

THE STATE SENATE  
Tuesday, March 23, 1999

Committee Substitute for  
ENGROSSED  
House Bill No. 1066

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1066 - By:  
MITCHELL, PETTIGREW, GLOVER, BENSON and BEUTLER 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.~~

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

5       ~~C. The cost of distributing the food stamps stamp benefits~~  
6 ~~shall be paid by the county Department. Except as provided in~~  
7 ~~subsection D of this section, the board of county commissioners~~  
8 ~~shall be required to pay the estimated cost in advance on the~~  
9 ~~calendar quarter basis, with an adjustment within thirty (30) days~~  
10 ~~after the end of the quarter to reflect actual cost payable by the~~  
11 ~~county. If the county fails to make such payment at least fifteen~~  
12 ~~(15) days prior to the first day of the first month of a quarter,~~  
13 ~~the agreement between the board of county commissioners and the~~  
14 ~~Commission for Human Services may terminate and the Commission may~~  
15 ~~discontinue the issuance of food stamps in the county at the~~  
16 ~~beginning of such quarter.~~

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

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

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



1 ~~Commission for a prorated share of the total cost of such~~  
2 ~~distribution, based upon the number of persons participating in the~~  
3 ~~county.~~

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

9 SECTION 2. AMENDATORY 56 O.S. 1991, Section 185, as  
10 amended by Section 499, Chapter 133, O.S.L. 1997 (56 O.S. Supp.  
11 1998, Section 185), is amended to read as follows:

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

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

1        2. By sale, barter, purchase, theft, acquisition, possession or  
2 use of any electronic benefits or debit card or any other device  
3 authorizing participation in the Temporary Assistance for Needy  
4 Families or other program of the Department, knowingly obtains,  
5 aids, abets or assists any person to obtain or attempt to obtain  
6 assistance to which a person is not entitled,  
7 shall be guilty of a misdemeanor, if the aggregate amount of  
8 assistance received as a result thereof is Five Hundred Dollars  
9 (\$500.00) or less, ~~and upon.~~ Upon conviction thereof, such person  
10 shall be fined not more than Five Hundred Dollars (\$500.00) or be  
11 imprisoned for not more than three (3) months or be both so fined  
12 and imprisoned in the discretion of the court; ~~or shall be guilty of~~  
13 ~~a felony~~ provided, however, if the aggregate amount of assistance  
14 received as a result thereof is in excess of Five Hundred Dollars  
15 (\$500.00), such person shall be guilty of a felony and, upon  
16 ~~conviction thereof. The fine for a felony violation of this~~  
17 ~~section,~~ shall be fined not ~~exceed~~ more than Five Thousand Dollars  
18 (\$5,000.00).

19        SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 3-18-99 -  
24 DO PASS, As Amended.