

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
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Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** \_\_\_\_\_

**DIVISION** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_

**TELEPHONE NO.** \_\_\_\_\_ **FAX NO.** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** \_\_\_\_\_

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes \_\_\_\_\_ No \_\_\_\_\_
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes \_\_\_\_\_ No \_\_\_\_\_
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes \_\_\_\_\_ No \_\_\_\_\_  
If an agency is proposing a more costly rule, please state the following:
  - (a) How the additional benefits of the more costly rule justify its additional cost;
  - (b) The reason for adoption of the more costly rule;
  - (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
  - (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
  - (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

**Statement of Necessity and Rule Summary**  
**SNAP Policy 3502.2 and SNAP 3502.3 – Act 419**

**Statement of Necessity:**

The change is necessary to update the policy manual in accordance with ACT 419.

**Summary:**

Added language that is in accordance with ACT 419 eliminating discretionary exemptions for all except those in foster care and battered women's shelter.

**Summary of Changes:**

**Business process removal clean-up**

- Grammar changes have been made to clarify policy and correct errors that were previously missed.
- Deleted “personal exemptions” and replaced with “discretionary exemptions”.

**Policy Revisions by Section**

- **3502.2**
  - 3502.2 – Changed heading from “15 Percent Exemptions” to “Discretionary Exemptions”.
  - 15 percent was changed to 12 percent
  - Re-worded the entire section for simplicity and flow of information
  - Deleted the second paragraph in current version as it is no longer applicable.
- **3502.3**
  - Changed the heading from “Assignment of 15 Percent Personal Exemptions” to “Assignment of Discretionary Exemptions”.
  - Re-worded this section for simplicity and flow.
  - Removed “individuals who are exiting Prison and/or Half-Way Houses” and Individuals who are exiting Drug and/or Alcohol Rehabilitation Centers”.
  - Removed last sentence in current version related to prison and rehabilitation centers.

## NOTICE OF RULE MAKING

The Director of the Division of County Operations of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§20-76-201 and 25-10-129.


### **Effective May 1, 2022:**

The Director of the Division of County Operations amends SNAP Policy 3502.2 and 3502.3 to comply with Act 419 of the 93<sup>rd</sup> General Assembly. Act 419 eliminates discretionary exemptions for all except those in foster care and battered women's shelter.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at <https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>. Public comments must be submitted in writing at the above address or at the following email address: [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov). All public comments must be received by DHS no later than **March 12, 2022**. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-534-4138.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4502060057**

  
\_\_\_\_\_  
Mary Franklin, Director  
Division of County Operations

# SNAP CERTIFICATION MANUAL – SECTION 3000

## 3500 The SNAP Requirement to Work (RTW)

### Voluntary Quit

#### 3502.2 ~~15 Percent~~ Discretionary Exemptions

SNAP Manual ~~01/01/17~~ 05/01/2022

FNS provides the State Agency an allotted number of discretionary exemptions equal to twelve percent of the State's SNAP participation caseload. The State agency may use these exemptions to extend SNAP eligibility to individuals no longer eligible to participate in SNAP due to the three (3) month Able-Bodied Adult RTW time limit. Discretionary exemptions are granted to one Able-Bodied Adult for one month. The decision to exempt an individual from RTW must be documented in the case record.

~~The Division of County Operations is FNS provides for each state agency to be allotted exemptions equal to 15 percent of the State's caseload that is ineligible for program benefits because of the able bodied adult RTW time limit. These exemptions allow the State agency to extend SNAP eligibility to able bodied adults who would otherwise be ineligible because of the 3 in 3 year time limit. Each 15 percent exemption extends eligibility to 1 able bodied adult for 1 month.~~

~~States do not earn exemptions in areas that are covered by the time limit waivers. FNS considers a State's time limit waiver status as of approximately July 1 of each year when allotting annual exemptions.~~

~~DHS is required to track and track report the number of personal discretionary exemptions used since these exemptions must be reported quarterly from the Division of County Operations each quarter via the FNS-583 form. The report must include the total number of exemptions used and the name and SSN of the individual that was granted the exemption. Discretionary exemptions do not expire and any unused exemptions from the previous fiscal year can carry over from year to year. Exemptions do not expire and State agencies can carry over unused exemptions from year to year. The FNS national office provides data annually on the number of exemptions each State has used and thenew exemptions earned by each state agency during the year.~~

~~The decision to exempt an individual from the RTW must be documented in the case record. Personal RTW exemptions must be tracked for submission of quarterly reports to FNS. The report must include the total number of exemptions granted, the name, and SSN of the individual granted the exemption.~~

#### 3502.3 Assignment of ~~15 Percent Personal Exemptions~~ Discretionary Exemptions

SNAP Manual ~~01/01/17~~ 05/01/2022

Discretionary exemptions allow certain individuals an opportunity to establish or re-establish themselves into the community. Discretionary exemptions may be assigned to the following groups:

~~In order to allow certain individuals an opportunity to establish or to re-establish themselves into the community, 15% Personal Exemptions may be assigned to the following groups.~~

- Individuals who are currently in Foster Care
- ~~Individuals who are exiting Prison and/or Half-Way Houses~~

# SNAP CERTIFICATION MANUAL – SECTION 3000

## 3500 The SNAP Requirement to Work (RTW)

### Voluntary Quit

- ~~• Individuals who are exiting Drug and/or Alcohol Rehabilitation Centers~~
- Individuals who are in Battered Women's Shelters

Individuals who are currently in Foster Care or Battered Women's Shelters may be exempt from the RTW until they exit Foster Care or the Battered Women's Shelter.

~~Individuals who are exiting Prison and/or Halfway Houses and Drug/Alcohol Rehabilitation Treatment Centers may be granted a 15% Personal Exemption from the RTW for 3 months.~~

Mark-UP