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## Notice of Intent to Adopt a Rule

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

LSA Document #02-238

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

**OVERVIEW:** The rule will amend 11 IAC 1 by defining “existing debt or contract”. Public comments are invited and may be directed to the Office of the Attorney General, Attention Brent Embrey, Indiana Government Center-South, 402 West Washington Street, Fifth Floor, Indianapolis, Indiana 46204 or by electronic mail to [bembrey@atg.state.in.us](mailto:bembrey@atg.state.in.us). Statutory authority: IC 4-6-9-8; IC 24-4.7-3-7.

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### TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

*NOTE: Under IC 6-1.1-31-1, the name of the State Board of Tax Commissioners is changed to Department of Local Government Finance, effective January 1, 2002.*

LSA Document #02-240

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

**OVERVIEW:** The department of local government finance (department) intends to: (1) amend 50 IAC 2.3, the rule concerning the 2002 Real Property Assessment Manual (Manual), to provide county assessors more flexibility in methodology selection; (2) in accordance with House Enrolled Act 1001 ss and in light of the repeal of the shelter allowance, make certain changes to the Manual and to Exhibit 1 to the 2002 Real Property Assessment Manual, the Real Property Assessment Guidelines for 2002—Version A (Guidelines), which was incorporated by reference in 50 IAC 2.3.

The department recently amended the 50 IAC 2.3-1-1 to extend the time within which the county assessor must adopt guidelines to be used in the 2002 general reassessment, LSA Document #01-305. The amended rule, however, does not provide a means to modify that selection thereafter. It has come to the attention of the department that counties may desire to amend the methodology due to changes in computer software or for other valid reasons. Accordingly, the department intends to adopt a rule either changing or deleting certain requirements regarding the obligation of a county assessor to select specific guidelines to be used in a county for the 2002 general reassessment by a date certain.

The department also intends to amend the provisions of the Manual and the Guidelines pertaining to the shelter allowance, to comport with the provisions of HEA 1001 ss. The department

invites written suggestions, facts, arguments, or views in these matters. Questions or comments may be directed to Beth Henkel, General Counsel, Department of Local Government Finance, at 100 North Senate Avenue, Room 1058, Indianapolis, Indiana 46204 or by electronic mail to [bhenkel@tcb.state.in.us](mailto:bhenkel@tcb.state.in.us). Statutory authority: IC 6-1.1-31-1; IC 6-1.1-4-26.

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### TITLE 80 STATE FAIR COMMISSION

LSA Document #02-242

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

**OVERVIEW:** Amends 80 IAC 3 relating to disposal of property. Comments may be sent to the Indiana State Fair Commission, ATTENTION: Sunni Kolumbus, 1220 East 38th Street, Indianapolis, Indiana 46205-2869 or by electronic mail to [skolumbus@IndianaStateFair.com](mailto:skolumbus@IndianaStateFair.com). Statutory authority: IC 15-1.5-2-8.

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### TITLE 80 STATE FAIR COMMISSION

LSA Document #02-243

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

**OVERVIEW:** Adds provisions regarding the regulation and/or prohibition of alcohol, weapons, and nonexhibited pets at the Indiana State Fair. Comments may be sent to the Indiana State Fair Commission, ATTENTION: Sunni Kolumbus, 1220 East 38th Street, Indianapolis, Indiana 46205-2869 or by electronic mail to [skolumbus@IndianaStateFair.com](mailto:skolumbus@IndianaStateFair.com). Statutory authority: IC 15-1.5-2-8.

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### TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

LSA Document #02-231

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

**OVERVIEW:** Amends 105 IAC 9-2-1 to adopt the Millennium Edition of the Manual on Uniform Traffic Control Devices and the Indiana Supplement to the Millennium Edition on Uniform Traffic Control Devices. The language concerning the adoption of the previous 1988 Edition of the Indiana

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Manual on Uniform Traffic Control Devices will be deleted. Questions or comments pertaining to the proposed rule may be directed to: Indiana Department of Transportation, ATTENTION: William P. Huff, 100 North Senate Avenue, Room 730, Indianapolis, Indiana 46204. Statutory authority: IC 8-23-2-6(9).

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-232

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

**OVERVIEW:** Amends 312 IAC 9-10-4 that governs game breeder licenses by requiring documentation when transporting white-tailed deer, requiring compliance with Indiana state board of animal health laws, and restricting the release of white-tailed deer. The proposed amendments would make permanent an emergency rule that is currently applicable. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 232-0156 or e-mail. Statutory authority: IC 14-10-2-4; IC 14-24-3.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #02-236

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

**OVERVIEW:** Amends 312 IAC 2-4 that governs organized activities and tournaments on public waters. A definition for "major organized boating activity" is added, and the regulation of a major organized boating activity is placed under 312 IAC 5-3. Identifies the division of law enforcement as the administering division for 312 IAC 2-4. Additional factors are included for the division to consider in evaluating a license for fishing tournaments, and additional duties are defined for license holders. Section addressing bonds and user fees is repealed. The department's fall consideration of tournament applications is limited to the next season rather than the next two seasons. Lake Wawasee and Syracuse Lake in Kosciusko County are added to the public waters for which the sponsor of a fishing tournament must obtain a license, and specific numerical limitations are established for tournament activities on these lakes. Amendments are made to 312 IAC 5-3 to provide consistent administration with 312 IAC 2-4. Makes other substantive and technical changes. Questions or comments may be directed to slucas@dnr.state.in.us or by telephone at 317-233-3322. Statutory authority: IC 14-10-2-4; IC 14-15-7-3.

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

LSA Document #02-234

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 2-3 to specify that the Medicaid personal needs allowance is the amount set by Indiana statute. Provides for a personal needs allowance supplement to the extent required by Indiana statute. Statutory authority: IC 12-8-6-5; IC 12-15-1-10.

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### TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

LSA Document #02-218

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 4-3 to delete exemptions from mandatory services for community mental health centers. Amends 440 IAC 4.1-2-1, 440 IAC 4.1-2-4, 440 IAC 4.1-2-5, and 440 IAC 4.1-2-9 to require an applicant to be assigned an exclusive geographic primary service area before it is certified as a community mental health center, and makes the maintenance of financial viability a requirement of certification. Adds 440 IAC 4.1-3 to establish exclusive geographic primary service areas for community mental health centers, including criteria and procedures to justify a change of an assignment of a community mental health center to a primary service area. Statutory authority: IC 12-21-2-3; IC 12-29-2-1.

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### TITLE 570 INDIANA COMMISSION ON PROPRIETARY EDUCATION

LSA Document #02-233

Under IC 4-22-2-23, the Indiana Commission on Proprietary Education intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 570 IAC 1-14 concerning the career college student assurance fund, to establish definitions of terms, fund administration, claim criteria, fund contributions, and procedures for claims against the fund. Public comments are invited. Statutory authority: IC 20-1-19.

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### **TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS**

LSA Document #02-219

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

**OVERVIEW:** Amends 840 IAC 1-1-4 concerning qualifications for licensure. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to the Indiana state board of health facility administrators, ATTENTION: Director, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by e-mail to [tthompson@hpb.state.in.us](mailto:tthompson@hpb.state.in.us). Statutory authority: IC 25-19-1-4.

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### **TITLE 848 INDIANA STATE BOARD OF NURSING**

LSA Document #02-239

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

**OVERVIEW:** Amends 848 IAC 1-1-14 concerning fees related to licensure to practice nursing, fees for filing a multistate licensure privilege form, and fees for updating a multistate licensure privilege form. Effective 30 days after filing with the secretary of state. Public comments are invited and may be directed to the Indiana state board of nursing, ATTENTION: Director, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by e-mail to [krkelley@hpb.state.in.us](mailto:krkelley@hpb.state.in.us). Statutory authority: IC 25-1-8-2; IC 25-23-1-7; IC 25-23.2-3-5.

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### **TITLE 848 INDIANA STATE BOARD OF NURSING**

LSA Document #02-247

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

**OVERVIEW:** Amends 848 IAC 1-1-2.1 concerning definitions. Amends 848 IAC 1-1-6 and 848 IAC 1-1-7 concerning requirements for licensure to practice nursing by examination or endorsement. Effective July 1, 2003. Public comments are invited and may be directed to the Indiana state board of nursing, ATTENTION: Director, Indiana Government Center-South, 402 West Washington Street, Room W041, Indianapolis, Indiana 46204 or by e-mail to [krkelley@hpb.state.in.us](mailto:krkelley@hpb.state.in.us). Statutory authority: IC 25-23-1-7; IC 25-23.2-7-3.

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### **TITLE 876 INDIANA REAL ESTATE COMMISSION**

LSA Document #02-244

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

**OVERVIEW:** Establish that referral status does not qualify as accrued continuous active experience as a licensed salesperson as required to obtain a broker license under IC 25-34.1-3-4.1(a)(2). Allow an approved distance learning education course to be conducted in a facility, which is also used as a broker or salesperson office. Allow instruction for an approved distance learning education course to be more than eight hours of instruction in one day. Require that licensees shall provide to the commission their current business and residential address. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Staff Counsel, Indiana Government Center-South, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-34.1-2-5; IC 28-34.1-3-6; IC 25-34.1-9-21.

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### **TITLE 876 INDIANA REAL ESTATE COMMISSION**

LSA Document #02-245

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

**OVERVIEW:** This rule makes changes regarding licensure of appraisers. Remove the continuing education requirement in 876 IAC 3-5-1 that each licensee or certificate holder retain evidence of a Uniform Standards of Professional Appraisal Practice course until 24 months after the end of the last renewal period for which it may be applied. Amends 876 IAC 3-5-1.5 and 876 IAC 3-5-7 to require that the seven hours of required continuing education in USPAP meet the appraiser qualification board requirements for content and instructor qualifications. Require that an appraisal review of an Indiana licensed residential, certified residential, or certified general appraiser, or any other licensed appraiser comply with the Uniform Standards of Professional Appraisal Practice instead of complying with Statement on Appraisal Standards No. 1 of USPAP. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Staff Counsel, Indiana Government Center-South, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-34.1-2-5; IC 25-34.1-3-8.

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**TITLE 876 INDIANA REAL ESTATE  
COMMISSION**

LSA Document #02-246

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

**OVERVIEW:** Amend 876 IAC 3-6-2 to incorporate by reference the 2003 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) and to amend 876 IAC 3-6-3 to update the revisions to USPAP based upon the changes in the 2002 edition. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Staff Counsel, Indiana Government Center-South, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700. Statutory authority: IC 25-34.1-3-8; IC 25-34.1-2-5.1; IC 25-34.1-2-5.

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