

SHORT TITLE: Commission for Human Services; disapproval of rules related to food stamp work requirements; repromulgation of rules to include certain provisions; establishing task force; requiring report; distribution; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE JOINT
RESOLUTION NO. 14

By: Cain and Stipe of the
Senate

and

Seikel and Mass of the
House

AS INTRODUCED

A Joint Resolution relating to certain rules adopted by the Commission for Human Services; disapproving rule 340:50-5-64, which relates to work requirements for able-bodied adults who are members of eligible food stamp households; directing the Commission to repromulgate rules to include certain provisions; establishing task force; requiring report; directing distribution; and declaring an emergency.

WHEREAS, pursuant to the Administrative Procedures Act, 75 O.S. 1991, Section 250, et seq., as amended, the Legislature reserves the right to disapprove any rule, establish policy, determine that a rule is not consistent with legislative intent, and designate the method for rule promulgation; and

WHEREAS, the goal of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (HR3734) is to put individuals to work; and

WHEREAS, the State of Oklahoma has experienced a significant decrease in the number of individuals who receive public assistance under the Temporary Assistance for Needy Families Program, formerly the Aid To Families with Dependent Children Program, having gone from a peak of 47,712 cases in 1993 to the present level of 29,851; and

WHEREAS, many of the people who remain on public assistance programs are individuals who have low education and skill levels, and are therefore least likely to obtain employment; and

WHEREAS, the federal act also contains a provision which limits food assistance to individuals eighteen (18) years of age to fifty (50) to years of age, who are not disabled or raising minor children, to three (3) months in each three-year-period, except in months in which such individuals are employed; and

WHEREAS, exceptions to this provision are allowed in areas of high unemployment, areas of excess labor designation, which are defined by the U.S. Department of Labor as areas in which a greater number of people are looking for jobs than are available, and within special needs populations; and

WHEREAS, in Oklahoma, three counties have been designated as high unemployment areas, sixteen have been designated as excess labor areas, and the Native American population of the state has been designated as a special needs population; and

WHEREAS, in areas such as these and within such special needs populations, food stamps are often the only safety net available to individuals who generally do not qualify for other aid, and who, without the benefit of food stamps, would be at risk of becoming an even greater burden to the state; and

WHEREAS, the food assistance program is completely federally funded and represents no cost to the State of Oklahoma; and

WHEREAS, the federal government has approved a waiver from the food stamp provisions of the federal act for Oklahoma's nineteen counties and the Native American population of the state; and

WHEREAS, rule 340:50-5-64 of the Commission for Human Services does not reflect the intent of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves rule 340:50-5-64 of the Commission for Human Services.

SECTION 2. The Legislature hereby directs and authorizes the Commission for Human Services to repromulgate such rules to include all provisions of the food stamp waivers granted by the federal government for the nineteen Oklahoma counties and the Native American population of the state. Such repromulgated rules shall become effective no later than thirty days after the effective date of this act.

SECTION 3. A. The Commission for Human Services is hereby directed to establish, until January 15, 1998, a Task Force on Food Assistance. The duties of the Task Force on Food Assistance shall include, but not be limited to:

1. A study of the characteristics of people receiving food stamps in Oklahoma including, but not limited to, their educational backgrounds, any training requirements, their work experience and their domestic environments;

2. A review of preparations and steps taken by such individuals to find work;

3. An assessment of federal, state, county, municipal, for-profit and nonprofit agency programs that are currently available to assist such individuals;

4. An assessment of which federal waivers, if any, should be continued based on the preceding findings, including the direction any future waiver requests should follow; and

5. Recommendations on how best to use governmental and nongovernmental resources to train or relocate affected individuals to assist them to obtain jobs that pay a sufficient wage.

B. The Chair of the Commission shall appoint two representatives from:

1. The Office of the Governor, from a list of names supplied by the Governor;

2. The Senate, from a list of names supplied by the President Pro Tempore;

3. The House of Representatives, from a list of names supplied by the Speaker of the House; and

4. The Commission for Human Services.

C. The Chair of the Commission shall appoint the chair of the task force. The task force shall elect from among the membership a vice-chair and a secretary. The chair of the task force shall convene the first meeting of the task force not later than thirty (30) days after the effective date of this resolution. Thereafter, the task force shall meet at least monthly at a site to be determined by the membership. A majority of the members shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the task force.

D. Members of the task force shall receive no compensation, but shall receive travel reimbursement as follows:

1. Legislative members of the task force shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes; and

2. Nonlegislative members of the task force shall be reimbursed by their respective appointing authorities for their necessary travel expenses incurred in the performance of their duties pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

E. The proceedings of all meetings of the task force shall comply with the provisions of the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

F. The task force shall report its findings to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, and the Commission by January 1,

1998. All records related to the task force study shall remain in the custody of the Commission upon completion of the report.

SECTION 4. A copy of this resolution shall be distributed to the Commission for Human Services.

SECTION 5. 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.

46-1-1674

CJ