

# House Bill 2416

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Human Services)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies exemptions from 60-month time limit on receipt of temporary assistance for needy families. Extends sunset on temporary provisions affecting eligibility and services in job opportunity and basic skills program, temporary assistance for needy families program and post-TANF aid program.

Declares emergency, effective July 1, 2015.

## A BILL FOR AN ACT

1  
2 Relating to temporary assistance for needy families; amending ORS 412.079 and sections 1 and 8,  
3 chapter 604, Oregon Laws 2011, and section 26, chapter 722, Oregon Laws 2013; and declaring  
4 an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 412.079 is amended to read:

7 412.079. (1) Except as provided in subsections (2) and (3) of this section, a needy caretaker rel-  
8 ative may not receive aid under ORS 412.006 if the needy caretaker relative has received aid under  
9 the temporary assistance for needy families program in this state or any other state for more than  
10 a total of 60 months.

11 (2) The Department of Human Services may not count toward the 60-month limit on receipt of  
12 aid described in subsection (1) of this section any month in which a needy caretaker relative:

13 (a) Receives a grant of temporary assistance for needy families under ORS 412.001 to 412.069,  
14 or assistance funded under Title IV-A of the Social Security Act in this or another state, prior to  
15 July 1, 2003;

16 (b) Resides in an area described in 18 U.S.C. 1151, and 50 percent or more of the adult residents  
17 in the area are unemployed;

18 (c) Is, in that month, a minor child and neither the head of the household nor married to the  
19 head of the household; **or**

20 (d) Receives aid under ORS 411.878, 412.014 or 412.124.[:]

21 [(e) *Is enrolled at an educational institution under ORS 412.016;*]

22 [(f) *Is exempt from time limits pursuant to rules adopted by the department in accordance with*  
23 *section 408(a)(7)(C) of the Social Security Act; or*]

24 [(g) *Is unable to obtain or maintain employment for a sufficient number of hours in a month to*  
25 *satisfy the federally required participation rates because the needy caretaker relative;*]

26 [(A) *Is a victim of domestic violence as defined in ORS 411.117;*]

27 [(B) *Has a certified learning disability;*]

28 [(C) *Has a mental health condition or an alcohol or drug abuse problem;*]

29 [(D) *Has a disability as defined by the department by rule in a manner consistent with the defi-*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 *inition of disability in the Americans with Disabilities Act;]*

2 *[(E) Has a child with a disability;]*

3 *[(F) Is deprived of needed medical care; or]*

4 *[(G) Is subjected to battery or extreme cruelty as defined by the department by rule.]*

5 (3) A needy caretaker relative may *[not be denied aid or terminated from receiving aid on the*  
 6 *basis of the 60-month limitation described in subsection (1) of this section if the individual is experi-*  
 7 *encing a situation described in subsection (2) of this section.]* **receive aid for more than 60 months**  
 8 **if the needy caretaker relative:**

9 **(a) Is enrolled at an educational institution under ORS 412.016;**

10 **(b) Is exempt from time limits pursuant to rules adopted by the department in accord-**  
 11 **ance with section 408(a)(7)(C) of the Social Security Act; or**

12 **(c) Is unable to obtain or maintain employment for a sufficient number of hours in a**  
 13 **month to satisfy the federally required participation rates because the needy caretaker rel-**  
 14 **ative:**

15 **(A) Is a victim of domestic violence as defined in ORS 411.117;**

16 **(B) Has a certified learning disability;**

17 **(C) Has a mental health condition or an alcohol or drug abuse problem;**

18 **(D) Has a disability as defined by the department by rule in a manner consistent with the**  
 19 **definition of disability in the Americans with Disabilities Act;**

20 **(E) Has a child with a disability;**

21 **(F) Is deprived of needed medical care; or**

22 **(G) Is subjected to battery or extreme cruelty as defined by the department by rule.**

23 (4)(a) The Department of Human Services shall monitor the average period of time a family re-  
 24 ceives aid and shall record such information by family size. The department shall monitor the wages  
 25 and benefits received by an individual who becomes employed while receiving aid, including medical  
 26 and child care benefits. The department shall monitor and record the rate at which families who  
 27 cease receiving aid for employment subsequently apply for and receive aid.

28 (b) The department shall report the results of the monitoring required under paragraph (a) of  
 29 this subsection to the Legislative Assembly not later than the 15th day of each odd-numbered year  
 30 regular session.

31 **SECTION 2.** Section 1, chapter 604, Oregon Laws 2011, as amended by section 82, chapter 107,  
 32 Oregon Laws 2012, and section 23, chapter 722, Oregon Laws 2013, is amended to read:

33 **Sec. 1.** For the biennium beginning July 1, [2013] **2015**, the Department of Human Services may,  
 34 notwithstanding ORS 411.070, 412.006, 412.009 and 412.016:

35 (1) Prescribe by rule an employability assessment and orientation process that the department  
 36 shall use to determine the level of participation by individuals applying for or receiving aid pursuant  
 37 to the temporary assistance for needy families program and required to participate in the job op-  
 38 portunity and basic skills program described in ORS 412.006. This process must occur prior to any  
 39 assessment described in ORS 412.006 (3) that is conducted by the department.

40 (2) Require all families to participate in the employability assessment and orientation process  
 41 as a condition for the family's receipt of aid.

42 (3) Limit in the job opportunity and basic skills program, for existing and future applicants and  
 43 recipients of aid, based on the results of the employability assessment or other criteria:

44 (a) The number of participants;

45 (b) The activities; or

1 (c) The level of participation.

2 (4) Require an individual in a one-parent family to participate in the job opportunity and basic  
3 skills program while caring for a dependent child who is under two years of age.

4 (5) Not approve enrollment in and attendance at an educational institution as an allowable work  
5 activity for purposes of ORS 412.001 to 412.069, except for recipients who have a case plan in effect  
6 on June 30, 2011, that approves enrollment in and attendance at an educational institution as an  
7 allowable work activity under ORS 412.016.

8 (6) Deny or terminate aid to a family in which a caretaker relative is separated from employ-  
9 ment without good cause, subject to exceptions prescribed by the department by rule. The family  
10 shall be ineligible to receive aid for a period of 120 days beginning on the date the caretaker rela-  
11 tive is separated from employment without good cause.

12 (7) Establish an income eligibility limit equal to 185 percent of the federal poverty guidelines for  
13 aid to a dependent child residing with a caretaker relative who is not the child's parent.

14 **SECTION 3.** Section 8, chapter 604, Oregon Laws 2011, as amended by section 25, chapter 722,  
15 Oregon Laws 2013, is amended to read:

16 **Sec. 8.** Section 1, chapter 604, Oregon Laws 2011, is repealed on July 1, [2015] **2017**.

17 **SECTION 4.** Section 26, chapter 722, Oregon Laws 2013, is amended to read:

18 **Sec. 26.** Notwithstanding ORS 412.124, for the biennium beginning July 1, [2013] **2015**, the De-  
19 partment of Human Services may not provide aid described in ORS 412.124.

20 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**  
21 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
22 **July 1, 2015.**

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