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

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

24

1        F. Recipients who voluntarily terminate employment in an  
2 employment program authorized by this section shall be ineligible  
3 for TANF benefits for six (6) subsequent months. For the purposes  
4 of this subsection, "voluntarily terminate" means the cessation of  
5 employment on the employee's own accord. The provisions of this  
6 subsection shall not apply to recipients with qualifying life events  
7 impeding them from employment.

8            SECTION 2.            AMENDATORY            56 O.S. 2011, Section 230.65, is  
9 amended to read as follows:

10           Section 230.65. A. 1. The Department of Human Services shall  
11 conduct an employability assessment of the education, training,  
12 skills, prior work experience and supportive service needs of  
13 individuals applying for and receiving assistance pursuant to the  
14 Temporary Assistance for Needy Families (TANF) program.

15           2. The Department shall arrange for administration of a  
16 recognized literacy screening for individuals who have not obtained  
17 a high school diploma or General Educational Development (GED)  
18 credential and have exhibited a lack of literacy skills. If, in the  
19 opinion of the Department, the applicant or recipient who has  
20 obtained a high school diploma or GED lacks reading skills to the  
21 extent that such insufficiency limits the applicant's or recipient's  
22 ability to become self-supporting, the Department shall refer the  
23 individual for a literacy assessment.

24

1           3. The Department shall utilize existing community resources,  
2 including, but not limited to, volunteer literacy groups and adult  
3 basic education programs, when arranging for literacy assessments  
4 and remediation of clients who lack sufficient reading skills.

5           B. The Department of Human Services shall require services to  
6 be provided to each applicant or recipient of benefits in any  
7 program according to a written personal responsibility agreement.  
8 The agreement shall reflect the education, training, skills, prior  
9 work experience and supportive service needs of the applicant or  
10 recipient and shall be:

11           1. Written in English, or translated into Spanish or other  
12 language, according to the applicant's or recipient's needs;

13           2. Signed by the applicant or recipient;

14           3. Signed by the parent of the applicant or recipient if the  
15 applicant or recipient is under eighteen (18) years of age;

16           4. Signed by the case manager; and

17           5. Reviewed by both the applicant or recipient and the case  
18 manager at least once a year. The agreement may be revised from  
19 time to time according to the needs of the recipient, the  
20 recipient's family and the program.

21           C. The personal responsibility agreement shall set forth the  
22 specific responsibilities of the recipient, at a minimum, to:

23           1. Develop a detailed plan for achieving self-sufficiency;

24

1       2. Participate in any educational or training program required  
2 by the Department pursuant to the results of the employability and  
3 literacy assessments;

4       3. Participate in life-skills training including, but not  
5 limited to, financial management classes, conflict resolution  
6 training, and social skills development;

7       4. Be available for and actively seek and maintain employment,  
8 and accept any reasonable employment as soon as it becomes available  
9 as required by the TANF program;

10       5. Participate in a community service, public works or private  
11 sector job pursuant to the requirements of the Statewide Temporary  
12 Assistance Responsibility System and the results of the  
13 employability and literacy assessments;

14       6. If the recipient is a minor parent, live in a supervised  
15 adult setting;

16       7. Accept responsibility for ensuring that the recipient's  
17 child complies with the attendance requirements of the local school  
18 district and attends school until the child of the recipient either:

19           a. graduates from high school or attains a high school  
20            equivalency certificate, or

21           b. becomes nineteen (19) years of age,  
22 whichever occurs first;

23       8. Accept responsibility for attending any classes required by  
24 a program at least ninety percent (90%) of the time;

1 9. Immunize the recipients' minor children pursuant to the  
2 State Department of Health's immunization schedule; and

3 10. a. Undergo a literacy skills assessment utilizing a  
4 testing instrument which measures whether such  
5 recipient is reading at a minimum of an eighth grade  
6 reading level, where the recipient has the capacity to  
7 read at such level or, regardless of reading level,  
8 which indicates that the recipient would benefit from  
9 compulsory participation in a literacy skills  
10 improvement program.

11 b. Based on the results of the assessment, the recipient  
12 shall agree to enroll and actively participate in a  
13 literacy skills improvement program and provide  
14 documentation of substantial quantifiable literacy  
15 improvement. Any recipient who is reading at less  
16 than an eighth grade level shall be required to  
17 continue to substantially and quantifiably improve his  
18 or her reading skills until such recipient  
19 demonstrates a level of reading proficiency that is at  
20 least equal to an eighth grade reading level.

21 c. On or before December 31 of each year, the Department  
22 of Human Services shall annually provide to the  
23 Governor, the President Pro Tempore of the Senate and  
24



1 the Speaker of the House of Representatives a written  
2 report outlining by age the number of recipients:

- 3 (1) assessed for literacy skills,  
4 (2) who failed to demonstrate eighth grade reading  
5 level proficiency,  
6 (3) who agreed to enroll and participate in a  
7 literacy skills improvement program, and  
8 (4) who either provided documentation of substantial  
9 quantifiable literacy skills improvement or whose  
10 case was closed prior to completion.

11 D. The Department ~~may~~ shall sanction or impose financial  
12 penalties on a recipient for failure to comply with the provisions  
13 of the personal responsibility agreement.

14 SECTION 3. This act shall become effective November 1, 2016.

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