Supplement to Administrative Drafting Manual

INDIANA REGISTER AND ADMINISTRATIVE CODE
NOTICE OF FIRST PUBLIC COMMENT PERIOD
(INCLUDING PROPOSED RULE AND REGULATORY ANALYSIS)

(a) To publish a Notice of First Public Comment Period under IC 4-22-2-23, an agency must submit the following information as an email attachment to register@iga.in.gov:

1. The Notice of First Public Comment Period, including the proposed rule.
2. Documents incorporated by reference in the proposed rule, if applicable.
3. The latest version of the Regulatory Analysis, excluding any appendices containing the data, studies, or analyses referenced in the Regulatory Analysis.
4. The determination of the Budget Agency and the Office of Management and Budget authorizing commencement of the public comment periods.
5. The agenda of the Budget Committee meeting at which the rule was scheduled for review if the rule adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties, or a statement that the rule does not add or amend language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties.

(b) The Notice of First Public Comment Period must include the following:

1. General description of the rule.
2. Overview of the intent and scope of the rule.
3. Statutory authority of the rule.
4. A date that is thirty (30) days after the notice is published when the public comment period will conclude.
5. Information concerning where, when, and how a person may submit written comments on the Proposed rule, including the name, address, telephone number, and email address of the Small Business Regulatory Coordinator under IC 4-22-2-28.1.
6. 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.
7. Latest version of the Regulatory Analysis, excluding any appendices containing the data, studies, or analyses referenced in the Regulatory Analysis.
8. Information concerning where, when, and how a person may inspect and copy the Regulatory Analysis and the data, studies, or analyses referenced within the Regulatory Analysis.
10. Information concerning where, when, and how a person may inspect a document incorporated by reference into the Proposed rule.
11. Statement indicating that if the agency does not receive any substantive comments during the thirty (30) day public comment period or public hearing, the agency may adopt a rule that is the same as or does not substantially differ from the text of the Proposed rule published in the Notice of First Public Comment Period.
12. Statement of the date, time, and place of the public hearing, including information for how to attend the public hearing remotely.

(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.

(d) Once the documents have been received and reviewed by the Publisher, an LSA document number will be assigned by the Publisher upon processing the documents.

See Notice of First Public Comment Period template on the following page
Notice of First Public Comment Period
LSA Document #XX-XXX

[RULE TITLE]

PURPOSE OF NOTICE
[Agency name] is soliciting public comment on [amendments, adding, or repealing] rules at [citation] concerning [brief description of topic]. [Agency name] seeks comment on the affected citations listed and any other provisions of Title XXX that may be affected by this rulemaking.

CITATIONS AFFECTED: XXX IAC X-X-X; XXX IAC X-X-X

AUTHORITY: IC X-X-X-X; IC 1X-X-X-X

OVERVIEW
Basic Purpose and Background
[Text should be clear, concise, and easy to interpret. A detailed statement of the issue to be addressed in the proposed rule, including the background and purpose, should be included in the text. Text should also include who will be affected by the rulemaking.]

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

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 5-28-17-6 is:
Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@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.

REQUEST FOR PUBLIC COMMENTS
At this time, [Agency name] is soliciting public comments on the proposed rule. Comments may be submitted in one of the following ways:
(1) By mail or common carrier to the following address:
LSA Document #XX-XXX [short title]
[Rule Writer]
[Agency Contact Address]
(2) By electronic mail to [rulewriter email address].
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.

(3) Attend scheduled Public Hearing.

**COMMENT PERIOD DEADLINE**
All comments must be postmarked or time stamped not later than *publication date plus 30 days*.

The rule, regulatory analysis, data, studies, or analyses referenced in the regulatory analysis, and materials incorporated by reference (if applicable) are on file at *agency name with street address* and are available for public inspection. Copies of the rule, regulatory analysis, and data, studies, or analyses referenced in the regulatory analysis are available at the office of *agency name*.

If *agency name* does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

**ADDITIONAL DOCUMENTS**

Regulatory Analysis [*publisher will add link to document*]

*Notice of Public Hearing [*publisher will add link to list of related documents on Register website*.]*

**PROPOSED RULE**

SECTION 1. *[Cite the IAC citation that is being added or amended]* IS *ADDED/AMENDED* TO READ AS FOLLOWS:

*IAC Citation*, *Section Heading*

Authority:

Affected:

[IAC citation, section heading, authority and affected lines are always bold, regular type]

Sec. X. *[Section being added or amended; text starts on same line]*

[New rule: all bold, regular type]

[Amended rule: deletions to existing text are stricken, additions bold, existing text is roman]

[NOTE: Repealed IAC citations are listed in the last SECTION by number only, no text.]
Notice of Public Hearing
LSA Document #XX-XXX

Notice of Public Hearing

Under IC 4-22-2-23 [change to IC 4-22-2-24 when the Notice of Public Hearing is published for a second comment period], notice is hereby given that on [date], at [time], at the [address of location for hearing], the [agency name] will hold a public hearing on [new rule/amendments to] [IAC citation] concerning [brief description of rulemaking].

The purpose of this hearing is to receive comments from the public prior to consideration of adoption of these rules by the [agency]. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed [new rules/amendments].

[Include when published with a Notice of First Public Comment Period] If [agency name] does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the proposed rule.

[Include when published with a Notice of Second Public Comment Period] This notice is the second of two (2) public hearings in which the public may comment on the proposed rule. Following the second public comment period and this public hearing, [agency name] may adopt a version of the proposed rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of Second Public Comment Period.

The public may attend the [agency] meeting in person or join by [remote link].

Copies of these rules are now on file at the [agency name and location] and are open for public inspection and copying.

Name of Director or Commissioner
Title
Change in Notice of Public Hearing
LSA Document #XX-XXX

The [agency name] gives notice that the date of the public hearing for LSA Document #XX-XXX, posted at [DIN], has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

Under IC 4-22-2-23 [change to IC 4-22-2-24 when the Notice of Public Hearing is published for a second comment period], notice is hereby given that on [date], at [time], at the [address of location for hearing], the [agency name] will hold a public hearing on [new rule/amendments to] [IAC citation] concerning [brief description of rulemaking].

The purpose of this hearing is to receive comments from the public prior to consideration of adoption of these rules by the [agency]. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed [new rules/amendments].

[Include when published with a Notice of First Public Comment Period] If [agency name] does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the proposed rule.

[Include when published with a Notice of Second Public Comment Period] This notice is the second of two (2) public hearings in which the public may comment on the proposed rule. Following the second public comment period and this public hearing, [agency name] may adopt a version of the proposed rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of Second Public Comment Period.

The public may attend the [agency] meeting in person or join by [remote link].

Copies of these rules are now on file at the [agency name and location] and are open for public inspection and copying.

Name of Director or Commissioner
Title

[changes should be bold text]
NOTICE OF SECOND PUBLIC COMMENT PERIOD (INCLUDING PROPOSED RULE)
If an agency receives substantive comments during the first public comment period or the public hearing, or the rule establishes a requirement or limitation that is more stringent than an applicable federal requirement or limitation, the agency must conduct a second public comment period under IC 4-22-2-24.

(a) To publish a Notice of Second Public Comment Period under IC 4-22-2-24, an agency must submit the following information as an email attachment to register@iga.in.gov:
(1) The Notice of Second Public Comment Period, including the Proposed rule
(2) The latest version of the Regulatory Analysis (if changed from the last publication).
(3) Documents incorporated by reference in the Proposed rule if not previously submitted, if applicable.

(b) The Notice of Second Public Comment Period must include the following:
(1) General description of the rule.
(2) Overview of the intent and scope of the rule.
(3) Statutory authority of the rule.
(4) Summary of the written comments received by the agency during the first public comment period and a summary of the response of the agency to the written comments.
(5) Either a statement indicating that no changes in the Regulatory Analysis have been made from the version published in the Notice of First Public Comment Period or the latest version of the Regulatory Analysis excluding any appendices containing the data, studies, or analyses, referenced in the Regulatory Analysis.
(6) Information concerning where, when, and how a person may inspect and copy the Regulatory Analysis and the data, studies, or analyses referenced within the Regulatory Analysis.
(7) A date that is thirty (30) days after the notice is published when the public comment period will conclude.
(8) Information concerning where, when, and how a person may submit written comments on the Proposed rule, including the name, address, telephone number, and email address of the Small Business Regulatory Coordinator under IC 4-22-2-28.1.
(9) 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.
(10) Proposed rule.
(11) An explanation of any differences between the text of the proposed rule published in the Notice of First Public Comment Period and the text of the Proposed rule to be published in the Notice of Second Public Comment Period.
(12) Information concerning where, when, and how a person may inspect a document incorporated by reference into the proposed rule.
(13) Statement indicating that the notice is for the second of two (2) thirty (30) day periods in which the public may comment on the proposed rule and that following the second public comment period the agency may adopt a version of the proposed rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of Second Public Comment Period.
(14) Statement of the date, time, and place of the proposed public hearing, including information for how to attend the public hearing remotely.

(c) Once the documents have been received and reviewed by the Publisher, an LSA document number will be assigned by the Publisher upon processing the documents.

See Notice of Second Public Comment Period template on the following page
Notice of Second Public Comment Period
LSA Document #XX-XXX

[RULE TITLE]

PURPOSE OF NOTICE
[Agency name] is soliciting public comment on [amendments, adding, or repealing] rules at [citation] concerning [brief description of topic]. [Agency name] seeks comment on the affected citations listed and any other provisions of Title XXX that may be affected by this rulemaking.

HISTORY
Notice of First Public Comment Period: [Date], Indiana Register [DIN].

CITATIONS AFFECTED: XXX IAC X-X-X; XXX IAC X-X-X

AUTHORITY: IC X-X-X-X; IC IX-X-X-X

OVERVIEW
Basic Purpose and Background
[Text should be clear, concise, and easy to interpret. A detailed statement of the issue to be addressed in the proposed rule, including the background and purpose, should be included in the text. Text should also include who will be affected by the rulemaking.]

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

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 5-28-17-6 is:
Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@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.

SUMMARY/RESPONSE TO COMMENTS
[Agency name] requested public comment from [Date], through [Date], and during the public hearing on [date of hearing or dates of hearings]. [Alt 1]: [Agency name] received no comments.
in response to the Notice of First Public Comment Period. [Alt 2]: [Agency name] received comments from the following parties by the comment period deadline:[summarizes the comments and response to comments]

REQUEST FOR PUBLIC COMMENTS
At this time, [Agency name] is soliciting public comments on the proposed rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:
LSA Document #XX-XXX [short title]
[Rule Writer]
[Agency Contact Address]

(2) By electronic mail to [rulewriter email address].
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.

(3) Attend scheduled Public Hearing.

COMMENT PERIOD DEADLINE
All comments must be postmarked or time stamped not later than [publication date plus 30 days (or 45 days for water quality standards rules)].

The rule, regulatory analysis, data, studies, or analyses referenced in the regulatory analysis, and materials incorporated by reference (if applicable) are on file at [agency name with street address] and are available for public inspection. Copies of the rule, regulatory analysis, and data, studies, or analyses referenced in the regulatory analysis are available at the office of [agency name].

This notice is the second of two (2) thirty (30) day periods in which the public may comment on the proposed rule. Following this second public comment period, [agency name] may adopt a version of the proposed rule that is the same as or does not substantially differ from the text of the proposed rule published during the second public comment period.

ADDITIONAL DOCUMENTS

Regulatory Analysis [State if no changes were made to the regulatory analysis] [publisher will add link to the most recent document]

Notice of Public Hearing [publisher will add link to list of related documents on Register website.]

EXPLANATION OF DIFFERENCES IN PROPOSED RULE
[Explanation of differences in proposed rule to proposed rule published during the notice of first public comment period.]
PROPOSED RULE

SECTION 1. [Cite the IAC citation that is being added or amended] IS [ADDED/AMENDED] TO READ AS FOLLOWS:

[IAC Citation]. [Section Heading]
Authority:
Affected:
[IAC citation, section heading, authority and affected lines are always bold, regular type]

Sec. X. [Section being added or amended; text starts on same line]
[New rule: all bold, regular type]
[Amended rule: deletions to existing text are stricken, additions bold, existing text is roman]
[NOTE: Repealed IAC citations are listed in the last SECTION by number only, no text.]
NOTICE OF PUBLIC HEARING FOR SECOND PUBLIC COMMENT PERIOD

(a) After the Notice of Second Public Comment Period has been submitted to the Publisher and reviewed by the Publisher for publication, an intended date of publication will be sent to the agency by the Publisher. This intended date of publication will be a Wednesday and is contingent on the Publisher receiving the Notice of Public Hearing information by the preceding Friday. When the agency receives, via email, the intended date of publication, the agency may then schedule the public hearing based on the intended date of publication. The public hearing must be at least thirty (30) days after the date of publication of the Notice of Second Public Comment Period, proposed rule, and Notice of Public Hearing.

(b) The agency must then send ONLY the Notice of Public Hearing (NOT the Notice of Second Public Comment Period or proposed rule 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 reference of the subject matter.
(3) A declaration that a copy of the proposed rule and Regulatory Analysis and the 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.
(4) Information for how to attend the public hearing remotely.
(5) Statement indicating that the notice is for the second of two (2) thirty (30) day periods in which the public may comment on the proposed rule and that following the second public comment period, the agency may adopt a version of the proposed rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of Second Public Comment Period.

Notices of Public Hearing must be sent individually. The Publisher will not accept multiple attachments with emails except for a Notice of Second Public Comment Period and the Regulatory Analysis submitted with the Notice of Second Public Comment Period. The email attachment for 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 Notice of Second Public Comment Period 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 Publisher within the time frame referenced above.

(c) Upon receipt of the Notice of Public Hearing, the Publisher will reply to the email with an Authorization to proceed (AP) with the public hearing. The AP for both the Notice of First Public Comment Period and the Notice of Second Public Comment Period must be included in the Final Rule packet that is submitted to the Attorney General's office for approval.

See Notice of Public Hearing for Second Public Comment Period template on the following page
Final Rule
LSA Document #XX-XXX

DIGEST

[Digest must include all cites being amended and added with general description of topic. List repealed cites in sentence form by citation number. Effective [date filed with publisher or later date assigned by agency].

HISTORY
Notice of First Public Comment Period: [date in regular type], Indiana Register (DIN: 20XX IR XXXX).
Notice of Second Public Comment Period: [date], Indiana Register (DIN: 20XX IR XXXX). [if applicable]
Notice of First Public Hearing: [date published], Indiana Register (DIN: 20XX IR XXXX).
Date of First Public Hearing: [date].
Notice of Second Public Hearing: [date published], Indiana Register (DIN: 20XX IR XXXX). [if applicable]
Date of Second Public Hearing: [date]. [if applicable]

SUMMARY/RESPONSE TO COMMENTS
[Agency name] requested public comment from [date], through [date], and during the public hearing on [date of hearing or dates of hearings]. [Alt 1]: [Agency name] received no comments in response to the Notice of First Public Comment Period. [Alt 2]: [Agency name] received comments from the following parties by the comment period deadline: [summarizes the comments and response to comments].

[Listing of all IAC citations within the document]
XXX IAC X-XX-X; XXX IAC X-X

[The body of the rule is copied from the Word document emailed by publisher to agency contact, with possible changes adopted by the agency.]

SECTION 1. XXX IAC X-X-X IS ADDED/AMENDED TO READ AS FOLLOWS:

XXX IAC X-X-X [Section Heading]
Authority:
Affected:

[text added by publisher to end of document]
PROVISIONAL RULEMAKING

(a) To publish a Provisional Rule under IC 4-22-2-37.1, an agency must submit the following information as an email attachment to register@iga.in.gov:

(1) The full text of the proposed Provisional Rule.
(2) A statement justifying the need for the provisional rulemaking.
(3) The approval of the Governor to use provisional rulemaking procedures.
(4) Documents incorporated by reference in the proposed rule, if applicable.

NOTE: An agency may not adopt a proposed Provisional Rule until after the Publisher notifies the agency that the publisher has distributed the full text of the proposed Provisional Rule to legislators and the Legislative Council or the Personnel Subcommittee of the Legislative Council acting for the Legislative Council. Additionally, at least ten (10) regular business days must elapse after the Publisher has complied with submitting the full text of the proposed Provisional Rule to the legislators before the Department of Natural Resources, the Natural Resources Commission, the Department of Environmental Management, or a board that has rulemaking authority under IC 13 adopts a Provisional Rule.

(b) Once the documents have been received and reviewed by the Publisher, an LSA document number will be assigned by the Publisher upon processing the documents. The Publisher will distribute the full text of the proposed Provisional Rule to legislators and the Legislative Council or the Personnel Subcommittee of the Legislative Council acting for the Legislative Council. After distribution, the Publisher will send an email to the agency with the date of the distribution.

(c) After the agency adopts the Provisional Rule, the agency shall submit the following to the Publisher as an email attachment to register@iga.in.gov for filing:

(1) The text of the adopted Provisional Rule.
(2) A signature page that indicates that the agency has adopted the Provisional Rule in conformity with all procedures required by law.
(3) The agenda of the Budget Committee meeting at which the rule was scheduled for review if the rule adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties, or a statement that the rule does not add or amend language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties.
(4) Documents incorporated by reference in the Provisional Rule if not previously submitted, if applicable.

See Provisional Rulemaking template on the following page
[Title number and name]

**Governor's Approval**
LSA Document #XX-XXX

Under [IC 4-22-2-37.1 or IC 4-22-2-37.2], the Governor has given [agency name] approval to publish a [Provisional or Interim] Rule concerning [general description of topic].

**Letter of Governor's Approval dated [date from letter]:**

[Insert letter from Governor with date of approval]
Provisional Rule
LSA Document #XX-XXX

DIGEST

Temporarily adds/amends [IAC citation and brief description]. Statutory authority: [IC cite]. Effective [date filed with the publisher or later date assigned by agency].

Governor's Approval posted at: [DIN]

SECTION 1. [rule text]

[Provisional rules may have many SECTIONs. The last SECTION must have a statement containing the expiration date or the publisher will confirm a date that is 180 days from filing with the agency.]

[Text added to end of document by Register]
LSA Document #XX-XXX
Approved by Governor: [date]
Filed with Publisher: [date]
INTERIM RULEMAKING

(a) To publish an Interim Rule under IC 4-22-2-37.2, an agency must submit the following information as an email attachment to register@iga.in.gov:

(1) The Notice of Public Comment Period for Interim Rule, including the full text of the proposed Interim Rule.

(2) The approval of the Governor to use provisional rulemaking procedures.

(3) The agenda of the Budget Committee meeting at which the rule was scheduled for review if the rule adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties, or a statement that the rule does not add or amend language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties.

(4) Documents incorporated by reference in the Interim Rule, if applicable.

(b) The Notice of Public Comment Period for Interim Rule must include the following:

(1) General description of the subject matter of the rule.

(2) Overview of the intent and scope of the rule.

(3) Statutory authority of the rule.

(4) A statement justifying any requirement or cost that is imposed on a regulated entity under the Interim Rule and not expressly required by the statute authorizing the agency to adopt rules or any other state or federal law. The statement must include a reference to data, studies, or analyses relied upon by the agency in determining whether the imposition of the requirement or cost is necessary.

(5) Information concerning where, when, and how a person may inspect and copy the data, studies, or analyses referenced within the statement justifying any requirement or cost that is imposed on a regulated entity under the Interim Rule.

(6) Full text of the rule.

(7) Information concerning where, when, and how a person may inspect a document incorporated by reference into the Interim Rule.

(8) A date that is thirty (30) days after the notice is published when the public comment period will conclude.

(9) Statement explaining that a person may submit written comments concerning the proposed Interim Rule during the public comment period.

(c) Once the documents have been received and reviewed by the Publisher, an LSA document number and intended date of publication will be assigned by the Publisher upon processing the documents. The Publisher will send an email to the agency with an authorization to proceed.

(d) Before adopting the Interim Rule, the agency shall prepare written response to comments received by the agency, including the reasons for rejecting any recommendations made in the comments.

(e) After the agency adopts the Interim Rule, the agency shall submit the following to the publisher as an email attachment to register@iga.in.gov for filing:

(1) The text of the adopted Interim Rule.

(2) A signature page that indicates that the agency has adopted the Interim Rule in conformity with all procedures required by law.

(3) A summary of the comments received by the agency during the public comment period and the agency's response to the comments.
(4) Documents incorporated by reference in the Interim Rule if not previously submitted, if applicable.

See Notice of Public Comment Period for Interim Rule and Interim Final Rule template on the following page.
Notice of Public Comment Period for Interim Rule
LSA Document #XX-XXX

Governor's Approval posted at: [DIN]

PURPOSE OF NOTICE
[Agency name] is soliciting public comment on [amendments to, adding, or repealing] rules at [citation] concerning [brief description of topic]. [Agency name] seeks comment on the affected citations listed and any other provisions of Title XXX that may be affected by this rulemaking.

CITATIONS AFFECTED: [list all IAC cites affected in regular type] XXX IAC X-X-X; XXX IAC X-X-X; XXX IAC X-X-X

AUTHORITY: [list all authority in regular type] IC X-X-X-X; IC XX-X-X-X; IC XX-X-X-X

OVERVIEW
Basic Purpose and Background
[Text should be clear, concise, and easy to interpret. A detailed statement of the issue to be addressed in the interim rule, including the background and purpose should be included in the text. Text should also include who will be affected by the rulemaking.]

Statement Concerning Requirement or Cost
[A statement justifying any requirement or cost imposed on a regulated entity under the Interim Rule and not expressly required by the statute authorizing the agency to adopt rules or any other statute of federal law. The statement must include a reference to data, studies, or analyses relied upon in determining whether the imposition of the requirement or cost is necessary.]

REQUEST FOR PUBLIC COMMENTS
At this time, [agency name] is soliciting public comments for this rule. Comments may be submitted in one of the following ways:

1. By mail or common carrier to the following address:
   LSA Document #23-XXX [short title]
   [Rule Writer]
   [Agency Contact Address]

2. By electronic mail to [rulewriter email address].
   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.

COMMENT PERIOD DEADLINE
All comments must be postmarked or time stamped not later than [publication date plus 30 days].

Data, studies, or analyses referenced in the statement concerning requirements and costs, the rule, and materials incorporated by reference (if applicable) are on file at [agency name with street address] and are available for public inspection. Copies of the rule and the data, studies, or analyses referenced in the statement concerning requirements and costs are available at the office of [agency name].

PROPOSED INTERIM RULE

SECTION 1. [rule text]

[Interim rules may have many SECTIONs. Repealed IAC citations are listed in the second to last SECTION. The last SECTION must have a statement containing the expiration date or state the rule expires 425 days after the filing with Publisher.]

[text added to end of document by Register]
LSA Document #XX-XXX
Approved by Governor: [date]
Interim Final Rule
LSA Document #XX-XXX

DIGEST

[Digest must include all cites being amended and added with general description of topic. List repealed cites in sentence form by citation number.] Effective [date filed with publisher or later date assigned by agency].

HISTORY
Notice of Public Comment Period for Interim Rule: [date], Indiana Register [DIN].

SUMMARY/RESPONSE TO COMMENTS
Agency name requested public comment from [date], through [date]. [Alt 1]: [Agency name] received no comments in response to the Notice of Public Comment Period for Interim Rule. [Alt 2]: [Agency name] received comments from the following parties by the comment period deadline:[summarizes the comments and response to comments]

INTERIM RULE

SECTION 1. [rule text] [The body of the rule is copied from the Word document emailed by publisher to agency contact, with possible changes to be adopted by the agency.]

[Interim rules may have many SECTIONS. Repealed IAC citations are listed in the second to last SECTION. The last SECTION must have a statement containing the expiration date or the publisher will confirm a date that is 425 days from filing with the agency.]

[Text added by publisher to end of document]
LSA Document #XX-XXX
Notice of Public Comment Period for Interim Rule: [DIN]
Approved by Governor: [date]
Filed with Publisher: [date]
Documents Incorporated by Reference: [references received by publisher]
READOPTION

(a) If the agency intends to readopt a rule under IC 4-22-2.6, the agency shall, not later than January 1 of the fourth year after the year in which the rule takes effect, provide an initial notice of the intended readoption and submit the following information in an email to register@iga.in.gov:
   (1) A general description of the subject matter of all rules proposed to be readopted.
   (2) A listing of rules that are proposed to be readopted, listed by their titles and subtitles only.

(b) The agency shall submit the Notice of Public Comment Period for Rule Readoption to the Publisher not later than the first regular business day in September of the year preceding the year in which the rule expires for publication. The agency shall submit the Notice of Public Comment Period for Rule Readoption as an email attachment to register@iga.in.gov.

(c) The Notice of Public Comment Period for Rule Readoption must including the following:
   (1) A general description of the subject matter of all rules proposed to be readopted.
   (2) A listing of rules that are proposed to be readopted, listed by their titles and subtitles only.
   (3) A written public comment period of thirty (30) days and Instructions on how to submit written comments to the agency.
   (4) A request for comments on whether specific rules should be reviewed through the regular rulemaking process under IC 4-22-2-23 through IC 4-22-2-36.
   (5) A summary of the agency's findings during the review of the rule to consider the continued need for the rule and whether the rule, if readopted, will meet the standards under IC 4-22-2.19.5 and (if applicable) the requirements for fees, fines, and civil penalties in IC 4-22-2-19.6.
   (6) Any other information required by the Publisher.

(d) Once the documents have been received and reviewed by the Publisher, an LSA document number and intended date of publication will be assigned by the Publisher upon processing the documents. The Publisher will send an email to the agency with an authorization to proceed.

(e) The agency shall prepare written response to comments received by the agency and may do the following:
   (1) Conduct one (1) or more additional public comment periods on one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption. If a person submits to the agency during the initial public comment period a written request stating a basis for considering a particular rule separately from other rules in the Notice of Public Comment Period for Rule Readoption, the agency may not readopt that rule. The agency may readopt that rule with or without changes only through a rulemaking action initiated under IC 4-22-2-23 through IC 4-22-2-36.
   (2) Readopt one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption without change.
   (3) Repeal one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption, if the need for the rule no longer exists.

(f) After the agency readsops or repeals one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption, the agency shall submit the following to the Publisher as an email attachment to register@iga.in.gov for filing:
   (1) The Final Rule with a statement listing the rules to be readopted or repealed, listed by their titles and subtitles only.
(2) A signature page that indicates that the agency has readopted or repealed one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption in conformity with all procedures required by law.

(3) A summary of the comments received by the agency during the public comment period and the agency's response to the comments.

NOTE: The Readopted Final Rule must be filed with the Publisher by December 2 of the fourth year in order to be effective by the succeeding January 1.

See Notice of Comment Period for Rule Readoption and Readopted Final Rule template on the following page
Legislative Notice for Rule Readoption
LSA Document #XX-XXX

DIGEST

Under IC 4-22-2.6-3, [agency name] notifies the Legislative Council of its intend to readopt rules in anticipation of the rules expiring January 1 [year].

STATUTORY AUTHORITY: IC x-x-x-x

SUBJECT MATTER: [General description of subject matter]

OVERVIEW
Rules to be readopted without changes are as follows:
[List cites to be readopted with cite heading]
XXX IAC X-X-X [Cite heading as it appears in Administrative Code]

Rules to be repealed are as follows:
[List cites to be repealed with cite heading]
XXX IAC X-X-X [Cite heading as it appears in Administrative Code]
[Enter "None" if no cities will be repealed in this document.]
Notice of Public Comment Period for Rule Readoption
LSA Document #XX-XXX

DIGEST

Readopts rules in anticipation of IC 4-22-2.6, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the fifth 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.

STATUTORY AUTHORITY: IC x-x-x-x

OVERVIEW
Rules to be readopted without changes are as follows:
[List cites to be readopted with cite heading]
XXX IAC X-X-X [Cite heading as it appears in Administrative Code]

Rules to be repealed are as follows:
[List cites to be repealed with cite heading]
XXX IAC X-X-X [Cite heading as it appears in Administrative Code]
[Enter "None" if no cities will be repealed in this document.]

SUMMARY OF FINDINGS UNDER IC 4-22-2.6-4
[Findings concerning the agency's determination]

REQUEST FOR PUBLIC COMMENTS
At this time, [agency name] 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 #XX-XXX [short title]
[Rule Writer]
[Agency Contact Address]
(2) By electronic mail to [rulewriter email].
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.

COMMENT PERIOD DEADLINE
All comments must be postmarked or time stamped not later than [publication date plus 30

Page 1 of 2
days].
Readopted Final Rule
LSA Document #XX-XXX

DIGEST

Readopts rules in anticipation of IC 4-22-2.6, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the fifth 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.

SUMMARY/RESPONSE TO COMMENTS
[Agency name] requested public comment from [date], through [date]. [Alt 1]: [Agency name] received no comments in response to the Notice of Public Comment Period for Rule Readoption. [Alt 2]: [Agency name] received comments from the following parties by the comment period deadline:[summarizes the comments and response to comments]

[Listing of all IAC citations within the document]
XXX IAC X-XX-X; XXX IAC X-X

SECTION 1. UNDER IC 4-22-2.6-6, THE FOLLOWING ARE READOPTED:
[List cites to be readopted with cite heading]
XXX IAC X-X-X [Cite heading as it appears in Administrative Code]

SECTION 2. UNDER IC 4-22-2.6-6, THE FOLLOWING ARE REPEALED:
[List cites to be repealed with cite heading]
XXX IAC X-X-X [Cite heading as it appears in Administrative Code]
[Enter "None" if no cities will be repealed in this document.]

[text added by publisher to end of document]
LSA Document #XX-XXX
Notice of Public Comment Period for Rule Readoption: [DIN]
Filed with Publisher: [date]
Notice of Comment Period for Potential Rulemaking
LSA Document #XX-XXX

[NOTE: If rulemaking is continued to the Notice of First Public Comment Period, the LSA number assigned to this document will be used for the Notice of First Public Comment Period.]

[agency name] requests comments for potential rulemaking.

[RULE TITLE]

PURPOSE OF NOTICE
The [agency name] is soliciting public comments on [amendments to/adding/repealing] rules at [IAC citation] concerning [brief description of topic]. [agency name] seeks comment on the affected citations listed and any other provisions of Title XXX that may be affected by this rulemaking.

CITATIONS AFFECTED: [list all IAC cites affected] XXX IAC X-X-X; XXX IAC X-X-X.

AUTHORITY: [list all authority] IC X-X-X-X; IC X-X-X-X.

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING
[Text should be clear, concise, and easy to interpret. A detailed statement of the issue to be addressed in the proposed rule, including the background and purpose, should be included in the text. Text should also include who will be affected by the rulemaking.]

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

For purposes of IC 4-22-2-28.1, the Small Business Ombudsman designated by IC 5-28-17-6 is:
Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@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.

REQUEST FOR PUBLIC COMMENTS
At this time, [Agency name] is soliciting public comments on the proposed rule.
Comments may be submitted in one of the following ways:
   (1) By mail or common carrier to the following address:
       LSA Document #XX-XXX [short title]
       [Rule Writer]
       [Agency Contact Address]
   (2) By electronic mail to [rulewriter email address].
       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.

COMMENT PERIOD DEADLINE
All comments must be postmarked or time stamped not later than [publication date plus 30
days].
The User’s Guide to the Indiana Register and Indiana Administrative Code is intended for use by users of the Indiana Register (IR) website and agency personnel involved in the rulemaking process in order to answer frequently asked questions about the IR website and to provide up-to-date explanations of the various procedures used in the rulemaking process. The User’s Guide is intended as a source of information only and will be updated periodically on an as-needed basis.
# TABLE OF CONTENTS

I. **INTRODUCTION**

II. **BRIEF HISTORY OF RULEMAKING IN INDIANA**

III. **USER’S GUIDE TO THE INDIANA ADMINISTRATIVE CODE**
   - General Information
   - Editorial Policy
   - Organizational Scheme
   - Annotations: Headings
   - Additional Section Annotations

IV. **DOCUMENT IDENTIFICATION NUMBER**
   - List of Letter-Designated Entities in a DIN
   - List of Document Type Suffixes in a DIN

V. **RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE**

VI. **ORGANIZATION OF SITE**
   - Order of Document Listings
   - Archives

VII. **RELATED DOCUMENTS LINK**

VIII. **JUDICIAL NOTICE AND CITATION FORM**
   - Affidavits or Certificates of Authenticity

IX. **POSTING SCHEDULE**
   - Publisher's Receipts for Filed Documents
   - Rule Activity Notices
   - Submitting Documents to the Register

X. **DOCUMENTS PUBLISHED IN THE INDIANA REGISTER**

XI. **OTHER CITES RELEVANT TO THE RULEMAKING PROCESS**

XII. **REGULATORY MORATORIUM PROCEDURES**
   - Regulatory Moratorium Background
   - Required Contents of Exception Request
   - OMB Review Process
   - Fiscal Impact Analysis Tips
   - Cost-Benefit Analysis Tips
   - Helpful Resources

XIII. **SMALL BUSINESS ECONOMIC IMPACT STATEMENT INFORMATION**

XIV. **ADMINISTRATIVE RULES DRAFTING MANUAL**
XV. **STEPS FOR ADOPTION OF ADMINISTRATIVE RULES**  
Other Procedures

XVI. Procedures for Submitting Documents for Publication  
Notices of Intent to Adopt a Rule  
Proposed Rules and Notices of Public Hearing  
Changes in Notices of Public Hearing  
Readoptions  
IC 13-14-9 Notices (Findings and Determinations)  
Notices of Recall and Notices of Withdrawal

XVII. **STATE AGENCIES**  
Alphabetical Listing of State Agencies  
Listing of State Agencies by Title Number

XVIII. **DOCUMENT FORMATS**  
Downloading the IAC in Microsoft Word Format  
Hyperlinks

XIX. **SEARCHING THE INDIANA REGISTER WEBSITE**  
Search Methods  
Advanced Search Page  
Search Terms for Each Type of Document

XX. **INTERNATIONAL STANDARD SERIAL NUMBER**

XXI. **INDEX**

XXII. **REFERENCES**  
EXECUTIVE ORDER NO. 2-89  
Financial Management Circular 5.1  
Financial Management Circular 5.2  
Attorney General Review of Administrative Rules Memorandum  
Sample Signature Pages for Documents Filed with the Publisher

APPENDIX A. **INDEX FOR THE ADMINISTRATIVE RULES DRAFTING MANUAL**

APPENDIX B. **ATTORNEY GENERAL'S OPINIONS (LIST)**

APPENDIX C. **EXECUTIVE ORDERS AND PROCLAMATIONS (LIST)**

APPENDIX D. **ATTORNEY GENERAL'S RULE REVIEW CHECKLIST**

APPENDIX E. **LEGISLATIVE COUNCIL RESOLUTION 14-05**
INDIANA REGISTER AND INDIANA ADMINISTRATIVE CODE
LEGISLATIVE SERVICES AGENCY
INDIANA GOVERNMENT CENTER NORTH
100 NORTH SENATE AVENUE, ROOM N201
INDIANAPOLIS, INDIANA

MAILING ADDRESS:

LEGISLATIVE SERVICES AGENCY
INDIANA REGISTER AND ADMINISTRATIVE CODE DIVISION
200 WEST WASHINGTON STREET, SUITE 301
INDIANAPOLIS, IN 46204

INDIANA REGISTER AND ADMINISTRATIVE CODE DIVISION

Register Staff Contact Information

Heather Jarrett
(317) 232-9557
heather.jarrett@iga.in.gov

Staci Yockey
(317) 232-9564
staci.yockey@iga.in.gov
I. INTRODUCTION

The Legislative Services Agency is the official publisher of the Indiana Register and the Indiana Administrative Code under the direction of the Legislative Council. The Indiana Register and Indiana Administrative Code are exclusively published online. Each can be accessed through the Indiana General Assembly website or directly at iac.iga.in.gov/iac/. The website has links to the Administrative Drafting Manual and the latest version of the User's Guide.

The Administrative Drafting Manual is prepared by the Legislative Services Agency and approved by the Indiana Code Revision Commission. The Administrative Drafting Manual gives information on the proper style and format for rule writing for the Indiana Register and Indiana Administrative Code.

This User's Guide will give information on the different types of documents, rulemaking process, submission of documents for publication, and how to use the Indiana Register and Indiana Administrative Code website.
II. BRIEF HISTORY OF RULEMAKING IN INDIANA

Establishment of Uniform Rulemaking Procedures

Prior to 1943, uniform rulemaking procedures were nonexistent. Early statutes conferring rulemaking power on state agencies were occasionally designed to ensure public access to rules, but little else. The earliest of these statutes, the 1881 Health Board Act (Acts 1881, Chapter 19), merely required that rules be "promulgated". Other statutes, such as the law creating the Livestock Commission (Acts 1889, Chapter 212) and the Labor Commission (Acts 1897, Chapter 88), required availability for inspection and, with some exceptions, printing of rules. The most comprehensive of the early efforts applied to the Railroad Commission and its successor, the Public Service Commission. Acts 1905, Chapter 53, required the Railroad Commission to furnish each railway company with copies of rules twenty days before they were to take effect. Rights to notice, hearing, and public participation were added in 1913 (Acts 1913, Chapter 76) when the railroads and other utilities were brought under the control of the Public Service Commission. Rules promulgated in conformity with these statutes were to be admissible as evidence in Indiana courts. However, these statutes were not generally used as models for other rulemaking legislation.1

In this early period, Indiana courts were more concerned with the substance of rules than the procedures for their adoption. See, Fertich v. Michener (1887), 111 Ind. 472, 11 N.E. 605. Procedural matters concerning rulemaking and administrative adjudication were thought to be discretionary, depending upon the exigencies of the situation in which an administrative agency might find itself. It was thought that because the legislature could make rules without special public hearings beyond those constitutionally required for the conduct of legislative business, agencies could, too. See, Vandalia Railroad v. Public Service Commission of Indiana (1916), 242 U.S. 255, 61 L.Ed. 276. As late as 1938, the courts were still holding that administrative rulemaking was merely part of the administrative duties of an agency, and no additional procedural safeguards were necessary beyond those in the existing statutes. See, Financial Aid Corporation v. Wallace (1939), 216 Ind. 114, 23 N.E. 472. In 1943, the Indiana General Assembly took its first step toward establishing uniform rulemaking procedures. Acts 1943, Chapter 213 ("1943 Act") required that all rules adopted after November 3, 1943, be approved and filed prior to becoming effective. Rules were to be approved by the Attorney General and the Governor and filed with the Secretary of State and the Legislative Bureau. When promulgated in conformity with these statutes were to be admissible as evidence in Indiana courts. However, these statutes were not generally used as models for other rulemaking legislation.1

Soon after the passage of the 1943 Act, Governor Gates and Attorney General Emmert authorized a study commission within the Attorney General's office to examine the entire field of administrative law. Comprehensive revision was found impossible to implement before the 1945 session of the Indiana General Assembly, so the study commission concentrated on administrative rulemaking. Revision of the administrative adjudication process was left to the 1947 session.

In the 1945 session, the Indiana General Assembly enacted Acts 1945, Chapter 120 ("1945 Act"). The 1945 Act reenacted the 1943 Act's provisions concerning approval and filing and enacted additional uniform procedures similar to those in an early draft of the Model Administrative Procedures Act adopted by the National Commission on Uniform State Laws in 1946. Subsequently, the 1945 Act was codified as IC 4-22-2 and, with significant amendments and additions made in 1985, continues in force today.

The State's initial effort to publish an official codification of rules was authorized by the 1945 Act. The 1945 Act required the Secretary of State to compile, index, and publish all rules in effect on January 1, 1946. This initial code was to be supplemented each year by a cumulative pocket-part supplement.

The Secretary of State published Indiana's first official codification of rules on January 1, 1947, under the title Indiana Rules and Regulations. In each subsequent year through 1979, that office published a noncumulative supplement under the title Additions and Revisions to Rules and Regulations. Ordinarily, rules filed with the Secretary of State in a particular calendar year were published in the following year's supplement in an uncodified form. In a few cases, lengthy rules were not published at all. Except in 1947, rules were neither indexed nor codified. The Secretary of State published the last noncumulative supplement in 1979. This volume contained rules filed with that office from January 1, 1978, through May 15, 1978.

Between 1977 and 1981, the Indiana General Assembly enacted a series of amendments to IC 4-22-2 that established a new method of publication for state rules. Rules filed with the Secretary of State, proposed rules, emergency rules, and selected other documents, such as official opinions of the Attorney General and executive orders of the Governor, were to be published by the Legislative Council in the Indiana Register. In addition, the Legislative Council was to annually compile, computerize, index, and publish Indiana's rules in an edition of the Indiana Administrative Code or a cumulative supplement to the Indiana Administrative Code. The Legislative Council began publication of the Indiana Register on July 1, 1978, and continued to publish it on a monthly basis through the July 1, 2006, Indiana Register. The Indiana Register is now published on the Internet only and on a more frequent basis. The Legislative Council published the first Indiana Administrative Code in 1979 and supplemented it through 1983 with a...
The 1979 edition of the Indiana Administrative Code codified all agency rules in effect on December 31, 1978. With the assistance of the Code Revision Commission, chaired by Senator Leslie Duvall, the Legislative Council compared all rules filed with the Secretary of State after January 1, 1946, against the text of the 1947 Edition of Indiana Rules and Regulations to identify all rules in effect. These rules were arranged and numbered in code format and submitted to the agencies having jurisdiction over them for certification. Certified rules were then compiled in the 1979 Edition. IC 4-22-9-3(c) provides that rules "filed with the secretary of state before December 2, 1978, and not compiled in the 1979 edition of the Indiana Administrative Code are void".


The 2004 edition was the seventh recompilation of the Indiana Administrative Code and replaced the 2003 edition.

The 2005 edition, published in CD-ROM format, was the eighth recompilation of the Indiana Administrative Code and replaced the 2004 edition.

The 2006 edition, on the Indiana General Assembly's website, was the ninth recompilation of the Indiana Administrative Code and replaced the 2005 edition.

The 2007 edition, on the Indiana General Assembly's website, was the tenth recompilation of the Indiana Administrative Code and replaced the 2006 edition.

The 2008 edition, on the Indiana General Assembly's website, was the eleventh recompilation of the Indiana Administrative Code and replaced the 2007 edition.

The 2009 edition, on the Indiana General Assembly's website, was the twelfth recompilation of the Indiana Administrative Code and replaced the 2008 edition.

The 2010 edition, on the Indiana General Assembly's website, was the thirteenth recompilation of the Indiana Administrative Code and replaced the 2009 edition.


The 2012 edition, on the Indiana General Assembly's website, was the fifteenth recompilation of the Indiana Administrative Code, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2011, and replaced the 2011 edition.


The 2014 edition, on the Indiana General Assembly's website, was the seventeenth recompilation of the Indiana Administrative Code, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2013, and replaced the 2013 edition.


The 2016 edition, on the Indiana General Assembly's website, was the nineteenth recompilation of the Indiana Administrative Code, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2015, and replaced the 2015 edition.

The 2017 edition, on the Indiana General Assembly's website, was the twentieth recompilation of the Indiana Administrative Code, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2016, and replaced the 2016 edition.


The 2019 edition, on the Indiana General Assembly's website, was the twenty-second recompilation...

The 2020 edition, on the Indiana General Assembly's website, was the twenty-third recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2019, and replaced the 2019 edition.

The 2021 edition, on the Indiana General Assembly's website, was the twenty-third recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2020, and replaced the 2020 edition.

The 2022 edition, on the Indiana General Assembly's website, was the twenty-four recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2021, and replaced the 2021 edition.

Since the posting of the 2022 edition, the *Indiana Administrative Code* has been updated in the Latest Update edition on the Indiana General Assembly's website as Final Rules, Readopted Final Rules, code Emergency Rules, and Agency Corrections have become effective.

The *Indiana Administrative Code* is the only available publication containing all of Indiana's current rules. At various times, a private publisher, The Bobbs-Merrill Company, Inc., supplemented the Secretary of State's efforts with an unofficial compilation of rules. In 1941, Professor Frank E. Horack, Jr. of the Indiana University School of Law made an exhaustive search of state office files and collected the rules he found into a loose-leaf publication under the title *Indiana Administrative Code*. It was supplemented until 1947 and discontinued. In 1967, at the suggestion of the Secretary of State and with his cooperation, Bobbs-Merrill resumed publication of rules under the titles *Burns' Indiana Administrative Rules and Regulations, Annotated* and *Burns' Indiana Administrative Rules and Regulations, Code Edition*. This publication was discontinued in 1978.

1A detailed review of Indiana's experience with administrative rulemaking prior to 1962 is contained in an article published in the Indiana Law Review by P. Allan Dionisopoulos entitled "Procedural Safeguards in Administrative Rule Making in Indiana" (37 Ind. L.J. 423 (1962)). Professor Dionisopoulos's article was especially helpful in the preparation of this brief history of Indiana rulemaking.
III. USER'S GUIDE TO THE INDIANA ADMINISTRATIVE CODE

General Information

1. OFFICIAL PUBLICATION STATUS: The Indiana Administrative Code (IAC) is an official publication. IC 4-22-9-3(b) provides that publication in the IAC "shall be considered prima facie evidence that the rule was adopted in conformity with IC 4-22-2 and that the text published is the text adopted".

2. PUBLICATION ARRANGEMENTS: Arrangements for publication of the IAC were made by the Indiana Legislative Council under IC 4-22-8-11. In making its decisions, the council relied heavily on the recommendations of the Indiana Code Revision Commission, an advisory body. The IAC posted on the Indiana General Assembly's website includes the text of all unrepealed and unexpired permanent rules that have not been voided by legislative action. Beginning July 2006, the IAC has been updated weekly as Final Rules (FR), Readopted Final Rules (RF), code Emergency Rules (ER), and Agency Corrections (AC) have become effective.

2.5. NONCODE EMERGENCY RULES ARRANGEMENT: Starting in 2019, under the direction of the Indiana Code Revision Commission, a current list of noncode ERs can be found under the authorizing IAC title. The list for the authorizing IAC title is updated when an ER is posted on the Indiana General Assembly's website. The list includes a short digest that includes the effective date of the ER, an expiration date if applicable, and links to the text of the ER. Unless otherwise provided by the statute authorizing adoption of an ER, an ER adopted under IC 4-22-2-37.1 expires not later than ninety (90) days after the rule is accepted for filing with the Publisher. An ER adopted under IC 4-22-2-37.1 may be extended by adopting another rule under IC 4-22-2-37.1, but only for one (1) extension period. For a complete list of IAC titles that have ER making authority, see the Emergency Authority List posted on the Indiana General Assembly's website.

3. PUBLICATIONS REPLACED BY THE INDIANA ADMINISTRATIVE CODE POSTED ON THE INDIANA GENERAL ASSEMBLY’S WEBSITE: The 2022 edition of the IAC is obsolete. Unrepealed, unexpired, and unamended rule text appearing in the 2022 edition of the IAC has been republished in the Latest Update edition of the IAC posted on the Indiana General Assembly's website. To this body of text has been added the latest version of added or amended rule text as FRs, RFs, code ERs, and ACs have become effective. The 2022 edition of the IAC and all previous publications of the Indiana Register (IR) are now of historical interest only.

4. SUPPLEMENTATION: The IAC is updated by the IR.

Editorial Policy

1. OFFICIAL RULE TEXT: Rule text is published in the IAC as adopted, without any intentional deviations. Nonsubstantive style matters, such as the scheme of numbering and capitalization used in some provisions, have been changed to bring them into conformity with the style of the IAC. Other matters have been referred to the issuing agency for remedial action.

2. ANNOTATIONS: As an aid to the reader, the IAC contains a series of annotations that are not part of the official text of any adopted rule (see explanation of annotations on page 11). IC 4-22-9-4
provides that they "are not part of the official text of any rule, are not intended to affect the meaning, application, or construction of any rule, and may be altered at any time by the Publisher of the Indiana Register or Indiana Administrative Code".

3. UNPUBLISHED RULE TEXT: The IAC does not contain the text of noncode temporary rules. Neither does it contain material that is incorporated by reference into a permanent rule. Noncode rules are published only in the IR. The text of material incorporated by reference is not published in the IR. However, the IR contains a notation following the published version of each rule document, as applicable, indicating whether the full text of incorporated matter is available in the office of the secretary of state or, for documents filed after June 30, 2006, is available for inspection and copying in the office of the appropriate state agency.

4. NONCODE RULES: Noncode rules are not included in the IAC and are not considered part of the general and permanent rule text. If a rule document has general application, but is not permanent by statute, it is considered temporary and may be drafted as a noncode rule. Temporary, noncode rules generally include provisions that contain a specific termination date that is not more than five (5) years after the effective date, provide for transitional or implementary matters as an emergency provision to a permanent rule, or terminate by implication when their purpose is fulfilled or ceases to exist. Noncode rules are published only in the IR.

5. DELETION OF NONCURRENT RULE TEXT: After rule text is included in the IAC, it is retained until expressly repealed by the action of the issuing agency or voided by the Indiana General Assembly or until it expires under IC 4-22-2.6 or IC 13-14-9.5, which states that an administrative rule adopted under IC 4-22-2 or IC 13-14-9, respectively, expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. When rule text is amended, the later version replaces the text of the former version.

6. COPYRIGHT: The IR website contains certain materials that are copyrighted by Thomson West under United States law. The section headings and authority and affected lines may not be copied, reproduced, or reprinted without the permission of Thomson West, except as provided under U.S. Copyright law. To obtain permission to copy, reproduce, or reprint copyrighted material described above, contact Thomson West at 610 Opperman Drive, Eagan, Minnesota 55123. Beginning in 2002, with Volume 25 of the Indiana Register, the section headings and authority and affected lines for new and amended sections are prepared by the state agencies and reviewed by the Publisher and are not subject to a copyright by Thomson West.

Organizational Scheme

1. ARRANGEMENT: The IAC contains over one hundred fifty (150) groupings of rules called "titles". Each title contains the rules of one (1) agency. For the purpose of making rules, an "agency" is a governmental body that is given separate authority to issue rules, even if the body is administratively organized as part of another body. Titles are organized into successively smaller units by subject matter. Rule text in a title is arranged into one (1) or more articles, rule text within each article is arranged into one (1) or more rules, and rule text in each rule is arranged into one (1) or more sections. Regardless of when they are issued, related subject matters are grouped together.

2. CITATIONS: Citations to the IAC involve the use of a four-part number for each section. The four (4) parts (separated by dashes) designate (in order) the title, article, rule, and section in which the rule text is arranged.
3. DESIGNATIONS: The divisions within a section, usually referred to as "designations", are not part of an IAC citation. The drafting style developed by the Legislative Council allows paragraphs in a section to be grouped and designated as subsections. Phrases within a paragraph are vertically listed and designated into successively subordinate units called subdivisions, clauses, items, and subitems. A series of tables, pieces of artwork, exhibits, footnotes, equations, or formulas within a paragraph are consecutively designated as a separate series in each section. However, particularly in text issued on or before December 1, 1978, the publishing deadline for the 1979 edition, other designation schemes may be used within a section.

4. ASSIGNMENT OF CITATIONS AND DESIGNATIONS: Initially, the agency issuing a rule assigns its IAC citations and designations. Before it is published in the IR, the Publisher reviews the numbering scheme and reassigns IAC citation numbers and designations, as necessary, to bring the text into conformity with the style developed by the Legislative Council. Once assigned, an IAC citation number is permanently associated with the same subject matter. Designations, on the other hand, may change as needed to maintain consecutive series. All amendments to a section are assigned the same IAC citation. Provisions that supplement the subject of an article or rule are assigned to the same article or rule. When text expires, is voided, or is repealed from the IAC, its associated citation is retired. Except when rule text is saved and transferred by the Indiana General Assembly, rule text may be renumbered only by expressly repealing it by IAC citation and readopting it under a different IAC citation.

5. DECIMAL CITATIONS: When a citation is originally assigned to an added title, article, or rule, only whole numbers are used. As provisions are added to the title, article, or rule by subsequent action, decimal numbers are sometimes used to locate rule text near a previously added provision. For example, Article 9.5 will follow Article 9 and precede Article 10. As an aid to the user, the notation "(Reserved)" has been inserted wherever a whole number citation is unused in a series of whole numbers. However, the notation is not inserted for unused decimal citations.

6. RENUMBERING TRANSFERRED RULES: The rules of an agency are transferred and renumbered as the rules of a successor agency only if the Indiana General Assembly expressly saves and transfers the rules by statute. Rules shown as transferred before August 12, 1987, but not expressly saved and transferred by statute, have been reinserted under their original IAC citation numbers. Annotations have been inserted to document each renumbering action.

Annotations: Headings

1. TEXT HEADINGS: Prior to 2002, the rule text in each title, article, rule, and section was preceded by a heading prepared by Thomson West; beginning in 2002, with Volume 25 of the Indiana Register, the headings are prepared by the state agencies and reviewed by the Publisher. Each heading consists of a citation number component and a descriptive component. The citation number component reflects the IAC citation number assigned by the Publisher to the text. The descriptive component in a title heading is the official name of the agency assigned by statute. The descriptive component in each of the other headings contains a brief subject matter description of the text in the article, rule, or section, as applicable.

2. PROMULGATED HEADINGS: Some rule text, particularly rule text issued before publication of the 1979 edition, contains adopted section headings and subsection headings in addition to the headings added by Thomson West. Beginning January 1, 1983, the Publisher's policy has been to treat these headings as improperly formatted annotations and to eliminate all promulgated headings as text is
added or amended. Under the authority in IC 4-22-8-4, the Publisher may reformat, renumber, or revise rule text before it is published in final form in the IR.

3. HEADINGS FOR DELETED RULE TEXT: When rule text is deleted from the IAC the heading preceding the text is retained with a note explaining the deletion. The following table summarizes the most common heading notes appearing in the IAC:

<table>
<thead>
<tr>
<th>NOTE</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Abolished</td>
<td>The Indiana General Assembly has terminated all of the authority of an agency to act and has not saved and transferred the rules of the agency to another agency.</td>
</tr>
<tr>
<td>Expired</td>
<td>Under IC 4-22-2.6 or IC 13-14-9.5, the rule has expired.</td>
</tr>
<tr>
<td>Reinstated</td>
<td>The Indiana General Assembly has reinstated previously repealed rules of an agency.</td>
</tr>
<tr>
<td>Repealed</td>
<td>The agency has expressly repealed the provision by rule.</td>
</tr>
<tr>
<td>Statutory Authority Repealed</td>
<td>The Indiana General Assembly has repealed the authorizing statute.</td>
</tr>
<tr>
<td>Transferred</td>
<td>The Indiana General Assembly has transferred jurisdiction over part or all of the powers and duties of an agency to another agency and has saved the related rules of the prior agency and transferred them to the successor agency related to the subject.</td>
</tr>
<tr>
<td>Voided</td>
<td>The Indiana General Assembly has expressly voided part or all of the rules of an agency.</td>
</tr>
</tbody>
</table>

Additional Section Annotations

1. STANDARD SECTION ANNOTATIONS: Each section containing text is accompanied by a section heading, authority and affected lines, a section designation, and a history line.

2. AUTHORITY AND AFFECTED LINES: Related Indiana statutory laws are cross-referenced in authority and affected lines preceding rule text. Citations that delegate rulemaking authority to an agency are arranged in the authority line. Other provisions that are cited within the text of the section or are otherwise closely related to the subject matter of the section are arranged in the affected line.

3. CHANGES TO AUTHORITY AND AFFECTED LINES: When it is necessary to change an authority or affected line because of a recodification of an Indiana Code (IC) statute or a repeal of an IC cite, the Publisher will make the necessary changes when there is a clear disposition of the cite. When an authority or affected line cite is repealed in an IC recodification and there is no clear disposition of the cite, the agency may contact the Publisher with the replacement cites. The Publisher will then make the necessary changes. It is not necessary to amend an IAC section just to change the authority.
and affected lines, which are not official text and may be altered at any time by the Publisher. (IC 4-22-9-4)

Incorrect IC cites in the text of IAC sections may be corrected by an agency correction under IC 4-22-2-38(a)(2). NOTE: The Publisher routinely inserts editorial notes after incorrect cites but does not have the statutory authority to change them.

4. HISTORY LINES: The history line includes the name of the agency currently having jurisdiction to amend, repeal, or readopt the section, the citation number initially assigned to the section by the agency filing it with the Secretary of State before July 1, 2006, or, for documents filed after June 30, 2006, the Publisher, and filing and publication information for each action that either added, amended, or readopted text in the section. History line information is deleted from the IAC when a section is repealed or expires under IC 4-22-2.6 or IC 13-14-9.5. The following table explains the history line citations used to summarize a section's filing and publication history:

<table>
<thead>
<tr>
<th>EXAMPLE</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>filed Jan 15, 2000, 10:40 a.m.</td>
<td>Date and time a rule document was filed with the Secretary of State or, after June 30, 2006, the Publisher.</td>
</tr>
<tr>
<td>Rules and Regs. 1971, p. 95</td>
<td>Year of publication and page number on which an addition or amendment of the section was printed in the Secretary of State's publication <em>Indiana Rules and Regulations</em> (1947) or <em>Additions and Revisions to Rules and Regulations</em>. (Applies to rules issued before May 16, 1978.)</td>
</tr>
<tr>
<td>Unpublished</td>
<td>Indicates that an addition or amendment affecting a section was not published in <em>Indiana Rules and Regulations</em> (1947) or <em>Additions and Revisions to Rules and Regulations</em>. (Applies to rules issued before May 16, 1978.)</td>
</tr>
<tr>
<td>25 IR 1266</td>
<td>Volume and page number on which an addition, amendment, agency correction, or readoption of the section was printed in an issue of the <em>Indiana Register</em>. (Applies to rules issued after May 15, 1978, through rules published in the July 1, 2006, <em>Indiana Register</em>.)</td>
</tr>
<tr>
<td>Document Identification Number</td>
<td>See an explanation of the Document Identification Number (DIN) in Section IV of this guide.</td>
</tr>
<tr>
<td>eff Jul 1, 2003</td>
<td>Appears only if a delayed effective date provision was contained in a rule document that added or amended the section. Always follows the reference to the publication in which the affected rule text was published. Statutory effective dates are not referenced.</td>
</tr>
</tbody>
</table>
emergency rule Indicates that an addition or amendment affecting the section was issued under special rulemaking procedures that exempt it from part or all of the notice, public hearing, approval, or effective date provisions applying to most rules.

erata Indicates an Agency Correction was filed under IC 4-22-2-38 with the Secretary of State or, after June 30, 2006, the Publisher, or that a Publisher's Correction was published under IC 4-22-8-4.

readopted Indicates a readoption document was filed with the Secretary of State or, after June 30, 2006, the Publisher.

adopted Indicates an agency rulemaking not promulgated under IC 4-22-2.

4. PUBLISHER'S NOTES: Publisher's notes may be inserted to expand upon the information contained in an authority or affected line or history line. One (1) or more Publisher's notes may follow or be included in a history line. However, Publisher's notes never indicate whether a section is enforceable. Related statutory law and case law must be researched independently to ascertain the force and effect of a section.

5. BRACKETED INTERNAL REFERENCES AND OTHER BRACKETED NOTES: Bracketed internal references usually are inserted in rule text to translate or update obsolete and inaccurate internal references to Indiana statutes or rules. The Publisher routinely inserts bracketed internal references to indicate that the Publisher has renumbered a provision that is cross-referenced in a rule. The Publisher also routinely follows a reference to an Act of the Indiana General Assembly or to an IC citation that has been renumbered by the Indiana General Assembly with the appropriate current IC citation. The Publisher does not translate references to federal statutes, federal rules, or case decisions. Other bracketed notes may appear in the text. For example, if an obvious typographical, clerical, or spelling error appears in the adopted version of a rule, the error is retained in the text followed by the notation "[sic]".
IV. DOCUMENT IDENTIFICATION NUMBER

After July 1, 2006, each document that has been posted on the Indiana Register (IR) website has been assigned a unique document identification number (DIN). The Publisher creates a DIN by making consistent use of the following conventions:

This typical DIN describes a Final Rule that was posted on the IR website on December 23, 2015:

20151223-IR-410150039FRA

This Final Rule document would add a new rule that amends Title 410 of the Indiana Administrative Code (IAC) and was assigned LSA document #15-39, which is padded with extra zeros (150039) for the DIN to create a nine (9) digit number when combined with the title number (410150039). This means that this was the thirty-ninth document filed with the Publisher by a state agency in 2015.

Since this was the first document posted with respect to this document number on the specified date, the DIN ends with a wild card (A). (See explanation of DIN components in Part A.)

Each individual document that is posted on the IR website is internally paginated and stored in a PDF format. This permits citation to the DIN and any specific page within the document that is being referenced.

The Indiana supreme court is considering whether any changes are necessary with respect to the court’s rules for citing documents published in the IR under its new format.

Breakdown of Components in the Above Example:

- **2015**  Year of posting on the IR website
- **12**  Month of posting on the IR website
- **23**  Day of posting on the IR website
- **-IR-**  Indiana Register
- **410**  Entity identifier (IAC title number or a 3-letter designation)
- **150039**  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 Publisher for publishing throughout that calendar year.
- **FR**  Type of document (Final Rule in the above example)
- **A**  Wild card. Most DINs will end in the letter A.
List of Letter-Designated Entities in a DIN

Letters, instead of numbers, are assigned when an entity, without rulemaking authority under IC 4-22-2 or IC 13-14-9, publishes a document under IC 4-22-7-7. For entities, or divisions of entities, with rulemaking authority publishing a document under IC 4-22-7-7, the title number for that entity or umbrella entity will be used instead of letter characters. For instance, the Indiana Recount Commission is a division of the Secretary of State (Title 75 IAC), so the Publisher would assign 075 to the document for the Commission. The list that follows consists of entities that have published an Other Notice (ON) or Nonrule Policy Document (NR) in the IR since October 1999. Entities that have an umbrella entity with an IAC title number are not listed below.

GOV = Governor (Executive Orders and Proclamations)
LSA = Legislative Services Agency

List of Document Type Suffixes in a DIN

AC = Agency Correction
AF = Publisher's Receipt for Filed Document
AO = Attorney General's Opinions
AR = IC 4-22-2-19 and IC 4-22-2-25 Notices
AT = Request for Additional Time (Governor)
BF = IDEM Final Readoption
BN = IDEM Notice of Readoption
BP = IDEM Proposed Readoption
CH = Change in Notice of Public Hearing
DA = Disapproval by Attorney General
DG = Disapproval by Governor
EI = Economic Impact Statement
EO = Executive Orders
ER = Emergency Rule
FC = IDEM Continuation of First Notice
FD = IDEM Findings and Determinations
FI = IDEM Fiscal Impact Statement
FN = IDEM First Notice
FR = Final Rule
GP = Governor's Proclamations
NA = Notice of Rule Adoption
ND = Rule Activity Notice
NI = Notice of Intent to Adopt a Rule
NR = Nonrule Policy Document
OA = Objection to Errata (Attorney General)
OG = Objection to Errata (Governor)
ON = Other Notice
PC = Publisher's Correction
PH = Notice of Public Hearing
PR = Proposed Rule
RC = Notice of Recall
RF = Readopted Final Rule
RN = Notice of Intent to Readopt
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>RP</td>
<td>Readopt Proposed Rule</td>
</tr>
<tr>
<td>SC</td>
<td>IDEM Continuation of Second Notice</td>
</tr>
<tr>
<td>SN</td>
<td>IDEM Second Notice</td>
</tr>
<tr>
<td>WD</td>
<td>Notice of Withdrawal</td>
</tr>
</tbody>
</table>
V. RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The Indiana Register (IR) is an official publication of the state of Indiana. The full text of Proposed Rules, Final Rules, and other documents, such as Executive Orders and Attorney General’s Opinions, is published in the IR in the order in which the Publisher receives the documents.

The Indiana Administrative Code (IAC) is an official publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The IR acts as a source of information about the rules being proposed by state agencies and acts as an advance notice to the IAC. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the IR. Although a rule becomes effective without publication in the IR, an agency must file an adopted and approved rule with the Indiana Legislative Council. These rule are then published in the IR.
VI. ORGANIZATION OF SITE

The Indiana Administrative Code (IAC) main web page has a list of IAC titles in title number order. Clicking on a title number will open a page with links to the articles within that title. The IAC will be updated as Final Rules become effective and will be archived each calendar year.

The Indiana Register (IR) main web page has links chronologically ordered with the most recently posted at the top of the page. The links are grouped as subcollections as follows:

**DAILY COLLECTIONS:** Links for the current day and the previous six (6) days.

**WEEKLY COLLECTIONS:** Links for the current week and the previous three (3) weeks.

**MONTHLY COLLECTIONS:** Links for the current month and the previous eleven (11) months.

Each link has a counter indicating the number of documents in that subcollection. A zero (0) in the current day's counter indicates that no documents have been posted at the time of viewing. Clicking on one (1) of the chronological links will open a Contents page with links to the various types of documents posted on the IR website.

The first link, All Documents, opens a page with links to all the documents, regardless of document type, that were posted during that particular time period. The documents are ordered by IAC title number and by LSA document number within each individual IAC title.

Each document type link, below the All Documents link, has a counter indicating the number of documents that particular subcollection contains. The links are grouped as follows:

**ALL DOCUMENTS**
All documents posted during that time period in title number order.

**NOTICES:**
- Recalls
- Withdrawals
- Rule Adoptions (Family and Social Services)
- Notices of Public Hearing
- Changes in Notices of Public Hearing
- Notices of Intent to Adopt a Rule (and Readoptions)
- IC 4-22-2-19 and IC 4-22-2-25 Notices
- Indiana Department of Environmental Management Notices
  - First Notices and Continuations
  - Second Notices and Continuations
  - Findings and Determinations
  - Notices of Readoption
  - Fiscal Impact
- Other Notices

**RULES:**
- Proposed Rules (and Readoptions)
- Economic Impact Statements
- Final Rules (and Readoptions)
Emergency Rules
Errata
Publisher's Receipts for Filed Documents

GOVERNOR'S ACTIONS:
Executive Orders (and Proclamations)
Requests for Additional Time
Disapprovals and Objections

ATTORNEY GENERAL'S ACTIONS:
Opinions
Disapprovals and Objections

NONRULE POLICY DOCUMENTS

Order of Document Listings

Within each chronological listing is a list of document types. Within each document type, documents are listed by IAC title number, and the documents of a specific title are listed in chronological order of posting with the most recently posted documents appearing at the top of the list. When two (2) or more documents are posted by the same agency on the same day, the documents are listed in LSA document number order. When two (2) or more documents with the same LSA Document number are posted on the same day, such as is the case with Proposed Rules, Economic Impact Statements, and Notices of Public Hearing, the documents are listed alphabetically by the suffix appearing in the document identification number (See Section IV).

Archives

The IR is archived back to Volume 24, October 1, 2000, and will now be archived at the end of each calendar year.

The IAC is archived back to the 2003 edition and will now be archived at the end of each calendar year.
VII. RELATED DOCUMENTS LINK

On all lists of documents, each document has, in addition to links to an HTML formatted version and a PDF formatted version, a Related Documents link. Clicking this Related Documents link gathers and displays the entire family of documents, of whatever types, associated with that particular LSA document number. Only documents posted after July 1, 2006, will be gathered through the Related Documents link. Documents published in the Indiana Register (IR) before July 2, 2006, will not appear in this list.

The list of related documents generated will be in reverse chronological order with the most recently posted documents appearing at the top of the list. Within the same posting date, the documents are listed in alphabetical order by the document type suffix located in the document identification number (DIN).

Typing an LSA document number in the LSA Document # search box on the front page of the IR website will also generate a list of Related Documents.
VIII. JUDICIAL NOTICE AND CITATION FORM

(See also page 37 "Citations" of the Administrative Rules Drafting Manual.)

IC 4-22-9-3 provides for the judicial notice of rules published in the Indiana Register (IR) or the Indiana Administrative Code (IAC). Subject to any errata document that may affect a rule, the latest published version of a Final Rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by IAC citation in the following manner:
(1) Cite the entire current contents of Title 312, for example, as Title 312 of the Indiana Administrative Code.
(2) Cite the entire current contents of the third article in Title 312 as 312 IAC 3.
(3) Cite the entire current contents of the fourth rule in Article 3 as 312 IAC 3-4.
(4) Cite part or all of the current contents of the second section in Rule 4 as 312 IAC 3-4-2.

IC 4-22-9-6 provides that a citation in this form "shall be construed to include all amendments as of the date the reference is written, unless accompanied by a reference to a specific edition or supplement of the Indiana Administrative Code".

AFFIDAVITS OR CERTIFICATES OF AUTHENTICITY

Accompanying each archived edition of the IAC is a corresponding Affidavit of Authenticity (filed with the secretary of state under IC 4-22-8-8 (before its repeal)) or a Certificate of Authenticity certifying that the text is correct and complete. A Certificate of Authenticity is also posted for the Latest Update edition of the IAC.

At the bottom of each Affidavit or Certificate is a link to the previous edition's Affidavit or Certificate, as appropriate.
IX. POSTING SCHEDULE

Other than Publisher's Receipts for Filed Documents and Rule Activity Notices, documents are published on the Indiana Register (IR) website on Wednesdays at 3:00 p.m. If no documents have been submitted for publishing the only document that will be posted is a Rule Activity Notice.

Publisher's Receipts for Filed Documents

Publisher's Receipts for Filed Documents are posted within three (3) business days of the delivery of a Final Rule (FR) to the Publisher from the governor's office and are posted on an "as filed" basis daily at 5:00 p.m. (IC 4-22-2-39(c))

In addition, a Publisher's Receipt for Filed Document is posted when an Emergency Rule (ER), Agency Correction (AC), or Readopted Final Rule (RF) is filed with the Publisher.

NOTE: A user can find out if a FR has been filed with the Publisher by conducting a search with the LSA document number of the FR on the IR website. If the FR has been received by the Publisher, one (1) of the search results will be for a Publisher's Receipt (AF) document. The Publisher's Receipt will also appear on Related Documents lists.

Rule Activity Notices

Each day at 5:00 p.m., if no other document has been posted on the IR website that day, a Rule Activity Notice is generated and posted on the site in order to inform users that no documents have been or will be posted on that particular day.

Submitting Documents to the Register

Except for FRs, documents may be submitted for filing with the Publisher on any business day by email, or if preferred, documents may also be submitted in person between the hours of 8:30 a.m. and 4:00 p.m.

If documents are to be submitted in person, the Register staff should be contacted in advance to avoid scheduling conflicts.

For information regarding filing procedures for FRs, see Section XVII, Step 15.

The email address for all electronic submissions to the Indiana Register for publishing on the IR website is:

register@iga.in.gov
X. DOCUMENTS PUBLISHED IN THE INDIANA REGISTER

IC 4-22-2-19 AND IC 4-22-2-25 NOTICES CONCERNING DELAY IN RULEMAKING (60 DAY REQUIREMENT; ONE YEAR REQUIREMENT) (AR)

IC 4-22-2-19 (60 Day Requirement) (Example)
IC 4-22-2-25 (One Year Requirement) (Example)

IC 4-22-2-19 (60 Day Requirement) and IC 4-22-2-25 (One Year Requirement) require an agency to provide an electronic copy of the notice to the Publisher.

NOTICES OF PUBLIC HEARING (PH)

(With a justification of requirements and costs) (Example)
(With no requirements or costs) (Example)
(See also page 23 of the Administrative Rules Drafting Manual.)
IC 4-22-2-24

CHANGES IN NOTICES OF PUBLIC HEARING (CH) (Example)
(See also page 23 of the Administrative Rules Drafting Manual.)
IC 4-22-2-24

NOTE: The types of documents referenced above are posted as individual documents. Within each Proposed Rule (PR), there are links to the respective Economic Impact Statement and Notice of Public Hearing for that PR. Clicking on these links retrieves the list of Related Documents. If there have been any Changes in Notices of Public Hearing, they will appear on the list as well.

DISAPPROVALS BY THE ATTORNEY GENERAL (DA) (Example)
IC 4-22-2-32; IC 4-22-2-38; IC 4-22-7-7

DISAPPROVALS BY THE GOVERNOR (DG) (Example)
IC 4-22-2-34; IC 4-22-2-38

EXTENSION OF TIME REQUEST BY GOVERNOR (AT) (Example)
IC 4-22-2-34; IC 4-22-7-7

PUBLISHER'S RECEIPTS FOR FILED DOCUMENTS (AF) (Example)
IC 4-22-2-35; IC 4-22-2-37.1; IC 4-22-2-38

EMERGENCY RULES (ER) AND PROVISIONAL RULES (Example)
(See also page 15-16 and 26-28 of the Administrative Rules Drafting Manual.)
IC 4-22-2-37.1

Click HERE to view or print, or both, a list of agencies with emergency rulemaking authority.

AGENCY CORRECTIONS (ERRATA) (AC) (Example)
(See also page 24 of the Administrative Rules Drafting Manual.)
IC 4-22-2-38
NOTICES OF RECALL (RC)
(See also page 24 of the Administrative Rules Drafting Manual.)
IC 4-22-2-40

NOTICES OF WITHDRAWAL (WD)
(See also page 24 of the Administrative Rules Drafting Manual.)
IC 4-22-2-41

NOTICES OF INTENT TO READOPT A RULE (RN)
IC 4-22-2-23; IC 4-22-2.6

PROPOSED READoptions (RP)
IC 4-22-2.6

READOPTED FINAL RULES (RF)
(See also page 24-26 of the Administrative Rules Drafting Manual.)
IC 4-22-2.6

FINAL RULES (FR)
(See also page 23-24 of the Administrative Rules Drafting Manual.)
IC 4-22-2-35

EXECUTIVE ORDERS (EO)

PROCLAMATIONS (GP)
IC 1-1-3-2

ATTORNEY GENERAL'S OPINIONS (AO)

OTHER NOTICES (ON)

NONRULE POLICY DOCUMENTS (NR)
(See also page 28 of the Administrative Rules Drafting Manual.)
IC 4-22-7-7

NOTE: Nonrule Policy Documents (NR) are posted with the agency heading under which they are submitted, and the document identification number (DIN) will reflect that heading's entity identifier. For example, the DIN for an NR submitted under Indiana Department of Environmental Management will show 318 for the entity identifier, even if the subheading is "Office of Water Quality". Therefore, if the agency wants the DIN's entity identifier to be 327, the heading of the NR should read "Water Pollution Control Division".

PUBLISHER'S CORRECTIONS (PC)
(Generated by Publisher)
IC 4-22-8-4; IC 4-22-8-6

IDEM FIRST NOTICES (FN)
IC 13-14-9-3
IDEM CONTINUATIONS OF FIRST NOTICES (FC)  
IC 13-14-9-3  
(Example)

IDEM SECOND NOTICES (SN)  
IC 13-14-9-4  
(Example)

IDEM CONTINUATIONS OF SECOND NOTICES (SC)  
IC 13-14-9-4  
(Example)

IDEM FISCAL IMPACT STATEMENTS (FI)  
IC 13-14-9-4.2  
(Example)

IDEM FINDINGS AND DETERMINATIONS (FD)  
IC 13-14-9-7; IC 13-14-9-8  
(Example)

IDEM NOTICES OF READOPTION (BN)  
IC 13-14-9.5-4  
(Example)

IDEM FINAL READOPTIONS (BF)  
IC 13-14-9.5  
(Example)

RULE ACTIVITY NOTICES (ND)  
(Example)
XI. OTHER CITES RELEVANT TO THE RULEMAKING PROCESS

DELEGATION OF RULEMAKING ACTIONS
IC 4-22-2-15

PUBLIC ACCESS TO RULES AND PROPOSED RULES
IC 4-22-2-17

JOINT PROMULGATIONS
(See also page 26 of the Administrative Rules Drafting Manual.)
IC 4-22-2-18

ELECTRONIC SUBMISSIONS TO PUBLISHER AND FORMAT OF DOCUMENTS
IC 4-22-2-20

INCORPORATIONS BY REFERENCE
(See also page 62 of the Administrative Rules Drafting Manual.)
IC 4-22-2-21

ATTORNEY GENERAL AS LEGAL ADVISOR FOR AGENCIES
IC 4-22-2-22

AGENCY RULEMAKING DOCKET
IC 4-22-2-22.5

SOLICITATION OF COMMENTS
IC 4-22-2-23.1

PUBLIC HEARINGS
IC 4-22-2-26

CONSIDERATION OF COMMENTS RECEIVED AT PUBLIC HEARINGS
IC 4-22-2-27

REVIEW BY SMALL BUSINESS OMBUDSMAN
IC 4-22-2-28
ADOPTION OF RULES
IC 4-22-2-29

SUBMISSION OF RULES TO ATTORNEY GENERAL FOR APPROVAL
IC 4-22-2-31

REVIEW OF RULE BY ATTORNEY GENERAL; APPROVAL OR DISAPPROVAL
IC 4-22-2-32

SUBMISSION OF RULES TO GOVERNOR FOR APPROVAL
IC 4-22-2-33

APPROVAL OR DISAPPROVAL OF RULE BY GOVERNOR
IC 4-22-2-34

SUBMISSION OF RULE TO PUBLISHER FOR FILING
IC 4-22-2-35

EFFECTIVE DATE OF RULES
(See also page 34 of the Administrative Rules Drafting Manual.)
IC 4-22-2-36

EMERGENCY RULES; SUBMISSION TO PUBLISHER; ASSIGNMENT OF DOCUMENT CONTROL NUMBER; EFFECTIVE DATE; EXPIRATION; EXTENSION
IC 4-22-2-37.1

ACCEPTANCE OF RULE FOR FILING BY PUBLISHER
IC 4-22-2-39

PROMULGATION PERIOD
In order to be effective, the final version of an adopted rule must be approved by the attorney general and the governor within one (1) year after the date that the Notice of Intent to Adopt a Rule is published. The Final Rule must then be filed with the Publisher.
IC 4-22-2-25
EXPIRATION AND READ ADOPTION OF ADMINISTRATIVE RULES
IC 4-22-2.6

OFFICE OF MANAGEMENT AND BUDGET - REGULATORY MORATORIUM
Executive Order 13-03
Financial Management Circular 5.1

BUDGET APPROVAL
Executive Order 2-89
Financial Management Circular 5.2

RULEMAKINGS OUTSIDE OF IC 4-22-2
The Indiana Code (IC) provides that some agencies have the authority to adopt rules without going through the IC 4-22-2 rulemaking process. For example:

"IC 5-10.5-4-2 Powers
Sec. 2. (a) The board may do any of the following:
(1) Establish and amend rules and regulations:
(A) for the administration and regulation of the fund and the board's affairs; and
(B) to effectuate the powers and purposes of the board;
without adopting a rule under IC 4-22-2...".

These rulemakings are posted on the IR website only when the promulgating agency voluntarily submits a copy of the adopted rule to the Publisher.
XII. REGULATORY MORATORIUM PROCEDURES

Regulatory Moratorium Background

The regulatory moratorium was established by Executive Order 13-03, and took effect on January 14, 2013. The moratorium applies to all executive branch agencies, and prohibits an agency from beginning a rulemaking unless an exception applies. Financial Management Circular 5.1 (FMC 5.1) lists the exceptions to the moratorium, and the process for requesting authority to proceed with a rulemaking under one (1) of the exceptions. The Office of Management and Budget (OMB) determines whether an exception applies in consultation with the agency. Moratorium exception requests must be approved before beginning the formal rulemaking process. Requests for exemptions should be submitted to OMB via sbarules@sba.in.gov.

Helpful Resources

● OMB website:
  ○ https://www.in.gov/omb/rule-approval-process/
  ○ Financial Management Circular 5.1
  ○ Financial Management Circular 5.2
XIII. SMALL BUSINESS ECONOMIC IMPACT STATEMENT INFORMATION

Pursuant to IC 4-22-2.1-5, a small business Economic Impact Statement (EI) is necessary when a rule will impose costs or requirements on a small business. IC 5-28-2-6 defines "small business" as a business, with the majority of its employees in Indiana, that employed not more than one hundred fifty (150) employees on at least fifty percent (50%) of the working days of the business during the preceding calendar year. The small business EI requirement applies to all agencies, except the Indiana Department of Environmental Management and certain boards of the Department of Homeland Security. The agency must first determine whether the Proposed Rule (PR) will impose any cost or requirement on any small business, and if so, the agency must prepare a small business EI.

If a small business EI is not required, the agency should provide a statement to the Publisher that the rule does not impose any cost or requirement on any small business. It is helpful to include information explaining how the agency reached that conclusion in the statement. If there is any doubt about whether a cost or requirement would be imposed on a small business, the agency should prepare a small business EI.

The following five (5) items are required by IC 4-22-2.1-5(a) to be included in the small business EI:

1. An estimate of the number of small businesses, separated by industry sector, that will be subject to the PR.
2. An estimate of the average annual reporting, record keeping, and other administrative costs that small businesses will incur to comply with the PR.
3. An estimate of the total annual economic impact that compliance with the rule will have on all small businesses subject to the rule.
4. A statement justifying any cost or requirement that is imposed on a small business by the rule that is not expressly required by a statute or federal law. The statement must include a reference to any data, studies, or analyses the agency relied on in determining whether a cost or requirement will be imposed.
5. An analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the PR. The analysis must consider the following methods:
   A. The establishment of less stringent compliance or reporting requirements for small businesses.
   B. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
   C. The consolidation or simplification of compliance or reporting requirements for small businesses.
   D. The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.
   E. The exemption of small businesses from part or all of the requirements or costs imposed by the rule.

The small business EI must be published with the PR, and must be delivered with the PR to the small business ombudsman no later than the date of publication. At least seven (7) days before the public hearing, the small business ombudsman must review the PR and small business EI and submit written comments to the agency. The agency must make the comments from the small business ombudsman available on its website and for distribution at the public hearing. The agency must consider the comments from the small business ombudsman and respond in writing before adopting the rule. Note that IC 4-22-2.1-8 provides a cause of action to a small business that is adversely affected by a rule if the agency does not comply with the small business EI process.

A public hearing notice must include a statement that justifies any cost or requirement that is imposed on a regulated entity and is not expressly required by statute or federal law. IC 4-22-2-24(d). This statement is different than the small business EI because it addresses all regulated entities, not only small businesses.
The justification statement must include a reference to any data, studies, or analyses the agency relied on in determining whether an imposed cost or requirement is necessary.
XIV. ADMINISTRATIVE RULES DRAFTING MANUAL

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.
As added by P.L.31-1985, SEC.31.".

An agency shall submit a rule to the Publisher in the manner provided by IC 4-22-2-20:

"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.

A revised Administrative Rules Drafting Manual was approved by the Legislative Council on May 24, 2022, and is available at:

http://iac.iga.in.gov/iac/IACDrftMan.pdf
XV. STEPS FOR ADOPTION OF ADMINISTRATIVE RULES

These steps are intended as a general guideline only and should not be considered a definitive explanation of the rulemaking process. Consult IC 4-22 and statutes concerning rulemaking authority for a particular agency before beginning the rulemaking process, as the rulemaking process may vary between some agencies, for example Indiana Department of Environmental Management should reference IC 13-14-9. The attorney general is the legal advisor to all agencies in the drafting and preparation of rules. (IC 4-22-2-22)

The Legislative Services Agency (LSA) is the official publisher (Publisher) of the Indiana Register (IR) and Indiana Administrative Code (IAC). Documents should be submitted to the Publisher via email at register@iga.in.gov, in Word or WordPerfect format only, with exception of the Final Rule in Step 15.

Additional details and examples may be found in this guide and the Administrative Rules Drafting Manual.

SEE ALSO:

Executive Order #13-03:
Moratorium on Regulations

Attorney General Review of Administrative Rules:
Memorandum - Revised August 30, 2016

FMC 5.1:
OMB Review of Agency Rulemaking - January 1, 2022

FMC 5.2:
SBA Review of Agency Rulemaking - January 1, 2022

Executive Order #2-89

STEP 1: Submit documents for OMB approval under Executive Order #13-03.

Agency head shall submit a request in writing addressed to the Office of Management and Budget (OMB) via email, sent to sbarules@gov.in.gov which includes copies of the information required by Fiscal Management Circular 5.1 (FMC 5.1) prior to submitting a Notice of Intent to Adopt a Rule (NI) to the Publisher. See Financial Management Circular 5.1 (FMC 5.1) and Executive Order #13-03 for more details.

STEP 2: Start maintaining a rulemaking docket for each action.

Maintain an indexed rulemaking docket containing each pending rulemaking action on the agency's website. The rulemaking docket must be updated promptly and kept current throughout the rulemaking process. A copy of the rulemaking docket must be included as supporting documentation when submitting the Final Rule (FR) packet to the attorney general. See IC 4-22-2-22.5 for rulemaking docket requirements.

STEP 3: Submit Notice of Intent to Adopt a Rule to Publisher.

Submit the Notice of Intent to Adopt a Rule (NI), which must include the statutory authority for the rulemaking, an overview of the intent and scope of the rulemaking, the name, address, telephone number, and email address for the small business regulatory coordinator and small business ombudsman required under IC 4-22-2-28.1, electronically (Word or WordPerfect format) to the Publisher at register@iga.in.gov. The NI must be published at least twenty-eight (28) days before publication of the Proposed Rule (PR). The Publisher will assign the document an LSA document number upon receipt.

NOTE: For a rulemaking required by new legislation, the NI must be published not later than sixty (60) days after the effective date of the statute authorizing the rule. (IC 4-22-2-19; IC 4-22-2-23)
STEP 4: Submit NI to the Budget Agency.

When an agency submits its NI to the Publisher, the agency shall simultaneously provide the Budget Agency (sbarules@gov.in.gov) with a copy of the NI and additional required documents. See FMC 5.2 and Executive Order #2-89 for complete details of documents to submit to Budget Agency.

STEP 5: Obtain approval from the Budget Agency under Executive Order #2-89 before submission of the PR for publication. See Executive Order #2-89 and FMC 5.2 for more information.

STEP 6: Determine the estimated economic impact that compliance with the PR will have on all regulated entities.

If the estimated economic impact is more than five hundred thousand dollars ($500,000), electronically submit the PR, not later than fifty (50) days before the public hearing, with all supporting data or information, to the Budget Agency (sbarules@gov.in.gov) and to the Legislative Council (legislative.council@iga.in.gov). (IC 4-3-22-13; IC 4-22-2-28; IC 4-22-2.1-5)

NOTE: The agency shall deliver the Economic Impact Statement (EI) along with the proposed rule to small ombudsman not later than the date of publication. (IC 4-22-2.1-5(c))

STEP 7: Submit PR and EI to Publisher.

(1) Electronically submit the PR, with the corresponding small business EI (if applicable, see IC 4-22-2.1-5) in separate attachments, to the Publisher to obtain an intended date of publication. Submit each PR individually, and do not send the Notice of Public Hearing (PH) until an intended date of publication is received, so that statutory timelines may be met. The PR should substantively match the information submitted to the Budget Agency in the agency's request for an exception to the rules moratorium.

(2) Upon receipt of the PR, the Publisher will provide an intended date of publication to the agency to be referenced in setting a date for the public hearing.

NOTE: The agency must deliver an electronic copy of the EI or Fiscal Impact Statement (FI) with any supporting data, studies, or analyses to the Legislative Council as soon as practicable under IC 4-22-2-28.1.

STEP 8: After receiving intended date of publication, submit PH to the Publisher.

When the intended date of publication is received, electronically submit the PH to the Publisher based on this intended date of publication. The public hearing date must be at least twenty-one (21) days after the date of publication of the PR on the IR website and publication in the newspaper. Submit the PH, including all information required under IC 4-22-2-24(d), and one (1) electronic or paper copy of the matters incorporated by reference, as applicable, under IC 4-22-2-21 to the Publisher.

STEP 9: Receive Authorization to Proceed, then contract with Marion County newspaper to publish hearing notice.

(1) The Publisher will send an electronic Authorization to Proceed after receiving the PH.

(2) Upon receiving the Authorization to Proceed, contract with and publish a hearing notice in a Marion County newspaper. The public hearing must be at least twenty-one (21) days after the date of publication of the PR on the IR website and publication in the newspaper.

(3) Make at least one (1) copy of the PR, including the full text of any matters incorporated by reference, available for public inspection and copying. (IC 4-22-2-20; IC 4-22-2-21; IC 4-22-2-24; IC 4-22-2.1-5)

STEP 10: Make written comments from small business ombudsman available.

If applicable, IC 4-22-2.1-6 requires that the small business ombudsman submit written comments on the PR and the EI to the agency not later than seven (7) days before the date of the public hearing.
Upon receipt of the small business ombudsman's comments, the agency shall make the comments available:

1. for public inspection and copying at the offices of the agency under IC 5-14-3;
2. electronically through the electronic gateway administered under IC 4-13.1-2-2 by the office of technology; and
3. for distribution at the public hearing required by IC 4-22-2-26.

STEP 11: Determine whether the PR can be adopted and approved, or deemed approved, by the governor not later than one (1) year after publication of the NI. (IC 4-22-2-25)

If the PR cannot be adopted and approved, or deemed approved, by the governor within one (1) year after publication of the NI, before the 250th day after publication of the NI, send notification to the Publisher in accordance with IC 4-22-2-25.


STEP 13: Respond to small business ombudsman.

When applicable, under IC 4-22-2-28(b), an agency must respond in writing to the small business ombudsman's comments before finally adopting a rule under IC 4-22-2-29.

STEP 14: Adopt the rule, including any revisions under IC 4-22-2-27 through IC 4-22-2-29.

STEP 15: Submit Final Rule binder to attorney general's office for approval.

Prepare and submit the following in one (1) solid colored folder or binder to the attorney general for approval:

1. The FR on a CD-ROM clearly labeled with the agency name and LSA document number and placed in a 3 hole punched plastic sleeve with a signature page (see sample signature page), followed by a divider.
2. One (1) copy of clearly labeled supporting documentation, followed by a divider. Supporting documentation includes the following:
   A. Newspaper proof of publication (Publisher's affidavit).
   B. A transcript or summary of the public hearing.
   C. A copy of the Authorization to Proceed from the Publisher.
   D. Written comments received during the rulemaking process.
   E. Other miscellaneous matters made a part of the rule package, if applicable, including:
      i. a moratorium exception letter;
      ii. transmittal emails to Legislative Council;
      iii. a list of all text changes made after publication of the PR in the IR;
      iv. a list of all matters incorporated by reference that have been previously filed with the Publisher, including a citation to the document with which the matter was filed and indicating the date and time the matter was filed; and
      v. a copy of the rulemaking docket.
3. One (1) copy of any matters incorporated by reference, if applicable, including a brief description of the incorporated matters, followed by a divider.
4. Executive summary (required by governor but may be submitted at this time), followed by a divider.
5. OMB approval letter (see STEP 1).

The attorney general may request submission of additional documents. (IC 4-22-2-31; IC 4-22-2-33; IC 4-22-2-35) (See Attorney General Review of Administrative Rules)

STEP 16: Approval of Final Rule by governor.

Upon the attorney general's approval, the attorney general will forward the rule, as a courtesy, to the governor for approval. If after forty-five (45) days the attorney general has not approved or
disapproved the rule, the rule is deemed to be approved and may be submitted to the governor for approval. (IC 4-22-2-31; IC 4-22-2-32)

**STEP 17: Final Rule filed with Publisher.**
If the governor approves the rule, the governor, as a courtesy, will forward the rule to the Publisher. If after fifteen (15) days the governor has not approved or disapproved the rule, the governor may request an additional fifteen (15) days to approve or disapprove the rule. If the governor neither approves nor disapproves the rule, the rule is deemed approved and may be submitted to the Publisher. (IC 4-22-2-33; IC 4-22-2-34)

Upon acceptance for filing by the Publisher, a Publisher’s Receipt for Documents Filed will be posted on the IR website. This posting begins the thirty (30) day period until the rule becomes effective.

**NOTE:** The Publisher has up to three (3) days to accept a FR for filing under IC 4-22-2-39. See Review of the Administrative Rules Drafting Manual for additional information.

**STEP 18:** The Final Rule will be posted on the IR website before the rule becomes effective. The rule will also be updated in the IAC at this time. (IC 4-22-2-35; IC 4-22-2-39; IC 4-22-7-5)

**Other Procedures**

**Readoptions:**
(1) Generally, to readopt a rule, submit a Notice of Intent to Readopt (RN) via email to the Publisher. The RN contains information similar to that of NI, but pertaining to the rules being readopted. An example may be found in the Administrative Rules Drafting Manual. The agency must also conduct a review of the rule to consider whether any alternate methods would be less costly or intrusive and of the most recent economic impact statement. See IC 4-22-2.6 for further detail. The readoption process for IDEM is detailed in IC 13-14-9.5.

(2) After the RN has been posted, the agency must wait thirty (30) days for any written request to separate any portion of the document from the rulemaking, and should wait an extra five (5) days to allow for receipt of any letters postmarked within the thirty (30) period. If no requests are received, the Readopted Final Rule (RF) shall be submitted in Word or WordPerfect format to the Publisher along with the signature page, signed by the authorizing person. Submission of the Readopted Final Rule and a PDF copy of the signature page may be emailed the Publisher (See IC 4-22-2.6).

**NOTE:** The regulatory moratorium does not apply to readoptions.

**Emergency Rules:**
Emergency Rules (ER) do not follow the same approval process as other rules. The ER document must be submitted to the Publisher electronically (Word or WordPerfect format) along with a signed copy of a signature page (PDF format). The only signature needed for an ER is the authorizing person with a line for the filing date and time. (See IC 4-22-2-37.1).

**Notice of Recall:**
A recall is only necessary when the agency needs to make changes after the agency has adopted the rule. A recall “unadopts” a rule taking it back to where it was in the promulgation process immediately before adoption. After a recall, the rule may be readopted in an identical or revised form. Attorney General or Governor approval, if either has taken place, are voided by a recall, and
are required to be obtained after a readoption. To recall a rule document, an agency must email the LSA document number to the Publisher and request that the document be recalled. The Notice of Recall will then be generated by the Publisher. (See IC 4-22-2-40.) If the recalled rule is corrected and is adopted by the agency for a second time, a new LSA document number will not be required. The Final Rule binder may proceed to the attorney general's office for approval.

Notice of Withdrawal:
A withdrawal needs to be filed if a rule has been adopted however a major error has been made and the rulemaking process must be halted. To withdraw a rule document, an agency must email the LSA document number to the Publisher and request that the document be withdrawn. The Notice of Withdrawal will then be generated by the Publisher. This will stop the rulemaking process. If an agency decides to amend or add a rule after the withdraw had been published, the rulemaking process will need to to start over with all appropriate approvals and a new LSA document number. (See IC 4-22-2-41.)

Change of Public Hearing:
If a change of public hearing is needed, submit a Change in Notice of Public Hearing (CH) to the Publisher for publication. The new date, time, or location of the public hearing must be shown in boldface text. The Publisher will send a intended date of publication. Remember that the new hearing information must also be published in a newspaper of general circulation in Marion County. Both postings of the new public hearing information must be completed at least twenty-one (21) days before the public hearing is held.

Agency Correction:
To correct the text of the IAC, a FR, an ER, or a RF, the agency must submit an Agency Correction (AC) for filing to the Publisher. The AC must be submitted to the Publisher electronically (Word or WordPerfect format) along with a signed copy of a signature page (PDF format) and copy of any materials incorporated by reference. The only signature needed for an AC is the authorizing person with a line for the filing date and time. The AC will be effective 45 days after filing with the Publisher (See IC 4-22-2-38).
XVI. PROCEDURES FOR SUBMITTING DOCUMENTS FOR PUBLICATION IN THE INDIANA REGISTER

Notices of Intent to Adopt a Rule

A Notice of Intent to Adopt a Rule (NI) may be submitted to the Publisher electronically (in Word or WordPerfect) as an email attachment to register@iga.in.gov. An LSA document number will be assigned by the Publisher once the document is processed.

The NI must include the following:
(1) An overview of the intent and scope of the rulemaking.
(2) The statutory authority for the rulemaking.
(3) The:
   (A) name;
   (B) address;
   (C) telephone number; and
   (D) email address;
   of the agency's designated small business regulatory coordinator under IC 4-22-2-28.1.
(4) The:
   (A) name;
   (B) address;
   (C) telephone number; and
   (D) email address;
   of the small business ombudsman designated under IC 5-28-17-6.
(4) A statement of the resources available to regulated entities through the small business ombudsman designated under IC 5-28-17-6. (See IC 4-22-2-28.1(e).)

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

Typically, an NI will be posted Wednesday of the following week after receipt of the document. An agency must wait at least twenty-eight (28) days after the NI has been posted before submitting the Proposed Rule (PR) to the Publisher. NOTE: The agency must have received approval from the Budget Agency before submitting the PR for publication. (See Executive Order 2-89.)

Proposed Rules and Notices of Public Hearing

June 9, 2006, was the cut-off date for the July 1, 2006, Indiana Register (IR), which was the last monthly publication of the IR. Since July 1, 2006, rules have been posted on the IR website on Wednesdays at 3:00 p.m. The first weekly posting was on July 5, 2006. Therefore, it is imperative that PRs now be submitted for publication to the Publisher as follows:

(1) An agency may submit the PR with its corresponding Economic Impact Statement (EI) (IC 4-22-2.1-5) as a separate attachment (but not the Notice of Public Hearing (PH)) electronically to register@iga.in.gov. All PRs must be sent individually. The Publisher will not accept emails with multiple attachments, except for a PR with its corresponding EI. Two (2) or more PRs may not be sent as attachments to the same email. The LSA document number must be included either in the file name of the attachments or as part of the text of the documents themselves. NOTE: The prohibition of multiple email attachments applies only to PRs (and IC 13-14-9 Indiana Department of Environmental Management (IDEM) notices that are posted with PHs).

(2) Upon receipt of the PR and its corresponding EI, the Publisher will review the rule and reply with an intended date of publication (see next page for an example). This date will be a Wednesday and is contingent on the Publisher's receiving the PH information by the preceding Friday.

(3) When the agency receives, via email, the intended publication date, the agency may then schedule the public hearing based on this date. The public hearing must be at least twenty-one (21) days after the date of publication of the PR.
EXAMPLE OF AN INTENDED DATE OF PUBLICATION EMAIL:

The intended date of posting for LSA Document #XX-XX is [Wednesday posting date]. This date is contingent on our receiving your Notice of Public Hearing by [the Friday before the intended date].

If the Notice is not received by [the Friday before the intended date], a new intended date of posting will be sent to your agency.

(4) The agency must then send only the PH (not the PR or EI again) to register@iga.in.gov. The PH must include the date, time, location, justification of requirements or costs under IC 4-22-2-24(d)(3) (except for IDEM boards), reference to the subject matter, and a declaration that a copy of the PR and any data, studies, or analyses referenced in a justification of requirements or costs on regulated entities, if any, is on file and may be examined and copied in the office of the agency proposing the rule. As referenced in subdivision (1), PHs must be sent individually. The PH must reference the LSA document number, either as part of the file name or as part of the text document. NOTE: If the PH information is not received by the Friday before the following Wednesday’s postings, the PR will not be posted on the contingent intended publication date. In these cases, a new date will be sent to the agency, which must then schedule a public hearing and send the information to the Publisher within the time frame referenced in subdivision (2).

(5) Upon receipt of the PH, the Publisher will reply to the email with an Authorization to Proceed (see below for an example) with the public hearing. Upon receipt of the Authorization to Proceed, the agency may contract with a newspaper of general circulation in Marion County to publish the PH in the newspaper. In addition, the Authorization to Proceed must be included in the Final Rule (FR) packet that is submitted to the attorney general’s office for approval.

If you have any questions about the above procedure, contact register@iga.in.gov.

EXAMPLE OF AN AUTHORIZATION TO PROCEED:

AUTHORIZATION TO PROCEED

This document is the authorization to proceed as required under IC 4-22-2-24(g).

The intended date for publication of LSA Document #XX-XXX is [intended date]. Please include this authorization to proceed with the documents submitted to the Attorney General under IC 4-22-2-31.

Changes in Notices of Public Hearing

Because the procedure for submitting a Change in Notice of Public Hearing (CH) is different than submitting a PH, which, under IC 4-22-2-24, requires an Authorization to Proceed, a procedure has been implemented to ensure that the Publisher does not receive a CH with a date that does not allow enough time for the Publisher to process and post the document.

Therefore, when an agency wishes to post a CH, an agency must contact the Publisher at register@iga.in.gov to find out when a CH can be posted on the IR website.

Only the changed public hearing notice will be posted on the IR website. The new date, time, or location of the public hearing must be shown in boldface text.
Readoptions

[NOTE: See also IC 4-22-2.6 for readoptions imposing requirements or costs on small businesses.]

(1) An agency may submit a Notice of Intent to Readopt to the Indiana Register office electronically (in Word or WordPerfect format) as an email attachment to register@iga.in.gov. The majority of the document is standard language, and the agency shall add the appropriate information, such as citations, headings, names, etc. NOTE: The headings should match the level of the cite being readopted, i.e., all capital letters for articles, initial capital letters for rules, and the first word only capitalized for sections. (Example)

(2) The agency must also conduct a review of the rule to consider whether any alternate methods would be less costly or intrusive and of the most recent economic impact statement. See IC 4-22-2.6 for further detail. The readoption process for IDEM is detailed in IC 13-14-9.5.

(3) Once the Notice of Intent to Readopt has posted on the IR website (the agency contact person will receive a notification by email after the posting), the agency must wait thirty (30) days for requests to separate a portion of the document out (see IC 4-22-2.6) plus 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.

(4) If no requests are received, the agency may proceed with creating a Readopted Final Rule. Again, the document is predominantly standard language. (Example)

(5) The authorizing person for the agency shall sign a paper signature page, and the agency contact person shall email a PDF of the signature page, along with the Readopted Final Rule in Word format, to register@iga.in.gov. (NOTE: the Readopted Final Rule must be adopted by the individual or group of individuals with the statutory authority to adopt rules for the agency.) The Publisher will affix a time-stamped label to the signature page indicating that the document has been filed and then email a PDF of the signature page with the intended date of publication to the agency.

A Readopted Final Rule must be filed with the Publisher before December 2 in order to be effective by the succeeding January 1. (See IC 4-22-2.6 concerning the power of the Governor to postpone the expiration of an administrative rule.)
IDEM Comment Period Deadlines

When IDEM (IC 13-14) documents are submitted to the Publisher 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). When the IR staff reviews the document, the Publisher will determine when the document can be posted, calculate the comment period deadline, and send the date to the rulewriter for confirmation. The rulewriter must reply to the Publisher confirming the date. NOTE: This is a separate procedure from the intended date of publication involved in the PH procedure.

Notices of Recall and Notices of Withdrawal

When an agency finds it necessary to recall or withdraw an LSA document, the agency may send an email with the LSA document number and a request to recall or withdraw the document to the Publisher at register@iga.in.gov. It is not necessary for the agency to send an actual Notice of Recall or Notice of Withdrawal document since these notices are generated by the Publisher.

**NOTE TO AGENCIES - REGISTER SUBMISSIONS VIA EMAIL:**
All electronic submissions to the Indiana Register for publishing on the IR website should be sent to:

register@iga.in.gov

This is a shared mailbox that each Register staff member can access.
### XVII. STATE AGENCIES

Alphabetical Listing of State Agencies

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountancy, Indiana Board of</td>
<td>872</td>
</tr>
<tr>
<td>Accounts, State Board of</td>
<td>20</td>
</tr>
<tr>
<td>† Adjudant General</td>
<td>270</td>
</tr>
<tr>
<td>Administration, Indiana Department of</td>
<td>25</td>
</tr>
<tr>
<td>† Administrative Building Council of Indiana</td>
<td>660</td>
</tr>
<tr>
<td>Administrative Law Proceedings, Office of</td>
<td>41</td>
</tr>
<tr>
<td>† Aeronautics Commission of Indiana</td>
<td>110</td>
</tr>
<tr>
<td>Aging, Division of</td>
<td>455</td>
</tr>
<tr>
<td>† Aging and Community Services, Department on</td>
<td>450</td>
</tr>
<tr>
<td>† Agricultural Development Corporation, Indiana</td>
<td>770</td>
</tr>
<tr>
<td>† Agricultural Experiment Station</td>
<td>350</td>
</tr>
<tr>
<td>† Agriculture, Commissioner of</td>
<td>340</td>
</tr>
<tr>
<td>Agriculture, Indiana State Department of</td>
<td>375</td>
</tr>
<tr>
<td>† Air Pollution Control Board</td>
<td>325.1</td>
</tr>
<tr>
<td>Air Pollution Control Division</td>
<td>326</td>
</tr>
<tr>
<td>† Air Pollution Control Board of the State of Indiana</td>
<td>325</td>
</tr>
<tr>
<td>Alcohol and Tobacco Commission</td>
<td>905</td>
</tr>
<tr>
<td>† Amusement Device Safety Board, Regulated</td>
<td>685</td>
</tr>
<tr>
<td>Animal Health, Indiana State Board of</td>
<td>345</td>
</tr>
<tr>
<td>Architects and Landscape Architects, Board of Registration for</td>
<td>804</td>
</tr>
<tr>
<td>† Athletic Commission, State</td>
<td>808</td>
</tr>
<tr>
<td>Athletic Trainers Board, Indiana</td>
<td>898</td>
</tr>
<tr>
<td>Attorney General for the State, Office of</td>
<td>10</td>
</tr>
<tr>
<td>Auctioneer Commission, Indiana</td>
<td>812</td>
</tr>
<tr>
<td>† Barber Examiners, Board of</td>
<td>816</td>
</tr>
<tr>
<td>Behavioral Health and Human Services Licensing Board</td>
<td>839</td>
</tr>
<tr>
<td>† Boiler and Pressure Vessel Rules Board</td>
<td>680</td>
</tr>
<tr>
<td>† Budget Agency</td>
<td>85</td>
</tr>
<tr>
<td>Chemist of the State of Indiana, State</td>
<td>355</td>
</tr>
<tr>
<td>† Children's Health Insurance Program, Office of</td>
<td>407</td>
</tr>
<tr>
<td>Child Services, Department of</td>
<td>465</td>
</tr>
<tr>
<td>Chiropractic Examiners, Board of</td>
<td>846</td>
</tr>
<tr>
<td>Civil Rights Commission</td>
<td>910</td>
</tr>
<tr>
<td>† Clemency Commission, Indiana</td>
<td>230</td>
</tr>
<tr>
<td>Community and Rural Affairs, Office of</td>
<td>17</td>
</tr>
<tr>
<td>† Community Residential Facilities Council</td>
<td>431</td>
</tr>
<tr>
<td>Consumer Protection Division of the Office of the Attorney General</td>
<td>11</td>
</tr>
<tr>
<td>† Controlled Substances Advisory Committee</td>
<td>858</td>
</tr>
<tr>
<td>Coroners Training Board</td>
<td>207</td>
</tr>
<tr>
<td>Correction, Department of</td>
<td>210</td>
</tr>
<tr>
<td>Cosmetology and Barber Examiners, State Board of</td>
<td>820</td>
</tr>
<tr>
<td>Creamery Examining Board</td>
<td>365</td>
</tr>
<tr>
<td>Criminal Justice Institute, Indiana</td>
<td>205</td>
</tr>
<tr>
<td>† Deaf Board, Indiana School for the</td>
<td>514</td>
</tr>
<tr>
<td>Dentistry, State Board of</td>
<td>828</td>
</tr>
<tr>
<td>† Developmental Disabilities Residential Facilities Council</td>
<td>430</td>
</tr>
<tr>
<td>† Dietitians Certification Board, Indiana</td>
<td>830</td>
</tr>
<tr>
<td>Disability and Rehabilitative Services, Division of</td>
<td>460</td>
</tr>
<tr>
<td>Economic Development Corporation, Indiana</td>
<td>55</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4300</td>
</tr>
</tbody>
</table>
Education, Commission on General ............................................. 510
Education, Department of ......................................................... 512
Education, Indiana State Board of .............................................. 511
Education Employment Relations Board, Indiana ......................... 560
Education Savings Authority, Indiana ........................................... 540
Egg Board, State ........................................................................... 370
† Election Board, State .................................................................... 15
† Election Commission, Indiana ..................................................... 18
† Elevator Safety Board ................................................................... 670
Emergency Medical Services Commission, Indiana. ....................... 836
† Employees’ Appeals Commission, State ....................................... 33
† Employment and Training Services, Department of ....................... 645
Engineers, State Board of Registration for Professional .................. 864
† Enterprise Zone Board ................................................................. 58
Environmental Adjudication, Office of ........................................... 315
Environmental Health Specialists, Board of .................................. 896
Environmental Management, Department of ................................. 318
† Environmental Management Board, Indiana .................................. 320
Ethics Commission, State ............................................................... 40
Fair Commission, State .................................................................. 80
Family Resources, Division of ....................................................... 470
Family and Social Services, Office of the Secretary of .............. 405
Finance Authority, Indiana ............................................................. 135
Financial Institutions, Department of ........................................... 750
† Fire Marshal, State .......................................................... 650
Fire Prevention and Building Safety Commission ................................ 675
Firefighting Personnel Standards and Education, Board of ............... 655
† Forensic Sciences, Commission on ................................................ 415
Funeral and Cemetery Service, State Board of .............................. 832
Gaming Commission, Indiana ......................................................... 68
Geologists, Indiana Board of Licensure for Professional ................. 305
Grain Buyers and Warehouse Licensing Agency, Indiana ................ 824
Grain Indemnity Corporation, Indiana ............................................. 825
† Hazardous Waste Facility Site Approval Authority, Indiana ............ 323
Health, Indiana Department of ...................................................... 410
Health Facilities Council, Indiana ................................................... 412
Health Facility Administrators, Indiana State Board of .................. 840
† Higher Education of the State of Indiana, Commission for ............. 500
† Highways, Department of .............................................................. 120
Home Inspectors Licensing Board ................................................ 878
Homeland Security, Department of ............................................. 290
† Horse Racing Commission, Indiana ............................................... 70
Horse Racing Commission, Indiana ................................................ 71
Hospital Council ............................................................................. 414
Housing and Community Development Authority, Indiana ............. 930
† Human Service Programs, Interdepartmental Board for the Coordination of ......................................................... 490
† Industrial Board of Indiana .......................................................... 630
Inspector General, Office of the ..................................................... 42
Insurance, Department of ............................................................. 760
Labor, Department of ................................................................. 610
Law Enforcement Training Board .................................................. 250
Library and Historical Board, Indiana ............................................. 590
† Library Certification Board ............................................................ 595
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid Waste Management Division</td>
<td>329</td>
</tr>
<tr>
<td>Speech-Language Pathology and Audiology Board</td>
<td>880</td>
</tr>
<tr>
<td>† Standardbred Board of Regulations, Indiana</td>
<td>341</td>
</tr>
<tr>
<td>† Stream Pollution Control Board of the State of Indiana</td>
<td>330</td>
</tr>
<tr>
<td>† Student Assistance Commission, State</td>
<td>585</td>
</tr>
<tr>
<td>Tax Review, Indiana Board of</td>
<td>52</td>
</tr>
<tr>
<td>† Teacher Training and Licensing, Commission on</td>
<td>530</td>
</tr>
<tr>
<td>† Teachers’ Retirement Fund, Board of Trustees of the Indiana State</td>
<td>550</td>
</tr>
<tr>
<td>Technology, Office of</td>
<td>28</td>
</tr>
<tr>
<td>† Television and Radio Service Examiners, Board of</td>
<td>884</td>
</tr>
<tr>
<td>† Textbook Adoptions, Commission on</td>
<td>520</td>
</tr>
<tr>
<td>Toxicology, State Department of</td>
<td>260</td>
</tr>
<tr>
<td>† Traffic Safety, Office of</td>
<td>150</td>
</tr>
<tr>
<td>† Transportation, Department of</td>
<td>100</td>
</tr>
<tr>
<td>Transportation, Indiana Department of</td>
<td>105</td>
</tr>
<tr>
<td>Underground Storage Tank Financial Assurance Board</td>
<td>328</td>
</tr>
<tr>
<td>† Unemployment Insurance Board, Indiana</td>
<td>640</td>
</tr>
<tr>
<td>Utility Regulatory Commission, Indiana</td>
<td></td>
</tr>
<tr>
<td>† Vehicle Inspection, Department of</td>
<td>160</td>
</tr>
<tr>
<td>Veterans' Affairs Commission, Indiana</td>
<td>915</td>
</tr>
<tr>
<td>Veterans' Affairs, Indiana Department of</td>
<td>914</td>
</tr>
<tr>
<td>Veterinary Medical Examiners, Indiana Board of</td>
<td>888</td>
</tr>
<tr>
<td>Victim Services Division</td>
<td>203</td>
</tr>
<tr>
<td>† Violent Crime Compensation Division</td>
<td>480</td>
</tr>
<tr>
<td>† Vocational and Technical Education, Indiana Commission on</td>
<td>572</td>
</tr>
<tr>
<td>† Wage Adjustment Board</td>
<td>635</td>
</tr>
<tr>
<td>War Memorials Commission, Indiana</td>
<td>920</td>
</tr>
<tr>
<td>† Watch Repairing, Indiana State Board of Examiners in</td>
<td>892</td>
</tr>
<tr>
<td>Water Pollution Control Division</td>
<td>327</td>
</tr>
<tr>
<td>† Water Pollution Control Board</td>
<td>330.1</td>
</tr>
<tr>
<td>White River State Park Development Commission, Indiana</td>
<td>935</td>
</tr>
<tr>
<td>Worker's Compensation Board of Indiana</td>
<td>631</td>
</tr>
<tr>
<td>Workforce Development, Department of</td>
<td>646</td>
</tr>
</tbody>
</table>

† = Agency's rules are expired, repealed, transferred, or otherwise voided.

Listing of State Agencies by Title Number

GENERAL GOVERNMENT
10 Office of Attorney General for the State
11 Consumer Protection Division of the Office of the Attorney General
† 15 State Election Board
† 16 Office of the Lieutenant Governor
17 Office of Community and Rural Affairs
† 18 Indiana Election Commission
20 State Board of Accounts
25 Indiana Department of Administration
28 Office of Technology
† 30 State Personnel Board
31 State Personnel Department
† 33 State Employees' Appeals Commission
35 Board of Trustees of the Indiana Public Retirement System
40 State Ethics Commission
Office of Administrative Law Proceedings
Office of the Inspector General
Department of State Revenue
Department of Local Government Finance
Indiana Board of Tax Review
Indiana Economic Development Corporation
† Enterprise Zone Board
Oversight Committee on Public Records
Office of the Public Access Counselor
State Lottery Commission
Indiana Gaming Commission
† Indiana Horse Racing Commission
Indiana Horse Racing Commission
Secretary of State
State Fair Commission
† Budget Agency

TRANSPORTATION AND PUBLIC UTILITIES
† Department of Transportation
Indiana Department of Transportation
† Aeronautics Commission of Indiana
† Department of Highways
Ports of Indiana
Indiana Finance Authority
Bureau of Motor Vehicles
† Reciprocity Commission of Indiana
† Office of Traffic Safety
† Department of Vehicle Inspection
Indiana Utility Regulatory Commission

CORRECTIONS, POLICE, AND MILITARY
Sexual Assault Victim Advocate Standards and Certification Board
Victim Services Division
Indiana Criminal Justice Institute
Coroners Training Board
Department of Correction
Parole Board
† Indiana Clemency Commission
State Police Department
Law Enforcement Training Board
State Department of Toxicology
† Adjutant General
† Division of Preparedness and Training
Department of Homeland Security

NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE
Indiana Board of Licensure for Professional Geologists
Indiana Board of Registration for Soil Scientists
† Department of Natural Resources
† State Soil and Water Conservation Committee
Natural Resources Commission
Indiana State Museum and Historic Sites Corporation
Office of Environmental Adjudication
318 Department of Environmental Management
† 320 Indiana Environmental Management Board
† 320.1 Solid Waste Management Board
† 323 Indiana Hazardous Waste Facility Site Approval Authority
† 325 Air Pollution Control Board of the State of Indiana
† 325.1 Air Pollution Control Board
  326 Air Pollution Control Division
  327 Water Pollution Control Division
  328 Underground Storage Tank Financial Assurance Board
  329 Solid Waste Management Division
† 330 Stream Pollution Control Board of the State of Indiana
† 330.1 Water Pollution Control Board
† 340 Commissioner of Agriculture
† 341 Indiana Standardbred Board of Regulations
  345 Indiana State Board of Animal Health
† 350 Agricultural Experiment Station
  355 State Chemist of the State of Indiana
  357 Indiana Pesticide Review Board
  360 State Seed Commissioner
  365 Creamery Examining Board
  370 State Egg Board
  375 Indiana State Department of Agriculture

HUMAN SERVICES
  405 Office of the Secretary of Family and Social Services
† 407 Office of the Children's Health Insurance Program
  410 Indiana Department of Health
  412 Indiana Health Facilities Council
  414 Hospital Council
† 415 Commission on Forensic Sciences
† 430 Developmental Disabilities Residential Facilities Council
† 431 Community Residential Facilities Council
  440 Division of Mental Health and Addiction
† 450 Department on Aging and Community Services
  455 Division of Aging
  460 Division of Disability and Rehabilitative Services
  465 Department of Child Services
  470 Division of Family Resources
† 480 Violent Crime Compensation Division
† 490 Interdepartmental Board for the Coordination of Human Service Programs

EDUCATION AND LIBRARIES
† 500 Commission for Higher Education of the State of Indiana
† 510 Commission on General Education
  511 Indiana State Board of Education
  512 Department of Education
  513 Commission on Seclusion and Restraint in Schools
† 514 Indiana School for the Deaf Board
  515 Advisory Board of the Division of Professional Standards
† 520 Commission on Textbook Adoptions
† 530 Commission on Teacher Training and Licensing
  540 Indiana Education Savings Authority
† 550 Board of Trustees of the Indiana State Teachers' Retirement Fund
560 Indiana Education Employment Relations Board
† 570 Indiana Commission on Proprietary Education
† 572 Indiana Commission on Vocational and Technical Education
575 State School Bus Committee
† 580 Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
† 585 State Student Assistance Commission
590 Indiana Library and Historical Board
† 595 Library Certification Board

LABOR AND INDUSTRIAL SAFETY
610 Department of Labor
615 Board of Safety Review
620 Occupational Safety Standards Commission
† 630 Industrial Board of Indiana
631 Worker's Compensation Board of Indiana
† 635 Wage Adjustment Board
† 640 Indiana Unemployment Insurance Board
† 645 Department of Employment and Training Services
646 Department of Workforce Development
† 650 State Fire Marshal
655 Board of Firefighting Personnel Standards and Education
† 660 Administrative Building Council of Indiana
† 670 Elevator Safety Board
675 Fire Prevention and Building Safety Commission
† 680 Boiler and Pressure Vessel Rules Board
† 685 Regulated Amusement Device Safety Board

BUSINESS, FINANCE, AND INSURANCE
710 Securities Division
750 Department of Financial Institutions
760 Department of Insurance
762 Indiana Political Subdivision Risk Management Commission
† 770 Indiana Agricultural Development Corporation

OCCUPATIONS AND PROFESSIONS
804 Board of Registration for Architects and Landscape Architects
† 808 State Athletic Commission
810 Indiana Professional Licensing Agency
812 Indiana Auctioneer Commission
† 816 Board of Barber Examiners
820 State Board of Cosmetology and Barber Examiners
824 Indiana Grain Buyers and Warehouse Licensing Agency
825 Indiana Grain Indemnity Corporation
828 State Board of Dentistry
† 830 Indiana Dietitians Certification Board
832 State Board of Funeral and Cemetery Service
836 Indiana Emergency Medical Services Commission
839 Behavioral Health and Human Services Licensing Board
840 Indiana State Board of Health Facility Administrators
842 Indiana Board of Physical Therapy
844 Medical Licensing Board of Indiana
845 Board of Podiatric Medicine
846 Board of Chiropractic Examiners
<table>
<thead>
<tr>
<th>Code</th>
<th>Agency Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>847</td>
<td>State Board of Massage Therapy</td>
</tr>
<tr>
<td>848</td>
<td>Indiana State Board of Nursing</td>
</tr>
<tr>
<td>852</td>
<td>Indiana Optometry Board</td>
</tr>
<tr>
<td>856</td>
<td>Indiana Board of Pharmacy</td>
</tr>
<tr>
<td>† 857</td>
<td>Indiana Optometric Legend Drug Prescription Advisory Committee</td>
</tr>
<tr>
<td>† 858</td>
<td>Controlled Substances Advisory Committee</td>
</tr>
<tr>
<td>860</td>
<td>Indiana Plumbing Commission</td>
</tr>
<tr>
<td>862</td>
<td>Private Detectives Licensing Board</td>
</tr>
<tr>
<td>864</td>
<td>State Board of Registration for Professional Engineers</td>
</tr>
<tr>
<td>865</td>
<td>State Board of Registration for Professional Surveyors</td>
</tr>
<tr>
<td>868</td>
<td>State Psychology Board</td>
</tr>
<tr>
<td>872</td>
<td>Indiana Board of Accountancy</td>
</tr>
<tr>
<td>874</td>
<td>Private Investigator and Security Guard Licensing Board</td>
</tr>
<tr>
<td>876</td>
<td>Indiana Real Estate Commission</td>
</tr>
<tr>
<td>877</td>
<td>Real Estate Appraiser Licensure and Certification Board</td>
</tr>
<tr>
<td>878</td>
<td>Home Inspectors Licensing Board</td>
</tr>
<tr>
<td>879</td>
<td>Manufactured Home Installer Licensing Board</td>
</tr>
<tr>
<td>880</td>
<td>Speech-Language Pathology and Audiology Board</td>
</tr>
<tr>
<td>† 884</td>
<td>Board of Television and Radio Service Examiners</td>
</tr>
<tr>
<td>888</td>
<td>Indiana Board of Veterinary Medical Examiners</td>
</tr>
<tr>
<td>† 892</td>
<td>Indiana State Board of Examiners in Watch Repairing</td>
</tr>
<tr>
<td>896</td>
<td>Board of Environmental Health Specialists</td>
</tr>
<tr>
<td>898</td>
<td>Indiana Athletic Trainers Board</td>
</tr>
</tbody>
</table>

**MISCELLANEOUS**

<table>
<thead>
<tr>
<th>Code</th>
<th>Agency Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>905</td>
<td>Alcohol and Tobacco Commission</td>
</tr>
<tr>
<td>910</td>
<td>Civil Rights Commission</td>
</tr>
<tr>
<td>914</td>
<td>Indiana Department of Veterans' Affairs</td>
</tr>
<tr>
<td>915</td>
<td>Indiana Veterans' Affairs Commission</td>
</tr>
<tr>
<td>920</td>
<td>Indiana War Memorials Commission</td>
</tr>
<tr>
<td>925</td>
<td>Meridian Street Preservation Commission</td>
</tr>
<tr>
<td>930</td>
<td>Indiana Housing and Community Development Authority</td>
</tr>
<tr>
<td>935</td>
<td>Indiana White River State Park Development Commission</td>
</tr>
</tbody>
</table>

† = Agency's rules are expired, repealed, transferred, or otherwise voided.
XVIII. DOCUMENT FORMATS

Indiana Register (IR) documents have links to both a PDF version and an HTML version. The Latest Update edition of the Indiana Administrative Code (IAC) has links to a PDF version and a WordPerfect version. The PDF version of both the IR and the IAC has been designated the official version. For IR documents, the PDF document and its internal pagination should be used for citation purposes. For IAC sections, see Section VIII.

Downloading the IAC in Microsoft Word Format

Each article in the Latest Update edition of the IAC has links to the PDF version and the WordPerfect version of that article. Instructions on how to download an IAC article in Microsoft Word format are as follows:

1. Go to the Latest Update edition of the IAC at:
   
   \texttt{http://iac.iga.in.gov/iac/iac\_title}

   (NOTE: It might be helpful to print out these instructions before clicking the link above.)

2. Click on the IAC title link that contains the article. A list of articles in that title will appear on your screen.

3. Right click on the WordPerfect link to the article you wish to download.

4. Select "Save Target As".

5. A "Save As" dialog box will appear with the existing file name highlighted.

6. Navigate to the folder to which you wish to save the file.

7. Rename the file as you choose, adding \'.doc\' as the extension for the file name.

8. Click "Save" to download the file in whichever folder you have chosen.

9. If a "Download Complete" dialog box appears, click "Open". The saved article will open in Microsoft Word.

10. If a "Download Complete" dialog box does not appear, go to the folder in which the document was saved and open the document from that folder.

\textbf{Disclaimer:} The WordPerfect version of the IAC is not the official version, and older text, particularly equations, tables, artwork, and special characters, should be checked for accuracy against the PDF version of the IAC when converting from WordPerfect to Microsoft Word or other formats.

Hyperlinks

\textbf{CITATIONS IN THE TEXT OF INDIANA REGISTER DOCUMENTS:}

Indiana Code (IC) cites are hyperlinked in the text of IR documents. The hyperlink will direct a user to the text of the referenced IC cite on the General Assembly's website. \textbf{NOTE:} If an agency uses the section symbol, §, or spells out Indiana Code instead of using the abbreviation IC (without periods), the cite will not be hyperlinked.

IAC cites appearing in IR documents are hyperlinked to the IR website's Latest Update to the IAC. Document identification numbers (DINs) appearing in IR documents are hyperlinked. The hyperlink will direct a user to the text of the referenced IR document.

\textbf{NOTE:} Hyperlinks that are generated dynamically by external software, such as Adobe Acrobat and Adobe Reader, on the user's computer when documents are viewed, are not verified or maintained by the Publisher. Typically, these links are not underlined.
ADDITIONAL HYPERLINKS IN PROPOSED RULES:

When applicable, a link to the Economic Impact Statement for a Proposed Rule (PR) appears immediately following that rule's DIGEST.

A link to the Notice of Public Hearing for the PR appears at the end of each PR.
XIX. SEARCHING THE INDIANA REGISTER WEBSITE

Once a document has been posted on the Indiana Register (IR) website, it must be indexed by the General Assembly search engine before becoming searchable. Newly posted documents, therefore, will not appear in search results immediately after posting.

Search Methods

WILDCARD SEARCHES

Standard query parser supports single and multiple character wildcard searches within single terms. Wildcard characters can be applied to single terms, but not to search phrases.

Single character (matches a single character): Use ?
   The search string
   te?t would match test and text

Multiple characters (matches zero or more sequential characters): Use *
   The wildcard search:
   hand* would match hand, handling, handwritten ....

You can also use wildcard characters in the middle of a term. For example:
   te*t would match test, text, testament ...
   *est would match west, request, digest ....

SEARCHING WITH QUOTATION MARKS

Enclose phrases in quotation marks to find the entire phrase instead of the individual words in the phrase. For instance, "police officer" will find only the term "police officer". It will not find individual instances of "police" or "officer".

IR WEBSITE SEARCH AND RETRIEVAL BOXES

Along the left side of IR website pages is a group of search and retrieval boxes where one may search for specific terms in the Indiana Administrative Code (IAC) or the IR, retrieve documents by document identification number (DIN) or LSA document number, or retrieve IAC and Indiana Code (IC) cites.

(See the following page for an explanation of the search and retrieval boxes.)
Directs the user to the Law & Administrative Rules page of the General Assembly website.

Link to the Administrative Rules Drafting Manual.

Link to the Emergency Authority List.

The Current IR link directs the user to a listing of Register documents posted within the last twelve (12) months, organized chronologically. The Archive link directs the user to the Register archive page.

The Latest Update link directs the user to a list of titles in the Latest Update edition of the IAC. The Archive link directs the user to the IAC archives page.

Entering a term in the IR and IAC Search box generates a list of documents containing the term. The default search scope is all Registers and all editions of the IAC posted on the site. Checkmarking either the All Registers box or the Latest Update IAC box will limit the search to whichever box is checked. If the Search button is pressed without any information in the above boxes (or by clicking the Advanced Search link), the user will be directed to the Advanced Search page.

Entering (or pasting) a DIN into the Register DIN box retrieves the identified document. The Go button initiates the retrieval.

Entering an LSA document number in these boxes generates a list of documents associated with that LSA document number (Related Documents). This includes only those documents posted since July 2, 2006.

Entering an IAC title number and article number retrieves that IAC article. Entering an IAC title number retrieves a listing of article headings in that title.

Entering a complete Indiana Code citation retrieves the IC chapter. (Entering an IC title, article, and chapter also retrieves the chapter.) Entering an IC title and article retrieves a listing of chapters in that article. Entering an IC title retrieves a listing of articles in that title.
Advanced Search Page

In addition to the search and retrieval functions, on each IR website page is a group of search boxes that appears at the top of hit lists from searches or that is accessible by clicking the Advanced Search link in the IR and IAC Search box.

At the top of this Advanced Search page is the following brief explanation of the timetable and contents of the archives and method of using the search functions on the page:

<table>
<thead>
<tr>
<th>When are documents archived?</th>
<th>How far back does the archive go?</th>
<th>How do I search the archive?</th>
</tr>
</thead>
<tbody>
<tr>
<td>IR: Annually</td>
<td>IR: October 2000, Volume 24</td>
<td>(2) Checkmark the &quot;IR Volumes&quot;.</td>
</tr>
</tbody>
</table>

Next is a search box where a user can search for specific words or terms within the IR and the IAC. The default search for this search box is the Latest Update edition only of the IAC and all IR publications, both current and archived.

Search for [ ] [Search]

The next group of boxes enables a user to search within one (1) or any combination of current and archived IAC editions by placing a checkmark in the desired edition or editions.

The next group of boxes enables a user to search within one (1) or any combination of current and archived IR publications by placing a checkmark in the desired volume or volumes. The Current IR box enables the user to search within all IR documents posted in the current and previous eleven (11) calendar months. The Recent IR box narrows the search down to IR documents posted in the last eighty-four (84) calendar days.
The Advanced Search boxes allow a user to search within the documents associated with a specific LSA document number or by IAC title number in IR documents posted since July 2, 2006.

When using the Advanced Search boxes above, the following alerts appear with the list of hits to remind the user that they are searching only in documents posted since July 2, 2006. These alerts also appear if a user types in an incorrect IAC title number or LSA document number, or an IAC title number that has not appeared in the IR since July 2, 2006:

*Alert: Title option functions only for Register documents posted since July 2, 2006.*

*Alert: LSA Document Number option functions only for Register documents posted since July 2, 2006.*

If a user enters an incorrectly formatted LSA document number, the following alert appears:

*Alert: LSA Document Number option requires both a year and a document number. This option functions only for Register documents posted since July 2, 2006.*

At the bottom of the screen is information regarding the number of matches and the time required to complete the search.

---

**Search Terms for Each Type of Document**

If a user needs to find the total number of a specific type of document that has been published in a given year, they can use the Advanced Search option described in this section by typing the search term for the document type, with the term in quotations, deselecting the check box next to Latest Update and All Volumes, and then selecting the check box next to the year to be searched (e.g. Jan-Dec. 2015). While search terms must be written using quotation marks, they are not case-sensitive, with the exception being the word "NOT" that is used for terms where narrowing down the search is necessary. The following search terms may be used to conduct this type of search:

- Recall Notice
- "Notice of Recall"
- Withdrawal Notice
- "Notice of Withdrawal"
- Notice of Adoption
- "Notice of Rule Adoption"
- Public Hearing Notice
- "Notice of Public Hearing"
- Change of Hearing
- "Change in Notice of Public Hearing"
- Notice of Intent
- "Notice of Intent to Adopt a Rule"
- Notice of Intent to Readopt
- "Notice of Intent to Readopt"
- IC 4-22-2-19 Notices
- "60 Day Requirement"
- IC 4-22-2-25 Notices
- "One Year Requirement"
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Notice</td>
<td>&quot;First Notice of Comment Period LSA&quot; (Remove Notice of Readoption IC 13-14-9.5 (BN) from the document count)</td>
</tr>
<tr>
<td>Continuation of First Notice</td>
<td>&quot;Continuation of First Notice of Comment Period LSA&quot;</td>
</tr>
<tr>
<td>Second Notice</td>
<td>&quot;Second Notice of Comment Period LSA&quot; (This search total will include Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period)</td>
</tr>
<tr>
<td>Continuation of Second Notice</td>
<td>&quot;Continuation of Second Notice of Comment Period LSA&quot;</td>
</tr>
<tr>
<td>IDEM Findings</td>
<td>&quot;Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule LSA&quot;</td>
</tr>
<tr>
<td>IDEM Readopt Notice</td>
<td>&quot;Notice of Readoption IC 13-14-9.5&quot;</td>
</tr>
<tr>
<td>IDEM Proposed Readopt</td>
<td>(Has not been posted since 2006)</td>
</tr>
<tr>
<td>IDEM Final Readopt</td>
<td>&quot;IC 13-14-9.5 Notice of Final Readoption&quot;</td>
</tr>
<tr>
<td>IDEM Fiscal Impact</td>
<td>&quot;Fiscal Impact Statement LSA&quot; (Has not been posted separately since 2011. Usually included in First Notice of Comment Period)</td>
</tr>
<tr>
<td>Other Notice</td>
<td>(Can't be found with the Advanced Search option)</td>
</tr>
<tr>
<td>Proposed Rule</td>
<td>&quot;Proposed Rule LSA&quot;</td>
</tr>
<tr>
<td>Readopted Proposed Rule</td>
<td>&quot;Readopted Proposed Rule LSA&quot;</td>
</tr>
<tr>
<td>Economic Impact Statement</td>
<td>&quot;Economic Impact Statement&quot;</td>
</tr>
<tr>
<td>Readopted Final Rule</td>
<td>&quot;Readopted Final Rule LSA&quot;</td>
</tr>
<tr>
<td>Final Rule</td>
<td>&quot;Final Rule LSA&quot; NOT &quot;Readopted Final Rule&quot;</td>
</tr>
<tr>
<td>Emergency Rule</td>
<td>&quot;Emergency Rule LSA&quot; NOT &quot;Notice of Intent to Adopt an Emergency Rule&quot;</td>
</tr>
<tr>
<td>Agency Correction</td>
<td>&quot;Agency Correction&quot;</td>
</tr>
<tr>
<td>Publisher's Correction</td>
<td>&quot;Publisher's Correction&quot;</td>
</tr>
<tr>
<td>Executive Order</td>
<td>(See other archive method)</td>
</tr>
<tr>
<td>Governor's Proclamation</td>
<td>&quot;Proclamation to&quot;</td>
</tr>
<tr>
<td>Governor's Request for Additional Time</td>
<td>&quot;Extension of Time Request by Governor&quot;</td>
</tr>
<tr>
<td>Disapproval by Governor</td>
<td>&quot;Governor's Notice of Disapproval&quot;</td>
</tr>
<tr>
<td>Gov's Objection to Errata</td>
<td>(Has not been posted since 2006)</td>
</tr>
<tr>
<td>Disapproval by Attorney General</td>
<td>&quot;Attorney General's Notice of Disapproval&quot;</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Attorney General's Opinion</td>
<td>&quot;Official Opinion&quot;</td>
</tr>
<tr>
<td>Nonrule Policy Document</td>
<td>(Can't be found with the Advanced Search option)</td>
</tr>
<tr>
<td>Publisher's Receipts for Filed Documents</td>
<td>&quot;Publisher's Receipt&quot;</td>
</tr>
<tr>
<td>NDA</td>
<td>&quot;Rule Activity Notice&quot;</td>
</tr>
</tbody>
</table>
XXIII. INTERNATIONAL STANDARD SERIAL NUMBER

The International Standard Serial Number (ISSN) is a unique, internationally used identification number for serial publications. It is both a national (ANSI Z39.9) and an international (ISO 3297) standard. It can be thought of as the Social Security number of the serials world, distinguishing serials with the same or similar titles from each other and providing a numerical identifier which can be used to retrieve and match information about serials in databases of any size.

(From "ISSN is for Serials", Library of Congress, National Serials Data Program, September 2006)

The ISSN for the Indiana Register is ISSN 1934-7049.
### XXIV. INDEX

*NOTE: The list of subjects below includes hyperlinks to the subject matter in this guide.*

**A**
- Administrative Rules Drafting Manual
- Affected lines
- Affidavits of Authenticity
- Agency Corrections
  - Procedure for submitting
  - Signature page
- Agencies list
  - Alphabetical
  - By number
- All Documents link
- Annotations
  - Standard
- Archives
- Attorney General
  - Disapprovals
  - Opinions
  - List (Appendix B)
  - Review of administrative rules
- Authority lines
- Authorization to Proceed

**B**
- Bracketed notes
- Budget Agency approval
  - Executive Order No. 2-89
- Financial Management Circulars

**C**
- Certificates of Authenticity
- Changes in Notices of Public Hearing
- Chronological links
- Citations
- Code Revision Commission
- Comment period deadlines (IDEM Notices)
- Contact information (Register staff)
- Continuations of First Notices (IDEM)
- Continuations of Second Notices (IDEM)
- Copyright
- Counters (Register page)

**D**
- Decimal citations
- Designations

**DIN**
- Disapprovals
  - Attorney General
  - Governor
- Document identification number
- Document formats
- Document listings (order)
- Drafting Manual (Administrative Rules)

**E**
- Economic Impact Statements
- Email address for submissions
- Emergency Rules
  - Procedure for submitting
  - Signature page
- Entity identifier (in DIN)
- Errata
  - Agency Corrections
  - Publisher's Corrections
- Executive Orders
  - Executive Order No. 2-89 (Budget Agency approval)
  - List (Appendix C)

**F**
- Final Readoptions
  - IDEM
  - Procedure for submitting
  - Signature page
- Final Rules
  - Procedure for submitting
  - Signature page
- Findings and Determinations (IDEM)
- First Notices (IDEM)
  - Continuations
- Fiscal Impact Statements
  - Budget Agency approval
    - Executive Order No. 2-89
  - Economic Impact Statements (on Small Businesses)
- Financial Management Circulars
  - IDEM
- Formats of documents
P

Posting schedule
Proclamations
Promulgation period
Proposed Readoptions
IDEM
Proposed Rules
Procedure for submitting for publication
Publication arrangements
Public hearings
Changes in Notices of Public Hearing
Notices of Public Hearing
Procedure for submitting for publication
Publisher’s Corrections
Publisher’s notes
Publisher’s Receipts for Filed Documents
Example

R

Readoptions
Notices of Intent to Readopt a Rule
Notices of Readoptions (IDEM)
Procedure for submission for publication
Proposed Readoptions
IDEM
Final Readoptions
IDEM
Procedure for submitting
Recall Notices
Register
Archives
Register and Administrative Code Division
Address
Contact information
Staff
Register page (main)
All Documents link
Counters
Document listings (order)
Links
Related Documents link
Requests for Additional Time (Governor)
Reserved citations
Rule Activity Notices
Example
Rulemaking procedure
Rulemakings outside of IC 4-22-2

S

Schedule (posting)
Searching the IR Website
Advanced search page
Search boxes
Methods
Second Notices (IDEM)
Continuations
[sic]
Signature pages for documents
Agency Correction
Emergency Rule
Final Readoption
Final Rule
Small Business Economic Impact Statements
Small Business Ombudsman
State agencies lists
Alphabetical
By title number
Steps for Adoption of Administrative Rules
Submission of documents
Email address
Suffixes (in DIN)
Supporting documentation

T

Transferred rules

W

Withdrawal Notices
FOR: REQUIRING THAT STATE AGENCIES CALCULATE THE FISCAL IMPACT OF PROPOSED RULES AND SUBMIT SUCH RULES TO THE STATE BUDGET AGENCY FOR APPROVAL.

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, promulgation of rules is essential for the implementation of legislation and other mandates for agencies of State government; and

WHEREAS, the Governor of the State of Indiana is required by I.C. 4-22-2-34 to approve or disapprove rules implementing legislative and other mandates for agencies of State government; and

WHEREAS, rules promulgated can have substantial fiscal impact on the budget of the State; and

WHEREAS, the Indiana State Budget Agency is responsible for administering the budget of the State and is responsible for ensuring that the expenditures of the State do not exceed available resources;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of Indiana, IT IS HEREBY ORDERED:

Section 1. The Governor of the State of Indiana will not approve any rule pursuant to I.C. 4-22-2-34 unless the director of the Budget Agency either approves the proposed rule pursuant to Section 2 of this Executive Order or waives in writing the requirements set forth in Section 2 of this Executive Order.

Section 2. Prior to submission of any rule to the Revisor of Rules of the Code Revision Division of the Legislative Services Agency for publication in the Indiana Register, each State Agency (as defined in I.C. 4-22-3-3(a)) shall submit the proposed rule to the Indiana State Budget Agency, together with a written statement setting forth such State Agency's calculation of the estimated fiscal impact of such rule on State and local government in sufficient detail to permit the director of the Budget Agency to evaluate the accuracy of the calculation and the appropriateness of the methodology used in making such calculation. The director of the Budget Agency must approve such proposed rule prior to submission for publication under I.C. 4-22-2. If the Budget Agency does not approve the issuing agency's estimate of fiscal impact, the Budget Agency may either request a revised estimate from the issuing agency, or prepare its own estimate of the fiscal impact, or both. If such rule is amended or modified subsequent to Budget Agency approval pursuant to the preceding sentence or reapproval pursuant to this sentence, such amended or modified rule, together with a revised statement of its fiscal impact meeting the requirements of the first sentence of this Section 2 shall be resubmitted to the Budget Agency for approval.

Section 3. Any rule approved by the Governor in accordance with I.C. 4-22-2-34 shall be deemed to comply with the requirements of this Executive Order. The director of the Budget Agency may delegate his authority to approve or disapprove rules under this Executive Order.

Section 4. This Executive Order shall take effect January 18, 1989, and applies to any proposed rule which will appear in the March 1989 issue of the Indiana Register and all proposed rules thereafter.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 17th of January, 1989.

Evan Bayh, Governor of Indiana

SEAL
Joseph H. Hogsett, Secretary of State
Financial Management Circular 5.1

Office of Management and Budget Review of Agency Rulemaking – (FMC 5.1 – January 1, 2022)

Section 1 – Background: This Financial Management Circular (FMC) establishes the procedures the Office of Management and Budget (OMB) will use to implement IC 4-3-22-13, IC 4-22-2-28, and Executive Order 13-03, including the review of claimed exceptions to the Regulatory Moratorium and requirements to report on the proposed or pending use of rulemaking authority whose source is not within IC 4-22-2 or IC 13-14-9 (including emergency rulemaking authority).

IC 4-3-22-1 tasks OMB with, among other duties, the responsibility to "[a]scertain whether the burdens imposed by laws and rules are justified by their benefits using a rigorous cost benefit analysis." IC 4-3-22-13 and IC 4-22-2-28 require a cost-benefit analysis to be performed on each proposed rule and require OMB to provide an assessment of the impact on Indiana businesses of new rules to the Governor. "[W]herever possible, and without compromising the health and safety of Hoosiers, this review should result in the elimination or simplification of unnecessary or unduly burdensome rules and regulations so that private sector employment and new investment in Indiana increases and the quality of our Hoosier workforce improves." EO 13-03.

Section 2 – Procedure for Requesting OMB Approval: As established in Executive Order 13-03, the Regulatory Moratorium does not apply to:

a) Rules to fulfill an objective related to job creation and increasing investment in Indiana or to improve the quality of Indiana's workforce;

b) Rules that repeal existing rules or reduce their regulatory impact;

c) Rules that implement a federal mandate and no waiver is permitted;

d) Rules necessary to avoid a violation of a court order or federal law that would result in sanctions by a court or the federal government against the state for failure to conduct the rulemaking action;

e) Rules to address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within a state agency or wasteful or abusive activities perpetrated against a state agency;

f) Rules that reduce State spending; or

g) Rules whose predominate purpose and effect are to address matters of emergency or health or safety, including the promulgation of an emergency rule under IC 4-22-2-37.1.

To receive a determination whether an exception applies to a proposed rule, the agency head shall submit a request in writing addressed to OMB via e-mail, sent to , which includes copies of the information required by this FMC. The agency head shall submit this request before filing a notice of intent to adopt a rule under IC 4-22-2 or a notice under IC 13-14-9.

OMB will provide a copy of the agency's submission to the Governor's Office and State Budget Agency (SBA) and coordinate with those entities to expedite their review and approval of the proposed rulemaking.

Section 3 – Required Information: In order to facilitate OMB's review of proposed rules, the request shall include the following information:

a) Detailed summary of the proposed rule, including, but not limited to, the following:
   i) a history and background of the rule;
   ii) the reasons for the proposed rule;
   iii) the statutory authority for the proposed rule;
   iv) the statutory authority for the agency to promulgate the proposed rule;
   v) a description of the existing legal framework governing the subject matter of the proposed rule with reference to all applicable statutes, regulations, and other legal provisions; and
   vi) a description of any existing requirements regarding the subject matter of the proposed...
rule that are contained in agency policy, guidance, manual, contracts, or other sources outside of the legal provisions covered in subsection v above.

b) Identification of the exceptions that the agency believes permit the agency to promulgate the rule notwithstanding the Regulatory Moratorium and a detailed explanation of why each identified exception applies;

c) Fiscal Impact Analysis as described in FMC 5.2;

d) Cost-Benefit Analysis as described in FMC 5.2;

e) Copy of the proposed rule, if a draft is available;

f) A redline of the changes made by the proposed rule from existing regulations, or an alternative form of identifying changes approved in advance by OMB;

g) Any comments received from regulated entities or interested parties regarding the proposed rule if the agency received such comments;

h) Contact information (name, phone number, email address) for an agency staff member who can answer substantive questions about the proposed rule and the underlying policy area.

This information will better equip OMB to review proposed rules to determine their eligibility for an exception under the Regulatory Moratorium and enable OMB to provide guidance to agencies as they navigate the process. This information will also expedite OMB review of proposed rules following publication of the notice of intent to adopt a rule in the Indiana Register by enabling OMB to provide substantive commentary on the proposed rule early in the rule-making process.

Section 4 – Items Required to be Contained in Regulation: The Administrative Rules and Procedures Act (ARPA) governs agency rulemaking, Ind. Code Art. 4-22. ARPA applies "to the addition, amendment, or repeal of a rule in every rulemaking action." IC 4–22–2–13(a). ARPA defines a "rule" as:

the whole or any part of an agency statement of general applicability that:

1. has or is designed to have the effect of law; and
2. implements, interprets or prescribes:
   A. law or policy; or
   B. the organization, procedure, or practice requirements of an agency.

IC 4–22–2–3(b) (emphasis added). The procedural requirements of ARPA, however, do not apply to "[a] resolution or directive of any agency that relates solely to internal policy, internal agency organization, or internal procedure and does not have the effect of law." IC 4–22–2–13(c)(1) (emphasis added).

Case law has similarly defined an administrative rule as having the following four elements:

1. "an agency statement of general applicability to a class;"
2. that is "applied prospectively to the class;"
3. that is "applied as though it has the effect of law;" and
4. that "affect[s] the substantive rights of the class."


Thus, whether an agency requirement carries the "effect of law" is a key question in determining whether the requirement must be contained in regulation, and subject to the formal rulemaking process in ARPA, or may merely be contained in an internal policy or procedure and exempt from the formal rulemaking process. The Indiana Supreme Court has explained the "effect of law" standard as follows:

Weaving together this federal and state precedent, we observe a common thread— a rule carrying the effect of law primarily affects individual rights and obligations by setting binding standards of conduct for persons subject to its authority. This 'effect of law' concept manifests in everyday
situations where Hoosiers must conform their conduct to meet agency standards. To be sure, when an agency standard requires citizens to alter their behavior—i.e., when it regulates their conduct—it necessarily affects the citizens' rights or obligations because it compels them to do something they would not do otherwise or face legal consequences for noncompliance. And so that agency standard carries the effect of law. We therefore settle on the following summation of the phrase 'effect of law' for Indiana jurisprudence: An agency regulation carries the effect of law when it prescribes binding standards of conduct for persons subject to agency authority.


OMB can assist agencies with evaluating whether requirements carry the effect of law and must be contained in regulation or if they are internal procedures and may be contained in policy or other non-legal guidance.

**Section 5 – Authority for Rulemaking:** A key component of OMB's review of proposed rulemaking and cost-benefit analysis is the agency's authority for the proposed rulemaking. For example, costs in the proposed rule that are expressly required by the statute authorizing the agency to adopt the rule or any other state or federal law are excluded from the cost-benefit analysis because they are not actually imposed by the proposed regulation itself.

To assist OMB's review, the agency's discussion of the authority for the proposed rulemaking should identify which requirements in the proposed rule are:

a) Expressly required by state or federal law and the citation of the requirement;
b) Required by court order, consent decree, or in response to litigation and include the relevant court orders or agreement;
c) A mandatory topic of regulation under State or federal law and the citation of the requirement;
d) A permissible topic of regulation under State or federal law and the citation for the source of the authority;
e) Within the general rulemaking authority of the agency the citation for the source of the authority; or
f) Within an implied or other source of rulemaking authority and identify the source of the authority and explanation why it is applies to the rulemaking.

**Section 6 – OMB Review:** The OMB shall issue a determination in writing regarding the applicability of an exception. Under normal circumstances, OMB should respond to an agency with a determination or comments and questions regarding the proposed rulemaking within 45 days of submission.

If the OMB determines no exception applies to a proposed rule, the Regulatory Moratorium suspends any formal rulemaking activity with regard to the proposed rule. Under these circumstances, the agency must not file a notice of intent to adopt a rule (under IC 4-22-2) or a notice under IC 13-14-9 with regard to the proposed rule.

If the OMB determines an exception applies to a proposed rule, the agency may file a notice of intent to adopt a rule (under IC 4-22-2) or a notice under IC 13-14-9 with regard to a proposed rule. For a proposed rule that qualifies for an exception under the Regulatory Moratorium, all other applicable procedures under statute, Executive Order 2-89, and FMC 5.2 govern the promulgation of the proposed rule.

Zachary Q. Jackson, Director
State Budget Agency
Financial Management Circular 5.2

State Budget Agency Review of Agency Rulemaking (FMC 5.2 – January 1, 2022)

Section 1 – Applicability: This Circular applies to all rules and amendments or modifications to existing rules adopted by any state agency under Indiana Code § 4-22-2 et. seq. and § 13-14-9 et. seq.

Section 2 – Background: A sound regulatory analysis is designed to inform the agency conducting the rulemaking and the public of the effects of regulatory actions. In certain cases, the analyses required by this FMC will demonstrate that the proposed rules may not be necessary. In other situations, the analyses will validate that the rules are reasonable, necessary, and warranted.

IC 4-22-2-19.5 requires that, to the extent possible, rules shall minimize the expenses to regulated entities that are required to comply with the rule; persons who pay taxes or pay fees for government services affected by the rule; and consumers of products and services of regulated entities affected by the rule. IC 4-22-2-19.5 also requires that, in the adoption of a rule or amendment, an agency shall determine the least intrusive and most efficient regulatory choice for the rule or amendment.

Section 3 – Budget Director Approval: Pursuant to Executive Order 2-89, prior to the adoption of a rule by a state agency, the proposed rule or an amendment or modification to an existing rule must be approved by the Director of the State Budget Agency (SBA). In order to receive Budget Director approval, the agency must submit to SBA the information required by this FMC.

Following review and analysis of the agency's proposed fiscal impact statement and cost-benefit analysis, the OMB may accept the analyses for purposes of IC 4-3-22-13 and IC 4-22-2-28, suggest revisions to the analyses, or reject the analyses.

If the agency amends or modifies the proposed rule subsequent to SBA approval and the fiscal impact is altered, pursuant to Executive Order 2-89, the agency must resubmit the proposed rule with the revised fiscal impact statement to the Budget Director through the agency's SBA budget analyst. Reapproval is required before the agency may continue with the rulemaking process.

This Circular does not alter the deadlines established for submission of proposed rules (or amendments or modifications to existing rules) to the Legislative Services Agency, for public hearings, or for submission to the Indiana Attorney General, the Indiana Register, and the Governor. If an agency provides information to the Legislative Services Agency (LSA) or Indiana Economic Development Corporation (IEDC) concerning the fiscal impact of a proposed rule or an amendment or modification to an existing rule, the agency shall provide copies of such information to the SBA.

Section 4 – Fiscal Impact Analysis: Prior to SBA approval of a rule under Executive Order 2-89, the agency proposing the adoption of a new rule or the adoption of an amendment to an existing rule must complete and submit to SBA a fiscal impact analysis on state and local government. At a minimum, the fiscal impact analysis shall contain the following:

- a) A calculation of the estimated fiscal impact on state and local government;
- b) The anticipated effective date of the rule;
- c) Identification of any sources of revenue affected by the rule, the estimated increase or decrease in revenues or expenditures of state and local government that would result from the implementation of the rule, including the costs necessary to enforce the rule, and the related citation to the rule provision(s);
- d) Identification of any appropriation, distribution, or other expenditures of revenue affected by the rule and the related citations to the rule provision(s);
- e) Identification of the administrative impact to state and local governments, and the related citations to the rule provision(s);
f) A determination concerning the extent to which the proposed rule creates an unfunded mandate on a state agency or political subdivision; and

g) If the proposed rule is readopting an expiring rule, the agency shall also include the fiscal analysis relied upon at the time of its last adoption as well as a current review of the accuracy of that analysis.

Section 5 – Cost-Benefit Analysis: Prior to SBA approval of a rule under Executive Order 2-89, the agency proposing the adoption of a new rule or the adoption of an amendment to an existing rule must complete and submit to SBA a cost-benefit analysis of the proposed rule or amendment. All cost-benefit analyses will be reviewed by the agency’s SBA budget analyst and the Office of Management and Budget (OMB) pursuant to IC 4-3-22-13 and IC 4-22-2-28. This cost-benefit analysis shall replace and be used for all purposes under IC 4-22-2 in lieu of the fiscal analysis previously performed by LSA under IC 4-22-2. At a minimum, the cost-benefit analysis shall contain the following:

a) Statement of Need. The agency shall provide a statement explaining the need for the rule including:

i) An explanation as to whether the rule is intended 1) to address a federal or state statutory requirement; 2) to address an alleged market failure; and/or 3) to serve a public need, such as improving government processes or promoting public safety or health.

ii) An estimate of the number of individuals and businesses affected by the rule.

iii) An evaluation of the policy rationale or goal behind the proposed rule, including an analysis of the following:

1) An identification of the conduct and its frequency of occurrence that the rule is designed to change;

2) The harm resulting from the conduct that the rule is designed to change and the likelihood the conduct will continue to occur absent a rule change; and

3) Whether and how the agency has involved regulated entities in the development of the rule.

iv) A detailed description of the agency’s methodology used in making the above determinations.

b) Evaluation of Costs and Benefits. The agency shall provide a comprehensive enumeration of the costs and benefits of the rule, including tangible and intangible costs and benefits. If costs and benefits cannot be monetized or quantified, the agency should explain why and include a thorough description of the non-quantifiable costs and benefits as well as a determination whether such costs and benefits will be significant. The cost-benefit analysis should conclude with the agency's determination whether the benefits are likely to exceed the costs. In reaching that determination, the agency should include the following factors in its analysis, or an explanation of why each factor is not applicable:

i) An estimate of the primary and direct benefits of the rule, including the impact on consumer protection, worker safety, the environment, and business competitiveness;

ii) An estimate of the secondary or indirect benefits of the rule and an explanation of how the conduct regulated by the rule is linked to the primary and secondary benefits;

iii) An estimate of the compliance costs for regulated entities (including but not limited to individuals and businesses), including but not limited to the costs of fees, new equipment or supplies, increased labor and training, education, supervisory costs, and any other compliance cost imposed by the requirements of the rule;

iv) An estimate of the administrative expenses, including but not limited to any legal, consulting, reporting, accounting or other administrative expenses imposed by the requirements of the rule;

v) An estimate of any cost savings to regulated entities (including but not limited to individuals and businesses) as a result of the proposed rule, however, the agency shall note whether such savings are from a change in an existing requirement or the imposition of a new requirement; and
vi) Identification of any requirements expressly required by the statute authorizing the agency to adopt the rule or any other state or federal law, which are therefore excluded from the cost-benefit analysis discussed above.

To aid in identifying costs and benefits, the agency should consult economic theory, previous academic or internal agency research, scenarios developed while defining the statement of need and policy rationale for the proposed rule; collaborate with colleagues within and outside the agency and consult with the public and regulated entities; and provide sufficient justification for the agency’s methodology in making the above determinations.

c) **Examination of Alternatives.** The agency should include in its analysis an evaluation of alternatives to achieve the objectives of the proposed rule or amendment. The following list of additional alternatives shall also be considered for the rule including:

i) Alternatives defined by statute. Is the rule consistent with the specific statutory requirement and clearly within the agency’s statutory discretion?

ii) The feasibility of market-oriented approaches, including a determination whether the market could eventually remedy the alleged harm the rule is intended to regulate, rather than direct controls.

iii) Measures to improve the availability of information, as an alternative to regulation.

iv) If applicable, various enforcement methods, such as inspections, periodic reporting, and non-compliance penalties.

v) Performance standards rather than design standards. Performance standards express requirements in terms of desired outcomes. Design standards express requirements in terms of the specific means that must be satisfied without choice or discretion.

vi) Different requirements for different sized regulated entities. A variation of benefits and costs may exist depending on the mix of entities being regulated.

vii) Establish a baseline. It is often helpful to establish a baseline for the cost-benefit analysis as a source of comparison. Consider how the world would look without the proposed rule. Issues to consider when forming a baseline include evolution of the market, changes in external factors affecting expected costs and benefits, existing rules by the agency and other government entities, and the degree of compliance by regulated entities with other rules. Note that such an analysis cannot assume that the rule will be adopted.

viii) Different compliance dates. And,

ix) Redundancy. Per IC 4-22-2-19.5, consider whether the proposed rule duplicates standards already found in state or federal law.

d) A determination as to whether the proposed rule will have a total estimated impact greater than $500,000 on all regulated persons (IC 4-22-2-28). The agency shall describe here the data used and assumptions made in making that determination.

e) Independent verification or studies to support the policy rationale and types and quantifications of the costs and benefits.

f) The sources relied upon in determining and calculating the costs and benefits.

**Section 6 – Rule Submission Documents:** Prior to SBA approval of a rule under Executive Order 2-89, the agency proposing the adoption of a new rule or the adoption of an amendment to an existing rule must complete and submit to the Budget Agency:

a) **The Notice of Intent.** When the agency files its Notice of intent with LSA under IC 4-22-2-23 (or any notice under IC 13-14-9-3; IC 13-14-9-7; or IC 13-14-9-8, if applicable), the agency shall simultaneously provide SBA with a copy of the Notice;

b) **Small Business Economic Impact Statement** under IC 4-22-2.1; and
c) The proposed or draft rule.

Section 7 – Expedited Review: In addition to the documents listed above, the agency may also submit a request that SBA conduct an expedited review of the proposed rule. Such request may be granted under limited circumstances, including, but not limited to, adoptions or incorporation by reference of federal law, regulations or rules that are applicable to Indiana and contain no amendments that have a substantive effect on the scope or intended application of the federal law or rule; technical amendments with no substantive effect on an existing Indiana rule; or if the proposed rule has no fiscal impact to the state and local governments. The decision to expedite the review of a proposed rule shall be within the discretion of the SBA.

Zachary Q. Jackson, Director
State Budget Agency
The purpose of this document is to clarify what must be included when a Final Rule is submitted to the office of the attorney general for review.

IC 4-22-2-31 provides:
"After an agency has complied with section 29 of this chapter, or with IC 13-14-9-9(1) or IC 13-14-9-9(2), as applicable, the agency shall submit its rule to the attorney general for approval. The agency shall submit the following to the attorney general:
(1) The rule in the form required by section 20 of this chapter.
(2) The documents required by section 21 of this chapter.
(3) Written authorization to proceed issued by the publisher under section 24(g) of this chapter.
(4) Any other documents specified by the attorney general.
The attorney general may require the agency to submit any supporting documentation that the attorney general considers necessary for the attorney general's review under section 32 of this chapter. The agency may submit any additional supporting documentation the agency considers necessary."

Following adoption of the rule, the agency compiles the following materials into one (1) solid colored folder or binder for submission to the office of the attorney general:
(1) A rule signature page in the plastic sleeve containing the rule CD-ROM, signed by the appropriate authority, body, or both, along with the one (1) rule CD-ROM (with the rule in Word or WordPerfect format) contained in a 3-hole-punched plastic sleeve, followed by a divider.
(2) One (1) copy of all supporting documentation (see STEP 15 of Section XVIII.), followed by another divider.
(3) A copy of any materials incorporated by reference (electronic or hard copy).

Supporting documentation in the rule folder or binder should include the following:
(1) Printed from the Indiana Register (IR):
   (A) Notice of Intent (NI);
   (B) Proposed Rule (PR);
   (C) Economic Impact Statement (EI); and
   (D) Notice of Public Hearing (PH) (including any Changes in Notice of Public Hearing (CH)).
(2) Authorization to Proceed from the IR.
(3) Publisher's affidavit and a copy of the public hearing notice published in the Indianapolis Star (and any other newspapers as applicable).
(4) State Budget Agency approval letter.
(5) If the rule imposes costs or requirements on small businesses (see IC 4-22-2.1-4; IC 4-22-2.1-6; IC 4-22-2-28), the following:
   (A) Cover letter or other documentation showing that the EI was submitted to the small business ombudsman.
   (B) Comments from the small business ombudsman (comments must also be available on the agency's website and at the public hearing).
   (C) Printout of the web page with the small business ombudsman comments.
   (D) Agency response to the small business ombudsman's comments.
(6) If the rule will have a total estimated economic impact greater than five hundred thousand dollars ($500,000) on all regulated persons or entities in the first twelve (12) month period after the rule is fully implemented (See IC 4-22-2-28), the following:
   (A) Economic impact analysis submitted to the Office of Management and Budget (OMB).
(B) Fiscal Impact Statement prepared by OMB, or OMB statement that the agency analysis was adopted.

(C) If the rule will not have a five hundred thousand dollar ($500,000) impact, a statement to that effect should be included in the supporting documentation.

(7) Cover emails for any transmittal to the Legislative Council (See IC 4-22-2-28(h) and IC 4-22-2-28(i)).

(8) Public comments, including any written comments and a transcript or minutes of the public hearing. If no members of the public appeared at the public hearing, a statement of the hearing officer is sufficient.

(9) Agency response to public comments.

(10) If the FR is not identical to the PR, a description of all changes.

(11) Record of action by any board, commission, or other body that must adopt or approve the rule. The record should include minutes, transcripts, or a statement signed by the chair or other authorized representative.

(12) Printout of the most current version of the rulemaking docket (See IC 4-22-2-22.5)

(13) If the rule will not be signed by the governor within one (1) year of publication of the NI, a copy of the notice to the Publisher required under IC 4-22-2-25 that was filed before the 250th day following the publication of the NI.

(14) Any other notices or documents published in the IR.

Following approval of the office of the attorney general, the rule will be delivered as a courtesy to the agency to the governor's general counsel for final approval. From the governor's office, the rule will be delivered to the Publisher as a courtesy to the agency. Note that statute allows the Publisher up to three (3) days to review, accept, and officially file the rule. This may impact certain statutory deadlines for certain rules, and, if that is the case, the agency needs to ensure that deadlines are appropriately communicated to the Publisher.

Emergency Rules, Agency Corrections, and Final Readoptions do not go through the same approval process as normal rules. To the extent feasible, follow the same procedures used for FRs. Statute still requires these rules to be submitted electronically (Word or WordPerfect format) to the Publisher, and it makes the most sense for them to be delivered in a similar format as normal rules. For further reference, see IC 4-22-2-37.1, IC 4-22-2-38, and IC 4-22-2.6.

For additional detail of rulemaking requirements and procedures, refer to IC 4-22-2, IC 4-22-2.1, and this guide.
Signature Pages for Documents Filed with the Publisher:

SAMPLE (FOR USE WITH FINAL RULES):

Rule Signature Page

Rule #: LSA Document #xx-xxx(F)
Agency: XYZ Agency, Board, or Commission (Entity w/Rulemaking Authority, i.e. State Board of Cosmetology and Barber Examiners; Indiana Gaming Commission)
Subject: i.e. – Regulations re: Widget use in Indiana

ADOPTED:

By: ________________________________ Date: ____________

Jane Doe
Title or Position w/Agency, Board, and/or Commission
XYZ Agency

APPROVED AS TO FORM AND LEGALITY:

By: ________________________________ Date: ____________

Attorney General, State of Indiana

APPROVED:

By: ________________________________ Date: ____________

Governor, State of Indiana

ACCEPTED FOR FILING:

By: Indiana Register
Legislative Services Agency
SAMPLE (FOR USE WITH EMERGENCY RULES):

Rule Signature Page

Rule #: LSA Document #xx-xxx(E)
Agency: XYZ Agency, Board, or Commission (Entity w/Rulemaking Authority, i.e. State Board of Cosmetology and Barber Examiners; Indiana Gaming Commission)
Subject: i.e. – Emergency regulations re: Widget use in Indiana

ADOPTED:

By: ___________________________ Date: ____________
Jane Doe
Title or Position w/Agency, Board, and/or Commission
XYZ Agency

ACCEPTED FOR FILING:
By: Indiana Register
Legislative Services Agency
SAMPLE (FOR USE WITH FINAL READOPTIONS):

Rule Signature Page

Rule #: LSA Document #xx-xxx(F)
Agency: XYZ Agency, Board, or Commission (Entity w/Rulemaking Authority, i.e. State Board of Cosmetology and Barber Examiners; Indiana Gaming Commission)
Subject: Final Readoption

ADOPTED:

By: ___________________________ Date: __________
    Jane Doe
    Title or Position w/Agency, Board, and/or Commission
    XYZ Agency

ACCEPTED FOR FILING:

By: Indiana Register
    Legislative Services Agency
SAMPLE (FOR USE WITH AGENCY CORRECTIONS):

Signature Page

Rule #: LSA Document #xx-xxx(AC)
Agency: XYZ Agency, Board, or Commission (Entity w/Rulemaking Authority, i.e. State Board of Cosmetology and Barber Examiners; Indiana Gaming Commission)
Subject: Agency Correction

ADOPTED:

By: __________________________________ Date: ____________
    Jane Doe
    Title or Position w/Agency, Board, and/or Commission
    XYZ Agency

ACCEPTED FOR FILING:

By: Indiana Register
    Legislative Services Agency

NOTE: For Agency Corrections to the Indiana Administrative Code, the LSA document number will be assigned when the document is filed with the Publisher.
# APPENDIX A
## INDEX FOR THE ADMINISTRATIVE RULES DRAFTING MANUAL

*NOTE: This index was prepared for use with the Administrative Rules Drafting Manual at:*


<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 Day Requirement</td>
<td>28</td>
</tr>
<tr>
<td>One Year Requirement</td>
<td>28</td>
</tr>
<tr>
<td>Abbreviations</td>
<td>46</td>
</tr>
<tr>
<td>Acronyms</td>
<td>47</td>
</tr>
<tr>
<td>Affected Line</td>
<td>35</td>
</tr>
<tr>
<td>Agency Correction</td>
<td>24</td>
</tr>
<tr>
<td>Amending Effective Dates; Expiration Dates</td>
<td>16</td>
</tr>
<tr>
<td>Amendment Technique</td>
<td>14</td>
</tr>
<tr>
<td>And; Or</td>
<td>48</td>
</tr>
<tr>
<td>Apostrophes</td>
<td>48</td>
</tr>
<tr>
<td>Article</td>
<td>52, 62</td>
</tr>
<tr>
<td>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            &amp;n</td>
<td></td>
</tr>
<tr>
<td>Document Type</td>
<td>Pages</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Division of Sections</td>
<td>11</td>
</tr>
<tr>
<td>Document Types</td>
<td>15, 18-19, 23-24, 26, 28</td>
</tr>
<tr>
<td>60 Day Requirement</td>
<td>28</td>
</tr>
<tr>
<td>One Year Requirement</td>
<td>28</td>
</tr>
<tr>
<td>Agency Correction</td>
<td>24</td>
</tr>
<tr>
<td>Final Rule</td>
<td>18, 23</td>
</tr>
<tr>
<td>Interim Rules</td>
<td>15, 26</td>
</tr>
<tr>
<td>Notice of Public Comment Period</td>
<td>19</td>
</tr>
<tr>
<td>Notice of Public Hearing for a Public Comment Period</td>
<td>23</td>
</tr>
<tr>
<td>Notice of Recall</td>
<td>24</td>
</tr>
<tr>
<td>Notice of Withdrawal</td>
<td>24</td>
</tr>
<tr>
<td>Provisional Rules</td>
<td>15, 26</td>
</tr>
<tr>
<td>Publication of Other Documents</td>
<td>28</td>
</tr>
<tr>
<td>Readoptions</td>
<td>24</td>
</tr>
<tr>
<td>Drafting Manual for the Indiana General Assembly</td>
<td>9</td>
</tr>
<tr>
<td>Drafting Techniques</td>
<td>14</td>
</tr>
<tr>
<td>Effective Dates</td>
<td>16, 34, 40</td>
</tr>
<tr>
<td>Effective Dates Within Rule Text</td>
<td>40</td>
</tr>
<tr>
<td>Entire Term</td>
<td>40</td>
</tr>
<tr>
<td>Exceptions (Limitations; Exceptions; Conditions)</td>
<td>55</td>
</tr>
<tr>
<td>Expression of Numbers</td>
<td>41</td>
</tr>
<tr>
<td>Exceptions</td>
<td>41</td>
</tr>
<tr>
<td>Final Rule</td>
<td>18, 23</td>
</tr>
<tr>
<td>Forbidding</td>
<td>53</td>
</tr>
<tr>
<td>Fractions</td>
<td>42</td>
</tr>
<tr>
<td>Gender</td>
<td>55</td>
</tr>
<tr>
<td>Headings</td>
<td>52-53</td>
</tr>
<tr>
<td>Article Headings</td>
<td>52</td>
</tr>
<tr>
<td>Rule Headings</td>
<td>53</td>
</tr>
<tr>
<td>Section Headings</td>
<td>53</td>
</tr>
<tr>
<td>History Line</td>
<td>36</td>
</tr>
<tr>
<td>Hyphens</td>
<td>55</td>
</tr>
<tr>
<td>IAC Citation Scheme</td>
<td>10</td>
</tr>
<tr>
<td>IAC Title Number and Agency Name</td>
<td>30</td>
</tr>
<tr>
<td>IC 4-22-2-19; IC 4-22-2-25 Notice Concerning Delay in Rulemaking</td>
<td>28</td>
</tr>
<tr>
<td>60 Day Requirement</td>
<td>28</td>
</tr>
<tr>
<td>One Year Requirement</td>
<td>28</td>
</tr>
<tr>
<td>Incorporations by Reference</td>
<td>62</td>
</tr>
<tr>
<td>Indiana Administrative Code</td>
<td>7</td>
</tr>
<tr>
<td>Indiana Code</td>
<td>37</td>
</tr>
<tr>
<td>Indiana Code Revision Commission</td>
<td>2</td>
</tr>
<tr>
<td>Indiana Register</td>
<td>7</td>
</tr>
<tr>
<td>Indicative Mood</td>
<td>56</td>
</tr>
<tr>
<td>Interim Rules</td>
<td>26</td>
</tr>
<tr>
<td>Internal References</td>
<td>40</td>
</tr>
<tr>
<td>Joint Promulgation</td>
<td>26</td>
</tr>
<tr>
<td>Lead-in Line; Organization into SECTIONs</td>
<td>32</td>
</tr>
</tbody>
</table>

78
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimal Change</td>
<td>17</td>
</tr>
<tr>
<td>Money</td>
<td>43</td>
</tr>
<tr>
<td>Narrative Paragraph</td>
<td>31</td>
</tr>
<tr>
<td>Negating</td>
<td>53</td>
</tr>
<tr>
<td>New Text</td>
<td>14</td>
</tr>
<tr>
<td>Noncode Indiana Rules</td>
<td>38</td>
</tr>
<tr>
<td>Noncode Indiana Statutes</td>
<td>37</td>
</tr>
<tr>
<td>Noncode Provisions</td>
<td>15</td>
</tr>
<tr>
<td>Nonseverability</td>
<td>63</td>
</tr>
<tr>
<td>Notice of Public Comment Period</td>
<td>19</td>
</tr>
<tr>
<td>Notice of Public Hearing for a Comment Period</td>
<td>23</td>
</tr>
<tr>
<td>Notice of Recall</td>
<td>24</td>
</tr>
<tr>
<td>Notice of Withdrawal</td>
<td>24</td>
</tr>
<tr>
<td>Numbers</td>
<td>13, 41-43</td>
</tr>
<tr>
<td>Decimal Numbers</td>
<td>13</td>
</tr>
<tr>
<td>Expression of Numbers</td>
<td>41</td>
</tr>
<tr>
<td>Fractions</td>
<td>42</td>
</tr>
<tr>
<td>Money</td>
<td>43</td>
</tr>
<tr>
<td>Numerals</td>
<td>13</td>
</tr>
<tr>
<td>Ordinals</td>
<td>43</td>
</tr>
<tr>
<td>Repealed Numbers</td>
<td>13</td>
</tr>
<tr>
<td>Reserved Numbers</td>
<td>13</td>
</tr>
<tr>
<td>Transferred Numbers</td>
<td>13</td>
</tr>
<tr>
<td>Organization and Codification</td>
<td>10</td>
</tr>
<tr>
<td>Organization and Order of a Rule Document</td>
<td>60</td>
</tr>
<tr>
<td>Parentheses</td>
<td>56</td>
</tr>
<tr>
<td>Percentages</td>
<td>43</td>
</tr>
<tr>
<td>Plural</td>
<td>56</td>
</tr>
<tr>
<td>Pre-IAC Rules</td>
<td>37</td>
</tr>
<tr>
<td>Previous Manual Editions</td>
<td>8</td>
</tr>
<tr>
<td>Provisional Rules</td>
<td>15, 26</td>
</tr>
<tr>
<td>Provisions in a Rule Document</td>
<td>60</td>
</tr>
<tr>
<td>Publication of Other Documents</td>
<td>28</td>
</tr>
<tr>
<td>Publishing Procedures</td>
<td>30</td>
</tr>
<tr>
<td>Punctuation</td>
<td>17, 43-44, 48-49, 53-57</td>
</tr>
<tr>
<td>Apostrophes</td>
<td>48</td>
</tr>
<tr>
<td>Brackets</td>
<td>49</td>
</tr>
<tr>
<td>Colonals</td>
<td>53</td>
</tr>
<tr>
<td>Commas</td>
<td>54</td>
</tr>
<tr>
<td>Dates</td>
<td>43</td>
</tr>
<tr>
<td>Hyphens</td>
<td>55</td>
</tr>
<tr>
<td>Parentheses</td>
<td>56</td>
</tr>
<tr>
<td>Percentages</td>
<td>43</td>
</tr>
<tr>
<td>Quotation Marks</td>
<td>57</td>
</tr>
<tr>
<td>Semicolons</td>
<td>57</td>
</tr>
</tbody>
</table>
Temperature ................................................................. 44
Time ........................................................................... 44
Purpose of Manual ......................................................... 8
Quotation Marks ............................................................ 57
Readoctions ................................................................. 24
Redesignation Within a Section ................................. 12
Reference Book .......................................................... 9
Reference Lines .......................................................... 14, 34-36
   Affected Line ............................................................. 35
   Authority Line ........................................................... 35
   Changes To Reference Lines ..................................... 14
   History Line ............................................................. 36
Repealed Numbers ....................................................... 13
Repeals ....................................................................... 13, 16, 34
   Repealers ................................................................. 34
   Reviving a Repealed Rule ......................................... 16
   Repealed Numbers .................................................. 13
Repetitious Language ................................................... 57
Reserved Numbers ....................................................... 13
Reviving a Repealed Rule ............................................. 16
Rule Document ............................................................ 14
Components of a Rule Document ............................... 30
Organization and Order of a Rule Document ............... 60
Rule Document Inclusions ........................................... 14
Rules ........................................................................... 15, 18, 23-24, 53, 62
   Adding Definitions to Existing Rules ....................... 62
   Final Rule ................................................................. 18, 23
   Interim Rules ........................................................... 15, 26
   Provisional Rules ..................................................... 15, 26
   Readoctions ............................................................. 24
   Rule Headings ........................................................ 53
SECTIONs (within a rule document) 32
   Lead-in Line; Organization into Sections .................. 32
   SECTION Numbering ............................................... 32
   SECTION Order ....................................................... 32
Sections (within a rule) 11-12, 53
   Division of Sections ................................................ 11
   Redesignation Within a Section .............................. 12
   Section Headings ..................................................... 53
   Undesignated Sections ............................................. 12
Semicolons ................................................................. 57
Sentence Structure ....................................................... 57
Severability ................................................................. 63
Singular ...................................................................... 56
Specific Repeals .......................................................... 16
Style Recommendations ............................................. 37
Subject of Sentence ..................................................... 58
Such; Said ................................................................. 58
Tabulation Style; Designated Blocks of Text ............... 44
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Techniques</td>
<td>14</td>
</tr>
<tr>
<td>Amending Techniques</td>
<td>14</td>
</tr>
<tr>
<td>Drafting Techniques</td>
<td>14</td>
</tr>
<tr>
<td>Temperature</td>
<td>44</td>
</tr>
<tr>
<td>Tense</td>
<td>58</td>
</tr>
<tr>
<td>That</td>
<td>59</td>
</tr>
<tr>
<td>Time</td>
<td>44</td>
</tr>
<tr>
<td>Transferred Numbers</td>
<td>13</td>
</tr>
<tr>
<td>Undesignated Sections</td>
<td>12</td>
</tr>
<tr>
<td>United States Code</td>
<td>38</td>
</tr>
<tr>
<td>Use of &quot;one&quot;</td>
<td>44</td>
</tr>
<tr>
<td>User's Guide To The Indiana Register And Indiana Administrative Code</td>
<td>9</td>
</tr>
<tr>
<td>Voice</td>
<td>59</td>
</tr>
<tr>
<td>Which</td>
<td>59</td>
</tr>
</tbody>
</table>
APPENDIX B
ATTORNEY GENERAL'S OPINIONS (LIST)

[NOTE: Attorney General's Opinions preceding #78-7 were not published in the Indiana Register.]

Click HERE to view or print, or both, the list of Attorney General's Opinions.
APPENDIX C
EXECUTIVE ORDERS AND PROCLAMATIONS (LIST)

[NOTE: Executive Orders preceding #78-16 were not published in the Indiana Register.]

[NOTE: Proclamations issued under IC 1-1-3-2 are published in the Indiana Register.]

Click HERE to view or print, or both, the list of Executive Orders and Proclamations.
APPENDIX D
ATTORNEY GENERAL'S RULE REVIEW CHECKLIST

Click HERE to view or print, or both, the Rule Review Checklist that was provided at the Rulemaking Seminar on August 30, 2016, organized by the Office of the Indiana Attorney General.
APPENDIX E

LEGISLATIVE COUNCIL RESOLUTION 14-05
(As Adopted May 14, 2014)

BE IT RESOLVED BY THE INDIANA Legislative Council:

SECTION 1. (a) The following definitions apply throughout this resolution:
(1) "Executive Director" refers to the Executive Director of the Legislative Services Agency.
(2) "Public agency" includes the following:
   (A) The judicial branch of state government.
   (B) A state agency (as defined in IC 4-13-1-1).
   (C) A body corporate and politic created by statute.
   (D) A state educational institution.
(3) "Report" includes any annual or other report that is subject to IC 5-14-6 that a public agency:
   (A) voluntarily; or
   (B) under a statutory directive;
   submits to the entire membership of the General Assembly, the Legislative Services Agency, the
   Legislative Council, or a committee established under IC 2-5-1.3-4.

SECTION 2. The Legislative Council exercises its authority under IC 5-14-6-4, as amended by SEA
80-2014, SECTION 67, to provide for the Legislative Services Agency to make electronic distribution of
reports to:
   (1) the entire membership of the General Assembly;
   (2) the Legislative Services Agency;
   (3) the Legislative Council; or
   (4) a committee established under IC 2-5-1.3-4;
instead of having the public agency submitting the report directly distribute the report to the member's Senate
or House of Representatives electronic mail address, as otherwise required by statute.

SECTION 3. The Executive Director is directed to establish an email address or a portal on the
Internet to receive reports and post received reports to the Internet Web site for the General Assembly. A
public agency shall be treated as complying with a duty imposed under a statutory directive to distribute
reports to:
   (1) the entire membership of the General Assembly;
   (2) the Legislative Services Agency;
   (3) the Legislative Council; or
   (4) a committee established under IC 2-5-1.3-4;
when the public agency submits the report in Portable Document Format (PDF) to the email address or
Internet portal designated by the Executive Director. The Executive Director may set additional guidelines
for the submission of reports.

SECTION 4. The Executive Director shall provide for periodic electronic notification:
   (1) that a report has been received; and
   (2) where it is posted on the Internet;
to the legislators designated to receive the submitted report. The notification may be made to an email address
other than the member's Senate or House of Representatives electronic mail address, as otherwise required
by statute, if requested by the legislator. The Executive Director may also electronically distribute to a
legislator the full text of any report. The Executive Director shall electronically distribute the full text of a
report to a legislator if requested by the legislator or as directed by the Personnel Subcommittee of the
Legislative Council.
SECTION 5. The Executive Director may receive, post, and distribute any document that is required by a statutory directive to be submitted under or is otherwise subject to IC 5-14-6, regardless of whether the submitting entity qualifies as a public agency or the submitted document qualifies as a report.