Dear Senators LODGE, Broadsword & LeFavour, and
Representatives BLOCK, Nielsen & Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Dept. Of Health & Welfare: 16.06.12 - Rules Governing The Idaho Child Care Program (ICCP) (Docket No. 16-0612-1001).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 6-22-10. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 7-21-10.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX number indicated on the memorandum attached.

# Legislative Services Office
## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

**Jeff Youtz**
**Director**


**MEMORANDUM**

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

**FROM:** Research & Legislation Staff - Paige Alan Parker PAP

**DATE:** April 27, 2010
(June 3, 2010 mailing delay is due to LSO waiting for new GEMS computer program to be installed to process rules & is not yet complete)

**SUBJECT:** Department of Health and Welfare - IDAPA 16.06.12 - Rules Governing The Idaho Child Care Program (ICCP)(Docket No. 16-0612-1001)(Proposed)

By this proposed rule docket (Docket No. 16-0612-1001)(hereinafter, "proposed rule"), the Department of Health and Welfare seeks to amend IDAPA chapter 16.06.12, dealing with Rules Governing the Idaho Child Care Program (ICCP). According to the Department, the proposed rule is authorized pursuant to section 56-202, Idaho Code. Section 56-202(b), Idaho Code, provides the Department with broad rulemaking authority to carry out Idaho's public assistance law.

The purpose of the proposed rule, according to the Department, is to exempt temporary income earned by individuals temporarily working for the Census Bureau on the 2010 Census from countable family income for eligibility in ICCP. The Department states that it has received approval for this change from the Centers for Medicare and Medicaid Services.

According to the Department, there will be no fiscal impact to the General Fund due to the proposed rule since the U.S. Census program is 100% federally funded. The estimated impact to federal funds is $168,600. The Department states that negotiated rulemaking was not conducted because the change provides a benefit. The Department will schedule a public hearing if requested in writing by twenty-five persons, a political subdivision or an agency not later than May 19, 2010. All written comments must be delivered to the Department on or before May 26, 2010.


**Mike Nugent, Manager**
**Research & Legislation**

**Cathy Holland-Smith, Manager**
**Budget & Policy Analysis**

**Don H. Berg, Manager**
**Legislative Audits**

**Glenn Harris, Manager**
**Information Technology**

**Statehouse, P.O. Box 83720**
**Boise, Idaho 83720-0054**

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## ANALYSIS

As advertised, the proposed rule exempts from countable family income all wages paid by the Census Bureau for temporary employment related to U.S. Census activities for a time period not to exceed six month during the regularly scheduled ten-year Census.

## SUMMARY

The Department's proposed rule changes appear to be authorized under section 56-202(b), Idaho Code.

cc: Department of Health and Welfare
Tamara Prisock & Annie Dalgetty

# IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

## 16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)

## DOCKET NO. 16-0612-1001

## NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 56-202, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 19, 2010.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking. This rule was adopted as a temporary rule with an effective date of January 1, 2010. The temporary rule docket published in the April 7, 2010, Idaho Administrative Bulletin, Vol. 10-4, pages 23 through 24.

The U.S. Census is conducted every ten years and the census for 2010 requires the Census Bureau to hire employees to conduct this field work. The State of Idaho has received approval from the Centers for Medicare and Medicaid Services to exempt temporary income earned by individuals temporarily working for the Census Bureau on the 2010 Census. The Department is aligning this chapter of rules with other Department rules to exclude the temporary census income from countable income in order to treat income for ICCP the same as other benefit programs. For ICCP participants, the temporary employment income cannot exceed a time period of six months.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars ($10,000) during the fiscal year.

This program is 100% federally funded and this rulemaking has no anticipated fiscal impact to the state general fund for excluding this temporary income for ICCP participants. The estimated impact to federal funds is $168,600.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because this change provides a benefit.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Annie Dalgetty at (208) 334-5686.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before May 26, 2010.

DATED this 29th day of March, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 16-0612-1001**

**302. EXCLUDED INCOME.**
The following sources of income are not counted as family income. (4-2-08)

**01. Earned Income of a Dependent Child**. Income earned by a dependent child under age eighteen (18) is not counted, unless the child is a parent who is seeking or receiving child care benefits. (4-2-08)

**02. Income Received for Person Not Residing With the Family**. Income received on behalf of a person who is not living in the home. (4-2-08)

**03. Educational Funds**. All educational funds including grants, scholarships, an AmeriCorps Education Award, and federal and state work-study income. (4-2-08)

**04. Assistance**. Assistance to meet a specific need from other organizations and agencies. (4-2-08)

**05. Lump Sum Income**. Non-recurring or lump sum income is excluded as income if it is used to pay medical bills resulting from accident or injury, or used to pay funeral or burial costs. When lump sum income, minus exclusions, exceeds current income limits for a family of the same size, the family is not eligible to receive child care benefits. The period of ineligibility is computed by dividing the lump sum payment by the family's monthly income limit. In no case will the period of ineligibility exceed twelve (12) months. (4-2-08)

**06. Loans**. Loans with written, signed repayment agreements. (4-2-08)

**07. TAFI and AABD Benefits**. TAFI and AABD benefits. (4-2-08)

**08. Foster Care Payments**. Foster care payments. (4-2-08)

**09. AmeriCorps/VISTA Volunteers**. Living allowances, wages and stipends paid to AmeriCorps or VISTA volunteers under 42 U.C.S. 5044, P.L. 93-113, Title IV, Section 404(g) are excluded as income. (4-2-08)

**10. Income Tax Refunds and Earned Income Tax Credits**. Income tax refunds and earned income tax credits are excluded as income. (4-2-08)

**11. Travel Reimbursements**. Reimbursements from employers for work-related travel. (4-2-08)

**12. Tribal Income**. Income received from a tribe for any purpose other than direct wages. (4-2-08)

**13. Foster Parents' Income**. Income of licensed foster parents is excluded when determining eligibility for a foster child. Income is counted when determining eligibility for the foster parent's own child(ren). (4-2-08)

**14. Adoption Assistance**. Adoption assistance payments are excluded from income. (4-2-08)

**15. Child Support Payments**. Court-ordered child support payments made by the parent(s) who receive the child care benefits are deducted from income used to determine eligibility. Both the legal obligation to pay child support and the actual amount paid must be verified. (4-2-08)

**16. Temporary Census Income**. All wages paid by the Census Bureau for temporary employment related to U.S. Census activities are excluded for a time period not to exceed six (6) months during the regularly scheduled ten-year U.S. Census. (____)