

**Legal Advisory Unit**

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John Hoeven, Governor
Carol K. Olson, Executive Director

September 3, 2008

Mr. John Walstad, Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Emergency Rule Making for Proposed Amendments to N.D. Admin. Code
Chapter 75-02-02.2, Children's Health Insurance Program

Dear Mr. Walstad:

Attached for filing in the office of the Legislative Council are the following:

1. Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. § 28-32-02;
2. Finding and Statement of reason of Carol K. Olson, Executive Director of the North Dakota Department of Human Services, with respect to the declaration of the proposed amendments to N.D.A.C. Chapter 75-02-02.2;
3. Interim final rules effective October 1, 2008; and
4. The August 29, 2008, letter from Governor Hoeven approving the request for emergency rulemaking.

Ms. Olson has declared that the proposed amendments require emergency rulemaking. Accordingly, Ms. Olson has declared these proposed amendments to be interim final rules effective October 1, 2008.

The department has determined that appropriate measures to make the proposed interim final rules known to every person who may be affected by them consist of mailing a copy of the proposed rules to each county social service board office, to each regional human service center, and to persons or entities who have expressed an interest in receiving notice of such rulemaking; by furnishing this notice to the Legislative Council; and by publishing notice of the proposed rulemaking once in each county newspaper of general circulation published in the state of North Dakota.

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If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Julie Leer
Legal Advisory Unit

JL/ca

Cc: Curtis Volesky, Medical Assistance



John Hoeven, Governor
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-02.2
CHILDREN'S HEALTH INSURANCE PROGRAM

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code Chapter 75-02-02.2, at 3:30 p.m. on Wednesday, October 8, 2008, in Bismarck, N.D. in the AV Room – Room 212, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code Chapter 75-02-02.2, Children's Health Insurance Program, are to comply with an appropriations measure passed during the 2007 legislative session and as directed by House Bill No. 1463. The proposed amendment will have an impact on the regulated community in excess of \$50,000.

Section 75-02-02.2-12, Income considerations is amended to increase the SCHIP, also known as Healthy Steps, income level from one hundred and forty percent of the poverty level to one hundred and fifty percent of the poverty level.

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, October 20, 2008.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 2nd day of September, 2008.



John Hoeven, Governor
Carol K. Olson, Executive Director

**FINDING AND STATEMENT OF REASON
NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
REGARDING PROPOSED AMENDMENTS TO
NORTH DAKOTA ADMINISTRATIVE CODE CHAPTER 75-02-02.2
CHILDREN'S HEALTH INSURANCE PROGRAM**

FINDING

I hereby find that emergency rulemaking to amend N.D. Admin. Code chapter 75-02-02.2, Children's Health Insurance Program, is necessary to avoid a delay in implementing an appropriations measure.

STATEMENT OF REASON

Emergency rulemaking is necessary for the Department of Human Services to comply with an appropriations measure passed during the 2007 legislative session and as directed by House Bill No. 1463.

Dated this 2 day of September, 2008.

A handwritten signature in black ink, appearing to read "Carol K. Olson", is written over a horizontal line.

Carol K. Olson
Executive Director