

SJR 43

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THE STATE SENATE
Wednesday, March 1, 2006

Senate Joint
Resolution No. 43
As Amended

SENATE JOINT RESOLUTION NO. 43 - By: CORN of the Senate and STEELE of the House.

[permanent rule of the Oklahoma Health Care Authority Board - Medicaid Income Pension Trust - rules - distribution - effective date]

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or portion thereof at any time; and

WHEREAS, pursuant to the provisions of the Oklahoma Health Care Authority Act, the Oklahoma Health Care Authority Board shall be responsible for adopting and promulgating rules as necessary and appropriate to carry out the duties and responsibilities of the Oklahoma Health Care Authority; and

WHEREAS, the portion of permanent Rule OAC 317:35-5-41 of the Oklahoma Health Care Authority which limits the maximum amount of income from a Medicaid Income Pension Trust to \$2,500 per month does not reflect the intent of the Oklahoma Legislature.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
2 REPRESENTATIVES OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

3 SECTION 1. The Legislature hereby disapproves the following
4 language of subsection (d) of paragraph (9) of subparagraph (F) of
5 unit (ii) of subunit (I) of OAC 317:35-5-41 which states:

6 "but less than \$2500 per month."

7 SECTION 2. The Legislature hereby directs the Oklahoma Health
8 Care Authority Board to promulgate rules which increase the monthly
9 limit of a Medicaid Income Pension Trust from \$2,500 to \$3,000.

10 SECTION 3. The Secretary of State is hereby directed to
11 distribute copies of this resolution to the Governor, the Oklahoma
12 Health Care Authority Board, and the Editor of "The Oklahoma
13 Register".

14 SECTION 4. This act shall become effective November 1, 2006.

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO
16 PASS, As Amended and Coauthored.