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## Notice of Intent to Adopt a Rule

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### TITLE 50 STATE BOARD OF TAX COMMISSIONERS

LSA Document #01-366

Under IC 4-22-2-23, the State Board of Tax Commissioners intends to adopt a rule concerning the following:

**OVERVIEW:** The State Board of Tax Commissioners intends to amend 50 IAC 2.3, the rule concerning the 2002 Real Property Assessment Manual. The contemplated amendment would change the shelter allowance applicable to Brown County. The Brown County assessor requested the amendment and will be required to submit information in support of a change. The State Board of Tax Commissioners invites written suggestions, facts, arguments, or views in these matters. Questions or comments may be directed to Bill Waltz, Executive Secretary, State Board of Tax Commissioners, at 232-3783. Statutory authority: IC 6-1.1-31-1; IC 6-1.1-4-26.

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### TITLE 50 STATE BOARD OF TAX COMMISSIONERS

LSA Document #01-367

Under IC 4-22-2-23, the State Board of Tax Commissioners intends to adopt a rule concerning the following:

**OVERVIEW:** The State Board of Tax Commissioners intends to adopt rules concerning the assessment of mobile homes. The rules will replace the current provisions of 50 IAC 3.1. The State Board of Tax Commissioners invites written suggestions, facts, arguments, or views in these same matters. Questions or comments may be directed to Kurt Barrow, Director, Assessment Division, State Board of Tax Commissioners, at 232-3762. Statutory authority: IC 6-1.1-7-2; IC 6-1.1-31-1.

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### TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

LSA Document #01-374

Under IC 4-22-2-23, the Indiana Department of Transportation intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 105 IAC 9-4 concerning current categories for business logo signs and adds qualifications for a new category of business logo signs. The rule will also add a fee for seasonal installation and removal of closed panels, a requirement of compliance checks and notice of violations, and the consideration of available space when locating signs. The rule will also make other substantive and technical changes for spacing requirements for signs and will establish a timeframe for conformance with spacing requirements. Comments on the

proposed rule may be sent to the Indiana Department of Transportation, 100 North Senate Avenue, Room 730, Indianapolis, Indiana 46204 or by electronic mail to [spugliese@indot.state.in.us](mailto:spugliese@indot.state.in.us). Statutory authority: IC 8-23-2-6.

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### TITLE 210 DEPARTMENT OF CORRECTION

LSA Document #01-358

Under IC 4-22-2-23, the Department of Correction intends to adopt a rule concerning the following:

**OVERVIEW:** Rules to be amended and/or adopted are as follows: 210 IAC 1-6 Collection, Maintenance, Release of Offender and Juvenile Records; 210 IAC 1-10 Offender Tort Claim Process; 210 IAC 5 RELEASE AUTHORITY FOR JUVENILES. Questions or comments on the amendment or adoption may be directed by mail to the Department of Correction, Attn: Legal Services Division, Indiana Government Center-South, 302 West Washington Street, Room E334, Indianapolis, Indiana 46204 or by electronic mail to [visitors@coa.doc.state.in.us](mailto:visitors@coa.doc.state.in.us). Statutory authority: IC 11-8-2-5(b)(1); IC 11-8-5-2; IC 34-13-3-7(d); IC 11-13-6-2.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-359

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 2-4-3 that governs petitions to establish site-specific rules for the licensing of fishing tournaments and other organized watercraft activities by deleting a provision authorizing requests for special terms and conditions. Amends 312 IAC 9 that governs fish and wildlife to delete a rule section (312 IAC 9-2-7) that describes a prohibition on unlawful taking or possession of endangered species in reliance on a statutory section (IC 14-22-34-12) that describes the same prohibition. Modifies numerous cross-references. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 233-3322 or e-mail address: [slucas@dnr.state.in.us](mailto:slucas@dnr.state.in.us). Statutory authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-22-2-6; IC 14-22-34-17.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-360

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

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**OVERVIEW:** Amends 312 IAC 18-3-12 that governs standards for the control of larger pine shoot beetle by adding Brown, Fayette, Hendricks, and Owen Counties to the quarantine area. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 232-4699 or e-mail [jkane@dnr.state.in.us](mailto:jkane@dnr.state.in.us). Statutory authority: IC 14-10-2-4; IC 14-24-3.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-361

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Would add standards and procedures regarding the survey, registration, and protection of cemeteries and burial grounds. Provisions would be included for the submission and consideration of a development plan to erect, alter, or repair a structure located within 100 feet of a cemetery or burial ground not otherwise exempted. A standard of conduct would be implemented to govern the preparation and implementation of a development plan. Any other provisions may be included that are appropriate to the administration of P.L.46-2000 as amended by P.L.177-2001. (This "notice of intent" is directed to the same general subject matter as was the "notice of intent" published on September 1, 2000, as LSA Document #00-177.) Questions or comments concerning the proposed rules may be directed to the following telephone number: (317) 233-3322 or e-mail address: [slucas@dnr.state.in.us](mailto:slucas@dnr.state.in.us). Statutory authority: IC 14-21-1-13.5; IC 14-21-1-31; IC 14-10-2-4.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #01-371

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Would amend 312 IAC 2-4 that governs the regulation of watercraft engaged in organized activities and tournaments on designated public waters. The amendments would establish fishing tournament licensing requirements on any or all lakes larger than 500 acres, other than Lake Michigan. The amendments would be expected to apply to the DNR tournament drawing held in the fall 2002 with implementation beginning for tournaments that take place in 2003. Effective 30 days after filing with the secretary of state. Questions concerning the proposed rule amendments may be directed to Maj. Sam Purvis, State Boating Law Administrator, at the following telephone number: (317) 232-4010 or e-mail address: [spurvis@dnr.state.in.us](mailto:spurvis@dnr.state.in.us). Statutory authority: IC 14-15-7-3; IC 14-10-2-4.

### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #01-372

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 405 IAC 5-24-4 and 405 IAC 5-24-6 to revise reimbursement policy for pharmacy services in the Medicaid program. Statutory authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3.

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #01-373

Under IC 4-22-2-23, the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 405 IAC 6, provisions affecting applicants, enrollees, eligibility and enrollment requirements, benefits, and policy for the Indiana prescription drug program; adds provisions that will set forth procedures for point of service processing. Statutory authority: IC 12-10-16-5.

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### TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

*NOTE: Under P.L.215-2001, SECTION 54, the name of the Division of Mental Health is changed to Division of Mental Health and Addiction, effective July 1, 2001.*

LSA Document #01-356

Under IC 4-22-2-23, the Division of Mental Health and Addiction intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 440 IAC 6 concerning the certification of residential care providers to make technical changes to the existing rule to conform to current state law and to clarify the requirements of residential care providers. Statutory authority: IC 12-8-8-4; IC 12-21-2-3.

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## Notice of Intent to Adopt a Rule

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### **TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION**

*NOTE: Under P.L.215-2001, SECTION 54, the name of the Division of Mental Health is changed to Division of Mental Health and Addiction, effective July 1, 2001.*

LSA Document #01-357

Under IC 4-22-2-23, the Division of Mental Health and Addiction intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 440 IAC 9-2-7, 440 IAC 9-2-8, and 440 IAC 9-2-9 to establish standards and requirements for community mental health centers and certified managed care providers regarding residential services for adults with psychiatric disorders, for individuals with addictions, and for seriously emotionally disturbed children and adolescents as part of the required continuum of care. Statutory authority: IC 12-8-8-4; IC 12-21-2-8; IC 12-21-5-1.5; IC 12-23-1-6.

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### **TITLE 515 PROFESSIONAL STANDARDS BOARD**

LSA Document #01-362

Under IC 4-22-2-23, the Professional Standards Board intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 515 IAC 4 to establish the induction to teaching program effective June 1, 2002. Public comments are invited and may be directed to the Indiana Professional Standards Board, Attention: Legal Affairs, 101 West Ohio Street, Suite 300, Indianapolis, Indiana 46204 or by e-mail [jsmith@psb.state.in.us](mailto:jsmith@psb.state.in.us) Statutory authority: IC 20-1-1.4-7; IC 20-6.1-3-11.

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### **TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

LSA Document #01-376

Under IC 4-22-2-23, the Fire Prevention and Building Safety Commission intends to adopt a rule concerning the following:

**OVERVIEW:** To adopt the 2002 National Electrical Code (NFPA 70), with amendments as the 2002 Indiana Electrical Code, 675 IAC 17-1.6, and to amend provisions of the 2001 Indiana Residential Code, 675 IAC 14-4.2 so as not to be in conflict with provisions of the 2002 Indiana Electrical Code, 675 IAC 17-1.6. Public comments are invited and may be directed to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-

South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by e-mail at [eblakey@sema.state.in.us](mailto:eblakey@sema.state.in.us). Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

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### **TITLE 832 STATE BOARD OF FUNERAL AND CEMETERY SERVICE**

LSA Document #01-368

Under IC 4-22-2-23, the State Board of Funeral and Cemetery Service intends to adopt a rule concerning the following:

**OVERVIEW:** The State Board of Funeral and Cemetery Service intends to require detailed information regarding caskets, vaults, outer burial containers, urns, or memorials purchased in a preneed contract be clearly disclosed. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attention: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-15-9-8.

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### **TITLE 845 BOARD OF PODIATRIC MEDICINE**

LSA Document #01-363

Under IC 4-22-2-23, the Board of Podiatric Medicine intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 845 IAC 1-5-2.1 concerning reporting of continuing education credit. Repeals 845 IAC 1-5-2. Questions or comments may be directed by mail to the Board of Podiatric Medicine, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by electronic mail to [wlowhorn@hpb.state.in.us](mailto:wlowhorn@hpb.state.in.us). Statutory authority: IC 25-29-2-11.

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### **TITLE 872 INDIANA BOARD OF ACCOUNTANCY**

LSA Document #01-370

Under IC 4-22-2-23, the Indiana Board of Accountancy intends to adopt a rule concerning the following:

**OVERVIEW:** Establish a written examination, which will test competency skills in accounting theory and practice, to be taken by an applicant for an accounting practitioner certificate under IC 25-2.1-6. Questions or comments concerning the

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proposed rules may be directed to: Indiana Professional Licensing Agency, Attention: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-2.1-2-15.

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### TITLE 876 INDIANA REAL ESTATE COMMISSION

LSA Document #01-369

Under IC 4-22-2-23, the Indiana Real Estate Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Require licensees to obtain six hours of continuing education to reactivate an inactive license during a two year licensure period. Require a licensee who has reactivated their license to obtain ten hours of continuing education in order to renew the license at the end of the two year licensure period. Establish distance learning continuing education requirements and procedures for real estate salespersons and brokers. Establish the requirements and procedures for distance learning continuing education providers. Modify the curricula for salespersons under IC 25-34.1-9-11(1). Modify the curricula for brokers under IC 25-34.1-9-11(1). Establish the suggested outlines for mandatory courses. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, Attention: Staff Counsel, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-34.1-2-5; IC 25-34.1-9-21.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-364

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-54 to establish rules that provide for the issuance, scope, permit fee, expiration, revocation, and suspension of carriers alcoholic beverage permits. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-3-18-1 through IC 7.1-3-18-6.

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### TITLE 905 ALCOHOL AND TOBACCO COMMISSION

*NOTE: Under P.L.204-2001, SECTION 69, the name of the Indiana Alcoholic Beverage Commission is changed to Alcohol and Tobacco Commission, effective July 1, 2001.*

LSA Document #01-365

Under IC 4-22-2-23, the Alcohol and Tobacco Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 905 IAC 1-53 to establish rules that provide for the issuance, scope, permit fee, expiration, revocation, and suspension of a racetrack proprietor beer retailer permit. Questions concerning the proposed rule may be directed to Daniel M. Steiner at 317-232-2472. Statutory authority: IC 7.1-3-6-16.

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