

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 275

BY: DICKERSON

AS INTRODUCED

AN ACT RELATING TO POOR PERSONS; AMENDING 56 O.S.

1981, SECTION 164, AS AMENDED BY SECTION 1, CHAPTER
29, O.S.L. 1985 (56 O.S. SUPP. 1990, SECTION 164),
WHICH RELATES TO SOCIAL SECURITY; MODIFYING
ELIGIBILITY FOR ASSISTANCE; AND PROVIDING AN
EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 56 O.S. 1981, Section 164, as
amended by Section 1, Chapter 29, O.S.L. 1985 (56 O.S. Supp. 1990,
Section 164), is amended to read as follows:

Section 164. Assistance shall be given under this act:

(a) To any needy person who has attained the age of ~~sixty-five~~
~~(65)~~ sixty-seven (67) years; provided, however, that when authorized
by federal law or regulations, and in conformity therewith, the age
requirement for needy persons under this act shall be ~~sixty-two (62)~~
sixty-five (65) years.

In addition to the above age requirements, said needy person
shall possess the following qualifications:

- (1) Shall be residing in this state with intent to remain
in the state at the time assistance is received;
- (2) Has not sufficient income or other resources to
provide for himself;

- (3) Is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services; and
- (4) Has not made an assignment, transfer or encumbrance of property for the purpose of rendering himself eligible for assistance under this act, at any time within five (5) years immediately preceding the filing of application for assistance.

(b) To any needy person who is blind and who possesses the following qualifications:

- (1) Shall be residing in this state with intent to remain in this state at the time assistance is received;
- (2) Has not sufficient income or other resources to provide for himself;
- (3) Is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services;
- (4) Has not made an assignment, transfer or encumbrance of property so as to render himself eligible for assistance under this act at any time within five (5) years immediately preceding the filing of application for assistance; and
- (5) Shall not, during the period of receiving assistance, solicit alms.

(c) To any child possessing the following qualifications:

- (1) Is crippled or is suffering from conditions which may lead to crippling;
- (2) Is in need of medical, surgical, corrective or other services and care;
- (3) Has not sufficient income or other resources to provide such medical, surgical, corrective or other services and care;
- (4) Has no relatives who are financially able and who are required by law to provide such services and care;

- (5) Shall be residing in this state with intent to remain in the state at the time assistance is received; and
- (6) Who is not receiving adequate aid under other provisions of law.

(d) To or on behalf of any dependent child who is under the age of eighteen (18) years of age or will graduate from high school prior to reaching nineteen (19) years of age and who possesses the following qualifications:

- (1) Shall be residing in this state with intent to remain in the state at the time assistance is received;
- (2) Has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with a relative of the proper degree as designated by the Oklahoma Commission for Human Services in a place of residence maintained by one or more of such relatives as his or their own home;
- (3) Has not sufficient income or other resources to provide for himself; and
- (4) Is a resident of the state at the time of receiving assistance.

As an incentive to accept employment, an amount as established by the Oklahoma Commission for Human Services may be disregarded in the determination of the amount of earned income to be considered against the grant of aid to families with dependent children.

It is declared to be the intent of the Legislature that incapacitated parents of dependent children and all other disabled persons receiving public assistance from the Department of Human Services, who, considering age, degree of incapacity, and ability to work, appear to be able to return to a status of self-support through surgery, medical treatment, vocational training, and selective placement, or any one or any combination of these

services, shall be referred to the Vocational Rehabilitation Division of the Department of Human Services, and encouraged to accept such rehabilitation services as may be available to them, and the Department of Human Services and the Vocational Rehabilitation Division of the Department of Human Services are directed to jointly formulate an agreement for the orderly referral of such cases, and the prevention of duplication of effort and expense, and the full implementation of this policy, such agreement to become effective when approved by the Oklahoma Public Welfare Commission.

Provided that in cases where either parent would be required to support such child or children except for his physical incapacity, it is the duty of the Director of the Department of Human Services to furnish the name of such parent to the Vocational Rehabilitation Service. Such service shall review the available medical and social information and shall contact such parent, if it can be ascertained that he can be rehabilitated. If such parent refuses to allow an examination by the Vocational Rehabilitation Service, said service shall so notify the Director and the children of such parent may be immediately removed from the welfare rolls. If said parent submits to examination and it is found that he can be rehabilitated, such service shall proceed to rehabilitate him. If said parent refuses to submit himself for rehabilitation, whether by medical treatment or otherwise, said service shall so certify to the Director of the Department of Human Services who may immediately order the children of said parent removed from the welfare rolls.

(e) To any needy person who is permanently and totally disabled and who possesses the following qualifications:

- (1) Shall be residing in this state with intent to remain in the state at the time assistance is received;
- (2) Has not sufficient income or other resources to provide for himself; provided, that the resources or income of a person's parents shall be considered in

determining his eligibility for assistance for persons under eighteen (18) years of age; provided further, that no person shall be eligible to receive assistance under this subsection for any period of time with respect to which he receives assistance under any other provision of the section of which this subsection is a part;

- (3) Is not an inmate of a public institution as defined by the Oklahoma Commission for Human Services; and
- (4) Has not made an assignment, transfer or encumbrance of property so as to render himself eligible for assistance under this act, at any time within five (5) years immediately preceding the filing of application for assistance.

Eligibility for assistance under provisions of this subsection shall be determined under rules and regulations promulgated, from time to time, by the Department as provided by law.

SECTION 2. This act shall become effective _____ __, 1991.

43-1-661

CJ