

ENGROSSED HOUSE
BILL NO. 1185

By: Seikel and Johnson
(Glen) of the House

and

Fisher of the Senate

An Act relating to the food stamp program; amending 56 O.S. 1991, Section 241, which relates to food stamp distribution; authorizing certain contracts; modifying procedures with regard to food stamps; amending 74 O.S. 1991, Section 85.34, which relates to the Risk Management Program; authorizing certain community action agencies to participate in State Risk Management Program for certain purposes; providing for certain coverage by Administrator; providing for criteria and standards for eligibility; requiring payments; providing for procedures; placing limitation on use of state funds for payment of certain claims and expenses; amending 56 O.S. 1991, Section 189a, which relates to furnishing quarters for the Department of Human Services; authorizing agreements for certain quarters under certain circumstances; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 241, is amended to read as follows:

Section 241. ~~(a)~~ A. It shall be the mandatory duty of the board of county commissioners of any county ~~having a population in excess of three hundred thousand (300,000), as shown by the last preceding Federal Decennial Census, and having an eligible commodity distribution program caseload in excess of ten thousand (10,000) persons,~~ to participate in the food stamp program under the Food Stamp Act of ~~1964~~ 1977, as amended, and to enter into an agreement for such purpose with the ~~Oklahoma Public Welfare Commission~~ for Human Services. ~~Provided, that in the event there is enacted a federal law which operates to exclude any person or families receiving public assistance from eligibility for food stamps, the board of county commissioners may discontinue its participation in the food stamp program and reenter the commodity distribution program.~~

~~(b)~~ B. The board of county commissioners of any other county may have federal food stamps ~~sold and~~ issued to eligible recipients of the county in pursuance of an agreement for such purpose entered into by the board with the ~~Oklahoma Public Welfare Commission~~ for Human Services. ~~All such counties not electing to participate in the food stamp program shall distribute donated agricultural commodities under the commodity distribution program to all eligible families as certified by the Department of Public Welfare.~~

~~(c)~~ C. The cost of distributing the food stamps shall be paid by the county. Except as provided in subsection ~~(d)~~ D of this section, the board of county commissioners shall be required to pay the estimated cost in advance on the calendar quarter basis, with an adjustment within thirty (30) days after the end of the quarter to reflect actual cost payable by the county; and if the county fails to make such payment at least fifteen (15) days prior to the first day of the first month of a quarter, the agreement between the board

of county commissioners and the ~~Oklahoma Public Welfare Commission~~ for Human Services shall terminate and the Commission shall discontinue the issuance of food stamps in the county at the beginning of such quarter.

~~(d)~~ D. 1. The board of county commissioners may at its option operate the program of distributing food stamps to families, certified as eligible by the ~~Oklahoma Public Welfare Commission~~ for Human Services, within the county ~~and the agreement with the Commission will provide for such operation with the provision that the county furnish.~~

2. The board of county commissioners may also contract with private or public entities to provide for the distribution of food stamps.

3. Any program for food stamps or coupon distribution operated pursuant to the provisions of this subsection shall provide:

- a. adequate qualified personnel, suitable facilities for storing and issuing stamps ~~and such,~~ any bonding of personnel, and insurance that may be required by the ~~Oklahoma Public Welfare Commission,~~ for Human Services, and
- b. that such sale, distribution and accounting of food stamps shall be in compliance with all federal and state regulations applicable thereto.

~~(e)~~ E. If the ~~sale and~~ distribution of food stamps within the county is to be handled by the ~~Oklahoma Public Welfare Commission~~ for Human Services, at its election, the food stamps may be distributed through one or more issuing offices, or through local banks, or through other means. The board of county commissioners ~~may~~ shall be required to reimburse the Commission for a ~~prorated share of the total~~ cost of such distribution, ~~based upon the number of persons participating in the county.~~

SECTION 2. AMENDATORY 74 O.S. 1991, Section 85.34, is amended to read as follows:

Section 85.34 A. The Purchasing Division of the ~~Office of Public Affairs~~ Department of Central Services is hereby directed to establish for all state agencies, whether or not subject to the Central Purchasing Act, ~~Section 85.1 et seq. of this title,~~ a comprehensive professional risk management program which shall:

1. Identify and evaluate tort liability risks for state agencies; and
2. After October 1, 1986, identify and evaluate all risks for state agencies; and
3. Eliminate, reduce, or minimize tort liability risks through a continuous effective loss-prevention and loss-control program; and
4. After October 1, 1986, eliminate, reduce, or minimize all risks through a continuous effective loss-prevention and loss-control program; and
5. Transfer risks if it is economically advantageous to the state to do so, by acquiring commercial insurance, or by contractual pass-off of liability, or by other means; and
6. Consolidate and administer all plans and programs pertaining to risk management including self-insurance programs, except Workers' Compensation Insurance and State Employees Group Insurance; and
7. Determine feasibility of self-insurance programs; and
8. Establish, if feasible, such self-insurance programs; and
9. Require payment by agencies for insurance provided by the risk management program; and
10. When requested by a state retirement system, the State Insurance Fund or the State and Education Employees Group Insurance Board, assist the state retirement system, the Fund or the Board in obtaining indemnity insurance authorized by law or when requested by the Oklahoma State Regents for Higher Education, assist trust funds

for which the State Regents serve as trustees in obtaining indemnity insurance authorized by law; and

11. Assist any state agency, board, commission, or department, and any officers, employees, and members thereof, charged with any type of licensing authority in obtaining indemnity insurance for liability for judgments based on the licensing authority rendered by any court pursuant to federal law.

B. The Director of the ~~Office of Public Affairs~~ Department of Central Services is authorized to hire or contract for the services of a Risk Management Administrator who shall supervise the purchase of property and casualty insurance for all state-owned real and personal property.

C. The Risk Management Administrator shall also be responsible for the continuing evaluation of the insurance coverage needed by the state and the insurance coverage in force. All state agencies shall submit to the Risk Management Administrator any information which the Risk Management Administrator deems necessary to perform this duty.

D. The school districts of this state are authorized to request the Risk Management Administrator to supervise the purchase of insurance coverage for the school districts.

E. Prior to purchase of property and casualty insurance by any state agency, details of the proposed purchase shall be submitted to the Risk Management Administrator for approval or disapproval.

F. Any state agency, board, commission, or department, and any officers, employees, and members thereof, charged with any type of licensing authority may obtain indemnity insurance for liability for judgments based on any action taken pursuant to the licensing authority rendered by any court pursuant to federal law. Prior to purchase of said insurance, details of the proposed purchase shall be submitted to the Risk Management Administrator for approval or disapproval.

G. ~~The Director of the Office of Public Affairs~~ Department of Central Services shall promulgate and adopt rules and regulations necessary to effect the provisions of this risk management program.

H. 1. For the purposes of the comprehensive professional risk management program, any community action agency established pursuant to Sections 5035 through 5040 of this title when distributing food stamps and otherwise participating in the food stamp program shall be construed to be a state agency pursuant to the provisions of this subsection.

2. The Risk Management Administrator shall obtain or provide for insurance coverage for a community action agency for any risks incurred as a result of distribution of food stamps or coupons.

3. The Risk Management Administrator is authorized to determine eligibility criteria for participation in the risk management program by such community action agencies. In addition, the Risk Management Administrator shall require each community action agency to provide adequate qualified personnel, and suitable facilities for storing and issuing food stamps or coupons, and comply with such other standards that are necessary for the protection of the food stamps or coupons when in the custody and control of the community action agencies.

4. Any eligible community action agency shall be required to make payments for any insurance coverage and shall otherwise comply with the provisions of this section and rules promulgated by the Department pursuant to the provisions of this section.

5. Requests for the insurance coverage provided pursuant to the provisions of this section shall be submitted in writing to the Risk Management Administrator by the community action agencies.

6. This subsection must be self-funding from premiums or fees collected by Risk Management of Central Services from the community action agencies, and no state revenues shall be obligated or used in

paying claims or expenses of the new risk group involved in this subsection.

SECTION 3. AMENDATORY 56 O.S. 1991, Section 189a, is amended to read as follows:

Section 189a. (a) The board of county commissioners in each county shall be required to furnish quarters for the local units of the Oklahoma Department of Human Services, such quarters to be located in the county courthouse or other suitable building in the county seat; to furnish light, heat and water and supply adequate toilet facilities; and it shall be the duty of the county excise board to provide adequate appropriations to enable the county commissioners to comply with this provision; provided, that if no suitable quarters or adequate facilities are available in the county courthouse or in the county seat, the same shall be furnished and supplied in the city or town in the county, but not the county seat thereof, having the greatest population. Provided, that the Department may enter into an agreement with the board of county commissioners for financial participation, by the Department, in the payment of rent on space leased for use by the Department, or in the cost of repairs of buildings or space used by the Department, or the cost of janitorial services and utility services, if the Oklahoma Commission for Human Services determines that such payment is necessary for adequate space for units of the Department and that monies for such purpose are available without detriment to programs administered by the Department.

(b) If the Commission for Human Services determines that adequate or suitable quarters, office space or facilities for the local units of the Department are not obtainable, the Department may enter into an agreement with the board of county commissioners of the county, or with any state agency or public trust, for the construction or renovation of a building or buildings where local units of the Department may have quarters, office space or

facilities; or may enter into a lease agreement for the rental of space and facilities in a building or buildings constructed or renovated by the county, or a state agency, public trust or building authority, for the purpose of providing office space to the Department or any other public agency or agencies. The Department shall not enter into any agreement under the provisions of this subsection unless federal financial participation is obtainable. All such agreements shall contain provisions as to financial participation therein by the parties to the agreement, payments to be made for the use or occupancy of the office space and facilities, and ownership of the building or buildings after payment of the cost of construction or renovation thereof has been completed, consistent with the requirements necessary for the Department to obtain or receive federal funds for such purpose.

(c) If the Commission for Human Services determines that adequate or suitable quarters, office space or facilities for local units of the Department are not obtainable from the board of county commissioners of the county, or from any state agency or public trust or building authority pursuant to the provisions of subsection (b) of this section, the Commission may enter into a lease agreement for the rental of space and facilities in a building or buildings owned or operated by a private vendor for the purpose of providing such quarters, office space or facilities.

(d) Notwithstanding the provisions of Section 94 of Title 74 of the Oklahoma Statutes, the Commission for Human Services is authorized to enter into agreements necessary to establish and determine the location of a North Tulsa field office if the Commission determines that state office space available through the ~~Office of Public Affairs~~ Department of Central Services in Tulsa County is not appropriate and adequate to offer accessible and comprehensive services to clients of the Department of Human

Services from North Tulsa County and Southern Osage County communities.

(e) Notwithstanding the provisions of Section 94 of Title 74 of the Oklahoma Statutes, the Commission for Human Services is authorized to enter into a lease/purchase agreement necessary to establish and determine the location of the local county office facility in Jackson County, Oklahoma, in Altus, Oklahoma, if the Commission determines that state office space available through the Department of Central Services in Jackson County is not appropriate and adequate to offer accessible and comprehensive services to clients of the Department of Human Services from Jackson County.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 24th day of February, 1993.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1993.

President of the Senate