

Toni Roy

From: Amos, Shonna <amoss@blr.arkansas.gov>
Sent: Thursday, December 21, 2023 2:13 PM
To: Kristi Putnam
Cc: Mitch Rouse; Janet Mann; Mac Golden; Misty Eubanks
Subject: Emergency Rule packet - DHS SNAP Resource Limit Changes
Attachments: BLR - EMERGENCY RULES - SNAP Resource Limits Changes.pdf

[EXTERNAL SENDER]
December 21, 2023

Secretary Kristi Putnam
Department of Human Resources

Dear Secretary Putnam:

This letter is to notify you that, the Executive Subcommittee exercised the power granted to it under Arkansas Code § 10-3-309(d)(2)(B) and ALC Rule 22(f)(2)(B) to review and approve emergency rules in writing on December 21, 2023. The following emergency rule was reviewed and approved, and the review and approval will be effective at 12:01 a.m., on Saturday, December 23, 2023:

- Department of Human Services – SNAP Resource Limit Changes

A copy of the emergency rule is attached for your information.

Sincerely,

Marty Garrity
Executive Secretary

MG:sla

cc: *(via electronic mail)*

Mr. Mac Golden, Department of Human Services
Ms. Janet Mann, Department of Human Services
Mr. Mitch Rouse, Department of Human Services
Ms. Misty Eubanks, Department of Human Services

Shonna Amos

Shonna Amos, Executive Assistant to the Director
Bureau of Legislative Research
Office of the Director

STATEMENT OF EMERGENCY

The Department of Human Services (DHS) announces an emergency rule under Arkansas Code § 25-15-204(c). The rule renders maximum assistance to the citizens of Arkansas by implementing new federally established resource limits for the Supplemental Nutrition Assistance Program (SNAP).

Background and Rule Description: The Director of the Division of County Operations (DCO) revises the Supplemental Nutrition Assistance Program (SNAP) Certification Manual to implement new federally established resource limits. Corresponding updates regarding assets related to resources and their verification need to be implemented as well. Those updates include adding ABLE accounts as an excluded resource, clarifying which households are subject to resource limits, and specifying that “Cash on Hand” includes electronic accounts and applications. Case action or denial reasons are updated to state that applications that attest to resources exceeding the resources limit must be verified, but if verification of excess resources is not received, the application will be denied for failure to return requested information. Clarification is provided in differentiating between limited and occasional reporting households, including updates regarding reporting of licensed vehicles, liquid resources, lottery and gambling winnings, and time periods of reporting. Business processes have been removed from policy, and outdated policy verbiage and grammatical errors have been removed or corrected.

Statement of Emergency: DHS finds there exists imminent peril to the public health, safety, and welfare of the state, requiring immediate adoption of the emergency rule. The rule ensures services to a vulnerable population of Arkansas citizens. The emergency rule shall be effective upon approval, and a permanent rule will be promulgated effective April 1, 2024.

SNAP CERTIFICATION MANUAL – SECTION 4000

2B4300 Resource Eligibility Standards

9B4310 Uniform Resource Standards

4300 Resource Eligibility Standards

SNAP Manual 12/23/2023

A household's eligibility will be denied or terminated when the value of the household's countable resources (both liquid and non-liquid assets) exceeds the limit for all households regardless of household size, including households with an individual with disabilities (see glossary definition of sixty (60) years of age or older individuals with disabilities households).

The household is classified as categorically eligible if all household members receive SSI benefits or a combination of TANF and SSI. A combined household of SSI recipients and non-SSI recipients cannot be classified as categorically eligible. However, the individual household members who receive SSI benefits are categorically eligible. This means that any resources owned solely by an SSI recipient are not to be counted when the household's total resources are determined, but all resources owned by the other household members are to be counted. If the resources owned by household members, who do not receive SSI, exceed the resource limit, then the entire household (including the SSI recipient) is ineligible to participate in the Supplemental Nutrition Assistance Program. Co-owned resources will not automatically be excluded under this policy. Instead, the resource will be handled in the same manner as any other jointly owned resource. Please see Appendix D for current resource limits for Regular and Age/Disabled households.

SNAP CERTIFICATION MANUAL – SECTION 4000

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

4450 Resources Excluded by Law

SNAP Manual 12/23/2023

The current list of resources excluded by Federal statute includes the following items:

1. As authorized by the Low-Income Home Energy Assistance Act (P.L. 99-425), the amount of home energy assistance payments or allowances provided directly to or on behalf of a household.
2. Benefits received from the Special Supplemental Food Program for Women, Infants and Children (WIC) under P.L. 92-443, Sec. 9 and P.L. 100-435, which amended Section 77(m)(7) of the Child Nutrition Act of 1966.
3. Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, Sec. 216).
4. Payments to Indian tribes as specified below:
 - Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from Indian Claims Commission as designated under P.L. 95-433, Sec. 2
 - Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420, Sec. 5);
 - Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540);
 - Payments received under the Alaska Native Claims Settlement Act (P.L. 92-203, Sec. 21(a) and Section 15 of P.L. 100-241, Alaska Native Claims Settlement Act Amendments of 1987 or the Sac and Fox Indian Claims Agreement (P.L.94-189);
 - Payments received by certain Indian tribal members under P.L. 94-114, Sec.6, regarding sub-marginal land held in trust by the United States.
 - Payments of relocation assistance to members of the Navajo and Hopi Tribes under P.L. 95-531.
 - Payments to the Turtle Mountain Band of Chippewas, Arizona (P.L.97-403);
 - Payments to the Blackfeet, Grosventre, and Assiniboine tribes (Montana)and the Papago (Arizona) (P.L. 97-408);
 - Per capita and interest payments made to the Assiniboine Tribe of the Fort Belknap Indian Community and the Assiniboine Tribe of the Fort Beck Indian Reservation (Montana) (P.L. 98-124, Section 5);
 - Per capita and interest payments made to the Red Lake Band of Chippewas (P.L. 98-123, Section 3, 10/13/83);

SNAP CERTIFICATION MANUAL – SECTION 4000

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

- Payments to the Saginaw Chippewa Indian Tribe of Michigan (P.L.99-346, Section 6(b) (2));
 - Per capita payments to the Chippewas of Mississippi (P.L. 99-377, Section 4(b), 8/8/86);
 - Payments to heirs of deceased Indians under the Old Age Assistance Claims Settlement Act except for per capita shares in excess of \$2,000 (P.L.98-500, Section 8, 10/17/84);
 - Payments to the Puyallup Tribe of the State of Washington (P.L. 101-41, 6-21-89); and
 - Payments under the White Earth Reservation Land Settlement Act of 1985 to the White Earth Band of Chippewa Indians in Minnesota (P.L. 99-264)
 - Payments under the Seneca Nation Settlement Act of 1990 to members of the Seneca Nation (P.L. 101-503).
 - Funds appropriated in satisfaction of judgments awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission (P.L. 101-277)
 - Funds distributed or held in trust for members of the Chippewas of Lake Superior (P.L. 99-146).
 - Assistance paid under P.L. 95-608, the Indian Child Welfare Act of 1978.
 - Payments to the Confederated Tribes of the Colville Reservation under the Grand Coulee Dam Settlement Act (P.L. 103-436).
 - Funds appropriated in satisfaction of judgments awarded to the Seminole Indians by the Indian Claims commission (P.L. 101-277)
 - Distributions under the Michigan Indian Claims Settlement Act, Section 111, to the Ottawa and Chippewa Indians of Michigan (P.L. 105-143)
5. Per capita payments of two thousand dollars (\$2,000) and less made under Public Law 98-64 to Native Americans from judgment awards and funds held in trust by the Secretary of the Interior and purchases made with certain per capita payments to specific tribes or bands of Indians.

This exclusion applies on a per-person and not a per-household basis. It applies individually to each payment regardless of how frequently the payments are made and regardless of the number of months for which the payment is made. When such payments are deposited in a bank or financial institution, the funds remain excluded. The length of the exclusion period will be determined by the type of funds in the account. See [SNAP 4960](#).

SNAP CERTIFICATION MANUAL – SECTION 4000

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

The purchase exclusion extends only to purchases of property with funds distributed to Native Americans after December 31, 1981, but before January 12, 1983, under a plan approved by Congress. The exclusion applies to initial purchase only and not to subsequent purchases. Property remains excluded only if the person who originally received the exclusion holds the property. Since more than one per capita payment may have been received during the period from December 31, 1981, to January 12, 1983, the total exclusion allowed for the property may exceed two thousand dollars (\$2,000).

6. Certain payments made to Vietnam veterans and/or children of Vietnam veterans. This includes:
 - Payments authorized under P.L. 101-239, the Omnibus Reconciliation Act of 1989, Section 10405, the Agent Orange Settlement fund, or any other fund established pursuant to the settlement in the Agent Orange product liability litigation, M.D.L. No 381 (E.D.N.Y.)
 - Any monetary allowances paid under P.L. 104-102, Section 1805(d), to a child of a Vietnam Veteran for any disability resulting from spina bifida suffered by such child.
 - Any monetary allowances paid under P.L. 106-419, Section 1815 (a), to any individual with one (1) or more covered birth defects if he or she is a child of a female Vietnam veteran.
7. Payments to U.S. citizens of Japanese ancestry and permanent resident Japanese aliens or their survivors under the Civil Liberties Act of 1988 (P.L. 100-383).
Federal and other disaster relief payments. This resource exclusion applies to disaster relief payments received from the Federal Emergency Management Assistance (FEMA) under P.L. 93-288, Sec. 312 (d) as amended by P.L. 100-707, Section 105 (i) the Disaster Relief and Emergency Assistance Amendments of 1988.



This resource exclusion applies to Federal assistance provided to persons directly affected and to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the President. This resource exclusion also applies to Disaster Unemployment Assistance paid as a result of a major disaster and to Disaster Relief Employment. See [SNAP 5405](#), items sixteen (16) and seventeen (17) for additional information.

8. Payments received through the Radiation Exposure Compensation Act, P.L. 101-426, Sec. 6 (h) (2), 10/15/90. This law establishes a program to compensate individuals for

SNAP CERTIFICATION MANUAL – SECTION 4000

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

- injuries or deaths resulting from exposure to radiation from nuclear testing and uranium mining in Arizona, Nevada, and Utah.
9. Income amounts necessary for the fulfillment of a PASS (Plans for Achieving Self-Support) under Title XVI of the Social Security Act. See [SNAP 4460](#) for additional IDA exclusions.
 10. The value of assistance to children under P.L. 89-642, Section 11(b) of the Child Nutrition Act of 1966 and P.L. 79-396, the National School Lunch Act. Under P.L. 100-435 which amended section (17) (m) (7) of this act, coupons that may be exchanged for food at a farmer's market may also be excluded.
 11. Payments under P.L. 107-171, the Food Stamp Reauthorization Act of 2002, all student financial assistance. See [SNAP 1622.3](#).
 12. Payments made to individuals because of their status as victims of Nazi persecution under P.L. 103-286.
 13. Earned Income Credits payments received as a lump sum or as payments under Section 3507 of the Internal Revenue Code by any household member.) A Federal earned income tax credit received either as a lump sum or as payments under section 3507 of the Internal Revenue Code is excluded for the month of receipt and the following month for the individual and that individual's spouse. Any Federal, State, or local earned income tax credit received by any household member is excluded for twelve (12) months, if the household was participating in the Supplemental Nutrition Assistance Program at the time of receipt of the tax credit and if the household participates continuously during that twelve (12) month period. Breaks in participation of one (1) month or less due to administrative reasons, such as but not limited to, delayed recertification or missing or late reports is not considered as nonparticipation in determining the twelve (12) month exclusion.
 14. Under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Federal Income tax refund payments received as a lump sum by any household member are excluded as a resource for twelve (12) months. The total amount of a Federal tax refund after December 31, 2009 is disregarded as resource in the month received. The Federal tax refund may be the result of a refundable credit, over-withholding, or both. The resources exclusion lasts for twelve (12) months.
 15. Under P.L. 103-22, compensation made to crime victims as authorized by the Crime Act of 1984.
 16. Under P.L. 99-576, Veteran's Benefits and Health Care Authorization Act of 1996, any amount by which the basic pay of an individual is reduced to comply with this law.
 17. Funds, including interest accruing, in an individual development account (IDA) under the TANF block grant program will be excluded during any period the individual maintains or

SNAP CERTIFICATION MANUAL – SECTION 4000

5B4600 Determining and Verifying Countable Resources

29B4601 Ownership of Liquid Bank Accounts

makes contributions into such an account (P.L. 104-193). See [SNAP 4460](#) for additional IDA exclusions.

18. Funds in Department of Housing Urban Development’s (HUD) Family Self-Sufficiency Program escrow accounts are excluded as resources when determining eligibility for SNAP. When a Family Self-sufficiency program participant has an increase in earnings, the public housing authority increases his or her rent, but deposits the increase in an interest-bearing account. When the participant successfully completes the program and can verify that no household member is receiving welfare assistance, he or she receives the funds in the account. Funds may be withdrawn from the escrow account before completing the program with permission from the housing authority, but only for purposes related to goal of the FSS contract, e.g.-completion of higher education, job training, or start-up costs of a small business. Since the funds in the escrow accounts, as well as any funds withdrawn from them prior to completion of the program are not available to buy food, the funds are inaccessible-thus excluded as resources.

Under Section 5(g)(8)(A) of the Tax increase Prevention Act of 2014 excludes from resources the value of educational accounts in section 529 of the Internal Revenue code of 1986. In section 5(g)(8)(B), the Act further provides for a discretionary exclusion for the value of other financial accounts, as determined by the Secretary. FNS has determined that due to the similarities between 529 educational accounts and 529A ABLÉ accounts, ABLÉ accounts should be excluded as resources under the discretionary exclusion in the Act.

4600 Determining and Verifying Countable Resources

SNAP Manual 12/23/2023

To determine a household’s total countable resources, the county office worker must consider the resources available to all eligible household members and the resources available to any household member disqualified for one of the following reasons:

1. Intentional Program Violation;
2. Failure to comply with the SSN requirement;
3. Failure to comply with the SNAP E&T Program or Workfare.

The countable resources of ineligible aliens are also considered if the alien would otherwise be considered a household member.

Listed below are examples of liquid resources.

1. Bonds.
2. Cash on hand includes electronic accounts such as Cash App, Venmo, PayPal, Zelle, or other similar applications or electronic accounts that may exist in the future.
3. Funds held in individual retirement accounts (IRA’s).
4. Funds held in Keogh Plans (when held solely by the household members).
5. Money in checking or savings accounts including Christmas clubs and children’s

SNAP CERTIFICATION MANUAL – SECTION 4000

5B4600 Determining and Verifying Countable Resources

29B4601 Ownership of Liquid Bank Accounts

accounts. (See [SNAP 4601](#) for information about ownership of bank accounts.)

6. Mutual Funds.
7. Savings certificates. (See [SNAP 4601](#) for information about ownership.)
8. Stocks.
9. Funds that may be withdrawn (less a one thousand five hundred dollars (\$1,500) per-person disregard) from prepaid burial plans without a contractual obligation to repay. (See [SNAP 4602](#).

Liquid resources must be verified at initial application and thereafter when a new liquid resource is reported or when information about previously reported resources is incomplete, inaccurate, inconsistent, or outdated. Applications that attest to resources exceeding the resources limit must be verified; if verification of excess resources is not received, the application will be denied for failure to return requested information. A full description of each type of resource, acceptable verification, and documentation is contained in [SNAP 4601](#) - [4670](#).

SNAP CERTIFICATION MANUAL – SECTION 7000

7400 Resource Eligibility

7431 Denying Applications When Resources Exceed Limits

7430 Limits for Total Allowable Resources

SNAP Manual 12/23/2023

Resource Limit -

The SNAP program has a resource limit. The amount of resource limit varies based on the type of SNAP household. Please see Appendix D for resource limits for Regular and Aged/Disabled households.

Categorically eligible households have no resource limit in the Supplemental Nutrition Assistance Program (see SNAP 1920). The resources of individuals who receive SSI or Temporary Assistance for Needy Families (TANF) are not counted when determining eligibility for SNAP because these are considered categorically eligible households. For example, The Monroes are resource-eligible since there is a member over sixty (60) years of age.

7431 Denying Applications When Resources Exceed Limits

SNAP Manual 12/23/2023

Applications may be denied immediately when the worker verifies that the household's resources exceed the limit if the household is not categorically eligible.

Applications that attest to resources exceeding the resources limit must be verified; if the verification of excess resources is not received, the application will be denied for failure to return requested information.

11200 Changes Required to be Reported

SNAP MANUAL 12/23/2023

The following changes must be reported to the Department of Human Services (DHS) county office:

1. Changes in Residence or Address

All changes in residence must be reported. If a change in residence results in a change in the household's shelter cost, the new shelter cost must be reported. For occasional reporters as defined in SNAP 11100, these changes must be reported within ten (10) days of the date that the change becomes known to the household. Households are encouraged to voluntarily report address changes immediately to prevent problems with mail delivery.

If an eligibility worker verifies through any source that a household has moved from Arkansas to another state, the household's case must be closed. This policy applies across the board to all Supplemental Nutrition Assistance Program (SNAP) households, regardless of the household's reporting requirements. No advance notice is required. See SNAP 11450 and SNAP 11571. If the worker suspects the household has moved from the State of Arkansas, but the household's residency has not been verified through a reliable source, a request for contact will be sent as instructed in SNAP 12400.

2. Changes in Household Composition

The addition or loss of any eligible or ineligible household member must be reported. For occasional reporters, this change must be reported within ten (10) days of the date the change becomes known to the household. Limited reporters must report this change at the next recertification.

3. Changes in Resources

For occasional reporting households, the acquisition of any licensed vehicle must be reported. For limited reporting households these changes must be reported at the next recertification. This includes the acquisition of an additional vehicle or the "trading" of one (1) vehicle for another vehicle.

SNAP CERTIFICATION MANUAL – SECTION 11000

11200 Changes Required to be Reported

11200 Changes Required to be Reported

Changes that attest to resources exceeding the limit must be verified. If the resources exceed the limit, the case will be closed unless the household is categorically eligible.

Households must report when liquid resources go beyond the resource limit for the household. Lottery and gambling winnings, equal to the resource limit for aged or disabled households, must be reported within ten (10) days of receipt for both limited and occasional reporters. See Appendix D for the resource amount.

For occasional reporters, these changes must be reported within ten (10) calendar days of the date that the change becomes known to the household.

4. Changes in Income

Limited reporters are required to report when the household's gross income exceeds the household's gross income limit. This change must be reported within ten (10) calendar days of the end of the month in which the change occurred. If the tenth day falls on a weekend or holiday, the reporting time will be extended to the end of the next workday. A *Change Report Form* and a change report addendum must be issued to all limited reporting households in order to report such changes.

Self-employment income that has been annualized must be reported and verified when the recertification report is submitted.

Limited reporters must report and verify changes of more than one hundred dollars (\$100) in unearned income and changes in sources of unearned income when the recertification is submitted.

Occasional reporters must report the following changes in both earned and unearned income within ten (10) days of the date that the change becomes known to the household:

- Changes in a source of income. This includes new income from any source or income from any source that has stopped.
- Changes in the household's total gross monthly income. This includes both increases and decreases in income.

SNAP CERTIFICATION MANUAL – SECTION 11000

11200 Changes Required to be Reported

11200 Changes Required to be Reported

Neither changes in Transitional Employment Assistance (TEA) cash assistance payments nor the receipt of child support refunds paid to TEA recipients need be reported by either limited reporters, or occasional reporters. These changes must be reflected in the household's SNAP benefit amount. See SNAP 12410 - 12420. This applies to both limited reporters and occasional reporters. See SNAP 5704.1.

5. Changes in Deductions

Limited reporters do not have to report changes in deductions until recertification. Limited reporters must report and verify child support payments when the recertification is submitted if these payments will continue to be deducted. Both occasional reporting and limited reporting households are allowed, but not required to, report changes in shelter costs, dependent care costs, or medical costs.

SNAP CERTIFICATION MANUAL – SECTION 12000

12200 Changes Reported by the Household

12232 Liquid Resources

12232 Liquid Resources

SNAP MANUAL 12/23/2023

When a household verifies liquid resources exceeding the resource limit amount (See Appendix D), the SNAP case will be closed unless the household is categorically eligible as defined in [SNAP 1920](#). Applications that attest to resources exceeding the resource limit must be verified before the application is denied.

See [SNAP 4950](#) for an explanation of the procedures for handling lump sum payments.

Additional contact with the household is required if the household reports liquid resources in excess of the resource limit.

When the household reports substantial lottery or gambling winnings equal to or higher than the current resource limit for Aged/Disabled households, no matter the household type, the agency must verify the amount and take appropriate action based on the program rules.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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 _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
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, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or 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.