

HB 3183-1
(LC 2295)
4/2/19 (LHF/ps)

Requested by HOUSE COMMITTEE ON HUMAN SERVICES AND HOUSING (at the request of the
Department of Human Services)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3183**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line
2 and insert “creating new provisions; amending ORS 411.070, 411.877, 412.006,
3 412.009, 412.011, 412.014, 412.016, 412.029, 412.084 and 412.124 and section 8,
4 chapter 604, Oregon Laws 2011; repealing ORS 412.017 and section 7, chapter
5 604, Oregon Laws 2011, and section 29, chapter 765, Oregon Laws 2015; and
6 declaring an emergency.”.

7 Delete lines 4 through 10 and insert:

8 **“SECTION 1.** ORS 412.006 is amended to read:

9 “412.006. *[(1) Aid pursuant to the temporary assistance for needy families*
10 *program shall be granted under this section to families with dependent chil-*
11 *dren residing in this state.]*

12 *“[(2) Except as provided in subsections (6) and (7) of this section, a needy*
13 *caretaker relative may be required to participate in the job opportunity and*
14 *basic skills program that is described in subsections (3) to (5) of this*
15 *section.]*

16 *“[(3) The department shall use a basic assessment tool to determine if a*
17 *needy caretaker relative applying for or receiving aid under this section has*
18 *or may have a barrier to employment or to family stability. If the basic as-*
19 *essment tool indicates that there is or may be a barrier, the needy caretaker*
20 *relative shall be referred for an in-depth assessment by a person with relevant*
21 *expertise or specialized training.]*

1 “[(4) *Based upon the assessment described in subsection (3) of this section,*
2 *the department, in cooperation with appropriate partner agencies or profes-*
3 *sionals, may work with the participant to create an effective individualized*
4 *case plan that establishes goals and identifies suitable activities that promote*
5 *family stability and financial independence.*]

6 “[(5) *For individuals with disabilities, the goal of the individualized case*
7 *plan must be to promote greater independence.*]

8 “[(6) *A needy caretaker relative receiving aid under ORS 412.001 to 412.069*
9 *may volunteer for but may not be required to participate in the job opportunity*
10 *and basic skills program:*]

11 “[(a) *More than 10 hours per week during the first two months of the third*
12 *trimester of the parent’s pregnancy;*]

13 “[(b) *During the last month of the parent’s pregnancy;*]

14 “[(c) *If the needy caretaker relative is experiencing medical complications*
15 *due to pregnancy that prohibit participation in activities in the program;*]

16 “[(d) *For one parent per family, during the first six months after the birth*
17 *of a child, up to a total of 12 months per family except that:*]

18 “[(A) *The department may require a parent to participate in suitable ac-*
19 *tivities, with a preference for educational activities, 16 weeks after the birth*
20 *of a child if the parent is under 20 years of age; and]*

21 “[(B) *The department may require a parent of a child under 12 months of*
22 *age to participate in evidence-based parenting classes or family stability ac-*
23 *tivities;*]

24 “[(e) *If participation is likely to cause undue hardship or is contrary to the*
25 *best interests of the child or needy caretaker relative; or]*

26 “[(f) *If the department determines that a needy caretaker relative is exempt*
27 *according to criteria adopted by rule.*]

28 “[(7) *The department shall adopt rules to carry out the provisions of this*
29 *section.*]

30 **“The Department of Human Services shall administer the tempo-**

1 **rary assistance for needy families program, consistent with the re-**
2 **quirements in 45 C.F.R. part 260, to provide to families with children:**

3 **“(1) Aid;**

4 **“(2) Case management services that focus on the strengths of the**
5 **parents or caretaker relatives;**

6 **“(3) Referrals for education and training; and**

7 **“(4) Resources, referrals or supports to improve the family’s eco-**
8 **nom ic stability, including but not limited to:**

9 **“(a) Mental health and addiction treatment;**

10 **“(b) Housing;**

11 **“(c) Child care; and**

12 **“(d) Training and education programs for youth.**

13 **“SECTION 2.** ORS 412.011 is amended to read:

14 **“412.011.** The Department of Human Services may provide support service
15 payments, **as prescribed by rule,** for transportation, housing or other costs
16 as necessary to prevent the loss of employment that will result in the family
17 qualifying for temporary assistance for needy families program aid under
18 ORS 412.006.

19 **“SECTION 3.** ORS 412.014, as amended by section 4, chapter 604, Oregon
20 Laws 2011, is amended to read:

21 *“412.014. [(1) There is created in the Department of Human Services the*
22 *State Family Pre-SSI/SSDI program. The department shall provide aid under*
23 *this section to families that are eligible for temporary assistance for needy*
24 *families under ORS 412.001 to 412.069 and that include a needy caretaker*
25 *relative who is unable to maintain substantial gainful activity due to a disa-*
26 *bility or combination of disabilities that meet the criteria of section 216 of the*
27 *Social Security Act.]*

28 *“[(2) The department shall assist families receiving aid under this section*
29 *in qualifying for federal Supplemental Security Income and Social Security*
30 *disability benefits, including obtaining necessary medical records and evalu-*

1 ations. The department shall maintain a list of lawyers admitted to the bar
2 of any state and approved by the Social Security Administration and nonprofit
3 legal services organizations that represent Oregon residents in administrative
4 hearings before the Social Security Administration Office of Disability Adju-
5 dication and Review.]

6 “[3] The department shall adopt rules for determining the amount of aid
7 granted under this section that is not less than the combined total of 43 percent
8 of the Supplemental Security Income payment in effect at that time and the
9 amount of aid the child would receive under ORS 412.006 if the caretaker
10 relative did not receive aid.]

11 “[4] Participation in the State Family Pre-SSI/SSDI program shall be
12 voluntary. The department shall provide information to potential participants
13 in the State Family Pre-SSI/SSDI program about the opportunities for em-
14 ployment while receiving Supplemental Security Income and about employment
15 resources available to State Family Pre-SSI/SSDI program participants. The
16 information must be in a format accessible to the potential participant.]

17 “[5] Participants in the State Family Pre-SSI/SSDI program must coop-
18 erate with the department in establishing eligibility for Supplemental Security
19 Income including, but not limited to, signing an interim assistance re-
20 imbursement agreement. The department by rule may establish policies for
21 monitoring and encouraging full engagement in the State Family
22 Pre-SSI/SSDI program, including activities that promote family stability. The
23 department shall offer participants the opportunity to participate in any suit-
24 able activity in the job opportunity and basic skills program under ORS
25 412.009.]

26 **“(1) There is created in the Department of Human Services the**
27 **State Family Pre-SSI/SSDI program. The department shall provide aid**
28 **under this section to families that are eligible for temporary assistance**
29 **for needy families under ORS 412.001 to 412.069 and that include a**
30 **needy caretaker relative who is unable to maintain substantial gainful**

1 activity due to a disability or combination of disabilities that meet the
2 criteria of section 216 of the Social Security Act.

3 “(2) The department shall assist families receiving aid under this
4 section in qualifying for federal Supplemental Security Income and
5 Social Security disability benefits, including obtaining necessary med-
6 ical records and evaluations. The department shall maintain a list of
7 lawyers admitted to the bar of any state and approved by the Social
8 Security Administration and nonprofit legal services organizations
9 that represent Oregon residents in administrative hearings before the
10 Social Security Administration Office of Disability Adjudication and
11 Review.

12 “(3) The department shall adopt rules for determining the amount
13 of aid granted under this section that is not less than the amount of
14 aid granted under ORS 412.006 (1).

15 “(4) Participation in the State Family Pre-SSI/SSDI program shall
16 be voluntary. The department shall provide information to potential
17 participants in the State Family Pre-SSI/SSDI program about the op-
18 portunities for employment while receiving Supplemental Security In-
19 come and about employment resources available to State Family
20 Pre-SSI/SSDI program participants. The information must be in a
21 format accessible to the potential participant.

22 “(5) Participants in the State Family Pre-SSI/SSDI program must
23 cooperate with the department in establishing eligibility for Supple-
24 mental Security Income including, but not limited to, signing an in-
25 terim assistance reimbursement agreement. The department by rule
26 may establish policies for monitoring and encouraging full engagement
27 in the State Family Pre-SSI/SSDI program, including activities that
28 promote family stability. The department shall offer participants the
29 opportunity to participate in any suitable activity in the job opportu-
30 nity and basic skills program under ORS 412.009.

1 **“SECTION 4.** ORS 412.016 is amended to read:

2 “412.016. (1) [*Subject to the limitation in ORS 412.017,*] A parent who ap-
3 plies for or receives temporary assistance for needy families under ORS
4 412.001 to 412.069 and who meets the criteria described in subsection (2) of
5 this section may enroll in and attend [*a two-year or four-year program at*] an
6 educational institution as an allowable work activity for purposes of ORS
7 412.001 to 412.069.

8 “(2) To enroll in and attend an educational institution as an allowable
9 work activity, a parent must:

10 “(a) Be accepted for full-time attendance into or be enrolled full-time at
11 an educational institution;

12 “(b) Demonstrate that completion of the educational program is likely to
13 result in employment that provides the wages and benefits necessary for the
14 parent to support the parent’s family without temporary assistance for needy
15 families; and

16 “(c) Make satisfactory academic progress, as defined by the educational
17 institution, toward a degree or certificate.

18 “(3) A parent who is enrolled at an educational institution under this
19 section shall receive temporary assistance for needy families under ORS
20 412.001 to 412.069 as well as be eligible for [*all*] other support services under
21 the temporary assistance for needy families program. [*Assistance under this*
22 *section does not include tuition and fees associated with enrollment at an ed-*
23 *ucational institution.*]

24 “(4) The Department of Human Services shall inform all parents applying
25 for or participating in the temporary assistance for needy families program
26 of the option to enroll in an educational institution and the requirements
27 under subsection (2) of this section.

28 “(5) The department shall adopt rules to implement and administer this
29 section.

30 “(6) As used in this section, ‘educational institution’ has the meaning

1 given that term in ORS 348.105.

2 **“SECTION 5.** ORS 412.124, as amended by section 7, chapter 765, Oregon
3 Laws 2015, is amended to read:

4 *“412.124. [(1) The Department of Human Services shall continue to provide*
5 *aid to families residing in Oregon that become ineligible for temporary assist-*
6 *ance for needy families under ORS 412.006 due to employment or increased*
7 *hours of work.]*

8 *“[(2) Families may receive aid under this section for 12 consecutive months*
9 *or until the household income exceeds 250 percent of the federal poverty*
10 *guidelines, whichever occurs first, as long as the caretaker relatives participate*
11 *in combined employment and work activities for the number of hours required*
12 *each month to satisfy federally required participation rates.]*

13 *“[(3) If the needy caretaker relatives cease to participate in employment or*
14 *suitable activities for a sufficient number of hours each month to satisfy*
15 *federally required participation rates, the department shall determine eligibil-*
16 *ity under ORS 412.006 based upon information available to the department. If*
17 *the department does not have sufficient information available to determine el-*
18 *igibility for aid under ORS 412.006, the department shall provide notice and*
19 *an opportunity for hearing prior to terminating aid. The notice must state the*
20 *information that the department lacks and that the caretaker relatives must*
21 *provide to complete the determination for aid.]*

22 *“[(4) The department by rule shall establish standards for aid provided*
23 *under this section. The department must disregard such aid for purposes of*
24 *publicly subsidized child care assistance.]*

25 *“[(5) In addition to money payments, aid includes necessary support service*
26 *payments and services as part of the job opportunity and basic skills program*
27 *to directly or indirectly assist the family in achieving long term financial sta-*
28 *bility.]*

29 **“(1) As used in this section, ‘aid’ means:**

30 **“(a) Cash payments to a family for basic living expenses; and**

1 **“(b) Support service payments necessary to maintain employment**
2 **to assist the family, directly or indirectly, in achieving long term**
3 **self-sufficiency.**

4 **“(2) The Department of Human Services shall provide aid for up to**
5 **three consecutive months to a family if:**

6 **“(a) The family is residing in this state;**

7 **“(b) The family becomes ineligible for aid under the temporary as-**
8 **sistance for needy families program due to employment or increased**
9 **hours of work; and**

10 **“(c) The caretaker relative is employed.**

11 **“(3) The department shall adopt by rule standards for the aid pro-**
12 **vided under this section.**

13 **“SECTION 6.** ORS 411.070 is amended to read:

14 “411.070. (1) The Department of Human Services shall adopt by rule
15 statewide uniform standards for all public assistance programs and shall ef-
16 fect uniform observance of the rules throughout the state.

17 “(2) In establishing uniform statewide standards for public assistance, the
18 department, within the limits of available funds, shall:

19 “(a) Take into consideration all basic requirements for a standard of liv-
20 ing compatible with decency and health, including food, shelter, clothing,
21 fuel, public utilities, telecommunications service, medical care and other es-
22 sential items and, upon the basis of investigations of the facts, shall provide
23 budgetary guides for determining minimum costs of meeting such require-
24 ments.

25 “(b) Develop standards for making payments and providing support ser-
26 vices in the job opportunity and basic skills program described in ORS
27 [412.006] **412.009.**

28 **“SECTION 7.** ORS 411.877 is amended to read:

29 “411.877. As used in ORS 411.877 to 411.896:

30 “(1) ‘Board’ means the JOBS Plus Advisory Board established in ORS

1 411.886.

2 “(2) ‘Job opportunities and basic skills program’ means the program de-
3 scribed in ORS [412.006] **412.009**.

4 “(3) ‘JOBS Plus’ or ‘program’ means the JOBS Plus Program established
5 in ORS 411.878.

6 “(4) ‘Supplemental Nutrition Assistance Program’ has the meaning given
7 that term in ORS 411.806.

8 **“SECTION 8.** ORS 412.009 is amended to read:

9 “412.009. (1) The Legislative Assembly finds that:

10 “(a) There is evidence that families who experience the most disquali-
11 fications from the job opportunity and basic skills program are often those
12 with the most barriers to employment; and

13 “(b) The loss of income from a program disqualification adds strain and
14 creates instability in families already experiencing extreme poverty, and this
15 affects the health and food security of the dependent children in the family.

16 “(2) The Department of Human Services by rule shall adopt proven
17 methods of encouraging participants’ full engagement in the job opportunity
18 and basic skills program, including the development of an individualized case
19 plan [*in accordance with ORS 412.006*] and an ongoing process to ensure that
20 the case plan is appropriate.

21 “(3)(a) The department shall facilitate the participation of needy care-
22 taker relatives and may not reduce the family’s aid payment as a method of
23 encouraging full engagement in the job opportunity and basic skills program
24 pursuant to subsection (2) of this section until the department determines
25 that the needy caretaker relative that is not fully engaged:

26 “(A) Has no identified barriers or refuses to take appropriate steps to
27 address identified barriers to participation in the program; and

28 “(B) Refuses without good cause, as defined by the department by rule,
29 to meet the requirements of an individualized and appropriate case plan.

30 “(b) The department may not reduce aid payments under this subsection

1 to families:

2 “(A) Receiving aid pursuant to ORS 412.014 or 412.124;

3 “(B) In which the caretaker relative participates in suitable activities for
4 the number of hours required each month to satisfy federally required par-
5 ticipation rates; or

6 “(C) Until the department has screened for and, if appropriate, assessed
7 barriers to participation, including but not limited to physical or mental
8 health needs, substance abuse, domestic violence or learning needs.

9 “(c) The department may not reduce aid payments under this subsection
10 before assessing the risk of harm posed to the children in the household by
11 the reduction in aid payments and taking steps to ameliorate the risk.

12 “(4) Following notice and an opportunity for a hearing under ORS chapter
13 183 and subject to subsection (2) of this section, the department may reduce
14 the aid payment to the family of an individual who refuses to participate in
15 suitable activities required by the individual’s case plan or may terminate
16 the aid payment to the family of a noncompliant individual in accordance
17 with procedures adopted by the department by rule.

18 “(5) A caretaker relative may request a hearing to contest the basis for
19 a reduction in or termination of an aid payment under this section within
20 90 days of a reduction in or termination of aid.

21 “(6) Every six months, the department shall report to the Family Services
22 Review Commission established under ORS 411.075 the status of and out-
23 comes for families for whom aid has been reduced or terminated under sub-
24 section (4) of this section. The department shall work with the commission
25 to establish the details to be provided in the report.

26 **“SECTION 9.** ORS 412.084 is amended to read:

27 “412.084. (1) A person who is a minor parent of a child and is receiving
28 or applying for aid shall reside with the person’s parent, parents or legal
29 guardian. The person may substitute an alternative supervised living ar-
30 rangement if the Department of Human Services determines that it is unsafe

1 or impractical for the person to reside with the person’s parent, parents or
2 legal guardian. Failure of a minor parent applying for or receiving temporary
3 assistance for needy families to reside with the person’s parent, parents or
4 legal guardian or in an alternative supervised living arrangement shall re-
5 sult in the termination of aid.

6 “(2) The provisions of subsection (1) of this section shall not apply to an
7 applicant for or recipient of temporary assistance for needy families when
8 circumstances or conditions exist that the department by rule establishes are
9 not in the best interest of the child.

10 “(3) If a person who is a minor parent receiving aid and who is not living
11 with the person’s parent, parents or legal guardian subsequently returns to
12 reside with the parent, parents or guardian and is determined ineligible to
13 receive aid by reason of the parent’s or guardian’s income, the minor parent
14 shall be eligible to receive such services, including medical care, as the de-
15 partment determines are necessary to allow the minor parent to attain a high
16 school diploma or the equivalent, or to participate in the job opportunity and
17 basic skills program as described in ORS [412.006] **412.009**.

18 **“SECTION 10.** ORS 412.029 is amended to read:

19 412.029. Each money payment of aid made to a representative payee or to
20 a guardian or a conservator under ORS 412.026 or 412.028 shall be expended
21 by the representative payee, guardian or conservator solely to make pur-
22 chases to meet the needs of the individuals with respect to whom the pay-
23 ment is made. However, the individuals may receive from the representative
24 payee, guardian or conservator such portions of the money payments, and
25 at such intervals, as may be permitted by rules adopted by the Department
26 of Human Services.

27 **“SECTION 11.** Section 8, chapter 604, Oregon Laws 2011, as amended by
28 section 25, chapter 722, Oregon Laws 2013, section 24, chapter 765, Oregon
29 Laws 2015, and section 7, chapter 725, Oregon Laws 2017, is amended to read:

30 **“Sec. 8.** Section 1, chapter 604, Oregon Laws 2011, as amended by section

1 82, chapter 107, Oregon Laws 2012, section 23, chapter 722, Oregon Laws
2 2013, and section 22, chapter 765, Oregon Laws 2015, is repealed [*on July 1,*
3 *2019*].

4 **“SECTION 12. Section 7, chapter 604, Oregon Laws 2011, as amended
5 by section 24, chapter 722, Oregon Laws 2013, section 23, chapter 765,
6 Oregon Laws 2015, and section 6, chapter 725, Oregon Laws 2017, is
7 repealed.**

8 **“SECTION 13. If this 2019 Act does not become effective until after
9 July 1, 2019, the amendments to ORS 412.014 by section 3 of this 2019
10 Act shall be operative retroactive to that date. Any otherwise lawful
11 action taken or otherwise lawful obligation incurred under the au-
12 thority of ORS 412.014, as amended by section 3 of this 2019 Act, is
13 ratified and approved.**

14 **“SECTION 14. Section 29, chapter 765, Oregon Laws 2015, as
15 amended by section 8, chapter 725, Oregon Laws 2017, is repealed.**

16 **“SECTION 15. If this 2019 Act does not become effective until after
17 July 1, 2019, the amendments to ORS 412.124 by section 5 of this 2019
18 Act shall be operative retroactive to that date. Any otherwise lawful
19 action taken or otherwise lawful obligation incurred under the au-
20 thority of ORS 412.124, as amended by section 5 of this 2019 Act, is
21 ratified and approved.**

22 **“SECTION 16. ORS 412.017 is repealed.**

23 **“SECTION 17. This 2019 Act being necessary for the immediate
24 preservation of the public peace, health and safety, an emergency is
25 declared to exist, and this 2019 Act takes effect on its passage.”.**

26