

ADMINISTRATIVE RULES DRAFTING MANUAL



Prepared by the Legislative Services Agency
Indiana Register and Administrative Code Division
Under the Direction of
The Indiana Code Revision Commission

Approved and Published by
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THIS MANUAL IS A REVISION OF THE
ADMINISTRATIVE RULES DRAFTING MANUAL
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INTRODUCTION

INDIANA ADMINISTRATIVE CODE

The *Indiana Administrative Code* (IAC) is published under the authority of the Legislative Council. The IAC is a compilation of the text of all permanent Indiana administrative rules. The first official edition of the IAC was published in 1979. The IAC was republished in 1984, 1988, 1992, 1996, and 2001 and annually since 2003. Since the posting of the 2007 edition, the IAC has been updated on the Indiana General Assembly's Website (IR Database Website) as final rules have become effective. The Indiana Register and Administrative Code Division (IRACD) of the Legislative Services Agency acts as the publishing branch of the Legislative Council for the IAC.

INDIANA REGISTER

The *Indiana Register* (IR) is a serial publication containing the full text of proposed rules, final rules, and other documents, such as notices of public hearing, notices of intent to adopt rules, nonrule policy statements, Executive Orders, and Attorney General's Opinions. The IR was published monthly from July 1, 1978, to July 1, 2006. Beginning July 2, 2006, the IR has been published on the IR Database Website only. Final Rules published in the IR are later codified in the IAC. The IR can be considered an "advance sheet" of final rules to be codified in the IAC. Other documents, such as notices, nonrule policy statements, Executive Orders, and Attorney General's Opinions that are posted on the IR Database Website are not subsequently published in the IAC. The IRACD acts as the publishing branch of the Legislative Council for the IR.

SECTION 1. INTRODUCTION

PART 1-1 — DEFINITIONS USED IN THIS MANUAL

The following definitions apply throughout this manual:

- (1) IAC means the *Indiana Administrative Code*.
- (2) IR means the *Indiana Register*.
- (3) IRACD means the Indiana Register and Administrative Code Division of the LSA.
- (4) LSA means the Legislative Services Agency.

PART 1-2 — PURPOSE OF MANUAL

This manual was prepared by the Indiana Register and Administrative Code Division (IRACD). This manual was approved by the Indiana Code Revision Commission and the Legislative Council on May 24, 2022. The purpose of the *Administrative Rules Drafting Manual* is to provide a uniform and consistent format and style for rules published in the *Indiana Register* and the *Indiana Administrative Code*. The Administrative Rules Drafting Manual implements IC 4-22-2-42, which reads:

Sec. 42. The publisher, with the assistance of the code revision commission, shall establish a format, a numbering system, standards, and techniques for agencies to use whenever they draft and prepare rules under this chapter.

IC 4-22-2-20 states:

Sec. 20. (a) Whenever an agency submits a rule to the publisher, the attorney general, or the governor under this chapter, the agency shall submit the rule in the form of a written document that:

- (1) is clear, concise, and easy to interpret and to apply; and
- (2) uses the format, numbering system, standards, and techniques established under section 42 of this chapter.

(b) After June 30, 2006, all documents submitted to the publisher under this chapter must be submitted electronically in the format specified by the publisher.

PART 1-3 — PREVIOUS *ADMINISTRATIVE RULES DRAFTING MANUAL*

This manual replaces the May 22, 2008, Edition of the *Administrative Rules Drafting Manual*.

PART 1-4 — *DRAFTING MANUAL FOR THE INDIANA GENERAL ASSEMBLY*

The *Administrative Rules Drafting Manual* has similar standards to the standards set forth in the *Drafting Manual for the Indiana General Assembly* approved by the Legislative Council December 19, 2012. The *Administrative Rules Drafting Manual* differs from the *Drafting Manual for the Indiana General Assembly* in subjects that are unique to administrative rulemaking.

PART 1-5 — REFERENCE BOOK

The *American Heritage Dictionary of the English Language*, Fifth Edition, is the standard dictionary used for the IR and the IAC. When alternative spellings are listed for a word, use the first or preferred spelling.

SECTION 2. ORGANIZATION AND CODIFICATION

PART 2-1 — IAC TITLE ASSIGNMENT

The IRACD assigns an IAC title number to an agency on the date the agency drafts its first Notice of Intent to Adopt a Rule.

PART 2-2 — IAC CITATION SCHEME

(a) Rules are codified for purposes of identification and citation by a four (4) level numbering system as follows:

(1) The number preceding IAC in the citation indicates the title. The title number identifies the agency or other body adopting the rule.

EXAMPLE OF AN IAC TITLE NUMBER:

410 IAC indicates that the rules of the Indiana Department of Health are codified in Title 410 of the IAC.

(2) The number following IAC in the citation indicates the article. An article codifies a broad category of rules.

EXAMPLE OF AN IAC ARTICLE NUMBER:

410 IAC 1 indicates where to find the rules of the Indiana Department of Health on the topic of communicable disease control.

(3) The penultimate number in the citation occurs after the article level and indicates a rule identifying a specific subject.

EXAMPLE OF AN IAC RULE NUMBER:

410 IAC 1-1 indicates where to find rules of the Indiana Department of Health concerning the immunization of school children.

(4) The last number in the citation indicates a specific section of a rule.

EXAMPLE OF AN IAC SECTION NUMBER:

410 IAC 1-1-1 indicates the section of the rule concerning the immunization of school children that specifically deals with immunization requirements.

(b) The following example includes each element in the citation 410 IAC 1-1-1:

ELEMENTS OF AN IAC CITATION:

410 IAC refers to Title 410

410 IAC 1 refers to Title 410, Article 1

410 IAC 1-1 refers to Title 410, Article 1, Rule 1

410 IAC 1-1-1 refers to Title 410, Article 1, Rule 1, Section 1

PART 2-3 — CODIFICATION SYSTEM

A permanent rule is organized into one (1) major grouping referred to as a title.

- Each title contains one (1) or more articles.
- Each article contains one (1) or more rules.
- Each rule contains one (1) or more sections.

PART 2-4 — DIVISION OF SECTIONS

(a) If a section contains more than one (1) paragraph, the section is divided into designated subsections. Similarly:

- (1) a subsection may be divided into subdivisions;
- (2) a subdivision may be divided into clauses;
- (3) a clause may be divided into items; and
- (4) an item may be divided into subitems.

(b) On the following page is an illustration of a section that contains various designations. In the left margin is a description of the different levels of tabulation shown.

SUBSECTION:	Sec. 1. (a) -----:
SUBDIVISION:	(1) -----; and
SUBDIVISION:	(2) -----:
CLAUSE:	(A) ----- ; and (or)
CLAUSE:	(B) -----
ITEM	(i)----- ; and (or)
ITEM	(ii)----- ; and (or)
SUBITEM:	(AA) -----; and (or)
SUBITEM:	(BB)----- ; and (or)
SUBDIVISION:	(3) ----- -----.
SUBSECTION:	(b) ----- ----- -----.

The format for sections, subsections, subdivisions, clauses, items, and subitems is as follows:

- (1) To indent for a section, tab for a paragraph indent.
- (2) To indent for a subsection, tab for a paragraph indent. However, for a section with more than one (1) subsection, the designation for subsection (a) immediately follows the numeral designating the section. For instance, "Sec. 1. (a)...".
- (3) To indent for a subdivision, use a single indent.
- (4) To indent for a clause, use a double indent.
- (5) To indent for an item, use a triple indent.
- (6) To indent for a subitem, use a quadruple indent.

[See the following page for an example of designations within an IAC section.]

DESIGNATIONS WITHIN AN IAC SECTION:

[NOTE: This IAC section has been altered for illustrative purposes.]

410 IAC 1-4-8 Precautions generally

Authority: IC 16-41-11-9

Affected: IC 16-19; IC 16-41-11

Sec. 8. (a) All covered individuals and health care workers under this rule shall comply with the requirements imposed under the Indiana occupational safety and health administration's bloodborne pathogens standards.

(b) The operator and all covered individuals whose professional duties are performed on behalf of a facility providing services to patients shall also comply with the following requirements:

(1) All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

(2) Environmental surfaces not requiring sterilization ~~which~~ **that** have been contaminated by blood or other potentially infectious materials shall be cleaned with an absorbent material ~~prior to~~ **before** disinfection. Disinfectant solutions shall **consist of either of the following:**

(A) ~~be~~ A germicide registered with the U.S. EPA for use as a hospital disinfectant and labeled tuberculocidal or registered germicide with specific inactivation claims against HIV and HBV. ~~or~~

(B) ~~be~~ A sodium solution dated and not used after twenty-four (24) hours as follows:

(i) A minimum of 1:100 dilution (one-quarter ($\frac{1}{4}$) cup of five and twenty-five hundredths percent (5.25%) common household bleach in one (1) gallon of water).

(ii) A 1:10 dilution (one (1) part five and twenty-five hundredths percent (5.25%) common household bleach in nine (9) parts water) shall be used when a blood, culture, or OPIM spill occurs in the laboratory setting.

(Indiana Department of Health; 410 IAC 1-4-8; filed Oct 6, 1989, 4:20 p.m.: 13 IR 280; filed Nov 22, 1993, 5:00 p.m.: 17 IR 757; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Mar 28, 2006, 12:45 p.m.: 29 IR 2537; errata filed Aug 16, 2006, 2:30 p.m.: 20060830IR410050259ACA)

PART 2-5 — UNDESIGNATED SECTIONS

If a section contains only one (1) major paragraph of text, a subsection designation is not required. However, if the subsection contains a subdivision listing, the listing is designated with

numerals. Following is an illustration of a section with one (1) major paragraph and a subdivision listing:

	Sec. 1. ----- ----- -----:
SUBDIVISION:	(1) ----- ; and (or)
SUBDIVISION:	(2)-----:
CLAUSE:	(A)----- ; and (or)
CLAUSE:	(B)-----;
SUBDIVISION:	(3) ----- -----.

PART 2-6 — USE OF NUMERALS

- (a) Numerals are consecutively assigned at the article, rule, and section levels beginning with "1".
- (b) The numeral zero (0) may not be used as an article, rule, or section number.

PART 2-7 — RESERVED NUMBERS

- (a) An article, a rule, or a section number may not be reserved by:
 - (1) leaving the number unused; or
 - (2) drafting a superfluous statement that nominally uses the number.
- (b) Two (2) or more pending rule documents adding part of a consecutive series to an article, a rule, or a section must be submitted in an order that avoids the reservation of a number. If documents are issued with article, rule, or section numbers out of order, the IRACD reassigns the numbers. Reassignment by the IRACD of numbers is based on the dates the documents are submitted for publication. A document submitted first will be assigned the lowest available article, rule, or section number.

PART 2-8 — DECIMAL NUMBERS

- (a) A decimal number may be used only if:
 - (1) the next higher number has been used in another Proposed Rule or Final Rule; and

(2) placement of the rule before another rule at the same article, rule, or section level is more logical than placing the rule at the end of that level.

(b) A decimal value must be an increment of one-tenth of a numeral, that is, .1 through .9. Decimal values may not exceed .9.

PART 2-9 — REPEALED OR TRANSFERRED NUMBERS

(a) If an entire article, rule, or section is repealed, the repealed number may not be reused.

(b) If text is transferred by the General Assembly from the jurisdiction of one (1) agency to another, the former title, article, rule, or section number may not be reused.

PART 2-10 — REDESIGNATION WITHIN A SECTION

(a) If text is revised in a manner that omits, rearranges, or inserts an element in a series, the series is redesignated by relettering or renumbering.

(b) If text is revised in a manner that eliminates all but one (1) of the elements in a series, the remaining designation is eliminated and its text is run into the other text.

SECTION 3. TECHNIQUES

PART 3-1 — UNIT OF CHANGE

(a) The text of an IAC section or noncode SECTION may be included in a document only if the text is added or amended.

(b) Article headings and rule headings are included only when being added or changed.

(c) When an IAC section or noncode SECTION is amended, the entire IAC section or noncode SECTION is printed in the amending document.

PART 3-2 — NEW TEXT

New text is printed in boldface type, including the addition of an entirely new section or new text added to an existing section.

EXAMPLE OF BOLDFACE TYPE:

Sec. 1. The:
(1) county office of family and social services; **and**
(2) **local health officer**;
shall **jointly** inspect facilities.

PART 3-3 — AMENDMENT TECHNIQUE

Existing text is deleted by striking. New text to occupy the same location is inserted after the stricken text in boldface type.

[See the following page for an example of striking and bolding text.]

EXAMPLE OF STRIKING AND BOLDING:

Sec. 1. The ~~county office of family and social services and the local health officer shall jointly inspect facilities.~~ **each facility once a month.**

REDESIGNATING WITHIN A SECTION:

Sec. 21. (a) This section applies only to intermediate care facilities.

(b) Recognition of the costs related to total staffing requirements will be limited to ~~4.5~~ **four and seventy-five hundredths (4.75)** hours worked per patient day in skilled nursing facilities.

~~(c) The minimum nursing staffing requirements shall be 2.5 hours worked per patient per day.~~

~~(c)~~ **(c)** Providers of intermediate care facilities services whose allowable costs are less than the MAL shall be allowed to retain a percent of the difference as an incentive for efficient operations.

PART 3-4 — REFERENCE LINES

(a) Reference lines include the following:

- (1) The section heading.
- (2) The section number.
- (3) The authority and affected lines.
- (4) The history line.

(b) Changes in reference lines may be deleted or added without showing stricken or boldface text.

(c) With the exception of the history line, reference lines are not part of a rule.

PART 3-5 — EMERGENCY RULES

(a) An agency with emergency rulemaking authority under IC 4-22-2-37.1 may add a noncode SECTION that revises one (1) or more IAC sections without specifically repealing the affected IAC sections. See Emergency Authority List at <http://iac.iga.in.gov/iac/> for a complete listing of state agencies with statutory authority to adopt emergency rules.

(b) Do not amend an existing IAC section by showing canceled text. Use the language "This SECTION supersedes [existing IAC section citation]." to indicate that an IAC section is being temporarily amended and then show the section in all boldface text.

EXAMPLE OF A TEMPORARY AMENDMENT TO AN IAC SECTION:

SECTION 3. (a) This SECTION supersedes 312 IAC 9-6-6.

(b) A person must not take or possess fish at any of the following locations:

(1) From April 1 through June 15 from the following:...

(c) Use this DIGEST for an original Emergency Rule adding new provisions:

DIGEST OF A NONCODE EMERGENCY RULE ADDING NEW PROVISIONS:

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule

LSA Document #07-XX(E)

DIGEST

Temporarily adds provisions to update and clarify the requirements for hunting and fishing. Statutory authority: IC X-XX-X-X. Effective July 1, 2007.

(d) Use this DIGEST for an original Emergency Rule amending existing IAC sections:

DIGEST OF A NONCODE EMERGENCY RULE AMENDING AN EXISTING IAC SECTION:

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule

LSA Document #07-XX(E)

DIGEST

Temporarily amends 312 IAC 1-2-3 concerning hunting and fishing. Statutory authority: IC X-XX-X-X. Effective July 1, 2007.

PART 3-6 — EXTENSION OF TIME FOR EMERGENCY RULES

(a) If an extension of time is necessary for an emergency rule, as provided in IC 4-22-2- 37.1(g), the Emergency Rule must be republished with a new LSA Document number.

(b) Use this DIGEST for an extension of an Emergency Rule adding new provisions:

DIGEST OF A NONCODE EMERGENCY RULE EXTENSION ADDING NEW PROVISIONS:

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule
LSA Document #07-YY(E)

DIGEST

Temporarily adds provisions to update and clarify the requirements for hunting and fishing. Statutory authority: IC X-XX-X-X. *NOTE: The original emergency document, LSA Document #07-XX(E), posted at 20070627-IR-3120700XXERA, effective July 1, 2007, expires September 29, 2007.* Effective September 30, 2007.

(c) Use this DIGEST for an extension of an Emergency Rule amending existing IAC sections:

**DIGEST OF A NONCODE EMERGENCY RULE EXTENSION
AMENDING AN EXISTING IAC SECTION:**

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule
LSA Document #07-YY(E)

DIGEST

Temporarily amends 312 IAC 1-2-3 concerning hunting and fishing. Statutory authority: IC X-XX-X-X. *NOTE: The original emergency document, LSA Document #07-XX(E), posted at 20070627-IR-3120700XX, effective July 1, 2007, expires September 29, 2007.* Effective September 30, 2007.

(d) Use this expiration statement with the original Emergency Rule:

NONCODE EMERGENCY RULE EXPIRATION SECTION:

SECTION 2. This document expires September 29, 2007.

(e) Use this expiration statement with the extension of the Emergency Rule:

NONCODE EMERGENCY RULE EXTENSION EXPIRATION SECTION:

SECTION 2. This document expires December 28, 2007.

PART 3-7 — NONCODE RULES

A noncode rule is a rule that, due to its temporary nature, is not included in the IAC but is posted on the IR Database Website. Generally, a noncode rule includes provisions that:

- (1) contain a specific termination date that is within five (5) years after the date of adoption of the rule; or
- (2) terminate by implication when their purpose is fulfilled or ceases to exist.

PART 3-8 — SPECIFIC REPEALS

(a) A rule is repealed through the use of a specific repealer.

(b) An entire IAC section may not be repealed by amendment. Completely different subject matter may not be added to an IAC section by striking all of the existing text and inserting new subject matter. Instead:

- (1) the existing IAC section must be specifically repealed; and
- (2) a new section must be added with a new IAC section number.

SPECIFIC SINGLE REPEAL:

SECTION 2. 310 IAC 13 IS REPEALED.

SPECIFIC MULTIPLE REPEAL:

SECTION 2. THE FOLLOWING ARE REPEALED: 470 IAC 5-3-1; 470 IAC 5-3-5; 470 IAC 5-3-6; 470 IAC 5-3-7; 470 IAC 5-6.

PART 3-9 — AMENDING A PROPOSED RULE

(a) If it is necessary to amend a section that is based on an earlier proposed version that has not yet become final, the later amendment must be drafted to reflect changes proposed in the text of the first version.

(b) Text proposed to be canceled (stricken) in the first version is deleted in the later amendment. Text proposed to be added in the first version appears in regular typeface (instead of boldface) in the later amendment.

PART 3-10 — REPEAL OF A NONCODE SECTION

A noncode SECTION may be repealed only to:

- (1) terminate the effect of the noncode SECTION before the date it expires; or
- (2) codify part or all of the noncode SECTION by:
 - (A) adopting it as a permanent rule; and
 - (B) terminating the effect of any remaining provisions.

REPEAL OF A NONCODE EMERGENCY RULE SECTION:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 310 DEPARTMENT OF NATURAL RESOURCES

Emergency Rule

LSA Document #07-150(E)

DIGEST

Repeals LSA Document #07-103(E), SECTION 2, posted at 20070627-IR-310070103ERA. Effective July 10, 2007.

SECTION 1. LSA Document #07-103(E), SECTION 2, IS REPEALED.

PART 3-11 — REVIVING A REPEALED RULE

A specific repealer SECTION may not be amended or specifically repealed. To reissue text that has been repealed, the text must be added as a new article, rule, or section.

PART 3-12 — EFFECTIVE DATES; EXPIRATION DATES

(a) IC 4-22-2-36 provides that a rule that has been accepted for filing by the Publisher takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date that is thirty (30) days from the date and time that the rule was accepted for filing by the Publisher.
- (3) The effective date stated by the agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(b) The operation of an effective date or an expiration date may be delayed by amendment only if the amendment takes effect before the effective date or expiration date. Otherwise, an effective date or expiration date may not be amended.

PART 3-13 — USE OF ENTIRE TERM

An entire term, such as a:

- (1) word;
- (2) citation;
- (3) number;
- (4) designation;
- (5) symbol;
- (6) sign;
- (7) mathematical or scientific expression; or
- (8) piece of artwork;

including any punctuation contained within or immediately after the term, must be shown as stricken or bold. If part of a term is revised, the term must be replaced as a unit.

USE:	DO NOT USE:
student students	students
470 IAC 1-5-9 470 IAC 1-5-10	470 IAC 1-5-9 10 or 470 IAC 1-5-9 1-5-10
\$5.50 \$5.25	\$5.50 25 or \$5.50 5.25
nine hundred five (905) twenty-five (925)	nine hundred twenty (920) nine hundred twenty-five (925)

PART 3-14 — MINIMAL CHANGE

(a) An amendment must contain the least number of stricken terms necessary to complete the revision.

(b) A term that is not revised or relocated by an amendment may be stricken and replaced if the term is part of:

- (1) a phrase or other block of text that is more readable when replaced as a whole;
- (2) a table column or other specially formatted line of text where spacing limits the inclusion of both the stricken and new versions of that text; or
- (3) artwork.

The phrase, artwork, or other block of text may be stricken as a unit and reinserted as a unit.

(c) When an IAC section is being extensively amended, it is often advisable to repeal and replace the section by adding a new IAC section with a new IAC section number.

PART 3-15 — CAPITALIZATION; PUNCTUATION; INDENTATION

Capitalization, punctuation, or indentation in a rule may be revised without striking and reinserting in boldface type.

IT IS NOT NECESSARY TO SHOW CHANGES LIKE THIS:

sStudent
Sstudent
student;
student;

PART 3-16 — AMENDING ARTWORK

Artwork may be stricken in a document by covering it with an X.

PART 3-17 — DIFFERENCES BETWEEN PROPOSED RULES AND FINAL RULES

(a) If text is shown as canceled (stricken) in a Proposed Rule and the text is not canceled (stricken) in the Final Rule, reset the text as regular typeface.

(b) If new text is inserted in boldface in a Proposed Rule and not adopted for the Final Rule, delete the boldface text.

SECTION 4. RULE ADOPTION AND PROCEDURES FOR SUBMISSION OF DOCUMENTS

(a) The adoption of administrative rules in Indiana is governed by the requirements of IC 4-22-2. The definition section at IC 4-22-2-3 and the applicability section at IC 4-22-2-13 combine to exempt the legislative and judicial branches, local governments, any military officer or board, and any state educational institution from the procedural requirements of IC 4-22-2.

(b) Supplementing the requirements of IC 4-22-2, IC 13-14-9 imposes a number of additional rulemaking requirements upon the Indiana Department of Environmental Management in its preparation of proposals for adoption by the Environmental Rules Board.

PART 4-1 — NOTICES OF INTENT TO ADOPT A RULE

(a) To publish a Notice of Intent to Adopt a Rule under IC 4-22-2-23, an agency must submit the Notice of Intent to Adopt a Rule to the IRACD electronically (in Word or WordPerfect format or another format acceptable to the Publisher) as an email attachment to register@iga.in.gov. An LSA Document number will be assigned by the IRACD staff once the document has been processed.

(b) The Notice of Intent to Adopt a Rule must include the:

- (1) overview of the intent and scope of the rule;
- (2) statutory authority for the rulemaking;
- (3) name, address, telephone number, and email address of the agency's designated Small Business Regulatory Coordinator under IC 4-22-2-28.1; and
- (4) name, address, telephone number, and email address of the Small Business Ombudsman and a statement of resources available through the Small Business Ombudsman designated under IC 5-28-17-6.

The solicitation of questions or comments is discretionary under IC 4-22-2-23.

(c) An agency must wait at least twenty-eight (28) days after the Notice of Intent to Adopt a Rule has been posted on the IR Database Website before submitting the Proposed Rule to the IRACD for publication. NOTE: The agency must have received approval from the Budget Agency before submitting the Proposed Rule to the IRACD for publication (see Executive Order 2-89).

[See the following page for an example of a Notice of Intent to Adopt a Rule.]

NOTICE OF INTENT TO ADOPT A RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL

Notice of Intent to Adopt a Rule
LSA Document #20-366

Under IC 4-22-2-23, the Consumer Protection Division of the Office of the Attorney General intends to adopt a rule concerning the following:

OVERVIEW: Adds 11 IAC 4 to establish safe harbor standards for a data base owner's duty to implement and maintain a data security plan. Sets out procedures for notifying the attorney general and implementing corrective action in case of a breach of security data. Statutory authority: IC 4-6-9-8.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Donna Sembroski
Office of the Attorney General
402 West Washington Street
Indiana Government Center South, Fifth Floor
Indianapolis, IN 46204
(317) 234-3794
donna.sembroski@atg.in.gov

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 5-28-17-6 is:

Greg Lannan
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 601-8892
glannan@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in IC 5-28-17-6, specifically IC 5-28-17-6(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

PART 4-2 — PROPOSED RULES

(a) An agency must initially submit a Proposed Rule with its corresponding Economic Impact Statement (IC 4-22-2.1-5) as a separate attachment, but NOT the corresponding Notice of Public Hearing, electronically to register@iga.in.gov. All Proposed Rules must be sent individually. The IRACD will not accept emails with multiple attachments except for a Proposed Rule with its corresponding Economic Impact Statement. Two (2) or more Proposed Rules may not be sent as attachments to the same email. The LSA Document number must be included either:

- (1) in the file name of the attachments; or
- (2) as part of the text of the documents themselves.

NOTE: The prohibition of multiple email attachments applies ONLY to Proposed Rules.

(b) Upon receipt of the Proposed Rule and its corresponding Economic Impact Statement, the IRACD will review the rule and reply with an Intended Date of Publication. This Intended Date of Publication will be a Wednesday and is contingent on the IRACD's receiving the Notice of Public Hearing information by the preceding Friday.

(c) It is essential that incorporated material be fully and exactly described in a proposed rule. It must be identified with specificity (e.g., edition, version, year, etc.). Other than references to the Indiana Code or Indiana Administrative Code (see IC 4-22-9-5), a document incorporated by reference is "frozen in time" as it exists at the time of incorporation. See [Part 8-7 INCORPORATION BY REFERENCE](#) for more information.

[See the following pages for examples of a Proposed Rule and Economic Impact Statement.]

PROPOSED RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION

Proposed Rule
LSA Document #06-91

DIGEST

Amends 315 IAC 1-3-2 concerning an address. Adds 315 IAC 1-1-2 regarding the statutory mandate that the director of the Office of Environmental Adjudication may be removed for cause under the Code of Judicial Conduct. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses *[NOTE: This line of text will be hyperlinked on the IR Database Website to the Economic Impact Statement for this Proposed Rule.]*

315 IAC 1-1-2; 315 IAC 1-3-2

SECTION 1. 315 IAC 1-1-2 IS ADDED TO READ AS FOLLOWS:

315 IAC 1-1-2 Applicable provisions of the code of judicial conduct

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-7-6

Sec. 2. (a) The following definitions apply throughout this section:

(1) "Code of judicial conduct" refers to the code of judicial conduct adopted by the Indiana supreme court, effective March 1, 1993.

(2) "Environmental law judge" means an environmental law judge for the office of environmental adjudication.

(Office of Environmental Adjudication; 315 IAC 1-1-2)

SECTION 2. 315 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

315 IAC 1-3-2 Initiation of a proceeding for administrative review

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-3-7; IC 4-21.5-3-15; IC 4-21.5-4; IC 13-15-6-1

Sec. 2. (a) A proceeding before the **agency office** is initiated for...

**ECONOMIC IMPACT STATEMENT
(EXPLAINING COSTS OR REQUIREMENTS):**

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 410 INDIANA DEPARTMENT OF HEALTH

**Economic Impact Statement
LSA Document #21-23**

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses
Description of the Rule**

The Indiana Department of Health is seeking to amend 410 IAC 5.1-1-10, 410 IAC 5.1-1-16, and 410 IAC 5.1-1-18 to revise definitions. Amends 410 IAC 5.1-1-22 through 410 IAC 5.1-1-29 to revise the certification and standards requirements applicable to radon testing, radon mitigation, and laboratory analysis. Amends 410 IAC 5.1-1-31 to revise the documents incorporated by reference as part of this rule. Repeals 410 IAC 5.1-1-3 and 410 IAC 5.1-1-9.

Economic Impact on Small Businesses

1. Estimate of the number of small businesses, classified by industry sector, that will be subject to the proposed rule.

IC 5-28-2-6 defines a small business as a business entity that satisfies the following requirements:

(1) On at least fifty percent (50%) of the working days of the business entity occurring during the preceding calendar year, the business entity employed not more than one hundred fifty (150) employees.

(2) The majority of the employees of the business entity work in Indiana.

There are approximately 25 small businesses subject to the proposed rule.

2. Estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the proposed rule.

The proposed rule imposes no new reporting, record keeping, or other administrative costs on small businesses.

3. Estimate of the total annual economic impact that compliance with the proposed rule will have on all small businesses subject to the rule.

Compliance with the proposed rule imposes no economic impact on small businesses.

**ECONOMIC IMPACT STATEMENT
(STATING THERE ARE NO COSTS OR REQUIREMENTS):**

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 240 STATE POLICE DEPARTMENT

Economic Impact Statement

LSA Document #06-418

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

The proposed rule will not impose requirements or costs on small businesses under IC 4-22-2.1-5.

PART 4-3 — NOTICES OF PUBLIC HEARING

(a) After a Proposed Rule and its corresponding Economic Impact Statement have been submitted to the IRACD for publication, an Intended Date of Publication will be sent to the agency by the IRACD. When the agency receives, via email, the Intended Date of Publication, the agency may then schedule the public hearing based on this Intended Date of Publication. The public hearing must be at least twenty-one (21) days after the date of publication of the Proposed Rule, Economic Impact Statement, and Notice of Public Hearing.

(b) The agency must then send ONLY the Notice of Public Hearing (NOT the Proposed Rule or Economic Impact Statement again) to register@iga.in.gov. The Notice of Public Hearing must include the following:

- (1) The date, time, and location of the public hearing.
- (2) A justification of requirements or costs on regulated entities under IC 4-22-2-24(d)(3) (except for Indiana Department of Environmental Management boards). When there are no additional requirements or costs, the notice of hearing must include an affirmative statement indicating so.
- (3) A reference to the subject matter.
- (4) A declaration that a copy of the Proposed Rule and any data, studies, or analyses referenced in the justification statement is on file and may be examined and copied in the office of the agency proposing the rule.

(c) As referenced in Part 4-2(a), Notices of Public Hearing must be sent individually. The IRACD will not accept multiple attachments with emails except for a Proposed Rule and its corresponding Economic Impact Statement. The Notice of Public Hearing must reference the LSA Document number, either as part of the:

- (1) file name; or
- (2) text document.

NOTE: If the Notice of Public Hearing information is not received by the Friday before the following Wednesday's postings, the Proposed Rule will not be posted on the contingent Intended Date of Publication that was previously given to the agency. In these cases, a new Intended Date of Publication will be sent to the agency who must then schedule a new public hearing and send the information to the IRACD within the time frame referenced above.

(d) Upon receipt of the Notice of Public Hearing, the IRACD will reply to the email with an Authorization to Proceed (AP) with the public hearing. Upon receipt of this AP, the agency may contract with a newspaper of general circulation in Marion County to publish the Notice of Public Hearing (including the justification statement referenced in (b)(2) above) in the newspaper. In addition, the AP must be included in the final packet that is submitted to the Attorney General's office for approval. NOTE: The newspaper Notice of Public Hearing must be published at least 21 days before the public hearing is held.

*[See the following pages for examples of a Notice of Public Hearing
(with Justification Language for Costs or Requirements).]*

**NOTICE OF PUBLIC HEARING
(WITH JUSTIFICATION LANGUAGE FOR COSTS OR REQUIREMENTS):**

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 610 DEPARTMENT OF LABOR

**Notice of Public Hearing
LSA Document #12-190**

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 10, 2012, at 9:00 a.m., at the Indiana Government Center South, 302 West Washington Street, Conference Center Room 4, Indianapolis, Indiana, the Department of Labor will hold a public hearing on a proposed rule to add 610 IAC 11 to establish procedures for filing and adjudication of complaints of violations of Indiana's Right to Work statute (IC 22-6-6).

Statement of justification of costs and requirements under IC 4-22-2-24(d)(3): The Department of Labor has the authority to adopt this rule under IC 22-6-6-11. The rule imposes minimal procedural requirements on those filing and responding to complaints to ensure due process for both parties. If the Department of Labor did not provide this administrative enforcement process, the only recourse in case of an alleged violation would be a court action. The financial and other costs of a court action would be significantly greater than the costs of the Department of Labor's administrative process. Therefore, the benefits of the orderly administrative process set out in this rule exceed its minimal costs. The Department of Labor did not rely on any data, studies, or analyses in making this determination.

Comments on this proposed rule may be addressed to Rick Ruble, Indiana Department of Labor, 402 W. Washington St., Room W195, Indianapolis, IN 46204.

Copies of these rules are now on file at the Indiana Government Center South, 402 West Washington Street, Room W195, Indianapolis, Indiana and are open for public inspection and copying.

Lori A. Torres
Commissioner
Department of Labor

NOTE: The inclusion of an agency's website address is discretionary.

**NOTICE OF PUBLIC HEARING
(WITH JUSTIFICATION LANGUAGE
INDICATING THERE ARE NO COSTS OR REQUIREMENTS):**

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 312 NATURAL RESOURCES COMMISSION

Notice of Public Hearing
LSA Document #07-23

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 15, 2007, at 6:00 p.m., in the Patio Building, Miami County Fairgrounds, 1029 West 200 North, Peru, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to allow handguns to be carried on DNR properties.

The proposed rule amendments would not impose requirements or costs under IC 4-22-2-24(d)(3).

Copies of these rules are now on file at the Indiana Government Center South, 402 West Washington Street, Room W272, Indianapolis, Indiana and are open for public inspection and copying.

John Doe
Chairman
Natural Resources Commission

PART 4-4 — NOTICES OF ADDITIONAL PUBLIC HEARINGS

An agency may not convene more than one (1) public hearing on a Proposed Rule unless the agency publishes notice of the additional hearings by submitting to the IRACD a notice stating the date, time, and location of each additional public hearing.

*[See the following pages for example of a Notice of Public Hearing with
More Than One Hearing Scheduled.]*

NOTICE OF PUBLIC HEARING WITH MORE THAN ONE HEARING SCHEDULED:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Notice of Public Hearing
LSA Document #13-399

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 13, 2014, at 10:00 a.m., at the St. Joseph County Public Library, Main Branch, Colfax Auditorium, 304 South Main Street, South Bend, Indiana; AND on January 14, 2014, at 9:00 a.m., at the Indiana Government Center South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana; AND on January 16, 2014, at 9:30 a.m., at the Evansville Public Library System, McCullough Branch, Meeting Room, 5115 Washington Avenue, Evansville, Indiana, the Indiana State Board of Education will hold public hearings on proposed changes to Title 511 of the Indiana Administrative Code.

The proposed rule adds Title 511 IAC 10.1 to provide definitions for teacher licensure and certification. Adds 511 IAC 13 to establish standards for accreditation of teacher preparation programs. Adds 511 IAC 14 to establish standards for practitioner licenses and license renewal. Adds 511 IAC 15 to establish school settings and content areas for licensure. Adds 511 IAC 16 to establish procedures for recognition of licenses received under prior rules, procedure and requirements for licensure and permit applications, and procedure for licensure revocation. Adds 511 IAC 17 to establish requirements and procedures for workplace specialist licenses. Adds 511 IAC 18 to establish requirements and procedures for educational interpreters permits. Adds 511 IAC 19 to establish requirements and procedures for school psychologists. The proposed rule would not impose requirements or costs under IC 4-22-2-24(d)(3).

The proposed rule may be viewed and written comments may be submitted at:

www.in.gov/sboe/REPAIIIcomment

Copies of these rules are now on file at the Center for Education and Career Innovation, 143 West Market Street, Suite 500, Indianapolis, Indiana and are open for public inspection and copying.

Michelle McKeown
General Counsel
Center for Education and Career Innovation

PART 4-5 — CHANGES IN NOTICES OF PUBLIC HEARING

(a) In order to ensure that the IRACD does not receive a Change in Notice of Public Hearing with a date that does not allow enough time for the IRACD staff to process and post the document, the agency must contact the IRACD staff before submitting the Change in Notice of Public Hearing to find out when the Change in Notice of Public Hearing can be posted on the IR Database Website. When the date of posting has been determined, the Change in Notice of Public Hearing may be sent to the register@iga.in.gov mailbox with the date of the hearing based on this informal "intended date of publication".

(b) Only the Change in Notice of Public Hearing will be posted on the IR Database Website. The corresponding Proposed Rule will not be reposted.

(c) The Change in Notice of Public Hearing must contain all of the information listed in [Part 4-3\(b\)](#), including the justification language for additional requirements or costs on regulated entities.

(d) Differences from the original Notice of Public Hearing, such as the date, time, or location, must be shown in boldface italic type.

[See the following page for an example of a Change in Notice of Public Hearing.]

CHANGE IN NOTICE OF PUBLIC HEARING:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Change in Notice of Public Hearing
LSA Document #06-429

The Indiana Utility Regulatory Commission gives notice that the date of the public hearing for LSA Document #06-429, posted at 20061122IR170060429PRA, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on **April 5, 2007, at 9:30 a.m. EDT**, at the **Indiana Government Center South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana**, the Indiana Utility Regulatory Commission will hold a public hearing on a proposed rule to require customer notification when a telecommunications service provider communicates with a residential customer about changing from basic to nonbasic telecommunications services.*

No requirement or cost is imposed on a telecommunications service provider under this rule that is not expressly required by the statute authorizing the Indiana Utility Regulatory Commission to adopt this rule.

Copies of these rules are now on file at the Indiana Government Center South, 302 West Washington Street, Room E306, Indianapolis, Indiana and are open for public inspection and copying.

John Doe
Commission Chairman
Indiana Utility Regulatory Commission

PART 4-6 — FINAL RULES

(a) A Final Rule must contain text as adopted by the agency. Any changes made after the publication of the Proposed Rule that is the basis for the Final Rule must be integrated into the Final Rule.

(b) Following adoption of the rule (when the rule is ready for final submission), each agency must record a copy of the rule onto a blank CD for electronic submission. The procedure for submission is as follows:

- (1) Label the CD accordingly and maintain a copy of the Final Rule.
- (2) Compile the following materials into one (1) solid-colored folder or binder:
 - (A) The one (1) rule CD contained in a three (3) hole-punched plastic sleeve, followed by a divider, then one (1) copy of all the supporting documentation (including a list of all matters incorporated by reference fully and exactly described), followed by another divider, and then finally a copy of any materials incorporated by reference.
 - (B) Use of a binder as opposed to a less expensive folder will depend on the size of the rule, any accompanying supporting documentation, and the incorporated materials. In some cases, more than one (1) binder may be necessary if the materials incorporated by reference are not available in electronic format. In that case, the agency must label supplementary binders appropriately and attach them to the actual rule.
- (3) The last item to be added to the rule folder will be a Rule Signature Page, which will be signed by the appropriate authority or body and inserted into the plastic sleeve along with the rule CD. The agency must ensure that the signature lines reflect the individual, individuals, or entity that has the relevant authority to promulgate and adopt a rule. The subject line must state the general topic or topics on what the rule concerns.
- (4) At the time the rule is ready to be submitted to the Office of Attorney General, everything should be contained in one (1) folder or binder except as noted in (b)(2)(B) above. CDs should not be submitted independently because of their size and the possibility of loss or separation from the rest of the included materials.
- (5) Only one (1) copy of the:
 - (A) Final Rule on CD-ROM;
 - (B) supporting documentation (including a list of the materials incorporated by reference fully and exactly described); and
 - (C) materials incorporated by reference;are required to be submitted to the Office of Attorney General upon final adoption.
- (6) Where the materials incorporated by reference are available in electronic format, they may also be submitted on a separate CD (contained in a plastic sleeve within the same folder) to save space, time, and paper.
- (7) Following approval by the Office of Attorney General, the rule will be delivered, as a courtesy, to the Governor's Office for final approval.
- (8) Following approval by the Governor, the Governor's Office, as a courtesy, delivers the document to the IRACD.
- (9) The IRACD has three (3) days to review, accept, and officially file the rule. This may impact statutory deadlines for certain rules, and, if that is the case, the agency needs to ensure that

deadlines are appropriately communicated to the IRACD. When the document is accepted for filing, the IRACD will affix a time-stamped label indicating that the document has been filed with the Publisher.

NOTE: Emergency Rules, Agency Corrections, and Readopted Final Rules do not go through the same approval process as do normal rules. However, to the extent feasible, agencies should follow the same procedures for packaging of rules. The only notable difference will be fewer signatures on the Rule Signature Page (only the authorizing person and a line for the filing date and time).

[See the following page for an example of a Final Rule.]

FINAL RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 515 ADVISORY BOARD OF THE DIVISION OF PROFESSIONAL STANDARDS

Final Rule
LSA Document #05-338(F)

DIGEST

Amends 515 IAC 8-1-1 to add a definition to reflect that the responsibility for teacher licensing has been transferred to the Department of Education. Amends 515 IAC 8-1-21 concerning exceptional needs. Effective 30 days after filing with the Publisher.

515 IAC 8-1-1; 515 IAC 8-1-21

SECTION 1. 515 IAC 8-1-1 IS AMENDED TO READ AS FOLLOWS:

515 IAC 8-1-1 Definitions

Authority: IC 20-28-2-6

Affected: IC 20-28-2; IC 20-28-5

Sec. 1. (a) The definitions in this section apply throughout this article.

(b) "Accomplished practitioner license" has the meaning set forth in 515 IAC 1-2-3.

(c) "All schools" means that the license applicant:

(1) has met all developmental standards; and

(2) qualifies for all five (5) school settings as set forth in section 2 of this rule.

(~~e~~) (d) "Teacher training institution" means a college or university offering a program of teacher education approved by the ~~professional standards board~~ **department.** (*Advisory Board of the Division of Professional Standards; 515 IAC 8-1-1; filed Aug 11, 2003, 3:15 p.m.: 27 IR 166; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; filed Jul 18, 2006, 1:29 p.m.: 20060816-IR-515050338FRA*)

SECTION 2. 515 IAC 8-1-21 IS AMENDED TO READ AS FOLLOWS:...

PART 4-7 — AGENCY CORRECTIONS

To correct text of a Final Rule, Emergency Rule, or Readopted Final Rule under IC 4-22-2-38, an agency must submit the document for filing to the IRACD. Agencies should follow the same procedures for packaging of Agency Corrections as for Final Rules. The only notable difference is that there are fewer signatures on the Rule Signature Page (only the authorizing person and a line for the filing date and time). The IRACD will affix a time-stamped label indicating that the document has been filed with the Publisher.

AGENCY CORRECTION:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Agency Correction LSA Document #05-260(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #05-260(F), posted at 20061025-IR-410050260FRA:

- (1) In 410 IAC 17-10-1(e), after “subsection (c)”, delete "of this rule".
- (2) In 410 IAC 17-10-1(f), delete "commissioner" and insert "director".
- (3) In 410 IAC 17-10-1(h), after “subsection (e)”, delete "of this rule".

PART 4-8 — NOTICES OF RECALL

To recall a rule document, an agency must send the LSA Document number by email to the Register mailbox and request that the document be recalled. It is not necessary to send the completed Notice of Recall document. The Notice of Recall will be generated by the IRACD staff.

NOTICE OF RECALL:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 760 DEPARTMENT OF INSURANCE

Notice of Recall LSA Document #05-265

Under IC 4-22-2-40, LSA Document #05-265, posted at 20070627-IR-760050265PRA, is recalled.

PART 4-9 — NOTICES OF WITHDRAWAL

To withdraw a rule document, an agency must send the LSA Document number by email to the Register mailbox and request that the document be withdrawn. It is not necessary to send the completed Notice of Withdrawal document. The Notice of Withdrawal will be generated by the IRACD staff.

NOTICE OF WITHDRAWAL:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 329 SOLID WASTE MANAGEMENT BOARD

Notice of Withdrawal LSA Document #06-182

Under IC 4-22-2-41, LSA Document #06-182, posted at 20061115-IR-329060182PRA, is withdrawn.

PART 4-10 — READOPTIONS UNDER IC 4-22-2.5

The procedure to readopt a rule under IC 4-22-2.5 is as follows:

(1) Submit a Notice of Intent to Readopt to the IRACD electronically (in Word or WordPerfect format or another format acceptable to the Publisher) as an email attachment to register@iga.in.gov. The majority of the document is standard language. (See example on the following page.) The agency should substitute the appropriate information, such as the following:

- (A) The title number and the name of the agency.
- (B) A cites listing with headings.
- (C) The Small Business Regulatory Coordinator information (IC 4-22-2-28.1).
- (D) Statutory authority or authorities.
- (E) The Small Business Ombudsman and resources available to regulated entities information (IC 5-28-17-6).

NOTE: The headings should match the case of the cite being readopted, that is:

- ALL CAPITAL LETTERS FOR ARTICLE HEADINGS
- Initial Capital Letters for Rule Headings
- First word only capitalized for section headings

NOTE: The written comments may be sent to:

- the Small Business Regulatory Coordinator (SBRC) for the rule; or
- a different person designated by the agency to receive the written comments (in addition to the SBRC).

[See the following page for an example of a Notice of Intent to Readopt.]

NOTICE OF INTENT TO READOPT:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

Notice of Intent to Readopt LSA Document #07-237

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

OVERVIEW: Rules to be readopted without changes are as follows:

105 IAC 1-1 Administrative Adjudication Procedures Related to Aeronautics Programs
105 IAC 3 AIRPORTS

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to the Small Business Regulatory Coordinator for this rule (see IC 4-22-2-28.1):

Tiffany Mulligan
Staff Attorney
Indiana Department of Transportation
Indiana Government Center North
100 North Senate Avenue, Room N730
Indianapolis, IN 46205
(317) 603-9977
tmulligan@indot.in.gov

Statutory authority: IC 8-23-2-6.

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 5-28-17-6 is:

Greg Lannan
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 601-8892
glannan@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in IC 5-28-17-6, specifically IC 5-28-17-6(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

(2) Once the Notice of Intent to Readopt has posted on the IR Database Website (the agency contact person will receive a notification by email after the posting), the agency must wait thirty (30) days for written requests to separate a portion of the document out of the rulemaking

(see IC 4-22-2.5-4(b)). It is advisable to wait an additional five (5) extra days for letters postmarked within the thirty (30) day period that are received after the thirty (30) day waiting period has elapsed.

(3) If no written requests are received, the agency creates a Readopted Final Rule. Again, the document is predominantly standard language. (See example on the following page.)

(4) Record the Readopted Final Rule on a blank CD (in Word or WordPerfect format or another format acceptable to the Publisher and in a "read-only" format). Have the authorizing person or body sign a paper signature page and bring the CD and the paper signature page to the Indiana Register office (Indiana Government Center North, Room N201).

Agencies should follow the same procedure as for the packaging of final rules. The only notable difference is that fewer signatures are needed on the Rule Signature Page (only the authorizing person and a line for the filing date and time). The IRACD will affix a time-stamped label indicating that the document has been filed with the Publisher. The agency may also send the document via U.S. mail, a courier, or interoffice mail, time permitting. NOTE: The Readopted Final Rule must be filed in the IRACD office by December 2 in order to be effective by the succeeding January 1.

READOPTED FINAL RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Readopted Final Rule
LSA Document #07-141(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

410 IAC 1-1; 410 IAC 2; 410 IAC 3-1-2

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

410 IAC 1-1	Immunization of School Children
410 IAC 2	TUBERCULOSIS CONTROL
410 IAC 3-1-2	Testing procedures; standards

**PART 4-11 — INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NOTICES UNDER IC 13-14-9**

(a) IC 13-14-9 requires that various Indiana Department of Environmental Management (IDEM) documents be published in the *Indiana Register*, including:

IDEM First Notices of Comment Period and Continuations (instead of the Notice of Intent to Adopt a Rule required by IC 4-22-2). See IC 13-14-9-3.

IDEM Second Notices of Comment Period and Continuations. See IC 13-14-9-4.

IDEM Fiscal Impact Statements. See IC 13-14-9-4.2.

IDEM Findings and Determination of the Commissioner. See IC 13-14-9-7.

(b) Many of the IC 13-14-9 Notices contain a "Comment Period Deadline". The procedure for inserting this date is as follows:

(1) When an IC 13-14-9 Notice is submitted to the IRACD for posting on the IR Database Website, the rulewriter must insert "[publication date plus xx days]" in the place where the Comment Period Deadline date appears (when applicable).

(2) When the IRACD staff reviews the document, the editor will:

(A) determine when the document can be posted;

(B) calculate the Comment Period Deadline; and

(C) send the date to the rulewriter for confirmation.

(3) The rulewriter must reply to the editor confirming the date.

NOTE: This is a separate procedure from the normal "Intended Date of Publication" involved in the Notice of Public Hearing procedure.

PART 4-12 — JOINT PROMULGATIONS

If two (2) or more agencies issue joint rules, each agency must:

(1) propose its rules in a separate document; and

(2) initiate separate rule proceedings. (See IC 4-22-2-18.)

PART 4-13 — EMERGENCY RULES

(a) Certain agencies may adopt Emergency Rules under IC 4-22-2-37.1. An Emergency Rule adopted under the emergency rulemaking statute is exempt from certain requirements for public notice of rulemaking. In most cases, an emergency rule is a temporary rule. See Emergency Authority List at <http://iac.iga.in.gov/iac/> for a complete listing of state agencies with statutory authority to adopt emergency rules.

(b) The following format should be used in drafting Emergency Rule documents:

(1) Include the following:

(A) The title heading.

(B) LSA Document #_____.

[NOTE: The LSA Document number is assigned when the Emergency Rule is filed with the Publisher.]

(C) The DIGEST paragraph. The final sentence in the DIGEST is the effective date provision, for example:

Effective July 1, 2007.

If the agency intends to have the filing date as the effective date, the final sentence in the DIGEST should be shown as:

Effective _____.

[Note: Publisher will add effective date.]

(D) An expiration SECTION at the end of the emergency rule (See Part 3-6(d)).

(2) The text of the document is arranged into SECTIONS. The components of a SECTION are the same as for an IAC section (See SECTION 3 of this manual.)

(3) Make internal references applicable to the emergency document. For example, refer to:

this document	NOT	this article
this SECTION	NOT	this rule
SECTION 2 of this document	NOT	section 2 of this rule

(4) Agencies should follow the same procedures for packaging of Emergency Rules as are followed for Final Rules. The only notable difference will be fewer signatures on the Rule Signature Page (only the authorizing person and a line for the filing date and time). When the Emergency Rule is delivered to the IRACD and accepted for filing, a document number will be assigned, and the IRACD will affix a time-stamped label indicating that the document has been filed with the Publisher.

(5) Under IC 4-22-2-37.1(f), the effective date of an Emergency Rule is the latest of the following:

(A) The effective date of the statute delegating authority to the agency to adopt the rule.

(B) The date and time that the rule is accepted for filing under IC 4-22-2-37.1(e).

(C) The effective date stated by the adopting agency in the Emergency Rule.

(D) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the Emergency Rule.

(E) The statutory effective date for an emergency rule set forth in the statute authorizing the agency to adopt emergency rules.

(c) Except for those Emergency Rules noted in IC 4-22-2-37.1(g), an Emergency Rule expires ninety (90) days after filing with the Publisher.

(d) An Emergency Rule may be extended if the agency adopts another Emergency Rule under IC 4-22-2-37.1. With the exceptions noted in IC 4-22-2-37.1(g), an agency may extend using the method only one (1) time. The DIGEST of the new Emergency Rule must refer to the original Emergency Rule. The new Emergency Rule will have a new:

(1) LSA Document number;

(2) effective date; and

(3) expiration date.

The format for the new Emergency Rule will be the same as set forth in subsection (b).

(e) With the exceptions noted in IC 4-22-2-37.1(g), for an Emergency Rule adopted under IC 4-22-2-37.1 to be effective after one (1) extension period, the rule must be adopted under IC 4-22-2-24 through IC 4-22-2-36 (the regular rulemaking process).

(f) Typographical, clerical, or spelling errors may be corrected in an Emergency Rule by an Agency Correction. When an Agency Correction is filed with the Publisher that is correcting an Emergency Rule, the LSA Document number assigned to the Emergency Rule should be used substituting "(AC)" for "(E)" after the LSA Document number.

**EXAMPLE OF THE LSA DOCUMENT NUMBER FOR AN
AGENCY CORRECTION TO AN EMERGENCY RULE:**

If the LSA Document number for the Emergency Rule is:

LSA Document #07-145(E)

The LSA Document number for an Agency Correction correcting this Emergency Rule would be:

LSA Document #07-145(AC)

(Also see Part 4-7 of this manual.)

[See the following page for an example of a noncode Emergency Rule.]

NONCODE EMERGENCY RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Emergency Rule
LSA Document #19-385(E)

DIGEST

Temporarily amends 410 IAC 37-1-11 and 410 IAC 37-1-13 to remove the requirements for a copay for veterans who participate in the grants for hyperbaric oxygen treatment program. Extends the grant distribution period from June 30, 2020, to June 30, 2021. Statutory authority IC 4-22-2-37.1; IC 10-17-13.5-6; P.L.156-2019, SECTION 3. Effective July 26, 2019.

SECTION 1. (a) This SECTION supersedes 410 IAC 37-1-11.

(b) The provider shall make a preliminary determination as to whether a veteran is eligible for this program and document the eligibility in writing. The state department of health shall make the final determination of eligibility.

(c) To be eligible to participate in the program, a veteran must have had a service related event that caused traumatic brain injury or posttraumatic stress disorder that is documented by a licensed physician.

SECTION 2. (a) This SECTION supersedes 410 IAC 37-1-13.

(b) The Indiana department of veterans' affairs may approve a grant to a provider under IC 10-17-13.5-6(b) only if:

- (1) the treatment provided was based on the approved treatment plan;**
- (2) the drug or device used in the treatment plan has been approved for any purpose by the federal Food and Drug Administration;**
- (3) the veteran's health improved as a result of the hyperbaric oxygen treatment, as demonstrated by:**

- (A) standardized, independent pretreatment and posttreatment neuropsychological testing;**
- (B) nationally accepted survey instruments;**
- (C) neurological examination; or**
- (D) clinical examination; and**

(4) the Indiana department of veterans' affairs has received all pretreatment and posttreatment evaluation documentation.

PART 4-14 — PUBLICATION OF OTHER DOCUMENTS

(a) IC 4-22-7-7 requires an agency to publish a statement of the agency in the Indiana Register that:

- (1) interprets, supplements, or implements a statute or rule that:
 - (A) has not been adopted in compliance with IC 4-22-2;
 - (B) is not intended by its issuing agency to have the effect of law; and
 - (C) may be used in conducting the agency's external affairs; or
- (2) specifies a policy that an agency relies upon to:
 - (A) enforce a statute or rule;
 - (B) conduct an audit or investigation to determine compliance with a statute or rule; or
 - (C) impose a sanction for violation of a statute or rule.

This requirement includes publication of information bulletins, revenue rulings, and other guidelines of an agency.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall submit:

- (1) an electronic copy of the statement (in Word or WordPerfect format or another format acceptable to the Publisher) to the IRACD for publication in the Indiana Register; and
- (2) the copies required by IC 4-23-7.1-26 to the Indiana Library and Historical Department.

The statements are published by the IRACD as "Other Notices" or "Nonrule Policy Documents". However, if a statement described in subsection (a) is in the form of a manual, book, pamphlet, or reference publication, the IRACD is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) is also required to maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency must update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

- (1) The title.
- (2) The identification number.
- (3) The date the statement was originally adopted.
- (4) The date of the last revision.
- (5) A reference to all other statements described in subsection (a) that are repealed or amended by the statement.
- (6) A brief description of the subject matter of the statement.

At least quarterly, every agency that maintains a list described in this subsection must distribute two (2) copies of the list to the Indiana Library and Historical Department.

[See the following page of an example of an Other Notice.]

OTHER NOTICE:

[NOTE: The original document has been altered for illustrative purposes.]

INDIANA PROTECTION AND ADVOCACY SERVICES COMMISSION

The Indiana Protection and Advocacy Services (IPAS) Commission, whose mission is to protect and promote the rights of individuals with disabilities through empowerment and advocacy, will receive comments from interested persons concerning proposed priorities and objectives for 2007-2008, during a public meeting August 11, 2007, at 10 a.m., at the IPAS offices, 4701 North Keystone Avenue, Suite 222, Indianapolis, Indiana 46205. The proposed priorities may be viewed on the IPAS website or may be obtained by contacting IPAS. Persons wishing to attend who require disability accommodations are requested to notify John Doe, Support Services Director, of such needs by August 1, 2007, at 622-4845.

[See the following page for an example of a Nonrule Policy Document.]

NONRULE POLICY DOCUMENT:

[NOTE: The original document has been altered for illustrative purposes.]

DEPARTMENT OF STATE REVENUE

40-20060305.LOF

**Letter of Findings: 06-0305
Utility Receipts Tax
For Tax Year 2005**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Utility Receipts Tax — Bad Debt Deduction

Authority: IC 6-2.3-1-4; IC 6-2.3-5-2

The taxpayer protests the Department's disallowance of a bad debt deduction

STATEMENT OF FACTS

The taxpayer is a telecommunications company. The taxpayer uses an accrual method of accounting. During 2005, the taxpayer deducted certain bad debts and included bad debts previously deducted—but eventually recovered—on its utility receipts tax return. However, the Department determined that the taxpayer did not report recoveries of bad debts previously deducted. The Department assessed additional tax, interest, and penalty, which the taxpayer protested.

DISCUSSION

I. Utility Receipts Tax — Bad Debt Deduction

The taxpayer asserts that it reported the proper amount of bad debts on its utility receipts tax return. Under IC 6-2.3-5-2 "[e]ach taxable year, a taxpayer that reports the taxpayer's gross receipts on an accrual basis is entitled to deduct bad debts from the taxpayer's gross receipts in the same manner provided in IC 6-2.5-6-9." Bad debts previously deducted by a taxpayer are considered gross receipts of a taxpayer under IC 6-2.3-1-4. The taxpayer has provided sufficient information to conclude that the figures it reported as a bad debt deduction and as bad debt recoveries on its original return were proper.

FINDING

The taxpayer's protest is sustained.

**PART 4-15 — IC 4-22-2-19 AND IC 4-22-2-25 NOTICES CONCERNING DELAY IN RULEMAKING
(60 DAY REQUIREMENT AND ONE YEAR REQUIREMENT)**

(a) Under IC 4-22-2-19(c), an agency shall begin a rulemaking process authorized by statute within sixty (60) days after the effective date of the statute that authorizes the rule. If an agency cannot comply with this requirement, the agency shall provide an electronic notice to the Publisher stating the reasons for the agency's noncompliance.

[See the following page for an example of an IC 4-22-2-19 Notice.]

IC 4-22-2-19 SIXTY DAY REQUIREMENT NOTICE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 41 OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

60 Day Requirement (IC 4-22-2-19)
LSA Document #20-290

July 6, 2020

On behalf of the Office of Administrative Law Proceedings (OALP), I am submitting this notice in compliance with IC 4-22-2-19, which requires an agency to begin the rulemaking process for new rules not later than 60 days after the effective date of the statute that authorizes the rule, unless a notice is first filed with the Publisher that includes the reasons why rulemaking began more than 60 days after the effective date.

The statutory authority for rulemaking that allows the OALP to promulgate rules is IC 4-15-10.5-10 and IC 4-15-10.5-11.

The formal rulemaking process did not begin within 60 days of the authorizing statutes because the rulemaking statutes were effective upon passage (May 2, 2019). The OALP needed additional time to begin the agency before starting the rulemaking process. At the time of passage of the authorizing statutes, the OALP had no employees.

The OALP began the rulemaking process by publishing a Notice of Intent on June 3, 2020 (DIN: 20200603IR041200290NIA), and anticipates the rule to be approved within the one year deadline under IC 4-22-2-25(a).

Michelle Allen
Deputy Director and General Counsel
Office of Administrative Law Proceedings

(b) An agency has one (1) year from the date of publication of the Notice of Intent to Adopt a Rule to obtain approval or deemed approval from the Governor for the rule. If an agency determines that a rule will not be approved within this time frame, before the two hundred fiftieth day following the publication of the Notice of Intent to Adopt a Rule, the agency shall notify the Publisher by electronic means of the:

- (1) reasons why the rule was not adopted and the expected date the rule will be completed; and
- (2) expected date the rule will be approved or deemed approved by the Governor.

[See the following page for an example of an IC 4-22-2-25 Notice.]

IC 4-22-2-25 ONE YEAR REQUIREMENT NOTICE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

One Year Requirement (IC 4-22-2-25)

LSA Document #19-378

March 12, 2020

RE: LSA Document #19-378, Amending 170 IAC 1-1.1, 170 IAC 1-1.5, 170 IAC 1-6-9, 170 IAC 14-1-1, 170 IAC 14-1-2, 170 IAC 14-1-5, 170 IAC 14-1-6, and 170 IAC 14-1-7 and adds 170 IAC 1-1.1-3.5, 170 IAC 1-1.1-5.5, 170 IAC 1-1.1-16.5, 170 IAC 1-1.1-19.5, and 170 IAC 1-1.1-21.5 regarding practice and procedure before the Indiana utility regulatory commission and its ex parte rules.

On behalf of the Indiana Utility Regulatory Commission, I am submitting this notice to the Publisher of the Indiana Register in compliance with IC 4-22-2-25, because the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule.

The Indiana Register published the Notice of Intent to Adopt a Rule on July 24, 2019 (DIN: 20190724IR170190378NIA). This electronic notice is being submitted prior to the two hundred fiftieth day, March 30, 2020, following the publication of the Notice of Intent to Adopt a Rule under IC 4-22-2-23.

As required by IC 4-22-2-25(a)(1), the reasons why the rule was not adopted within one year are that due to a staff medical leave and a reopened comment period to receive more robust comments from stakeholders, the rule is taking more time to complete than normal. Consequently, there does not appear to be sufficient time to complete the rulemaking process, including approval by the Governor, before July 23, 2020. As required by IC 4-22-2-25(a)(2), approval or deemed approval by the Governor under IC 4-22-2-41 is expected no later than September 30, 2020.

DeAnna L. Poon
Assistant General Counsel
Indiana Utility Regulatory Commission

SECTION 5. PUBLISHING PROCEDURES

PART 5-1 — CONTENTS OF A RULE DOCUMENT

A rule document submitted for publication must contain the following information:

- (1) The title number and the name of the agency.
- (2) If the document submitted is a Proposed Rule, Final Rule, or Readopted Final Rule, the LSA Document number. (The IRACD will assign the LSA Document number to the rule document when the "Notice of Intent to Adopt a Rule" or "Notice of Intent to Readopt" is submitted for publication.)
- (3) A DIGEST.
- (4) A list of IAC citations affected.
- (5) The rule text.

PART 5-2 — PAGINATION

Each electronic document submitted for publishing must be paginated.

PART 5-3 — FORMAT OF ELECTRONIC DOCUMENTS

A document submitted for publication must be formatted for Microsoft Word or WordPerfect or another format acceptable to the Publisher.

PART 5-4 — FONT (TYPEFACE)

Italics, underlines, and brackets are reserved for the use of the Publisher.

PART 5-5 — IR AND IAC COPIES

An agency may obtain from the IRACD an electronic version of the agency's title of the IAC to provide an electronic version of sections to be amended by the agency. If sections of proposed rules published in the IR are to be amended, the agency may request a copy of the electronic version from IRACD. The agency may then:

- (1) make changes to the electronic version of the text using stricken text and bold codes; and
- (2) submit the electronic amendments to the IRACD.

PART 5-6 — ARTWORK AND TABLES

(a) Artwork and tables may be modified or reformatted by the Publisher when preparing the document for publication.

(b) Artwork, tables, examples, or mathematical or scientific expressions must be designated within an IAC section or noncode SECTION.

SECTION 6. COMPONENTS OF A RULE DOCUMENT

PART 6-1 — HEADING

Each rule document must have a heading consisting of the following:

- (1) The IAC title number and the agency name.
- (2) The LSA Document number with the following qualifications:
 - (A) Notices of Intent to Adopt a Rule, Notices of Intent to Readopt, Emergency Rules, and Agency Corrections correcting the IAC, instead of an LSA Document, are assigned an LSA Document number by the IRACD when the document is submitted to or filed with the IRACD.
 - (B) The Final Rule document number will appear with an "(F)" after the number, for example:

LSA Document #07-14(F)

In the above example, LSA Document #07-14 is the number that was assigned when the Notice of Intent to Adopt a Rule was submitted for publication.

- (C) An Agency Correction to an LSA Document will appear with an "(AC)" after the number, for example:

LSA Document #07-222(AC)

In the above example, LSA Document #07-222 is the number that was assigned when the Notice of Intent to Adopt a Rule, Notice of Intent to Readopt, or Emergency Rule was submitted to or filed with the IRACD.

PART 6-2 — IAC TITLE NUMBER AND AGENCY NAME

The IAC title number and agency name consist of the following:

- (1) The IAC title number in the general form, "TITLE ____."
- (2) The official name of the agency that is given by the General Assembly.

EXAMPLE OF A TITLE NUMBER AND AGENCY NAME:

TITLE 240 STATE POLICE DEPARTMENT

PART 6-3 — LSA DOCUMENT NUMBERS

(a) The IRACD assigns an LSA Document number to each Notice of Intent to Adopt a Rule, Emergency Rule, and Notice of Intent to Readopt at the time the document is submitted to the IRACD.

(b) For certain documents, an LSA Document number is followed by a letter suffix indicating the type of action as follows:

- (1) Final rule (F).
- (2) Emergency rule (E).

- (3) Agency correction (AC).
- (4) Publisher's correction (PC).

(c) The LSA Document number must be included in any subsequent action on the Notice of Intent to Adopt a Rule, including the following:

- (1) The Proposed Rule document.
- (2) A Change in Notice of Public Hearing for the document.
- (3) A Notice of Recall of the rule document.
- (4) A Notice of Withdrawal of the rule document.
- (5) The Final Rule document.
- (6) An Agency Correction correcting the Final Rule document.

(d) If it is necessary for an agency to adopt sections in a rule document at different times, a numeral must be inserted after the letter suffix to indicate the order in which the agency has issued each document. For example, the initial final adoption of the partial rule document is shown as:

LSA Document #07-209(F)

A later adopted part of the rule document is shown as:

LSA Document #07-209(F)(2)

PART 6-4 — DIGESTS

(a) Proposed Rules, Final Rules, and code Emergency Rules must have a DIGEST consisting of the following:

- (1) A narrative paragraph.
- (2) A listing of IAC citations, separated by semicolons, affected by the document.

TYPICAL DIGEST:

DIGEST

Amends 515 IAC 8-1-1 to add a definition to reflect that the responsibility for teacher licensing has been transferred to the Department of Education. Adds 515 IAC 8-1-21 concerning exceptional needs. Repeals 515 IAC 8-2-9. Effective 30 days after filing with the Publisher.

515 IAC 8-1-1; 515 IAC 8-1-21; 515 IAC 8-2-9

NOTE: Noncode Emergency Rules will have only a narrative paragraph for the DIGEST. There will be no listing of IAC citations.

(b) A narrative paragraph describes each major addition, amendment, or repeal in a document. The narrative paragraph describes the effect of the addition of or amendment to a rule. Each sentence

must begin with "adds", "amends", "repeals", or "makes" and end with a brief description of the change made or the subject matter affected. Repealer statements need list only the cite or cites being repealed. Sentences in the narrative paragraph are organized in the following order:

- (1) A description of the following:
 - (A) Codified additions or codified amendments.
 - (B) Noncode additions or noncode amendments.
 - (C) Repealers.
- (2) The effective date or dates. (See Part 3-12 of this manual.)

(c) Citations to be amended or added must be arranged in consecutive order.

(d) Incidental, numerous, and scattered nonsubstantive style changes may be summarized by using the general form:

"Makes numerous technical changes."

(e) Incidental, numerous, and scattered substantive changes may be summarized in a sentence in the general form:

"Makes numerous other changes in the rules concerning____."

(f) If the SECTIONS of a document take effect on different dates, the effective date portion of the digest must be prepared using the general form:

"Partially effective____and partially effective____."

(g) The effective date portion of the digest is followed by a listing of each IAC section that is added, amended, or repealed. However, if an entire IAC rule, IAC article, or IAC title is added, the entire rule, article, or title is cited. Citations are arranged in consecutive order.

PART 6-5 — LEAD-IN LINES; ORGANIZATION INTO SECTIONS

(a) A Proposed Rule or Final Rule document is organized into SECTIONS. Each IAC section or noncode SECTION that is added or amended is arranged in consecutive order as a separate SECTION of the document.

(b) If a new IAC title, article, or rule is being added, the entire title, article, or rule is arranged in one (1) SECTION. To add a new IAC title, article, rule, or section, use the following examples:

(1) To add a new title use the following lead-in line:

SECTION 1. 70 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 70 _____

ARTICLE 1. _____

Rule 1. _____

70 IAC 1-1-1 _____

- (2) To add a new article use the following lead-in line:
SECTION 1. 70 IAC 2 IS ADDED TO READ AS FOLLOWS:
ARTICLE 2. _____
Rule 1. _____
70 IAC 2-1-1 _____
- (3) To add a new rule use the following lead-in line:
SECTION 1. 70 IAC 2-1 IS ADDED TO READ AS FOLLOWS:
Rule 1. _____
70 IAC 2-1-1 _____
- (4) To add a new section use the following lead-in line:
SECTION 1. 70 IAC 2-1-5 IS ADDED TO READ AS FOLLOWS:
70 IAC 2-1-5 _____

(c) The following are examples of when additional lead-in line language is necessary:

- (1) To add a new section to a rule that has not yet been posted in the IAC:

"SECTION 1. 470 IAC 1-1, AS ADDED AT [Document Identification Number], SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:"

- (2) To add a new rule to an article that has not yet been posted in the IAC:

"SECTION 1. 470 IAC 5, AS ADDED AT [Document Identification Number], SECTION 1, IS AMENDED BY ADDING A NEW RULE TO READ AS FOLLOWS:"

- (3) To add a new article to a title that has not yet been posted in the IAC:

"SECTION 1. 470 IAC, AS ADDED AT [Document Identification Number], SECTION 1, IS AMENDED BY ADDING A NEW ARTICLE TO READ AS FOLLOWS:"

- (4) To amend a section that has been added in a previous Final Rule that has not yet been posted in the IAC:

"SECTION 1. 470 IAC 1-1-45, AS ADDED AT [Document Identification Number], SECTION 1, IS AMENDED TO READ AS FOLLOWS:"

- (5) To amend a section that has been amended in a previous Final Rule that has not yet been posted in the IAC:

"SECTION 1. 470 IAC 1-1-23, AS AMENDED AT [Document Identification Number], SECTION 10, IS AMENDED TO READ AS FOLLOWS:"

(6) To amend a section that has been proposed to be added or amended in a previous document that has not yet become final:

"SECTION 1. 470 IAC 1-1-16, PROPOSED TO BE ADDED/AMENDED AT [Document Identification Number], SECTION 3, IS AMENDED TO READ AS FOLLOWS:"

PART 6-6 — REFERENCE LINES

(a) Each IAC section that is added or amended by a document contains the following reference lines:

- (1) A section heading.
- (2) An authority line.
- (3) An affected line.
- (4) An IAC section number.
- (5) A history line.

REFERENCE LINES IN AN IAC SECTION:

Section heading: **312 IAC 1-1-3 "Animal" defined**

Authority line: **Authority: IC 14-10-2-4**

Affected line: **Affected: IC 14; IC 25**

IAC section number: **Sec. 3. "Animal" includes all:**
(1) mammals;
(2) birds; and
(3) reptiles.

History line: *(Natural Resources Commission; 312 IAC 1-1-3; filed Dec 1, 1995, 10:00 a.m.: 19 IR 656; readopted filed May 8, 2001, 3:51 p.m.: 24 IR 2895)*

(b) A SECTION that:

- (1) repeals codified text; or
- (2) adds or amends noncode text;

is not annotated with reference lines.

PART 6-7 — REPEALERS

(a) A SECTION may repeal any of the following:

- (1) A section.
- (2) A rule.
- (3) An article.
- (4) A title.

- (5) A noncode SECTION.
- (6) A noncode Emergency Rule document.

(b) SECTIONS containing repealers are placed after codified provisions and before noncode provisions. All repealers that take effect on the same date are arranged in consecutive order in a single SECTION.

PART 6-8 — SECTION ORDER

The SECTIONS in a document are arranged in the following order:

- (1) SECTIONS containing added or amended codified sections arranged in order of consecutive IAC citation.
- (2) SECTIONS containing repealers.
- (3) SECTIONS containing effective date provisions.
- (4) SECTIONS containing expiration provisions.
- (5) SECTIONS containing noncode provisions.

PART 6-9 — EFFECTIVE DATE SECTIONS

(a) If a document takes effect thirty (30) days after filing with the Publisher, no effective date SECTION is necessary.

(b) If a document or parts of the document take effect later than thirty (30) days after filing with the Publisher, the effective date provisions are arranged in a SECTION, or SECTIONS if there are different effective dates for different SECTIONS of the document, at the end of the rule document. Each effective date is listed once.

EFFECTIVE DATE SECTIONS:

SECTION 5. SECTIONS 1 through 3 of this document take effect January 1, 2007.

SECTION 6. SECTION 4 of this document takes effect July 1, 2007.

PART 6-10 — CITATION ORDER

SECTIONS that add or amend IAC sections are arranged in consecutive IAC citation order.

PART 6-11 — SECTION NUMBERING

(a) The SECTIONS in a document are arranged in consecutive order, beginning with "SECTION 1."

(b) If a SECTION:

- (1) appears in a Proposed Rule and is either rearranged or omitted in a Final Rule; or
- (2) does not appear in a Proposed Rule and is inserted into a Final Rule;

the SECTIONS in the Final Rule must be renumbered in consecutive order, beginning with "SECTION 1."

PART 6-12 — AUTHORITY LINES

(a) The authority line must give the citation of each Indiana statute (enabling statute) that expressly delegates rulemaking power to the agency to issue a rule on the subject matter of the accompanying rule. If an agency has multiple sources of rulemaking power, the citation for each source must be included.

(b) If the General Assembly has not expressly delegated authority to issue a rule, the authority line must give the citation of each statute that grants rulemaking power to the agency by implication.

PART 6-13 — CITATIONS AFFECTED LINES

(a) The citations affected line must give the citation of each Indiana statute that:

- (1) is cited in the rule text;
- (2) directly relates to the subject matter; or
- (3) is a savings clause or other provision that affects the validity;

of the accompanying rule. Citations affected may be within the enabling statute of the agency issuing the rule or in another statute.

(b) An authority citation may not be repeated in the citations affected line and a citation affected that is included in the citations affected line may not be repeated in the authority line. However, if the only citations affected are also authority citations, the same citations may be cited in both the authority line and the citations affected line.

PART 6-14 — MULTIPLE CITATIONS

An authority or citations affected line must give the citation for each Indiana Code section and noncode SECTION. However, if more than two (2):

- (1) sections in an Indiana Code chapter are included, the citation for the chapter is used; or
- (2) chapters in an Indiana Code article are included, the citation for the article is used.

PART 6-15 — HISTORY LINES

(a) Each section of the IAC has an italicized history line that:

- (1) follows the last line of text of an IAC section; and
- (2) is part of the section.

When an agency submits a rule document to the IRACD, the rule document must include a history line for each section amended or added.

(b) The components of the history line are as follows:

(1) The official name of the agency.

(2) The citation assigned to the text on the date the agency originally added the text. This citation may be the:

(A) IAC citation; or

(B) unofficial agency citation if the agency adopted the text before the IAC was published.

(3) Chronologically arranged references to the following:

(A) The filing date and time.

(B) The publication citation of each document that:

(i) added;

(ii) amended; or

(iii) readopted;

the substance of the IAC section.

(C) The effective date, if the effective date is later than thirty (30) days after filing with the Publisher.

TYPICAL HISTORY LINE:

(Division of Family Resources; 470 IAC 3.1-1-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 28, 2007, 9:45 a.m.: 20070305-IR-470070068FRA, eff Jul 1, 2007)

(c) If the last line of text of a section is part of special text, such as:

(1) a vertical list;

(2) a mathematical or scientific expression;

(3) an exhibit;

(4) a footnote;

(5) an illustration; or

(6) a table;

the history line begins at the left margin of the first line following the special text.

PART 6-16 — AGENCY CORRECTIONS; ERRATA

(a) Agency Corrections and Publisher's Corrections are published as "Errata".

(b) Only one (1) document may be corrected in each Agency Correction document.

(c) The components of the text of an Agency Correction are as follows:

- (1) An introductory paragraph.
- (2) One (1) or more correction statements.

(d) A correction statement begins with a phrase indicating the location of the correction followed by an explanation of what correction is being made.

(e) If a document that is corrected has been published in the IR, the published version must be corrected.

(f) If a document that is corrected has:

- (1) not been posted on the IR Database Website; and
- (2) been filed with the Publisher;

the filed version must be corrected.

SECTION 7. GENERAL STANDARDS

PART 7-1 — CITATIONS; INDIANA CODE

The *Indiana Code* numbering system, like the IAC numbering system, uses numerals separated by hyphens.

INDIANA CODE NUMBERING SYSTEM:

IC 4 refers to Title 4

IC 4-3 refers to Title 4, Article 3

IC 4-3-2 refers to Title 4, Article 3, Chapter 2

IC 4-3-2-1 refers to Title 4, Article 3, Chapter 2, Section 1

The letters "IC" must always precede a citation to the *Indiana Code*.

PART 7-2 — CITATIONS; NONCODE INDIANA STATUTES

(a) Cite to a noncode Indiana statute by citing to the Public Law number for the Act. Beginning with acts enacted during the 1982 Special Session, the proper form is as follows:

CITATION TO A NONCODE INDIANA STATUTE:

P.L.106-1996, SECTION 10

(b) To indicate a special session of the Indiana General Assembly, use the designation "(ss)" after the year.

CITATION TO A SPECIAL SESSION NONCODE INDIANA STATUTE:

P.L.3-1996(ss), SECTION 5

PART 7-3 — CITATIONS; PRE-IAC RULES

If a rule was originally published as a Final Rule on or before May 8, 1978, in the *Amendments and Additions to Rules and Regulations* published by the Secretary of State, cite to the year and the printed page where the subject matter of the rule begins.

CITATION TO A PRE-INDIANA REGISTER FINAL RULE:

Rules and Regs. 1970, p. 100

PART 7-4 — CITATIONS IN THE *INDIANA REGISTER*

(a) To cite to IR documents published before July 2, 2006, use a citation form containing the designation "IR" following the volume number of the publication. The page number of the publication follows the IR designation.

CITATION TO PRE-JULY 2, 2006, INDIANA REGISTER DOCUMENTS:

19 IR 895 refers to Volume 19, Page 895.

(b) To cite to IR documents published after July 1, 2006, use the Document Identification Number (DIN).

[See the following page for an explanation of the Document Identification Number.]

TYPICAL DOCUMENT IDENTIFICATION NUMBER (DIN):

20060726-IR-317050065FRA

2006	=	Year of posting on the IR Database website
07	=	Month of posting on the IR Database website
26	=	Day of posting on the IR Database website
IR	=	Indiana Register database
317	=	Entity identifier (either IAC Title number or a 3-letter designation)
050065	=	A six-digit LSA Document number, the first two (2) digits referencing the year the number was assigned followed by four (4) digits that are assigned sequentially as documents are submitted to the IRACD for publishing throughout that calendar year. NOTE: Leading zeros are always included in the year and, when necessary, in the sequential number when referring to the "LSA Document #" in a Document Identification Number.
FR	=	Type of document (Final Rule in the above example)
A	=	Wild card. Most Document Identification Numbers will end in "A". However, if a second (or subsequent) document with the identical LSA Document number and document type is posted on the IR Database Website on the same day as the first document, the IRACD would proceed through the alphabet to distinguish the second, third, etc., with the wild cards "B", "C", etc.

PART 7-5 — CITATIONS TO NONCODE INDIANA RULES

(a) Give the citation for a noncode rule by citing to the following:

- (1) The LSA Document number for the rule.
- (2) The SECTION number for the document.
- (3) Any of the following:

(A) For documents published before July 2, 2006, the IR volume number, page number, and year of publication for the first page where the cited matter is printed.

CITATION TO A PRE-JULY 2, 2006, NONCODE RULE:

LSA Document #96-40(E), SECTION 1, 19 IR 12 (1996)

(B) For documents published after July 1, 2006, the Document Identification Number (DIN):

CITATION TO A POST-JULY 1, 2006, NONCODE RULE:

LSA Document #07-29(E), SECTION 1, 20070718-IR-065070029ERA

(b) If a noncode rule has been amended, cite to the original rule and the amendment.

PART 7-6 — CONSECUTIVE SECTIONS

(a) To give the citation for two (2) consecutive:

(1) IC sections that include less than an entire IC title, IC article, or IC chapter; or

(2) IAC sections that include less than an entire IAC title, IAC article, or IAC rule;

separate a citation to the first and second provision in the series with "and".

CITATIONS TO CONSECUTIVE SECTIONS:

IC 4-22-2-14 and IC 4-22-2-15
310 IAC 6-1-3 and 310 IAC 6-1-4

(b) To give the citation for three (3) or more consecutive:

(1) IC sections that include less than an entire IC title, IC article, or IC chapter; or

(2) IAC sections that include less than an entire IAC title, IAC article, or IAC rule;

separate a citation to the first and the last provision in the series with "through."

CITATIONS TO THREE (3) OR MORE CONSECUTIVE SECTIONS:

IC 4-22-2-14 through IC 4-22-2-44
310 IAC 6-1-3 through 310 IAC 6-1-13

NOTE: When citing to consecutive sections, make sure any decimal sections included in the reference are intended to be included in the citation.

PART 7-7 — CROSS-REFERENCES

(a) If one (1) IAC provision makes reference to another IAC provision, the IAC citation scheme specified in Part 2-2 is used, except as follows:

- (1) To cite to the title in which the reference occurs, use "this title".
- (2) To cite to the article in which the reference occurs, use "this article".
- (3) To cite to the rule in which the reference occurs, use "this rule".
- (4) To cite to the section in which the reference occurs, use "this section".
- (5) To cite to the subsection, subdivision, clause, item, or subitem in which the reference occurs, use "this subsection", "this subdivision", "this clause", "this item", or "this subitem".
- (6) To cite to another section or sections in the same rule, use, for example, "section 5 of this rule" or "sections 9 through 11 of this rule".
- (7) To cite to a subsection in the same rule but not in the same section, use, for example, "section 5(b) of this rule".
- (8) To cite to a specific subsection in the same section, use, for example, "subsection (a)".
- (9) To cite to a specific subdivision in the same subsection, use, for example, "subdivision (1)".
- (10) To cite to a specific clause in the same subdivision, use, for example, "clause (A)".
- (11) To cite to a specific item in the same clause, use, for example, "item (ii)".
- (12) To cite to a specific subitem in the same item, use, for example, "subitem (AA)".

[See the following page for examples of internal references.]

INTERNAL REFERENCES:

NOTE: The following references are based on the assumption that the references are made in 470 IAC 1-1-70:

A Reference To:

article 4 of this title
sections 1 and 2 of rule 6
rules 6 and 7 of article 12
470 IAC 1-2-7(c) or (d)
sections 9, 10, and 11
470 IAC 1-1-5, 470 IAC 1-1-6, 470 IAC 1-1-7
470 IAC 1-1-75(c)
470 IAC 1-1-5(a)(1) or (2)

470 IAC 1-1-8(a)(2), (b), and (c)

470 IAC 1-1-20(b) and 470 IAC 1-1-27(a)
470 IAC 1-1-36, Table I
sections 68, 69, and 70

sections 65 through 158 of this rule

sections 70 through 158 of this rule

Should Be Expressed As:

470 IAC 4
470 IAC 1-6-1 and 470 IAC 1-6-2
470 IAC 12-6 and 470 IAC 12-7
470 IAC 1-2-7(c) or 470 IAC 1-2-7(d)
sections 9 through 11 of this rule
sections 5 through 7 of this rule
section 75(c) of this rule
section 5(a)(1) or 5(a)(2) of this
rule
section 8(a)(2), 8(b), and 8(c) of
this rule
sections 20(b) and 27(a) of this rule
Table I of section 36 of this rule
sections 68 and 69 of this rule and
this section
sections 65 through 69 of this rule, this
section, and sections 71 through
158 of this rule
this section and sections 71
through 158 of this rule

The following references are based on the assumption that the references are made in 470 IAC 1-1-70(b):

A Reference To:

470 IAC 1-1-70(d)(2) and (d)(3)
(a)(3) above
470 IAC 1-1-70(b)(1)(A)

Should Be Expressed As:

subsection (d)(2) and (d)(3)
subsection (a)(3)
subdivision (1)(A)

(b) Unless the context requires reference to a specific subsection or subdivision, refer to the section as a whole. References to subparts below the subdivision level should be avoided.

PART 7-8 — OTHER EFFECTIVE DATES

If rule text is added or amended that will take effect on a date later than the effective date for the SECTION adding or amending the text, the agency may insert the effective date into the text.

EXAMPLE OF AN EFFECTIVE DATE INCLUDED IN THE TEXT OF A RULE:

- (a) Beginning January 1, 2001, an applicant must submit an application on a form prescribed by the department of health.
- (b) After June 30, 2007, an applicant must complete twelve (12) hours of continuing education each year the applicant remains licensed.

PART 7-9 — UNITED STATES CODE

- (a) To cite to a federal statute, use the United States Code reference.

CITATIONS TO THE UNITED STATES CODE:

16 U.S.C. 201 refers to Title 16, Section 201 of the United States Code
33 U.S.C. 1251 as effective [insert date of U.S.C. effectiveness]
16 U.S.C. 202, in effect on [insert date of Indiana rule adoption]
42 U.S.C.A. 604

- (b) Convert federal Public Law numbers and references to the Statutes at Large to U.S.C. references. If there is no U.S.C. citation, use the Public Law designation with the designation from the Statutes at Large.

CITATION TO THE FEDERAL PUBLIC LAW NUMBER AND THE STATUTES AT LARGE:

P.L.85-864 (64 Stat. 514)

- (c) Cite to the edition in which a federal statute is printed.

PART 7-10 — CODE OF FEDERAL REGULATIONS

- (a) To cite to a federal regulation, use the Code of Federal Regulations reference.

CITATIONS TO THE CODE OF FEDERAL REGULATIONS:

24 CFR 201 refers to Title 24, Section 201 of the Code of Federal Regulations
40 CFR 51, Subpart T
40 CFR 61*, [* = to illustrate a footnote]

(b) Cite to the edition in which a federal rule is printed. If there is no CFR citation, use the Federal Register designation.

CITATIONS TO THE *FEDERAL REGISTER*:

58 FR 27196, July 1, 1994
58 FR 528 through 58 FR 535, July 3, 1994

- (c) Additional federal reference examples are as follows:
- (1) 45 U.S.C. 1251, as effective [insert date of U.S.C. effectiveness].
 - (2) 16 U.S.C. 202, in effect on [insert date of Indiana rule adoption].
 - (3) 42 U.S.C.A. 604.
 - (4) Section 7704 of the Internal Revenue Code.
 - (5) U.S. Department of the Treasury.
 - (6) United States District Court.

PART 7-11 — PERCENTAGES, DOLLAR AMOUNTS, INTEGERS, AND FRACTIONS IN TEXT

(a) Percentages, dollar amounts, integers, and fractions are expressed in words followed by figures in parentheses.

- (b) Use the word "and" between the part of a written number that represents:
- (1) a whole number; and
 - (2) the decimal or fractional number.

EXPRESSING A DECIMAL NUMBER:

eleven and six-tenths (11.6) milliliters

- (c) A comma is used to separate hundreds and thousands in a numeral.

USE OF COMMAS IN NUMBERS:

(1,000)

NOT

(1000)

PART 7-12 — NUMBERS EXPRESSED IN WORDS

Numbers used in text are expressed in words followed by figures in parentheses.

NUMBERS EXPRESSED IN WORDS:

twenty-four (24)

one hundred ten (110)

eight hundred ninety-eight (898)

one thousand six hundred fifty (1,650)

eighty-four thousand (84,000)

NOTE: Do not use "and" between whole numbers.

NUMBERS EXPRESSED IN WORDS - USE OF "AND":

one hundred ten (110)

NOT

one hundred and ten (110)

PART 7-13 — NUMBERS EXPRESSED IN WORDS; EXCEPTIONS

Numbers are expressed in figures for the following:

- (1) Ratios.
- (2) Grade point averages.
- (3) pH values.
- (4) Type sizes.
- (5) School grade levels.
- (6) Gauge and shot sizes.
- (7) Voltage.
- (8) Any other number if length would prohibit expressing it in both words and figures, primarily in tables.

[See the following page for examples of expressing numbers without words.]

NUMBERS EXPRESSED WITHOUT WORDS:

1:7
3.5 grade point average
1.5 pH
12-point type
grades 9 through 12
12-volt battery
20 gauge shotgun
shot of size 4
.44 caliber
38 special ammunition

PART 7-14 — FRACTIONS

(a) Percentages are preferred to fractions whenever practicable.

USING PERCENTAGES VS. FRACTIONS:

fifty percent (50%) **NOT** one-half ($\frac{1}{2}$)
seventy-five percent (75%) **NOT** three-fourths ($\frac{3}{4}$)

(b) Compound fractions should be expressed as follows:

EXPRESSING COMPOUND FRACTIONS:

three and one-half ($3\frac{1}{2}$)
four and three-eighths ($4\frac{3}{8}$)

(c) Connect the numerator and denominator with a hyphen. If either the numerator or denominator is hyphenated, a hyphen is not used between them.

EXPRESSING FRACTIONS:

one-hundredth (0.01)
five-hundredths (0.05)
twenty-six hundredths (0.26)
one-thousandth (0.001)
one hundred fifty ten-thousandths (0.0150)
five and forty-hundredths (5.40)
three sixty-fourths ($\frac{3}{64}$)

PART 7-15 — PERCENTAGES

Decimals are preferred whenever practicable.

DECIMALS AND PERCENTAGES:

one-tenth of one percent (0.1%)
sixty-two and one-half percent (62.5%)

PART 7-16 — ORDINALS

Express ordinals in words only.

ORDINAL NUMBERS:

first **NOT** 1st
twenty-second **NOT** 22nd

PART 7-17 — MONEY

(a) Monetary amounts should be expressed as written words followed by a dollar sign with figures in parentheses. Dollar amounts that are whole do not have decimal points and zeroes.

EXPRESSING WHOLE DOLLAR AMOUNTS:

one dollar (\$1)
ninety-seven dollars (\$97)
two hundred dollars (\$200)
three thousand five hundred dollars (\$3,500)

(b) When using dollars and cents, use the word "and" and a decimal point to separate dollars from cents.

EXPRESSING DOLLARS AND CENTS:

eighty-five cents (\$0.85)
five hundred twenty-five dollars and fifty cents (\$525.50)

PART 7-18 — DATES

When a date includes the month, day, and year, the year is set off by a comma. When the date includes only the month and year, a comma is not used.

EXPRESSING DATES:

October 30, 1978
June 1984

PART 7-19 — TIME

(a) Time is expressed in figures.

EXPRESSING TIME:

6 a.m.
4:30 p.m.
midnight (NOT 12:00 midnight)
noon (NOT 12:00 noon)

(b) Avoid using terms such as "local time" and "prevailing local time".

(c) It is not necessary to use "midnight" as the expiration time for a term or license since these will automatically expire at midnight unless some other time is specified.

PART 7-20 — TEMPERATURE

Do not use the degree symbol. Identify Fahrenheit or Celsius measures by spelling these terms out.

EXPRESSING TEMPERATURE:

one hundred sixty (160) degrees Fahrenheit
ninety (90) degrees Celsius

PART 7-21 — USE OF "ONE"

(a) When "one" is used as a pronoun, it is not followed by a numeral in parentheses.

THE USE OF "ONE" AS A PRONOUN:

The chairperson was the only one to attend the meeting.

(b) However, when "one" is used as a number, it is followed by a numeral in parentheses.

THE USE OF "ONE" AS A NUMBER:

The precinct shall nominate one (1) delegate.

PART 7-22 — TABULATION; DESIGNATED BLOCKS OF TEXT

(a) There are two (2) basic types of tabulation:

- (1) listing; and
- (2) sentence.

(b) No matter which type is used, the introductory language preceding the tabulated material must apply to all of the elements in the tabulation because those elements are a part of the whole thought.

(c) Often it is possible to use either style of tabulation. In such an instance, a listing is preferred because, if it is later necessary to add an element, it is not necessary to do the following:

- (1) Change punctuation.
- (2) Strike and add a conjunction.

(d) Avoid beginning a new sentence after a tabulation. If the sentence is not a part of the tabulated series, it is better practice to draft it as a separate subsection or section.

PART 7-23 — TABULATION; LISTING STYLE

- (a) The first style of tabulation is known as a listing. As the name implies, each element:
 - (1) is listed after the introductory clause;
 - (2) begins with a capital letter; and
 - (3) ends with a period.

When a listing is used, the introductory language must include the words "as follows" or "the following".

(b) The following examples illustrate the difference between a long sentence and the clarity provided when the sentence is tabulated:

LISTING STYLE TABULATED SENTENCE (EXAMPLE 1):

The application must include the applicant's name, the name of the sponsoring agency, and the name of the city in which the event is to take place.

Is clearer if written as follows:

The application must include the following information:

- (1) The applicant's name.
- (2) The name of the following:
 - (A) The sponsoring agency.
 - (B) The city in which the event is to take place.

NOTE: Each listed element may have subelements, but each element must still end with a period.

LISTING STYLE TABULATED SENTENCE (EXAMPLE 2):

An employer may provide group insurance programs for its employees by purchasing policies of group insurance or by establishing self-insurance programs, or by doing both.

Is clearer if written as follows:

An employer may provide group insurance programs for its employees through one (1) or both of the following methods:

- (1) Purchasing policies of group insurance.
- (2) Establishing self-insurance programs.

PART 7-24 — TABULATION; SENTENCE STYLE

(a) The second style of tabulation is known as sentence style. This style is best envisioned by thinking of a sentence with a series of elements in which:

- (1) each element:
 - (A) is given a line of its own; and
 - (B) has some type of designation before it; and
- (2) the commas are replaced with semicolons.

SENTENCE STYLE TABULATED SENTENCE:

To be entitled to vote, a person must be a resident of Indiana, at least eighteen (18) years of age, and registered with the county election board.

When this sentence is tabulated, the reader can more quickly identify the three (3) qualifying elements as follows:

- To be entitled to vote, a person must be:
- (1) a resident of Indiana;
 - (2) at least eighteen (18) years of age; and
 - (3) registered with the county election board.

Note that the conjunction always follows the next to last element in the tabulation and that the only permissible conjunctions are "and" and "or." The conjunction, however, applies to each element in the tabulation and not just to the last two (2) elements.

(b) This style of tabulation may be expanded with each of the elements having subelements.

PART 7-25 — LISTINGS WITHOUT NUMBERING OR LETTERING

The numbering or lettering of a listing of elements when using listing style is not required when:

- (1) the elements may be listed in order, such as:
 - (A) alphabetical order;
 - (B) numerical order; or
 - (C) IAC citation order;
- (2) it is likely that the listing will be frequently modified; and
- (3) there is no need to cite to a particular element within the listing.

ALPHABETICAL TABULATION:

Sec. 2. The following drugs are controlled substances:

Acetylmethadol

Allylprodine

Alphacetylmethadol.

SECTION 8. FORM RECOMMENDATIONS

PART 8-1 — INTRODUCTION

- (a) The essentials of good rule drafting are the following:
 - (1) Accuracy.
 - (2) Brevity.
 - (3) Clarity.
 - (4) Simplicity.

The purpose and effect of a rule should be evident from its language.

- (b) Choose words that are plain and commonly understood.

PART 8-2 — ORGANIZATION AND ORDER OF A RULE DOCUMENT

The following is suggested as the order of provisions in a document that adds a new article or rule:

- (1) Applicability, including the following:
 - (A) Scope.
 - (B) Exceptions.
 - (C) Exclusions.
- (2) Definitions.
- (3) The creation of an entity.
- (4) Administrative and procedural provisions.
- (5) Substance. State requirements in order of:
 - (A) time;
 - (B) importance; or
 - (C) another logical sequence.
- (6) Prohibitions and penalties.

PART 8-3 — DEFINITIONS IN GENERAL

- (a) Use definitions only:
 - (1) when a word is used in:
 - (A) the sense of one (1) of several dictionary meanings; or
 - (B) a technical manner;
 - (2) to avoid repetition of a lengthy phrase; or
 - (3) to limit or extend the meaning of a word for the provisions of the rule.
- (b) Do not:
 - (1) write substantive or applicability provisions into definitions;
 - (2) use a word in a sense foreign to a dictionary meaning; or
 - (3) develop and use an artificial concept.

(c) Use quotation marks and the following style when defining a term:

(1) Use "means" to indicate that there is an exact equivalency between the defined term and the description.

THE USE OF "MEANS" IN A DEFINITION:

Sec. 1. "Executive" means the mayor of a city.

(2) Use "includes" to indicate items that are marginally included within a nonexhaustive definition.

THE USE OF "INCLUDES" IN A DEFINITION:

Sec. 2. "License" includes permit.

(3) Use "refers to" when adopting a shortened version of a term for use throughout a rule.

THE USE OF "REFERS TO" IN A DEFINITION:

Sec. 3. "Population" refers to the population according to the most recent federal special or decennial census.

(4) Use "has the meaning set forth in ___ IAC ___" to reference an existing definition in the IAC.

REFERENCING ANOTHER IAC DEFINITION:

Sec. 5. "Products" has the meaning set forth in 500 IAC 6-1-3.

(5) Use "has the meaning set forth in IC -----" to reference an existing definition in the *Indiana Code*.

REFERENCING AN INDIANA CODE DEFINITION:

Sec. 5. "Products" has the meaning set forth in IC 1-2-3-4.

The elements of a definition may be tabulated. (See Parts 7-22 through 7-25 of this manual.)

PART 8-4 — DEFINITIONS IN A NEW ARTICLE

(a) When adding a new article, put the definitions for that article in one (1) rule with each definition in a separate section in alphabetical order. Establish the first section in the definitions rule as an applicability section.

EXAMPLE OF AN APPLICABILITY SECTION FOR AN ARTICLE:

Sec. 1. The definitions in this rule apply throughout this article.

(b) Begin each definition section with the defined term.

EXAMPLE OF DEFINITION STYLE:

Sec. 2. "Incorporated entity" means a...

PART 8-5 — DEFINITIONS IN A NEW RULE

(a) When adding a new rule, put the definitions for that rule at the beginning of the rule and each definition in a separate section in alphabetical order. Establish the first section in the rule as an applicability section.

EXAMPLE OF AN APPLICABILITY SECTION FOR A RULE:

Sec. 1. The definitions in this rule apply throughout this rule.

(b) Begin the definition sections with the defined term.

EXAMPLE OF DEFINITION STYLE:

Sec. 2. "Incorporated entity" means a ...

PART 8-6 — ADDING DEFINITIONS TO EXISTING ARTICLES AND RULES

When it is necessary to add a new definition to an existing article or rule, use the same style that is used in the article or rule.

PART 8-7 — INCORPORATIONS BY REFERENCE

(a) In addition to fully and exactly identifying a matter incorporated by reference, include the following information at least once:

- (1) The publication date and edition, if more than one (1) edition has been published, of the incorporated matter.
- (2) That the matter incorporated by reference does not include any later amendments or editions.
- (3) Where copies of the matter incorporated by reference are available:
 - (A) at cost from the issuing agency; and
 - (B) from the entity originally issuing the matter.

(b) If a rule that incorporated matter by reference is amended, the rule may be amended without refiling the incorporated matter, unless the incorporated matter also has changed.

PART 8-8 — SEVERABILITY AND NONSEVERABILITY

An agency's intent to sever valid rules from invalid rules is usually presumed. (For an analogy to the statutory provision, see IC 1-1-1-8(b).)

SECTION 9. STYLE RECOMMENDATIONS

PART 9-1 — ABBREVIATIONS

- (a) Spell out all words unless text is used in a quote or if the text is a preprinted form or notice.
- (b) The term "et seq." may be used with federal references, but not with state references.

PART 9-2 — ACRONYMS

(a) If not defined, in each IAC section the initial reference to a term or phrase with an acronym should be spelled out in lowercase letters followed by the acronym in capital letters and parentheses. Any following reference in that IAC section must be the acronym.

THE USE OF ACRONYMS:

First use of term:	Indiana department of environmental management (IDEM)
Subsequent uses:	IDEM

(b) If defined, the acronym may be used in any text covered by the definition. Use only the acronym outside the definition.

(c) When defining a term and its corresponding acronym, place the term and its acronym in individual sets of quotation marks in the section heading.

SECTION HEADING WHEN ACRONYM DEFINED:

410 IAC 20.3-1-16 "Intermediate care facility" or "ICF" defined
NOT
410 IAC 20.3-1-16 "Intermediate care facility (ICF)" defined

(d) Show only the words in the section heading unless the acronym is also being defined. If the acronym will be used throughout the article, define the acronym. If the acronym is included in the text before "means", add the acronym to the section heading.

- (e) Acronyms for:
 - (1) job titles;
 - (2) names of organizations;
 - (3) centers;
 - (4) buildings;

- (5) forms; and
 - (6) tests;
- are generally spelled without periods.

EXPRESSING ACRONYMS:

CEO (chief executive officer)
TOEFL (test of English as a foreign language)
GRE (Graduate Record Examination)

- (f) Make acronyms plural without using an apostrophe. The pluralizing "s" should be lowercase.

PLURALIZING ACRONYMS:

CEOs
DVDs

PART 9-3 — AND; OR; AND/OR

(a) "And" usually stands for the conjunctive, connective, or additive. "Or" usually stands for the disjunctive or alternative. An ambiguity occurs where it is not clear whether the inclusive "or" (A or B, or both) or the exclusive "or" (A or B, but not both) is intended. It is also not always clear whether the several "and" (A and B, jointly or severally) or the joint "and" (A and B, jointly but not severally) is intended. To avoid this ambiguity say the following as appropriate:

- (1) "A or B" where the exclusive is intended.
- (2) "A or B, or both" where the inclusive is intended or where jointly or severally is intended.
- (3) "A and B" where the conjunctive, connective, or additive is intended.

- (b) Never use "and/or".

PART 9-4 — APOSTROPHES

(a) The possessive case of a singular or plural noun not ending in "s" is formed by adding an apostrophe and "s".

THE USE OF APOSTROPHES:

Attorney's fees
children's hospital
man's; woman's
worker's compensation

(b) Although the possessive case of a singular noun ending in "s" or with an "s" sound is formed by adding an apostrophe and "s", this situation should be avoided by redrafting the language.

AVOIDING THE USE OF APOSTROPHES:

tires of the bus **NOT** bus's tires

(c) The possessive case of a plural noun ending in "s" or with an "s" sound is formed by adding an apostrophe.

THE USE OF APOSTROPHES WITH PLURAL NOUNS:

public employees' retirement fund

(d) An apostrophe should not be used after:

- (1) the names of countries and other organized bodies ending in "s"; or
- (2) words more descriptive than possessive.

EXAMPLES OF WHEN APOSTROPHES ARE NOT USED:

department of veterans affairs
prosecuting attorneys council

(e) In compound nouns, the " 's " or " s' " is added to the element nearest the object possessed.

THE USE OF APOSTROPHES IN COMPOUND NOUNS:

attorney general's opinions
physical therapists assistant's diploma

PART 9-5 — BRACKETS

Do not use brackets as punctuation.

PART 9-6 — BREVITY

- (a) Omit unnecessary words.
- (b) If a word has the same meaning as a phrase, use the word.
- (c) Use the shortest sentence that conveys the intended meaning.

PART 9-7 — CAPITALIZATION

- (a) As a general rule, capitalization should be used sparingly.
- (b) Do capitalize the following:
 - (1) The first word in the following:
 - (A) A sentence.
 - (B) Tabulated items in the listing style.
 - (2) Geographic names.

CAPITALIZATION OF GEOGRAPHIC NAMES:

Ohio River
Hoosier National Forest
Lake County (but, Lake and Porter counties)

- (3) Months and days of the week.
- (4) Names of streets, roads, parks, and buildings.

CAPITALIZATION OF STREETS, PARKS, AND BUILDINGS:

U.S. Route 50
Garfield Park
the White House

- (5) Names of nationalities and languages.

CAPITALIZATION OF NATIONALITIES AND LANGUAGES:

Spanish-speaking people
English language

(6) Political parties and religious denominations.

CAPITALIZATION OF POLITICAL PARTIES AND CHURCHES:

the Democratic party
the Republican party
the Methodist church (but, First Methodist Church)

(7) Official titles of organizations and institutions.

CAPITALIZATION OF ORGANIZATIONS AND INSTITUTIONS:

Associated Press
Indiana University
Indiana State Medical Association

(8) Federal and international entities. Always use the correct name of an entity, and do not use acronyms as abbreviations.

CAPITALIZATION OF FEDERAL AND INTERNATIONAL ENTITIES:

United States Department of the Interior
United States House of Representatives
United States Senate
Federal Bureau of Investigation
World Bank
United Nations

Exception: U.S. EPA

(9) Titles of specific acts, federal laws, and other official documents.

CAPITALIZATION OF ACTS AND LAWS:

Equal Rights Amendment
Internal Revenue Code
Social Security Act
the Constitution of the United States
the Constitution of the State of Indiana
Rules of Trial Procedure

(10) References to the IAC and the *Indiana Code*.

(11) Titles of honor and respect, when preceding the name.

CAPITALIZATION OF TITLES OF HONOR AND RESPECT:

Governor John Q. Public
State Senator Jane Q. Public
State Representative John Q. Public
U.S. Senator Jane Q. Public (but, senator of Indiana)
Queen Elizabeth (but, queen of England)

(12) Holidays, religious days, and historic events.

CAPITALIZATION OF HOLIDAYS:

Fourth of July
Thanksgiving Day
Passover

(13) Titles of books, magazines, newspapers, and periodicals.

CAPITALIZATION OF PUBLICATIONS:

The Indianapolis Star
the Indiana Register

(14) "Class" when referring to a:

(A) criminal penalty; or

(B) type of infraction;

such as a Class B felony.

(15) The second word of hyphenated titles, such as Pull-Tab Games.

(c) Do not capitalize the following:

(1) Words such as "city", "county", or "state" when alone or with the word "of" preceding a specific name.

EXPRESSING "CITY", "COUNTY", AND "STATE":

city of Indianapolis
second class city
the county (but, Lake County)
state of Indiana

(2) Directional parts of states and counties (except in surveyors' reports and similar documents).

EXPRESSING DIRECTIONAL PARTS OF COUNTIES AND STATES:

northern Indiana
central Tippecanoe County
midwestern states

(3) General designations of buildings.

EXPRESSING GENERAL DESIGNATIONS OF BUILDING:

library in Fort Wayne (but, the Fort Wayne Library)
the county courthouse
the Indianapolis post offices

(4) The words "government" or "federal" (except when "federal" is a part of the name of the agency or statute). However, use "United States" instead of "federal" when referring to a specific entity that does not have "federal" in the name. Always use the correct name of an agency.

EXPRESSING FEDERAL ENTITIES:

United States government
federal agencies (but, Federal Bureau of Investigation)
United States Department of Health and Human Services
United States Social Security Administration

(5) Names of legislative, judicial, and administrative bodies and government departments, unless the name refers to a federal body, department, etc.

EXPRESSING GOVERNMENTAL BODIES:

Indiana general assembly
Indiana senate
department of state revenue
Congress of the United States
Supreme Court of the United States

(6) Official titles of state, county, or municipal offices, agencies, commissions, committees, or funds.

EXPRESSING GOVERNMENTAL TITLES:

clerk of the circuit court
board of county commissioners
public employees' retirement fund
commission on the aging and aged
state department of health
Indiana state register of historic sites and structures

(7) Official titles when used without a proper name.

EXPRESSING OFFICIAL TITLES:

the governor
the commissioner
the speaker of the house

(8) References to laws on a particular subject.

EXPRESSING LAWS ON A PARTICULAR SUBJECT:

motor vehicle laws
federal election laws
federal tax laws (but, Internal Revenue Code)

(9) Names of seasons of the year.

EXPRESSING SEASONS OF THE YEAR:

spring
summer session

PART 9-8 — INITIAL CAPITAL LETTERS (HEADINGS)

When using initial capital letters, such as in a rule heading, capitalize as follows:

- (1) Always capitalize:
 - (A) the first word; and
 - (B) the last word.
- (2) Do not capitalize:
 - (A) a, an, the;
 - (B) prepositions under six (6) letters; and
 - (C) conjunctions under six (6) letters;unless they are the first or last word.

THE USE OF INITIAL CAPITAL LETTERS:

Short and Long Term Disability Benefits for State Employees

PART 9-9 — COLONS

- (a) Use a colon to introduce a series.

COLON INTRODUCING A SERIES:

SECTION 12. THE FOLLOWING ARE REPEALED: 500 IAC 17; 500 IAC 18.

- (b) Use a colon to introduce a long quotation.

PART 9-10 — COMMANDING, AUTHORIZING, FORBIDDING, AND NEGATING

- (a) To create a right, say "is entitled to".
- (b) To create discretionary authority, say "may".
- (c) To create a duty, say "shall".
- (d) To create a condition precedent, say "must".

(e) To negate a right, say "is not entitled to".

(f) To negate discretionary authority, say "may not".

(g) To negate a duty or a mere condition precedent, say "is not required to".

(h) To create a duty not to act, say "shall not".

(i) Avoid false imperatives. Avoid using hortatory qualifiers such as "will", "should", and "ought" in the text of a rule.

PART 9-11 — COMMAS

(a) If a sentence consists of two (2) independent clauses, each with a subject and a predicate, use a comma before the conjunction.

INDEPENDENT CLAUSES SEPARATED BY A COMMA:

The commission shall submit a report, and the governor shall review the report.

(b) If a sentence has a compound predicate, a comma is unnecessary unless required for clarity.

SENTENCE WITH A COMPOUND PREDICATE:

The treasurer shall file the report before June 30 and shall submit copies of the report to each member of the commission.

But, it would be better to tabulate the sentence as follows:

The treasurer shall:

- (1) file the report before June 30; and
- (2) submit copies of the report to each member of the commission.

(c) A comma is used to set off a nonrestrictive adjective clause (or relative clause).

NONRESTRICTIVE ADJECTIVE CLAUSE:

The director, who may not have other employment, is entitled to receive a salary.

(d) A comma is not used to set off a restrictive clause.

RESTRICTIVE CLAUSE:

The registrar shall assign a student identification number to each student who enters Purdue University.

(e) Enclose a parenthetical phrase or clause with two (2) commas.

PARENTHETICAL PHRASE:

The treasurer shall, before June 30 of each fiscal year, submit copies of the report to each member of the commission.

(f) Words, phrases, or clauses in a series are separated by commas, including a comma before the conjunction connecting the last two (2) members of a series.

COMMA USE IN A SERIES:

The report shall be filed with the auditor of state, the treasurer of state, and the department of local government finance. The report must contain all debits, credits, and profits of the corporation.

(g) Adverbial phrases, introductory participial phrases, and introductory, long subordinate clauses should be set off by commas.

INTRODUCTORY PARTICIPIAL PHRASE:

Because of the need for a more effective welfare program, the chairperson ordered anextensive study of the present program. Until further notice is given, the present rules remain in effect.

PART 9-12 — CONSISTENCY

(a) Be consistent in the use of language throughout a rule. Do not use the following:

- (1) The same word or phrase to convey different meanings.
- (2) Different language to convey the same meaning.

(b) Be consistent in the arrangement of comparable provisions. Arrange sections containing similar material in the same way.

PART 9-13 — GENDER

To the extent possible, avoid words importing gender.

PART 9-14 — HYPHENS

Avoid hyphens. Many words that once were hyphenated are now written as one (1) word or as two (2) words without a hyphen.

EXAMPLES OF WORDS THAT ARE NO LONGER HYPHENATED:

attorney general
bipartisan
cooperate
lieutenant governor
online
reelect
statewide
vice president

PART 9-15 — LIMITATIONS, EXCEPTIONS, AND CONDITIONS

(a) Describe limitations or exceptions to the coverage of a rule or conditions placed on its application in the first part of the rule. If they are numerous:

- (1) give notice of their existence in the first part of the rule; and
- (2) state them separately later in the rule.

(b) If a provision is limited in its application or is subject to an exception or condition, it generally promotes clarity to begin the provision with a:

- (1) statement of the limitation, exception, or condition; or
- (2) notice of its existence.

Avoid using "notwithstanding" to express a limitation of a general provision of the same rule.

LIMITATIONS OF GENERAL PROVISIONS:

DON'T SAY:	Sec. 1. (a) Notwithstanding subsection (b),...
SAY:	Sec. 1. (a) Except as provided in subsection (b),...

(c) "If", "when", and "whenever" are expressions of limitation or condition. The following illustrate forms of condition:

(1) If the condition is limited by a single occurrence that may never occur, use "if" to introduce the condition.

EXAMPLE OF AN "IF" CONDITION:

If the mayor resigns from office, the deputy mayor assumes the duties of the office.

(2) If the condition will occur more than once, introduce the condition with "whenever".

EXAMPLE OF A "WHENEVER" CONDITION:

Whenever the operator answers a call, the operator shall...

(3) If the condition is certain to occur, use "when".

EXAMPLE OF A "WHEN" CONDITION:

When the statute takes effect, the governor shall...

(d) Do not use "provided that", "provided however that", or similar proviso language. Use "but" instead of "except that".

PART 9-16 — INDICATIVE MOOD

Use the indicative mood.

INDICATIVE MOOD:

DON'T SAY:	The report shall include...
	A person shall be entitled...
SAY:	The report must include...
	A person is entitled...

PART 9-17 — NUMBER; SINGULAR/PLURAL

Use the singular instead of the plural, since singular words apply to several persons or things as well as to one (1) person or thing.

PART 9-18 — NUMBERS

(a) Exceptions to spelling out a number are as follows:

- (1) Date.
- (2) Time.
- (3) Grade point average.
- (4) pH value.
- (5) Ratios.
- (6) Type sizes.
- (7) School grade levels.
- (8) Gauge and shot sizes.
- (9) Voltage.

(b) In the DIGEST:

- (1) spell out whole numbers under 10; and
- (2) use Arabic numerals for 10 and above.

(c) Other special number treatments are as follows:

- (1) One foot in seven feet (1:7).
- (2) Two inches in twelve inches (2:12).

PART 9-19 — PARENTHESES

(a) Avoid the use of parentheses except when they are more reliable than commas in setting off a phrase where there is possible uncertainty as to how the ideas that follow the phrase are linked to the ideas that precede it.

THE USE OF PARENTHESES:

When it is necessary to order individuals to active duty (other than for training) without their consent,...

(b) Parentheses may also be used if necessary to make clear a reference to another provision by indicating the nature of the referenced provision.

THE USE OF PARENTHESES REFERENCING A PROVISION:

410 IAC 16-2 (Residential Care Facilities)

PART 9-20 — QUOTATION MARKS

Use quotation marks to enclose defined words or phrases. Commas, periods, and question marks should be placed outside the quotation marks unless the punctuation is included as part of the quoted material. Commas are also placed outside quotation marks when in the middle of a sentence.

QUOTATION MARKS IN DEFINITIONS:

As used in this section, "ad valorem tax" means...
"Revenue bonds", as used in this subsection, refers to bonds issued under IC 36-9-31-10.

PART 9-21 — REPETITIOUS LANGUAGE

When possible, avoid repetitious language unless required for clarity.

PART 9-22 — SEMICOLONS

Generally, only use semicolons in the sentence style of tabulation.

THE USE OF SEMICOLONS IN A TABULATION:

A school corporation may grant a teacher, on written request, a sabbatical for improvement of professional skills through:

- (1) advanced study;
- (2) work experience; or
- (3) teacher exchange programs.

PART 9-23 — SENTENCE STRUCTURE

Use short, simple sentences. Avoid excessive use of the following:

- (1) Dependent clauses.
- (2) Parallel clauses.
- (3) Compound sentences.
- (4) Other complex sentence structures.

PART 9-24 — SUBJECT OF SENTENCE

Unless it is clear from the context, use as the subject of each sentence the person or entity:

- (1) to whom a:

- (A) power;
 - (B) right; or
 - (C) privilege is granted; or
- (2) upon whom:
- (A) a duty;
 - (B) an obligation; or
 - (C) a prohibition;
- is imposed.

PART 9-25 — SUCH; SAID

(a) Use the articles "a", "an", and "the" instead of the words "such" or "said". It is appropriate to use "such" to express an example.

APPROPRIATE USE OF "SUCH":

The commission may take steps to provide compliance, such as ordering the applicant to submit a verified statement.

- (b) Do not use:
- (1) "any";
 - (2) "each";
 - (3) "every";
 - (4) "all"; or
 - (5) "some";
- if "a", "an", or "the" can be used with the same result.

PART 9-26 — TENSE

(a) Use the present tense. However, when it is necessary to express a time relationship (such as when there is a condition precedent to the operation of the law), state the facts:

- (1) that are concurrent with the operation of the law as present facts; and
- (2) precedent to its operation as past facts.

EXPRESSING A TIME RELATIONSHIP:

If a person has completed the training, the person may...

- (b) When the future tense is appropriate, use "will".

THE USE OF “WILL”:

If the director determines that the computer system will cause problems, the director shall ...

PART 9-27 — VOICE

(a) Use the active voice whenever possible.

(b) In rare instances, the passive voice may be used, such as when the subject of the sentence is the focus of some action to be implicitly taken by another person who is not mentioned in the sentence.

DON'T SAY:	All the complaints shall be reviewed by the director.
SAY:	The director shall review all the complaints.

PART 9-28 — WHICH; THAT

(a) Use "which" set off by commas to introduce a nonrestrictive clause. A nonrestrictive clause is a clause that is not needed to clarify the meaning of the word that it modifies.

"WHICH" (NONRESTRICTIVE CLAUSE):

The application, which need not be verified, must be signed by the applicant.

(b) Use "that" to introduce a restrictive clause modifying the nearest antecedent. A restrictive clause is a clause that is needed to make clear the meaning of the word that it modifies.

"THAT" (RESTRICTIVE CLAUSE):

An application to renew a license that has been revoked must be signed by the applicant.

SECTION 10. RULEMAKING UNDER IC 13-14

(a) Rulemaking under IC 13-14 has different requirements than other documents in this manual. Agencies with statutory authority under IC 13-14 have additional documents and procedures to follow.

(b) There are three (3) ways for agencies to get to a Final Rule under IC 13-14-9. The documents needed to be published in each case are:

- (1) First Notice of Comment Period, Second Notice of Comment Period, Proposed Rule with a Notice of Public Hearing, and Final Rule;
- (2) Findings and Determination of the Commissioner under IC 13-14-9-7, which is similar to a Second Notice of Comment Period, Proposed Rule with a Notice of Public Hearing, and Final Rule; or
- (3) Findings and Determination of the Commissioner under IC 13-14-9-8, which is similar to a Proposed Rule with a Notice of Public Hearing, and Final Rule.

(c) There are two (2) ways for agencies to readopt a rule under IC 13-14-9.5, either by submitting a:

- (1) Notice of Readoption with a comment period and a Notice of Final Readoption; or
- (2) Notice of Review of Nonexpiring Rules with a Notice of Public Hearing. Although the nonexpiring rules are required to be reviewed, this readoption version will not become a Readopted Final Rule. Any changes to be made to these rules will follow one (1) of the rulemaking processes in subsection (b).

PART 10-1 — FIRST NOTICE OF COMMENT PERIOD

[NOTE: See IC 13-14-9-3 for a complete list of requirements.]

(a) To publish a First Notice of Comment Period under IC 13-14-9.5, an agency must submit the First Notice of Comment Period to the IRACD electronically (in Word or WordPerfect format or another format acceptable to the Publisher) as an email attachment to register@iga.in.gov. An LSA document number will be assigned by the IRACD staff once the document has been processed.

(b) The following must be included in the First Notice of Comment Period:

- (1) A statement describing the purpose of first comment period.
- (2) List of all IAC cites relating to the subject matter.
- (3) Statutory authority citations for rulemaking related to the rule involved.
- (4) Description of the subject matter and basic purpose of rulemaking.
- (5) Background information on the new rule, which will also:
 - (A) identify the restrictions and requirements not imposed under federal law (see IC 13-14);
 - (B) identify potential fiscal impact;
 - (C) include public participation and work group information; and

- (D) include small business assistance information.
- (6) A request for public comments with information on how to submit comments.
- (7) The deadline of the comment period.

[See Part 4-11, subsection (b) of the drafting manual for comment period directions.]

(c) A continuation of a First Notice of Comment Period document may be published to extend the deadline of the first comment period. The continuation may contain all the information from the First Notice of Comment Period document.

[Part 1 of Example of First Notice of Comment Period. View full document posted in the Indiana Register at 20200219IR326200022FNA. Also see Part 4-11, Indiana Department of Environmental Management Notices Under IC 13-14-9, for more information.]

TITLE 326 AIR POLLUTION CONTROL DIVISION

FIRST NOTICE OF COMMENT PERIOD LSA Document #20-22

GREENHOUSE GAS EMISSIONS FROM EXISTING ELECTRIC GENERATING UNITS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on new rules at [326 IAC 27](#) concerning guidelines for carbon dioxide emissions from existing electric utility generating units. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: [326 IAC 27](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-4](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

On July 8, 2019, the United States Environmental Protection Agency (U.S. EPA) finalized the Affordable Clean Energy (ACE) rule (84 FR 32520). This rule was promulgated under Section 111 (42 U.S.C. 7411) of the Clean Air Act (CAA). In general, the ACE rule provides states with new requirements for reducing carbon dioxide (CO₂) emissions from existing coal-fired electric generating units (EGUs).

CAA Section 111 requires U.S. EPA to establish nationally uniform, technology-based standards for stationary sources of air pollution. These standards establish a consistent baseline for pollution control to which all facilities in the United States must adhere. CAA Section 111(b) establishes maximum emission levels called New Source Performance Standards for new and modified major stationary sources. The emission levels are determined by the best system of emission reduction (BSER) "adequately demonstrated", taking into account costs and any non-air-quality health, environmental, and energy requirement impacts. Section 111 directs U.S. EPA to determine what constitutes the BSER.

Section 111 also addresses existing stationary sources of pollution, which is the subject of the ACE rule. Section 111(d) requires U.S. EPA to promulgate regulations, which U.S. EPA has historically referred to as "emission guidelines". These emission guidelines establish binding requirements that states are required to address when they develop plans to regulate the existing sources in their jurisdictions. Specifically, states must establish standards of performance for existing sources reflecting the BSER, as determined by U.S. EPA.

The ACE rule establishes on-site heat rate improvement (HRI), or efficiency improvement, as the BSER for affected EGUs. Heat rate is a measure of the amount of energy required to generate a unit of electricity. The ACE rule applies to any electric utility steam generating unit that operates under the following conditions:

- Burned coal for more than 10% of the average annual heat input during the three previous calendar years.
- Commenced construction on or before January 8, 2014.
- Serves a generator capable of selling more than 25 megawatts to a utility power distribution system.
- Has a base load rating greater than 250 million British thermal units per hour heat input of fossil fuel, either alone or in combination with any other fuel.

IDEM has tentatively identified 35 units in Indiana that are affected by the ACE rule. U.S. EPA stated that it lacked adequate information to establish a BSER for other types of existing fossil-fuel-fired units.

The ACE rule does not establish a binding, numeric performance standard for CO₂ emissions from existing coal-fired units. Instead, states are required to evaluate and establish a standard of performance for specified sources in their state plans under CAA Section 111(d). These standards of performance must be permanent and enforceable.

After noting that many state and industry commenters requested a presumptive standard or additional clarity during the public comment period on the proposed rule, U.S. EPA specified the "level of emissions reductions achievable using the candidate technologies". To that end, the rule requires states to evaluate relevant EGUs on a unit-by-unit basis and determine the BSER for each individual unit using six candidate HRI technologies that have been identified by U.S. EPA, as well as additional operating and maintenance practices. The six identified technologies are:

- Neural Network/Intelligent Sootblowers
- Boiler Feed Pumps
- Air Heater and Duct Leakage Control
- Variable Frequency Drives
- Blade Path Upgrade (Steam Turbine)
- Redesign/Replace Economizer

The ACE rule requires states to submit detailed plans to U.S. EPA that establish standards of performance using an identified BSER for each affected unit by July 8, 2022.

To comply with the ACE rule, IDEM is proposing rulemaking that would codify the standards of performance for each affected unit in the form of pounds of CO₂ per kilowatt hour. This rule would be an essential component of Indiana's state plan under the ACE rule as it would demonstrate that the state's standards of performance are permanent and enforceable. IDEM will be soliciting information and working with affected utilities to determine BSER for each affected unit. Evaluation of disbenefits for pollutants with air quality standards will be considered. IDEM will also work in cooperation with the Office of Utility Consumer Counselor and the Indiana Utility Regulatory Commission.

In determining the BSER for each affected unit, IDEM will consider the cost of implementing the candidate HRI technologies, HRI technologies that have already been implemented at a particular facility, operating and maintenance practices that are currently employed at each facility, non-air-quality health and environmental impacts, energy requirements associated with implementing the candidate HRI technologies, and the anticipated life-cycle of the unit in question. This rule would also contain necessary record keeping and compliance provisions.

While state plans must be submitted to U.S. EPA by July 8, 2022, the ACE rule allows states to determine the appropriate compliance deadlines for affected units based on the standards of performance outlined in the state plan. However, states that choose a compliance schedule extending more than 24 months beyond the submission date of the state plan would have to specify "legally enforceable increments of progress for that source" in the state plan. IDEM will choose an appropriate compliance schedule based on information and input received from stakeholders and relevant entities during the rulemaking process.

In conjunction with the promulgation of the ACE rule, U.S. EPA also finalized two related, but separate, rules. One of these rules revised general implementing regulations under CAA Section 111. The revisions codify U.S. EPA's current interpretation of the CAA in that states have broad discretion to establish and apply emission standards consistent with the identified BSER. The other separate, but related, rule repealed the Clean Power Plan (CPP) (80 FR 64662). Unlike the ACE rule, the CPP set individual state targets for average emissions of CO₂ from existing sources with final target emissions to be met by 2030. The BSER was also based on HRI at individual EGUs; however, unlike the BSER under the ACE rule, which identifies six candidate technologies, under the CPP the BSER also included increased use of renewable energy and the use of natural gas combined-cycle power plants to replace coal-fired units. The CPP was finalized in August 2015, but it never went into effect due to a stay by the U.S. Supreme Court. Multiple states, cities, environmental groups, and other stakeholders have filed petitions for review of ACE. IDEM will continue to follow any court actions or changes made to the ACE rule and will adjust the rulemaking accordingly.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

[See the following part 2 of an Example of First Notice of Comment Period. View full document posted in the Indiana Register at 20200219IR326200022FNA. Also see Part 4-11, Indiana Department of Environmental Management Notices Under IC 13-14-9, for more information.]

Alternatives to Be Considered Within the Rulemaking

Alternative 1. IDEM determines the BSER for each unit affected by the ACE rule and codifies the standards of performance for each affected unit in the form of pounds of CO₂ per kilowatt hour.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No. However, federal regulations do require states to develop permanent and enforceable standards of performance as part of their state plans under the ACE rule.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is required under federal law.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. IDEM does not develop a rule as part of the required state plan. Under this alternative, U.S. EPA would develop a federal plan for Indiana limiting the options available for compliance.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? Yes.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

- 42 U.S.C. 7411 Standard of Performance for New Stationary Sources
- 40 CFR 51 Requirements for Preparation, Adoption, and Submittal of Implementation Plans
- 40 CFR 52 Approval and Promulgation of Implementation Plans
- 40 CFR 60 Standard of Performance for New Stationary Sources

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. This alternative may have a fiscal impact on some of the tentatively identified affected EGUs if IDEM identifies an HRI technology or operating and maintenance practice that would classify as the BSER under U.S. EPA rules. In evaluating the technologies and practices, IDEM will consider the costs incurred. There is no fiscal impact above what is already required by federal law.

Potential Fiscal Impact of Alternative 2. This alternative may have a fiscal impact on some of the tentatively identified affected EGUs. Similar to alternative 1, U.S. EPA would also evaluate cost when selecting an HRI technology to achieve the BSER; however, Indiana would lose flexibility in implementation of the emission guidelines.

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison
IGCN 1316
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 233-0572 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Katelyn Colclazier
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 431-1560
kcolclazier@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Erin Moorhous
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison
IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8921 or (800) 451-6027
emoorhou@idem.in.gov

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Seth Engdahl, Rules Development Branch, Office of Legal Counsel at (317) 234-9535 or (800) 451-6027 (in Indiana).

[See the next page for Part 3 of an example of First Notice of Comment Period. View full document posted in the Indiana Register at 20200219IR326200022FNA. Also see Part 4-11, Indiana Department of Environmental Management Notices Under IC 13-14-9, for more information.]

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #20-22 Affordable Clean Energy Rule
Seth Engdahl
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 234-9535.

(3) By electronic mail to sengdahl@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than March 20, 2020. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Seth Engdahl, Rules Development Branch, Office of Legal Counsel, (317) 234-9535 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

Posted: 02/19/2020 by Legislative Services Agency

DIN: 20200219-IR-32620002FNA
Composed: Oct 17, 2021 4:07:32PM EDT
A [PDF](#) version of this document.

PART 10-2 — SECOND NOTICE OF COMMENT PERIOD

[NOTE: See IC 13-14-9-4 for a complete list of requirements.]

(a) An agency must initially submit a Second Notice of Comment Period, but NOT the corresponding Notice of Public Hearing, electronically to register@iga.in.gov. Upon receipt of the Second Notice of Comment Period, the IRACD will review the notice and reply with an intended date of publication. This intended date of publication will be contingent on the IRACD receiving the Notice of Public Hearing information by the preceding Friday. Once the intended date of publication is received by the agency, the agency may submit the Notice of Public Hearing.

(b) The Second Notice of Comment Period has similar information to the First Notice of Comment Period with the addition of the history of the rulemaking process to date, comments received during the first comment period, the draft rule text, and any other information the agency deems necessary. The following must be included in the Second Notice of Comment Period:

- (1) LSA document number assigned to the First Notice of Comment Period.
- (2) A statement describing the purpose of second notice.
- (3) A history of the rulemaking process for the rule draft.
- (4) List of all IAC cites relating to the subject matter.
- (5) Statutory authority citations for rulemaking.

- (6) Description of the subject matter and basic purpose of rulemaking.
- (7) Any comments or other information the agency commissioner deems necessary (e.g., comments from First Notice of Comment Period).
- (8) A request for public comments with information on how to submit comments.
- (9) The deadline of the comment period.
[See Part 4-11, subsection (b) of the drafting manual for comment period directions.]
- (10) A draft of the rule text.

(c) The rulemaking history will include the posting information from other documents related to the LSA Document number. This will be updated throughout the rest of the rulemaking process. See the following example.

PURPOSE OF NOTICE
The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 6.5-6-31](#), concerning revisions to the particulate matter (PM) emission limits requested by Vertellus Integrated Pyridines, LLC (Vertellus). IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY
First Notice of Comment Period: February 13, 2019, Indiana Register (DIN: [20190213-IR-326190082FNA](#)).

(d) A Continuation of a Second Notice of Comment Period document may be published to extend the deadline of the comment period. The continuation may contain all the information from the Second Notice of Comment Period document.

[See the following page for Part 1 of an example of a Second Notice of Comment Period. View full document posted in the Indiana Register at 20200212IR326190082SNA.]

TITLE 326 AIR POLLUTION CONTROL DIVISION

SECOND NOTICE OF COMMENT PERIOD
LSA Document #19-82

VERTELLUS EMISSION LIMITS UPDATE

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 6.5-6-31](#), concerning revisions to the particulate matter (PM) emission limits requested by Vertellus Integrated Pyridines, LLC (Vertellus). IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

HISTORY

First Notice of Comment Period: February 13, 2019, Indiana Register (DIN: [20190213-IR-326190082FNA](#)).

CITATIONS AFFECTED: [326 IAC 6.5-6-31](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-1](#); [IC 13-17-3-4](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

Basic Purpose and Background

Vertellus, a chemical manufacturing company in Indianapolis, Indiana, submitted a letter to IDEM requesting revisions to its particulate matter (PM) emission limits listed in [326 IAC 6.5-6-31](#). These revisions remove units that are no longer operating or have been demolished at the facility, make changes to PM limits on other units impacted by the United States Environmental Protection Agency's (U.S. EPA) recently adopted sulfur dioxide (SO₂) limits at [326 IAC 7-4-2.1\(a\)\(4\)](#), update existing language, and add new language pertaining to the types of gases burned in certain units.

The 2010 1-hour SO₂ limits were incorporated into Indiana's State Implementation Plan (SIP) on January 1, 2017, as a result of U.S. EPA's nonattainment designation based on Marion County's 1-hour SO₂ monitoring data. This data was measured from 2010 through 2012, and was found to exceed the 1-hour National Ambient Air Quality Standard (NAAQS) of 75 parts per billion. Consequently, SO₂ SIP emission limits were revised for all sources listed in the Marion County SO₂ SIP at [326 IAC 7-4-2.1](#), in order to demonstrate attainment of the new 1-hour SO₂ standard.

Previously, petroleum oil was burned at several Vertellus units, which helped contribute to monitored violations of the 1-hour SO₂ standard in Marion County. These units have since switched to burning natural gas, which reduces SO₂ emissions and allows Vertellus to remain in compliance with its revised SO₂ limits to ensure continued attainment of the 1-hour SO₂ standard. Revisions to the PM emission limits at [326 IAC 6.5-6-31](#) are needed for consistency with the process changes that Vertellus must make to comply with the new SO₂ standards.

Additionally, language is being added at [326 IAC 6.5-6-31\(b\)\(2\)](#) to indicate that certain units burn both natural and landfill gases. Increases in several emission limits shown in the chart represent adjustments in the potential amount of natural gas a unit can burn rather than the actual amount of gas burned, and modeling has shown no increased emission concentrations at the modeled receptors. Vertellus anticipates that switching from petroleum fuels to natural gas, as well as reducing the amount of landfill gas burned, will result in an emissions decrease of 14.1 tons per year as compared to the amount currently listed in Indiana's SIP, and allow the area to demonstrate attainment of U.S. EPA's NAAQS. Once the revisions in this rulemaking are completed, IDEM will submit the final rule to U.S. EPA as a SIP revision.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

Potential Fiscal Impact

This rulemaking will have a positive fiscal impact for Vertellus, because the revisions to the PM emission limits for its equipment will allow Vertellus to comply with recently revised SO₂ limits. Making no changes to [326 IAC 6.5-6-31](#) may result in greater SO₂ emissions and potentially contribute to a nonattainment designation in the area.

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

SUMMARY/RESPONSE TO COMMENTS FROM THE FIRST COMMENT PERIOD

IDEM requested public comment from February 13, 2019, through March 15, 2019, on alternative ways to achieve the purpose of the rule and suggestions for the development of draft rule language. IDEM received no comments in response to the First Notice of Comment Period.

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule.

Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #19-82 Vertellus Emission Limits Update
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

[See the following Part 2 of an example of a Second Notice of Comment Period. View full document posted in the Indiana Register at 20200212IR326190082SNA.]

(3) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than March 13, 2020. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

DRAFT RULE

[Draft Rule Text Omitted from Example.]

Notice of Public Hearing

Posted: 02/12/2020 by Legislative Services Agency

DIN: 20200212-IR-326190082SNA
Composed: Oct 17, 2021 5:06:22PM EDT

A [PDF](#) version of this document.

PART 10-3 — THIRD NOTICE OF COMMENT PERIOD

[NOTE: See IC 13-14-9-4.5 for a complete list of requirements.]

(a) The Third Public Comment Period Notice is also called the Proposed Rule on the Indiana Register website.

(b) An agency must initially submit a Third Notice of Comment Period or Proposed Rule, but NOT the corresponding Notice of Public Hearing electronically to register@iga.in.gov. Upon receipt of the Third Notice of Comment Period, the IRACD will review the notice and reply with an intended date of publication. This intended date of publication will be contingent on the IRACD receiving the Notice of Public Hearing information by the preceding Friday. Once the intended date of publication is received by the agency, the agency may submit the Notice of Public Hearing.

(c) The following must be included in the Third Notice of Comment Period or Proposed Rule:

- (1) LSA document number assigned to the First Notice of Comment Period.
- (2) A digest describing any new rules being added and any amendments being made to existing rules.
- (3) A history of the rulemaking process to date.
- (4) Any comments or other information IDEM deems necessary (e.g., comments from First Notice of Comment Period, Second Notice of Comment Period).
- (5) Comment period deadline and information on how to submit comments if required.
- (6) Proposed Rule text.

[See the following example of a Third Notice of Comment Period (published under the name "Proposed Rule"). Some text has been omitted from the example. View full document posted in the Indiana Register at 20200923IR326200021PRA.]

TITLE 326 AIR POLLUTION CONTROL DIVISION

Proposed Rule
LSA Document #20-21

DIGEST

Amends [326 IAC 2-1.1-7](#), concerning Title V air permit fees, to properly reflect the increase in Title V air permit fees that is required by Public Law 19-250 and was approved by the Environmental Rules Board on August 14, 2019. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-7](#) and Second Notice of Comment Period: February 19, 2020, Indiana Register (DIN: [20200219-IR-326200021FDA](#)).

Notice of First Hearing: February 19, 2020, Indiana Register (DIN: [20200219-IR-326200021PHA](#)).

Change in Notice of Public Hearing: April 8, 2020, Indiana Register (DIN: [20200408-IR-326200021CHA](#)).

Change in Notice of Public Hearing: July 29, 2020, Indiana Register (DIN: [20200729-IR-326200021CHA](#)).

Date of First Hearing: September 9, 2020.

PUBLIC COMMENTS UNDER [IC 13-14-9-4.5](#)

[IC 13-14-9-4.5](#) states that a board may not adopt a rule under [IC 13-14-9](#) that is substantively different from the draft rule published under [IC 13-14-9-4](#), until the board has conducted a third comment period that is at least 21 days long.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from February 19, 2020, through March 20, 2020, on IDEM's draft rule language. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On September 9, 2020, the Environmental Rules Board (board) conducted the first public hearing/board meeting concerning the development of amendments to [326 IAC 2-1.1-7](#). No comments were made at the first hearing.

[326 IAC 2-1.1-7](#)

SECTION 1. [326 IAC 2-1.1-7](#) IS AMENDED TO READ AS FOLLOWS:

[Text of Proposed Rule Omitted from this Example.]

[Notice of Public Hearing](#)

Posted: 09/23/2020 by Legislative Services Agency

DIN: 20200923-IR-326200021PRA
Composed: Oct 17, 2021 5:30:39PM EDT
A [PDF](#) version of this document.

PART 10-4 — FINAL RULE

(a) The process for drafting a Final Rule is similar to the process described in Part 4-6 — Final Rule of this manual. There are a few additional requirements. The Final Rule should show an updated history of the rulemaking process through the Proposed Rule document.

(b) The Final Rule will also have the contact information for the small business regulatory coordinator and the small business assistance program ombudsman added to the history block at the end

of the document. The contact information may be submitted to the Indiana Register with the Final Rule. The Indiana Register will include the information in the history block when processing the rule for publication. See the following example:

LSA Document #20-204(F)
Proposed Rule: [20200923-IR-329200204PRA](#)
Hearing Held: November 18, 2020
Approved by Attorney General: January 6, 2021
Approved by Governor: January 14, 2021
Filed with Publisher: January 15, 2021, 1:37 p.m.
Documents Incorporated by Reference: 79 FR 7557 through 79 FR 7558, February 7, 2014, edition; 82 FR 60900, December 26, 2017, edition; 83 FR 61562 through 83 FR 61563, November 30, 2018, edition; 84 FR 5938 through 84 FR 5950, February 22, 2019, edition; 84 FR 67217 through 84 FR 67220, December 9, 2019, edition.
Small Business Regulatory Coordinator: Angela Taylor, IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison, IGCN 1316, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 233-0572 or (800) 988-7901, ctap@idem.in.gov
Small Business Assistance Program Ombudsman: Erin Moorhous, IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison, IGCN 1301, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 232-8921 or (800) 451-6027, emoorhou@idem.in.gov

PART 10-5 — FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-7 OR IC 13-14-9-8

[NOTE: See IC 13-14-9-7 or IC 13-14-9-8 for a complete list of requirements]

(a) There are two (2) types of Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 or IC 13-14-9-8. If the public comment period has been waived under IC 13-14-9-7, the first comment period will be waived. In this case, the Findings and Determination document will also act as the Second Notice of Comment Period.

(b) To publish a Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7, an agency must submit the Findings and Determination document but NOT the corresponding Notice of Public Hearing to the IRACD electronically (in Word or WordPerfect format or another format acceptable to the Publisher) as an email attachment to register@iga.in.gov. The IRACD will review the document and reply with the assigned LSA document number and intended date of publication. This intended date of publication will be contingent on the IRACD receiving the Notice of Public Hearing information by the preceding Friday. Once the intended date of publication is received by the agency, the agency may submit the Notice of Public Hearing.

(c) A Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period must include the following:

- (1) Purpose of comment period.
- (2) Complete list of the IAC cites affected by the rule.
- (3) Complete statutory authority list.
- (4) Summary of the statutory requirements.

- (5) Background information on the new rule, which will also:
 - (A) identify the restrictions and requirements not imposed under federal law (see IC 13-14);
 - (B) identify any potential fiscal impact;
 - (C) include public participation and work group information; and
 - (D) include small business assistance information.
- (6) Commissioner findings on the rule.
- (7) A request for public comments with information on how to submit comments.
- (8) The deadline of the comment period.
[See Part 4-11, subsection (b) of the drafting manual for comment period directions.]
- (9) A draft of the rule.

[See the following page for Part 1 of an example of a Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period. View full document posted in the Indiana Register at 20190828IR326190409FDA.]

TITLE 326 AIR POLLUTION CONTROL DIVISION

FINDINGS AND DETERMINATION OF THE COMMISSIONER
PURSUANT TO [IC 13-14-9-7](#) AND SECOND NOTICE OF COMMENT PERIOD
LSA Document #19-409

EMISSION REPORTING REVISIONS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to [326 IAC 2-6](#) concerning emissions reporting requirements for certain sources in Clark, Floyd, and LaPorte counties, and Lawrenceburg Township in Dearborn County. The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: [326 IAC 2-6-1](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-14-9](#); [IC 13-17](#).

STATUTORY REQUIREMENTS

[IC 13-14-9-7](#) recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the first notice of public comment period would provide no substantial benefit to the environment or persons to be regulated or otherwise affected by the proposed rule, IDEM may forgo this comment period and proceed directly to the notice of second public comment period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by [IC 13-14-9-7](#), the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-7](#).

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under [\[IC 13-14-9-3\]](#) . . . would provide no substantial benefit to:

- (1) the environment; or
- (2) persons to be regulated or otherwise affected by the proposed rule."

BACKGROUND

The Clean Air Act (CAA) requires that the United States Environmental Protection Agency (U.S. EPA) set primary and secondary National Ambient Air Quality Standards (NAAQS) for the six criteria air pollutants considered harmful to public health and the environment. These pollutants are carbon monoxide (CO), lead, nitrogen dioxide, ozone, particulate matter (PM), and sulfur dioxide (SO₂). Each county in Indiana is classified, or designated, as being in attainment if air quality monitoring or modeling indicate that the area is meeting the NAAQS. Areas are designated as nonattainment if the measured concentrations of one or more of these criteria pollutants exceed the NAAQS or contribute significant amounts of pollutants to an area that measures air quality that does not meet the NAAQS. An area can be redesignated from nonattainment to attainment if the area has demonstrated attainment of the standard, and if U.S. EPA has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions.

In accordance with federal requirements, sources in each county must submit emission reports to the state on a regular basis based on their attainment status and the permit under which they operate. Most sources are only required to report the previous year's emissions data once every three years; however, sources that are in nonattainment areas and emit 25 tons or more of oxides of nitrogen (NO_x) per year, have the potential to emit volatile organic compounds (VOC) or PM₁₀ at 250 tons or more per year, or that emit CO, NO_x, or SO₂ at 2,500 tons or more per year must submit emission reports annually. Once a county has established attainment of the emission standards, it can be reclassified from nonattainment to attainment and resume reporting once every three years.

On June 4, 2018, U.S. EPA designated Clark and Floyd counties as nonattainment for the 2015 8-hour ozone standard as a portion of the Louisville, Kentucky-Indiana nonattainment area (83 FR 25776). In accordance with CAA requirements, each state with an ozone nonattainment area must revise its state implementation plan to require sources with VOC or NO_x emissions greater than 25 tons per year to submit an annual statement of actual emissions under 42 United States Code (U.S.C.) 7511a(a)(3)(B). This rulemaking will amend [326 IAC 2-6](#) to include Clark and Floyd counties under this requirement to ensure that state rules are consistent with federal regulations. This rulemaking will also remove LaPorte County and Lawrenceburg Township in Dearborn County from the annual emission statement requirements, as both of these counties have demonstrated attainment of emission standards and have been redesignated to attainment.

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law.

Potential Fiscal Impact

This rulemaking has no impact beyond that which is already imposed by federal law.

Public Participation and Work Group Information

No work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison
IGCN 1316
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 233-0572 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Katelyn Colelazier
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 431-1560

[See the following page for Part 2 of an example of Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period. View full document posted in the Indiana Register at 20190828IR326190409FDA.]

FINDINGS

The commissioner of IDEM has prepared written findings regarding rulemaking on amendments to [326 IAC 2-6](#), concerning emissions reporting requirements for certain sources in Clark, Floyd, and LaPorte counties, and Lawrenceburg Township in Dearborn County. These findings are prepared under [IC 13-14-9-7](#) and are as follows:

- (1) This rule is the direct adoption of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana is required by the Clean Air Act to adopt these requirements as state rule.
- (3) The environment and persons regulated or otherwise affected by the proposed rule will benefit from prompt adoption of this rule, as it ensures that sources in Clark, Floyd, and LaPorte counties, and Lawrenceburg Township in Dearborn County, are in compliance with emission reporting regulations required by U.S. EPA.
- (4) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.
- (5) The draft rule is hereby incorporated into these findings.

Bruno L. Pigott
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #19-409 Emission Reporting Revisions
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251
- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 232-8922.
- (3) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**
- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than September 27, 2019. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 2-6-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-6-1](#) Applicability

Authority: [IC 13-14-8](#); [IC 13-17-3](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule applies to all of the following:

- (1) Sources required to have a Part 70 operating permit under [326 IAC 2-7](#).
- (2) Sources located in the following counties that emit volatile organic compounds (VOC) or oxides of nitrogen (NO_x) into the ambient air at levels equal to or greater than twenty-five (25) tons per year:
 - (A) Lake.
 - (B) Porter.
 - (C) ~~LaPorte~~. **Clark**.
 - (D) ~~Lawrenceburg Township, Dearborn County~~. **Floyd**.
- (3) Sources that emit lead into the ambient air at levels equal to or greater than five (5) tons per year.

(b) All sources permitted by the department are subject to section 5 of this rule concerning additional information requests.

(c) Sources covered by subsection (a) must comply with the compliance schedule in section 3 of this rule.

(Air Pollution Control Division; [326 IAC 2-6-1](#); filed Nov 12, 1993, 4:00 p.m.; 17 IR 732; filed Feb 26, 2004, 3:45 p.m.; 27 IR 2210; filed Jul 14, 2006, 1:25 p.m.; [20060809-IR-326050078FRA](#); filed Oct 21, 2016, 10:24 a.m.; [20161116-IR-326160162FRA](#))

[Notice of Public Hearing](#)

Posted: 08/28/2019 by Legislative Services Agency

DIN: 20190828-IR-326190409FDA
Composed: Oct 17, 2021 3:48:52PM EDT
A [PDF](#) version of this document.

(d) When the commissioner determines that a rule does not require a comment period, a Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule document will be published.

(e) To publish a Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8, an agency must submit the Findings and Determination document, but NOT the corresponding Notice of Public Hearing, to the IRACD electronically (in Word or WordPerfect format or another format acceptable to the Publisher) as an email attachment to register@iga.in.gov. The IRACD will review the document and reply with the assigned LSA document number and intended date of publication. This intended date of publication will be contingent on the IRACD receiving the Notice of Public Hearing information by the preceding Friday. Once the intended date of publication is received by the agency, the agency may submit the Notice of Public Hearing.

(f) A Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule must include the following:

- (1) Purpose of notice.
- (2) Complete list of the IAC cites affected by the rule.
- (3) Complete statutory authority list.
- (4) Summary of the statutory requirements.
- (5) Background information on the new rule, which will also:
 - (A) identify the restrictions and requirements not imposed under federal law (see IC 13-14);
 - (B) contain any potential fiscal impact;
 - (C) identify any public participation and work group information; and
 - (D) give small business assistance information, listing the small business regulatory coordinator, small business ombudsman, and IDEM ombudsman information.
- (6) Commissioner findings on the rule.
- (7) A request for public comments with information on how to submit comments.
- (8) The deadline of the comment period.
[See Part 4-11, subsection (b) of the drafting manual for comment period directions.]
- (9) A draft of the rule.

[See the following page for Part 1 of an example of Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule. View full document posted in the Indiana Register at 20200902IR32600449FDA.]

TITLE 326 AIR POLLUTION CONTROL DIVISION

FINDINGS AND DETERMINATION OF THE COMMISSIONER
PURSUANT TO IC 13-14-9-8 AND DRAFT RULE
LSA Document #20-449

ARCELORMITTAL AND NIPSCO SULFUR DIOXIDE EMISSION LIMIT REVISIONS

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 7-4-14, 326 IAC 7-4-1-10, and 326 IAC 7-4-1-11, concerning revisions to ArcelorMittal's sulfur dioxide (SO₂) emission limits for three locations in Porter and Lake counties, and the removal of two emissions units at the Northern Indiana Public Service Company Bailly Station (NIPSCO) in Porter County that have been retired and taken out of NIPSCO's Title V permit. IDEM is soliciting written comment on the draft rule language and will schedule a public hearing before the Environmental Rules Board (board) for consideration of adoption of these rules.

CITATIONS AFFECTED: 326 IAC 7-4-14; 326 IAC 7-4-1-10; 326 IAC 7-4-1-11.

AUTHORITY: IC 13-14-8; IC 13-14-9; IC 13-17-3.

STATUTORY REQUIREMENTS

IC 13-14-9-8 recognizes that, under certain circumstances, it may be appropriate to reduce the number of public comment periods and public hearings usually provided for under the IC 13-14-9 environmental rulemaking process. In cases where the commissioner determines that there is no reasonably anticipated benefit from a second public comment period and first public hearing to either the environment or persons regulated or otherwise affected by the draft rule, IDEM may forego these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for adoption. Two opportunities for public comment (with this notice and at the public hearing prior to adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13-14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for adoption and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

(1) the rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) an amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in IC 13-14-9-7(a)(2) from:

(A) exposing the rule to diverse public comment under IC 13-14-9-3 or IC 13-14-9-4;

(B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4; and

(C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

BACKGROUND

This rulemaking incorporates revisions to the SO₂ limits contained in 326 IAC 7-4-14, 326 IAC 7-4-1-10, and 326 IAC 7-4-1-11 for emissions units at three ArcelorMittal steel mills, and removes alternative SO₂ limits and emissions units that have been permanently shut down within the facility. This rule is the result of both a settlement agreement and a consent decree between ArcelorMittal, IDEM, and the United States Environmental Protection Agency (U.S. EPA).

The settlement agreement between the parties was filed in the United States Court of Appeals for the Seventh Circuit, Appeal No. 14-1412, on November 12, 2019. The settlement agreement implements a site-specific revision to the ArcelorMittal Burns Harbor LLC SO₂ emission limits at 326 IAC 7-4-14, by making revisions to certain SO₂ limits and adding a specified blast furnace gas sampling and analysis protocol. Additional revisions to the SO₂ emission limits include establishing current limits for the Blast Furnace Flare and listing several emissions units as permanently shut down within the facility. These updates to 326 IAC 7-4-14 and the addition of the blast furnace gas testing protocol will satisfy the terms of the settlement agreement.

The consent decree between the parties was filed in the United States District Court for the Northern District of Indiana, Hammond Division, on April 1, 2020. The consent decree revises ArcelorMittal's SO₂ limits for Indiana Harbor West at 326 IAC 7-4-1-10, and Indiana Harbor East at 326 IAC 7-4-1-11, in Lake County. Specific changes to these facilities include revising furnaces at Indiana Harbor West as burning natural gas only, and revising the No. 7 furnace interim and final SO₂ limits at Indiana Harbor East, as well as revising the calculation for the hourly SO₂ emission rate. The adoption of the revised SO₂ emission limits for these two facilities, as well as the revised SO₂ hourly emission rate for Indiana Harbor East, will satisfy the terms of the consent decree.

In addition to amending the SO₂ emission limits for the ArcelorMittal settlement agreement and consent decree, IDEM is removing boilers 7 and 8 at 326 IAC 7-4-14 for NIPSCO, to reflect that these boilers have been permanently retired and taken out of the facility's Title V permit.

IC 13-14-9-4 Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. This draft rule imposes no restrictions or requirements because it is a technical amendment with no substantive effect on an existing Indiana rule.

Potential Fiscal Impact

There is no fiscal impact associated with this rulemaking for the state, ArcelorMittal, or NIPSCO. Updates to the SO₂ emission limits for ArcelorMittal at 326 IAC 7-4-14, 326 IAC 7-4-1-10, and 326 IAC 7-4-1-11 are technical amendments that satisfy the terms of the consent decree between the source, IDEM, and U.S. EPA. The revision to 326 IAC 7-4-14 for NIPSCO is an administrative change to remove retired equipment.

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under IC 13-28-3. The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with IC 13-28-3 and IC 13-28-5, there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of IC 4-22-2-28.1, small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor

IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison

IGCN 1316

100 North Senate Avenue

Indianapolis, IN 46204

(317) 233-0572 or (800) 988-7901

ctap@idem.in.gov

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 5-28-17-6 is:

Katelyn Colclazier

Small Business Ombudsman

Indiana Economic Development Corporation

One North Capitol, Suite 700

Indianapolis, IN 46204

(317) 431-1560

kcolclazier@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in IC 5-28-17-6, specifically IC 5-28-17-6(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Erin Moorhous

IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison

IGCN 1301

100 North Senate Avenue

Indianapolis, IN 46204

(317) 232-8921 or (800) 451-6027

emoorhous@idem.in.gov

[See the following for Part 2 of Example of a Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule. Some text has been omitted from the example. View full document posted in the Indiana Register at 20200902IR32600449FDA.]

FINDINGS

The commissioner of IDEM has prepared findings regarding rulemaking on amendments to 326 IAC 7-4-14, 326 IAC 7-4.1-10, and 326 IAC 7-4.1-11. These findings are prepared under IC 13-14-9-8 and are as follows:

- (1) This rule is a technical amendment with no substantive effect on an existing Indiana rule.
- (2) The environment and persons regulated or otherwise affected by the draft rule will benefit from prompt adoption of this rule, because it satisfies the legal requirements of the settlement agreement and consent decree between the parties by updating the SO2 emission limits for three ArcelorMittal facilities.
- (3) The proposed changes to the rule language for NIPSCO only remove retired equipment at the facility that has been taken out of the facility's Title V permit.
- (4) I have determined that, under the specific circumstances pertaining to this rule, there would be no reasonably anticipated benefit to the environment or to persons regulated or otherwise affected by the draft rule from the first or second written comment period under IC 13-14-9-3 or IC 13-14-9-4, or from the first public hearing under IC 13-14-9-5(a)(1).
- (5) The draft rule is hereby incorporated into these findings.

Bruno L. Pigott
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #20-449 ArcelorMittal and NIPSCO SO2 Revisions
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204
- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 232-8922.
- (3) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**
- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than October 2, 2020. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date. Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

DRAFT RULE

[TEXT OF DRAFT RULE OMITTED FROM EXAMPLE]

Notice of Public Hearing

Posted: 09/02/2020 by Legislative Services Agency

DIN: 20200902-IR-326200449FDA
Composed: Oct 17, 2021 2:44:06PM EDT

A [PDF](#) version of this document.

PART 10-6 — EXPIRATION AND READOPTION OF ADMINISTRATIVE RULES

[NOTE: See IC 13-14-9.5 for a complete list of requirements.]

(a) Readoption of administrative rules will be identified as a Notice of Readoption IC 13-14-9.5 First Notice of Comment Period if a public hearing is not required.

(b) To publish a Notice of Readoption IC 13-14-9.5 First Notice of Comment Period, an agency must submit the First Notice of Comment Period to the IRACD electronically (in Word or WordPerfect format or another format acceptable to the Publisher) as an email attachment to register@iga.in.gov. An LSA document number will be assigned by the IRACD staff once the document has been processed.

(c) A Notice of Readoption IC 13-14-9.5 First Notice of Comment Period must include the following:

- (1) A statement describing purpose of notice.
- (2) List of all rules to be readopted.
- (3) List of rules to expire.
- (4) Statutory authority citations for rulemaking.
- (5) Description of the subject matter and basic purpose of rulemaking.
- (6) Statutory and regulatory requirements.
- (7) A request for public comments with information on how to submit comments.
- (8) The deadline of the comment period.

[See Part 4-11, subsection (b) of the drafting manual for comment period directions.]

[See the following page for an example of a Notice of Readoption IC 13-14-9.5 First Notice of Comment Period. View full document posted in the Indiana Register at 20190501IR326190244BNA.]

TITLE 326 AIR POLLUTION CONTROL DIVISION

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #19-244

READOPTON OF RULES IN TITLE 326 UNDER IC 13-14-9.5

PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 326 of the Indiana Administrative Code under IC 13-14-9.5.

RULES TO BE READOPTED:

- 326 IAC 2-6.1-5 Operating permit content
326 IAC 17.1 PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS
326 IAC 25-1-1 Applicability

RULES TO EXPIRE: None.

AUTHORITY: IC 13-14-9.5.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. All rules adopted after January 1, 2002, under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2020. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to the Publisher for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) consider readoption of that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish a notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #19-244 2019 Title 326 Rule Readoption
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204
- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.
- (3) By electronic mail to kw Walsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**
- (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than May 31, 2019. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

Posted: 05/01/2019 by Legislative Services Agency

DIN: 20190501-IR-326190244BNA
Composed: Oct 17, 2021 3:28:42PM EDT
A [PDF](#) version of this document.

(d) If no public hearing is required for readopting a rule, then an IC 13-14-9.5 Notice of Final Readoption will be submitted to the IRACD. To submit the IC 13-14-9.5 Notice of Final Readoption to the IRACD, an agency shall have the authorizing person or body sign a paper signature page, and then email both the Final Readoption document and the signed signature page as attachments to register@iga.in.gov. The rule document should be in Word or WordPerfect format or another format acceptable to the Publisher, and the signed signature page should be in PDF format.

(e) An IC 13-14-9.5 Notice of Final Readoption must include:

- (1) LSA document number assigned to the Notice of Readoption IC 13-14-9.5 First Notice of Comment Period.
- (2) A statement describing purpose of notice.
- (3) List of all rules to be readopted.
- (4) List of rules to expire.
- (5) Statutory authority citations for rulemaking.
- (6) A history of the rulemaking process.
- (7) Description of the subject matter and basic purpose of rulemaking.
- (8) Statutory and regulatory requirements.
- (9) Notice of readoption with statement about any comments received.

[See the following page for an example of an IC 13-14-9.5 Notice of Final Readoption. View full document posted in the Indiana Register at 20190710IR326190244BFA.]

TITLE 326 AIR POLLUTION CONTROL DIVISION

IC 13-14-9.5 NOTICE OF FINAL READOPTION
LSA Document #19-244(F)

Readopts rules in anticipation of [IC 13-14-9.5-2](#), providing that an administrative rule adopted under [IC 13-14-9](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

PURPOSE OF NOTICE

Under [IC 13-14-9.5-4\(c\)](#), the Indiana Department of Environmental Management (IDEM) is publishing a notice of re-adoption of rules in Title 326 of the Indiana Administrative Code. With this notice, IDEM is providing notification that the following rules are re-adopted:

READOPTED RULES:

[326 IAC 2-6.1-5](#) Operating Permit Content
[326 IAC 17.1](#) PUBLIC RECORDS; CONFIDENTIAL INFORMATION; CONFIDENTIALITY AGREEMENTS
[326 IAC 25-1-1](#) Applicability

RULES TO EXPIRE: None.

AUTHORITY: [IC 13-14-9.5](#).

HISTORY

First Notice of Comment Period: May 1, 2019, Indiana Register (DIN: [20190501-IR-326190244BNA](#)).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and re-adoption of administrative rules. The rules listed to be re-adopted have an expiration date of January 1, 2020. IDEM has chosen to re-adopt all affected rules at one time rather than re-adopt each rule separately as its expiration date approaches.

Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may re-adopt all rules subject to expiration under one rule that lists all rules that are re-adopted by their titles and subtitles only. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has re-adopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-9.5-4](#) requires that the following procedures be followed to re-adopt rules:

- (1) A notice listing all rules to be re-adopted by their titles and subtitles must be submitted to the Publisher for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be re-adopted separately from the re-adoption rule that re-adopts all rules in one rulemaking, the agency shall:
 - (A) consider re-adoption of that rule separately from the re-adoption rule; and
 - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has re-adopted the rule.

NOTICE OF READOPTION

The following rules received no comments during the first notice of comment period requesting that a particular rule be re-adopted separately from the re-adoption rule that re-adopts all rules in one rulemaking and are not exempt from the re-adoption process under [IC 13-14-9.5](#):

[326 IAC 2-6.1-5](#)
[326 IAC 17.1](#)
[326 IAC 25-1-1](#)

Therefore, the above-listed rules are re-adopted under [IC 13-14-9.5-4](#). The rules have been submitted to the Publisher for filing and are effective 30 days after that filing date. The rules will remain in effect until their next expiration date, January 1, 2026. However, all rules are subject to amendment or repeal under IDEM's regular rulemaking process found at [IC 13-14-9](#).

LSA Document #19-244(F)

First Notice of Comment Period: [20190501-IR-326190244BNA](#)

Filed with Publisher: June 14, 2019, 2:02 p.m.

Posted: 07/10/2019 by Legislative Services Agency

DIN: 20190710-IR-326190244BFA
Composed: Oct 17, 2021 3:36:23PM EDT
A [PDF](#) version of this document.

(f) For rules not expiring under IC 13-14-9.5-1.1, a Notice of Review of Nonexpiring Rules document should be published.

[NOTE: See IC 13-14-9.5-1.1 for a complete list of requirements.]

(g) An agency must initially submit an IC 13-14-9.5-1.1 Notice of Review of Nonexpiring Rules document, but NOT the corresponding Notice of Public Hearing, electronically to register@iga.in.gov. Upon receipt of the IC 13-14-9.5-1.1 Notice of Review of Nonexpiring Rules, the IRACD will review the notice and reply with an intended date of publication. This intended date of publication will be contingent on the IRACD receiving the Notice of Public Hearing information by the preceding Friday. Once the intended date of publication is received by the agency, the agency may submit the Notice of Public Hearing.

(h) An IC 13-14-9.5-1.1 Notice of Review of Nonexpiring Rules must include:

- (1) List of rules that do not expire.
- (2) List of exempt rules.
- (3) A request for public comments with information on how to submit comments.
- (4) The deadline of the comment period.

[See Part 4-11, subsection (b) of the drafting manual for comment period directions.]

[See the following page for Part 1 of an example of an IC 13-14-9.5 Notice of Review of Nonexpiring Rules. Some text has been omitted from the example. View full document posted in the Indiana Register at 20190501IR326190245BNA.]

TITLE 326 AIR POLLUTION CONTROL DIVISION

IC 13-14-9.5-1.1 NOTICE OF REVIEW OF NONEXPIRING RULES

LSA Document #19-245

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9.5-1](#) provides that chapter 9.5 does not apply to "a rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions." Therefore, those rules are not subject to this notice of readoption; however, for the reader's information, a list of exempt rules is included in this notice.

IC 13-14-9-4(a)(5) THROUGH IC 13-14-9-4(a)(7) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. No element of the listed rules imposes either a restriction or requirement on persons to whom the rule applies that is not imposed under federal law. The listed rules establish requirements to implement the Clean Air Act (CAA). The CAA authorizes comprehensive federal and state regulations to limit air pollution. These rules have been incorporated into the Indiana State Implementation Plan (SIP) and are federally enforceable. These rules are authorized under [IC 13-17-3-4](#) and [IC 13-17-3-11](#).

LIST OF RULES THAT DO NOT EXPIRE

The following is a list of rules in 326 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

326 IAC 1-1-1	Applicability of rule
326 IAC 1-1-2	References to federal Act
326 IAC 1-1-4	Severability
326 IAC 1-1-5	Savings clause
326 IAC 1-1-6	Credible evidence

[Text in List Omitted from Example]

LIST OF EXEMPT RULES

This is a list of rules in 326 IAC to which [IC 13-14-9.5](#) does not apply in accordance with the exceptions in [IC 13-14-9.5-1](#). This list of exempt rules is provided for informational purposes only. The following rules are exempt from [IC 13-14-9.5](#):

326 IAC 1-1-3.5	References to the Compilation of Air Pollution Emission Factors AP-42 and Supplements
326 IAC 1-4	Attainment Status Designations
326 IAC 3-8-1	Applicability; incorporation by reference of federal standards

[Text in List Omitted from Example]

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on the nonexempt rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #19-245 2019 Title 326 Rule Review
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204

[See the following page for Part 2 of an example of an IC 13-14-9.5 Notice of Review of Nonexpiring Rules. Some text has been omitted from the example. View full document posted in the Indiana Register at 20190501IR326190245BNA.]

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

(3) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than May 31, 2019. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

[Notice of Public Hearing](#)

Posted: 05/01/2019 by Legislative Services Agency

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