

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE
5 BILL NO. 694

By: Treat of the Senate

6 and

7 McCall of the House

8
9 An Act relating to the Temporary Assistance for Needy
10 Families (TANF) program; amending 56 O.S. 2021,
11 Section 230.52, which relates to minimum mandatory
12 requirements; providing for eligibility of certain
13 pregnant applicant or recipient; deleting obsolete
14 reference; updating statutory language; providing an
15 effective date; and declaring an emergency.

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

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

19 Section 230.52. A. Except for specific exceptions, conditions
20 or restrictions authorized by the Statewide Temporary Assistance
21 Responsibility System (STARS) and rules promulgated by the
22 ~~Commission for~~ Director of the Department of Human Services pursuant
23 thereto, the following are the minimum mandatory requirements for
24 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~~ General Educational Development
16 certificate, and
- 17 k. child care for other STARS recipients. The recipient
18 must meet training and licensing requirements for
19 child care providers as required by the Oklahoma Child
20 Care Facilities Licensing Act;

21 5. An applicant or recipient pregnant with an unborn child and
22 who does not have children living in the home qualifies for TANF to
23 the same extent as a parent with minor children living in the home;
24

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

4 ~~6.~~ 7. In order to receive assistance, unmarried teen parents of
5 a minor child at least twelve (12) weeks of age must participate in
6 educational activities or work activities approved by the state;

7 ~~7.~~ 8. For single-parent families, except for teen parents,
8 educational activities, other than vocational-technical training, do
9 not count toward meeting the required twenty (20) hours of work
10 activity. For two-parent families, educational activities, except
11 vocational-technical training, do not count toward meeting the
12 required thirty-five (35) hours of work activity;

13 ~~8.~~ 9. A teen parent must live at home or in an approved, adult-
14 supervised setting as specified in Section 230.55 of this title to
15 receive TANF assistance;

16 ~~9.~~ 10. A recipient must comply with immunization requirements
17 established pursuant to the TANF program;

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

20 11. The following recipient resources are exempt from resource
21 determination criteria:

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

- 1 b. individual development accounts established pursuant
2 to the Family Savings Initiative Act, or individual
3 development accounts established prior to November 1,
4 1998, pursuant to the provisions of Section 230.54 of
5 this title in an amount not to exceed Two Thousand
6 Dollars (\$2,000.00),
- 7 c. the equity value of funeral arrangements owned by a
8 recipient that does not exceed the limitation
9 specified by Section 165 of this title, and
- 10 d. earned income disregards not to exceed One Hundred
11 Twenty Dollars (\$120.00) and one-half (1/2) of the
12 remainder of the earned income;

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

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

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

1 ~~Commission for Human Services~~ Director shall adopt rules to
2 implement the requirements of this paragraph consistent with the
3 following:

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

1 participate, that refusal shall lead to a denial of
2 TANF benefits,

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

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

1 that appears on the notice, unless otherwise
2 indicated by the facts,

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

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

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

19 (3) if an applicant has been denied TANF cash
20 benefits two times due to the provisions of this
21 subparagraph, the applicant shall be ineligible
22 for TANF benefits for a period of three (3) years
23 from the date of the second denial,
24

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

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

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

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

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

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

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

11 3. The various agencies of the state shall execute operating
12 agreements to facilitate information exchanges pursuant to the
13 STARS.

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

15 1. Provide assistance to aliens pursuant to Section 230.73 of
16 this title;

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

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

22 4. Deny temporary assistance to fugitive felons.

23 D. In order to ensure that the needy citizens of this state are
24 receiving necessary benefits, the Department shall maintain a

1 listing of all recipients receiving public assistance. The listing
2 shall reflect each recipient's income, social security number, and
3 the programs in which the recipient is participating including, but
4 not limited to, TANF, food stamps, child care, and medical
5 assistance.

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

8 SECTION 2. This act shall become effective July 1, 2023.

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

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14 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/11/2023 - DO PASS.

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