

NOTICE OF INTENT

Department of Social Services
Office of Family Support

Food Stamp Program (LAC 67:III.1978 and 2011)

The Department of Social Services, Office of Family Support, proposes to amend the Louisiana Administrative Code, Title 67, Part III, Subpart 3, Food Stamps.

Pursuant to F.R. 61:19155-19160 of the United States Department of Agriculture, Food and Consumer Service, the Office of Family Support intends to prohibit an increase in food stamp benefits when a household's benefit from another federal, state or local means-tested assistance program decreases as a result of a penalty imposed on the household for intentionally failing to comply with a requirement of the other program. Previously, this special treatment of income applied only to decreases resulting from a recoupment of benefits attributed to an intentional program violation. This regulatory change was deemed necessary to more fully implement congressional intent that the Food Stamp Program reinforce, not mitigate, another program's penalties.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter I. Income and Deductions

§1978. Income Decreased for Failure to Comply with Another Program

A. Effective November 27, 1996, an increase in food stamp benefits is prohibited when a household's benefit from another federal, state or local means-tested assistance program is decreased (reduced, suspended or terminated) due to an intentional failure to comply with a requirement of the program that imposed the benefit decrease.

B. The procedures for determining food stamp benefits when there is such a decrease in income are as follows:

1. When a recipient's benefits under a federal, state, or local means-tested program (such as but not limited to SSI or AFDC) is decreased due to intentional noncompliance, the Food Stamp Program identifies that portion of the decrease which is a penalty.

2. OFS calculates the food stamp benefits using the benefit amount which would be issued by that program if a penalty had not decreased the recipient's benefit.

AUTHORITY NOTE: Promulgated in accordance with F.R. 61:19155 et seq., 7 CFR 272.1, 273.9 and 273.11.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 22:

Subchapter R. Claims Against Households

§2011. Recoupments for Intentional Non-compliance

Repealed.

AUTHORITY NOTE: Promulgated in accordance with F.R. 49:48677 et seq., 7 CFR 273.18.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:95 (February 1985), LR 11:349 (April 1985), repealed by the Department of Social Services, Office of Family Support, LR 22:

Interested persons may submit written comments within 30 days to the following address: Vera W. Blakes, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA, 70804-9065. She is responsible for responding to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on September 25, 1996 in the Second Floor Auditorium of the Department of Social Services, 755 Third Street, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call 504-342-4120 (Voice and TDD).

Madlyn B.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Food Stamp Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation costs to state government total approximately \$404, which includes the charge for publishing this notice and final rule (approximately \$200), the printing costs for publishing an Executive Bulletin (approximately \$29 for 2 pages) as well as revisions to Chapter 4, Financial Assistance Manual (approximately \$175 for 22 pages) to inform staff about the new requirements and procedures.
Revision will also be necessary to the following form: Form OFS 4, Application for Assistance. This change, however, can be made at approximately the same time that the form reaches a low stock point in the warehouse and would need to be reprinted anyway. Therefore, the implementation costs relative to the form revision would be negligible.
The rule has no economic impact on local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule will prohibit an increase in food stamp benefits for households who intentionally fail to comply with a requirement of a federal, state or local means-tested program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposal will have no impact on competition and employment.

Vera W. Blakes
England
Assistant Secretary
9608#072

Legislative Fiscal Officer

Richard W.
Assistant to the