
TITLE 470 DIVISION OF FAMILY RESOURCES

Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #08-278

To: Senator R. Michael Young, Chairperson
Administrative Rules Oversight Committee
c/o Legislative Services Agency
Attn: Sarah Burkman
200 West Washington Street, Suite 301
Indianapolis, IN 46204-2789

From: René Wyatt-Foston, Staff Attorney

Re: LSA [*Document*] #08-278, Food Stamp Rule

Date: November 25, 2008

CC: Steve Barnes, Indiana Register, Legislative Services Agency
Jessaca Turner Stults, General Counsel, FSSA
Zach Main, Director, Division of Family Resources

On behalf of the Family and Social Services Administration, Division of Family Resources (DFR), I am submitting this memo to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-25](#), because the agency has determined that the promulgation of LSA [*Document*] #08-278 may not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

DFR published the intent to adopt a rule for LSA [*Document*] #08-278 on April 23, 2008. The Proposed Rule was published on August 13, 2008, by the Legislative Services Agency and the public hearing was held on September 4, 2008, where there were several comments to the rule.

Once the agency responds to the comments and the rule is adopted by the agency, the rule must be approved by the Family and Social Services Committee (see Ind. Code § 12-8-3-1 et seq.), which is a committee that meets only once per month. The committee currently has a few vacancies, and it is possible a monthly meeting could occur without a quorum. Therefore, no action would take place on an adopted rule, which would result in a delayed approval until the next monthly meeting of the committee and presence of a quorum. Following approval by the FSSA committee, the rule must be submitted to the Attorney General's office. Pursuant to Ind. Code § 4-22-2-32, the Attorney General has forty-five days to complete his review of a rule. Whether a quorum is present at a monthly meeting of the FSSA Committee and the Attorney General's time frame for rule review are outside of the agency's control.

Consequently, because the agency has additional work to complete and there are aspects of the promulgation process that are outside of DFR's control, it is unlikely that the rule will be approved by the Governor within one year of the date of the publication of the notice of intent. The agency expects that the rule can be approved by the Governor by November 20, 2009.

This notice setting forth the expected date of approval of LSA [*Document*] #08-278 as November 20, 2009, is being submitted in a timely manner. December 29, 2008, is the two hundred fiftieth day after publication of the Notice of Intent to Adopt a Rule.

Posted: 12/10/2008 by Legislative Services Agency
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