
TITLE 470 DIVISION OF FAMILY RESOURCES

Administrative Rules Oversight Committee Notice
One Year Requirement ([IC 4-22-2-25](#))
LSA Document #10-243

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, Attorney, Division of Family Resources

Re: LSA Document #10-243, Food Stamp Rule

Date: November 5, 2010

CC: Steve Barnes, Indiana Register, Legislative Services Agency
Michael Carter, General Counsel, FSSA
Mike Carr, Interim 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 #10-243 may not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

DFR published the Notice of Intent to Adopt a Rule for LSA Document #10-243 on April 28, 2010. The Proposed Rule is scheduled to be published on November 3, 2010, by the Legislative Services Agency, and the public hearing is scheduled for November 29, 2010, where there could be 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 [IC 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 [IC 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 October 3, 2011.

This notice setting forth the expected date of approval of LSA Document #10-243 as October 3, 2011, is being submitted in a timely manner. January 3, 2011, is the two hundred fiftieth day after publication of the Notice of Intent to Adopt a Rule.

Posted: 11/10/2010 by Legislative Services Agency
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