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**TITLE 410 INDIANA STATE DEPARTMENT OF
HEALTH**

LSA Document #01-243

June 12, 2002

The Honorable Jerry Denbo, Chairman
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204

RE: 410 IAC 6-7.1; 410 IAC 6-7.2; LSA Doc. #01-243(F)

Dear Mr. Chairman:

The Indiana State Department of Health (ISDH) is in the process of modifying the current rules governing sanitation and safety in campgrounds and youth camps. The proposed changes to the current rules are a substantial restructuring and clarification as the current rules have not been amended in many years. Traditionally, when amending a rule that required significant changes, the ISDH uses the method of repealing the current rule and replacing it with a new rule rather than striking large portions of the current rule and adding large amounts of new text. The repeal and replace method was used in this case to amend the current rules.

Under Ind. Code 4-22-2-19, promulgation of rules requires beginning the rulemaking process within 60 days of the enactment of such statutory authority unless an exception applies. The rulemaking process did not begin for this set of rules within 60 days of the effective date of the statutory authority. Rules were already in place pursuant to the statutory authority enacted many years ago. Ind. Code 4-22-2-19(a)(2) excepts rules from the application of the 60 day requirement if they are amending existing rules. Our proposed rules do not appear to fall under the amendment exception as the proposed rules will replace the current rules and are not in a strictly amendment format, although the department's intention is to amend the current rules.

The department is providing this written notification to the committee to explain why this rule could not comply with the time frame specified in Ind. Code 4-22-2-19(c)(1). The department's rulemaking action to update and amend the current rule was undertaken as soon as practicable once changes in the current rule were determined to be needed.

If you need additional information please contact Burton Garten at (317) 233-7874.

Sincerely,

Veronica Hibbler, Director
Office of Legal Affairs

cc: George Angelone