

SB 987

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 987
As Amended

SENATE BILL NO. 987 - By: Crutchfield of the Senate and Ownbey of the House.

[poor persons - assistance of aged persons - effective date]

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

SECTION 1. AMENDATORY 56 O.S. 2001, Section 165, is amended to read as follows:

Section 165. A. 1. The amount of assistance which any person shall receive under the provisions of this act shall be determined with due regard to the resources, to income and need of the individual and other conditions existing in each case and in accordance with funds available and rules of the Commission for Human Services, but in no case shall it be an amount which, when added to the income of the applicant from all other sources, is more than necessary to provide such person with reasonable subsistence compatible with decency and health.

2. The cash or loan value of all life insurance policies, and all revocable and irrevocable contracts for prepaid funeral benefits, as defined by Sections 6121 through 6135 of Title 36 of the Oklahoma Statutes, and all monies set aside in a separate

1 account and specifically designated for funeral expenses of an
2 applicant for and recipient of public assistance shall be considered
3 as a resource available to meet the needs of the applicant.

4 However, the following accruals by the applicant for and recipient
5 of public assistance shall not be considered:

- 6 a. One Thousand Five Hundred Dollars (\$1,500.00) cash
7 value of the policies or revocable contracts or
8 designated accounts or any combination thereof,
9 provided the cash value does not exceed One Thousand
10 Five Hundred Dollars (\$1,500.00), or
11 b. ~~Seven Thousand Five Hundred Dollars (\$7,500.00)~~ Ten
12 Thousand Dollars (\$10,000.00) plus accrued interest in
13 an irrevocable contract, designated account or cash
14 value in insurance policies, or ~~Seven Thousand Five~~
15 ~~Hundred Dollars (\$7,500.00)~~ Ten Thousand Dollars
16 (\$10,000.00) plus accrued interest in any combination
17 of irrevocable account, designated account, or cash
18 value in insurance policies.

19 3. If the recipient receives any money from the policies or
20 revocable contracts or designated accounts before the recipient's
21 death, the amount received shall be considered as a resource
22 available to meet the recipient's needs, provided, that an amount

1 not to exceed One Thousand Five Hundred Dollars (\$1,500.00) from all
2 policies may be used for prepaid burial expenses of the recipient.

3 B. It shall be the duty of the Commission for Human Services,
4 in conformity with the Federal Social Security Laws and in regard to
5 funds available, to revise and liberalize the budget as now used in
6 ascertaining the need of any person eligible to receive assistance,
7 and, in so doing, the increased cost of living and condition of
8 health of such person shall be given due consideration.

9 C. 1. Except as otherwise provided in this subsection, the
10 limitations specified pursuant to paragraph 2 of subsection A of
11 this section shall apply to the cash or loan value of all life
12 insurance policies and all revocable and irrevocable contracts for
13 prepaid funeral benefits and all monies set aside in a separate
14 account and specifically designated for funeral expenses of an
15 applicant for or recipient of public assistance which were entered
16 into or created prior to July 1, 1986, and on and after July 1,
17 1985.

18 2. Any person who entered into an irrevocable life insurance
19 policy or irrevocable contract for prepaid funeral expenses prior to
20 July 1, 1986, which exceeds the maximum limitation specified by
21 paragraph 2 of subsection A of this section, and who is receiving
22 assistance on July 1, 1986, is eligible to continue to receive such

1 assistance provided such recipient does not add to or otherwise
2 increase such irrevocable policy or contract.

3 SECTION 2. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-09 - DO
5 PASS, As Amended and Coauthored.