

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2582

By: Pettigrew and Ferguson

AS INTRODUCED

An Act relating to poor persons; amending 56 O.S.

1991, Section 171, as amended by Section 9, Chapter 277, O.S.L. 1992 (56 O.S. Supp. 1995, Section 171), which relates to disclosure of property for public assistance; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 171, as amended by Section 9, Chapter 277, O.S.L. 1992 (56 O.S. Supp. 1995, Section 171), is amended to read as follows:

Section 171. A. Any applicant for public assistance ~~under this act~~ shall set forth upon the form prescribed by the Department of Human Services all ~~his~~ such person's real and personal property and income from whatever sources. If the recipient of assistance ~~under this act~~ thereafter becomes possessed of real property, or if such recipient comes into possession of personal property or money in excess of that given in the application for assistance and in such amount as would materially affect ~~his~~ such person's right to assistance, it shall be the duty of the recipient immediately to notify the Department of the receipt and possession of such

property, real or personal, or money. Provided, however, when assistance grants available are insufficient to meet the needs of a recipient as determined by the Department, such recipient may earn or receive the difference between such assistance grant and the budgetary needs of the recipient subject to availability of funds appropriated for this purpose. If any recipient receives overpayment of public assistance ~~under this act~~, or receives assistance while ineligible therefor ~~under this act~~, through misrepresentation or concealment of material facts, either in ~~his~~ such person's original application or thereafter, materially affecting the amount of assistance, the Department may, upon investigation, either cancel the assistance or reduce the amount thereof in accordance with the circumstances.

B. If any recipient conceals any resource, either in ~~his~~ such person's original application or thereafter, which would render the recipient ineligible for public assistance, such recipient shall be liable for the entire amount of assistance paid during the period of ineligibility. If, during the continuance of assistance, a recipient comes into possession of any money or resource which does not render ~~him~~ such person completely ineligible for assistance but which, if reported, would have reduced the amount of his assistance grant, such recipient shall be liable for the excess paid by the Department over the amount which the Department would have paid had the money or resources been reported. The Department may bring an action in a court of competent jurisdiction for the amount paid an ineligible recipient or the amount of the overpayment, as the case may be, unless the recipient voluntarily acknowledges the indebtedness, voluntarily gives a lien upon his property or voluntarily makes repayment. Providing, however, that the Department of Human Services shall credit any recipient who has received assistance while ineligible by reason of such fraud, misrepresentation and concealment of facts for the time ~~he~~ such

person has been held off the rolls according to the budgetary requirements in effect during the time ~~he~~ such person has remained off the rolls and such amount shall be deducted from the amount found to have been received ineligibly, by means of such fraud and misrepresentation. After the fact and amount of indebtedness has been established by a court of competent jurisdiction, the Department shall proceed to collect said judgment as other judgments for money are collected and all sums recovered under such judgments shall be paid into the State Treasury to the credit of the Human Services Medical and Assistance Fund; provided, however, that an action to establish the fact and amount of overpayment under the provisions of this act must be brought within one (1) year from the date of the discovery of the overpayment, misrepresentation or concealment of material facts by the recipient. Such judgment shall be a lien upon all assets, except the homestead and exempt personal property of such recipient, while the same are exempt from execution under the laws of the State of Oklahoma. Any funds received through the voluntary action of the recipient shall be paid into the State Treasury to the credit of the Human Services Medical and Assistance Fund.

C. Any recipient hereunder who sells, conveys or encumbers any real property belonging to ~~him~~ the recipient, or any interest therein, shall immediately notify the Department of same, giving the legal description of said property and nature and amount of consideration. Failure to make the report shall be cause for forfeiture of a recipient's right to assistance, in the discretion of the Department.

SECTION 2. This act shall become effective November 1, 1996.

45-2-8841

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