

ENROLLED HOUSE
BILL NO. 1066

By: Mitchell, Pettigrew,
Glover, Benson, Beutler,
Hilliard, Reese, Covey,
Pope (Clay) and Turner of
the House

and

Weedn of the Senate

An Act relating to poor persons; amending 56 O.S. 1991, Section 241, as last amended by Section 30, Chapter 87, O.S.L. 1994 (56 O.S. Supp. 1998, Section 241), which relates to food stamps; removing responsibility of counties for distribution and payment of food stamp benefits; making Department of Human Services responsible for participation in federal food stamp program; providing for operation of program; amending 56 O.S. 1991, Section 185, as amended by Section 499, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, Section 185), which relates to fraud in obtaining public assistance; adding to list of fraudulent acts that are misdemeanors; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 241, as last amended by Section 30, Chapter 87, O.S.L. 1994 (56 O.S. Supp. 1998, Section 241), is amended to read as follows:

Section 241. A. It shall be the mandatory duty of the ~~board of county commissioners of any county in this state~~ Department of Human Services to participate in the food stamp program under the Food Stamp Act of 1977, as amended, ~~and to enter into an agreement for such purpose with the Commission for Human Services.~~

~~B. The board of county commissioners of any county in this state may have federal food stamps issued to eligible recipients of the county in pursuance of an agreement for such purpose entered into by the board with the Commission for Human Services.~~

~~C. The cost of distributing the food stamps stamp benefits shall be paid by the county Department. Except as provided in subsection 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. 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 Commission for Human Services may terminate and the Commission may discontinue the issuance of food stamps in the county at the beginning of such quarter.~~

~~D. B. 1. The board of county commissioners Department may, at its option, operate:~~

~~a. operate the program of distributing food stamps stamp benefits to families, certified as eligible by the Commission for Human Services, within the county. Department, or~~

~~2. The board of county commissioners may also contract~~

~~b. contract with private or public entities to provide for the distribution of food stamps stamp benefits.~~

~~3. 2. Any program for distribution of food stamps or coupon distribution stamp benefits operated pursuant to the provisions of this subsection shall provide:~~

~~a. adequate qualified personnel, suitable facilities, and adequate participant access to such benefits through a system of electronic benefits transfer,~~

~~b. adequate qualified personnel and suitable facilities for storing storage and issuing stamps of any required food stamp coupons for benefits,~~

~~c. any bonding of personnel, and insurance that may be required by the Commission for Human Services, and~~

~~b. d. that such sale exchange, distribution and accounting of food stamps stamp benefits shall be in compliance with all federal and state regulations and rules applicable thereto.~~

~~E. C. If the distribution of food stamps within the county is to be handled by the Commission for Human Services, at its election, the food stamps Food stamp benefits may be distributed obtained through one or more issuing offices, or through local banks approved food stores, or through other means approved by the Department. The board of county commissioners 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.~~

~~F. If the county initially funds one hundred percent (100%) of the cost of food stamp distribution and is required to file for reimbursement for fifty percent (50%) of the amount expended, the county shall be allowed to utilize reimbursement procedures as specified in Section 335 of Title 62 of the Oklahoma Statutes.~~

SECTION 2. AMENDATORY 56 O.S. 1991, Section 185, as amended by Section 499, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, Section 185), is amended to read as follows:

Section 185. ~~Whoever obtains~~ Any person who:

1. Obtains or attempts to obtain, or aids, abets or assists any person to obtain, by means of a false statement or representation, ~~or~~ by false impersonation, ~~or~~ by a fictitious transfer, conveyance or encumbrance of property or income, ~~or~~ by a knowing and willful failure to report to the Department of Human Services income, personal property, real property, household members, or other material eligibility factors at the time of application or during the receipt of assistance, or by other fraudulent device, assistance to which an applicant is not entitled or assistance greater than that to which an applicant is justly entitled; or

2. By sale, barter, purchase, theft, acquisition, possession or use of any electronic benefits or debit card or any other device authorizing participation in the Temporary Assistance for Needy Families or other program of the Department, knowingly obtains, aids, abets or assists any person to obtain or attempt to obtain assistance to which a person is not entitled,

shall be guilty of a misdemeanor, if the aggregate amount of assistance received as a result thereof is Five Hundred Dollars (\$500.00) or less, ~~and upon~~. Upon conviction thereof, such person shall be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than three (3) months or be both so fined and imprisoned in the discretion of the court; ~~or shall be guilty of a felony provided, however,~~ if the aggregate amount of assistance received as a result thereof is in excess of Five Hundred Dollars (\$500.00), such person shall be guilty of a felony and, upon conviction thereof. ~~The fine for a felony violation of this section,~~ shall be fined not ~~exceed~~ more than Five Thousand Dollars (\$5,000.00).

SECTION 3. 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 29th day of March, 1999.

Speaker of the House of
Representatives

Passed the Senate the 23rd day of March, 1999.

President of the Senate