

Proposed Rules

TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND

Proposed Rule
LSA Document #02-163

DIGEST

Amends 35 IAC 8 concerning rollover requirements to conform to changes made to the Internal Revenue Code by the federal Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). Amends 35 IAC 9 concerning annual compensation limits to conform to changes made to the Internal Revenue Code by EGTRRA. Adds 35 IAC 10 regarding acceptance of rollovers and trustee to trustee transfers. Effective 30 days after filing with the secretary of state.

35 IAC 8-1-1	35 IAC 9-1-2
35 IAC 8-1-2	35 IAC 9-1-3
35 IAC 8-2-1	35 IAC 9-1-4
35 IAC 9-1-1	35 IAC 10

SECTION 1. 35 IAC 8-1-1, AS READOPTED AT 25 IR 898, IS AMENDED TO READ AS FOLLOWS:

35 IAC 8-1-1 Definitions

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

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

(b) "Board of trustees" means the board of trustees of the public employees' retirement fund.

(c) "Code" means the Internal Revenue Code of 1986, 26 U.S.C. 1 et seq., and all amendments related thereto.

(d) "EGTRRA" means the Economic Growth and Tax Relief Reconciliation Act of 2001, P.L. 107-16, and all applicable regulations and amendments related thereto.

~~(d) An~~ (e) "Eligible rollover distribution" ~~is~~ means any distribution of all or any taxable portion of the benefit to the credit of a member or a member's spouse, except that an eligible rollover distribution does not include the following:

- (1) Any distribution that is one (1) of a series of substantially equal periodic payments, paid not less frequently than annually, made for the life or life expectancy of the member and the member's designated beneficiary.
- (2) Any distribution that is one (1) of a series of substantially equal periodic payments for a specified period of ten (10) years or more.
- (3) Any distribution to the extent such distribution is required under Section 401(a)(9) of the Code.
- (4) The portion of any distribution that is not ~~includable~~ **includible** in gross income, **provided that any portion of**

any distribution that is not includible in gross income may be an eligible rollover distribution for purposes of a rollover to either:

(A) a traditional individual retirement account or individual retirement annuity; or

(B) a qualified trust that is part of a plan which is a defined contribution plan that will separately account for the taxable and nontaxable portions of the distribution, in a direct trustee-to-trustee transfer.

(5) Any distribution that is made upon hardship by the member.

~~(e) (f)~~ (f) "Fund" or "funds" means the legislators' retirement system, public employees' retirement fund, state excise police and conservation officers' retirement plan, judges' retirement fund, 1977 fund, **the prosecuting attorneys' retirement fund**, and funds funded through the pension relief fund.

~~(f) (g)~~ (g) "IRS" means the Internal Revenue Service.

~~(g) (h)~~ (h) "UCA" refers to the federal Unemployment Compensation Amendments of 1992, P.L. 102-318, and all applicable regulations and amendments related thereto. (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 8-1-1; filed Mar 23, 1995, 3:00 p.m.: 18 IR 1992; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898*)

SECTION 2. 35 IAC 8-1-2, AS READOPTED AT 25 IR 898, IS AMENDED TO READ AS FOLLOWS:

35 IAC 8-1-2 Introduction

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 2. (a) The UCA was signed into law on July 3, 1992. The UCA expanded the permanent federal-state extended unemployment benefits program and extended the existing emergency unemployment insurance program. The sources of financing for the UCA benefit extensions include provisions affecting distributions from tax-qualified pension plans such as the funds. The provisions ~~in this article apply to distributions made after December 31, 1992; and include the following:~~

~~(1) Changes in the rules applicable to rollovers from tax-qualified plans;~~

~~(2) A provision that requires such plans to give participants entitled to a distribution eligible for rollover treatment the option to have that amount paid directly (direct rollover) to a qualified defined contribution plan, an individual retirement account or annuity, or a similar plan specified by the participant;~~

~~(3) Changes in the withholding taxes applicable to distributions from such plans;~~

~~(b) The funds do not accept rollover contributions from other~~

retirement plans. However, the funds permit rollover contributions to be paid directly to other retirement plans under certain circumstances. Accordingly, the rules governing the funds need to be amended to conform to the direct rollover requirements under of the UCA to allow such rollovers at the member's or member's spouse's election. were subsequently amended by EGTRRA.

(c) (b) 35 IAC 8-2 includes the model language set forth in Revenue Procedure 93-12, issued December 30, 1992, to amend the fund to comply with the requirements of Section 401(a)(31) of the Code. 35 IAC 8-2 reflects the Model Amendment drafted by the IRS, as amended by EGTRRA. The board of trustees recognizes that some provisions included in the model amendment language are not applicable to a governmental plan as defined in Section 414(d) of the Code. As a result, those provisions that are not applicable to a governmental plan will not be applied by the board of trustees. Any local board may elect to use a different compliance mechanism should they decide, through adoption of appropriate bylaws, pursuant to IC 36-8-6-2(g)(5), IC 36-8-7-3(c), or IC 36-8-7.5-2(g)(5). (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 8-1-2; filed Mar 23, 1995, 3:00 p.m.: 18 IR 1992; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898*)

SECTION 3. 35 IAC 8-2-1, AS READOPTED AT 25 IR 898, IS AMENDED TO READ AS FOLLOWS:

35 IAC 8-2-1 Model amendment language

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 1. (a) **The amendments to this rule applies required by EGTRRA apply** to distributions made on or after January 1, 1993. 2002. Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this rule, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) **The following definitions apply throughout this rule:**

(1) "Eligible rollover distribution" ~~An eligible rollover distribution is means~~ any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

(A) any distribution that is one (1) of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more;

(B) any distribution to the extent such distribution is required under Section 401(a)(9) of the Code; ~~and~~

(C) the portion of any distribution that is not includible in gross income, ~~(determined without regard to the exclusion for net unrealized appreciation with respect provided that any portion of any distribution that is not includible in gross income may be an eligible rollover distribution for purposes of a rollover to employer securities either:~~

(i) a traditional individual retirement account or individual retirement annuity; or

(ii) a qualified trust that is part of a plan that is a defined contribution plan that will separately account for the taxable and nontaxable portions of the distribution, in a direct trustee-to-trustee transfer; and

(D) any distribution that is made upon hardship by the member.

(2) "Eligible retirement plan" ~~An eligible retirement plan is means:~~

(A) an individual retirement account described in Section 408(a) of the Code;

(B) an individual retirement annuity described in Section 408(b) of the Code;

(C) an annuity plan described in Section 403(a) of the Code; ~~or~~

(D) a qualified trust described in Section 401(a) of the Code;

(E) **an eligible deferred compensation plan under Section 457(b) of the Code that is maintained by a state, a political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state (so long as the plan agrees to separately account for amounts rolled into the plan); or**

(F) an annuity contract under Section 403(b) of the Code;

that accepts the distributee's eligible rollover distribution. However, ~~in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.~~

(3) "Distributee" ~~A distributee~~ includes an employee or former employee, **as well as the employee's or former employee's surviving spouse.** In addition, the employee's or former employee's surviving spouse ~~and the employee's or former employee's spouse~~ or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, ~~are distributees is a distributee~~ with regard to the interest of the spouse or former spouse.

(4) "Direct rollover" ~~A direct rollover is means~~ a payment by the plan to the eligible retirement plan specified by the distributee.

(*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 8-2-1; filed Mar 23, 1995, 3:00 p.m.: 18 IR 1993; errata, 18 IR 2412; readopted filed Oct 31, 2001, 2:21 p.m.: 25 IR 898*)

SECTION 4. 35 IAC 9-1-1 IS AMENDED TO READ AS FOLLOWS:

Proposed Rules

35 IAC 9-1-1 Definitions

Authority: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.2; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

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

(b) "Code" means the Internal Revenue Code of 1986, 26 U.S.C. 1 et seq., and all amendments related thereto.

(c) **"EGTRRA" means Economic Growth and Tax Relief Reconciliation Act of 2001, P.L. 107-16, and all applicable regulations and amendments related thereto.**

~~(c)~~ (d) "Fund" or "funds" means the following:

- (1) Legislators' Retirement System.
- (2) Public Employees' Retirement Fund.
- (3) State Excise Police and Conservation Officers' Retirement Plan.
- (4) Judges' Retirement System.
- (5) 1977 Police Officers' and Firefighters' Pension and Disability Fund.
- (6) ~~Prosecutor's~~ **Prosecuting Attorneys'** Retirement Fund.
- (7) Local public safety funds funded through the Pension Relief Fund.

~~(d)~~ (e) "IRS" means the Internal Revenue Service.

~~(e)~~ (f) "OBRA '93" refers to the federal Omnibus Budget Reconciliation Act of 1993, P.L.103-66, and all applicable regulations and amendments related thereto. (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 9-1-1; filed May 31, 1996, 4:00 p.m.: 19 IR 2854*)

SECTION 5. 35 IAC 9-1-2 IS AMENDED TO READ AS FOLLOWS:

35 IAC 9-1-2 Introduction

Authority: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.2; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 2. (a) OBRA '93 was signed into law on August 10, 1993. Among other things, OBRA '93 contained amendments to Section 401(a)(17) of the Code relating to the annual compensation limit for tax-qualified retirement plans. Section 401(a)(17) of the Code provides an annual compensation limit for each employee under a qualified plan. ~~This~~ **The** annual compensation limit ~~applies to a~~ **was subsequently amended by EGTRRA effective for plan in two (2) ways as follows: (1) years beginning after December 31, 2001.** A plan may not base contributions or benefits on annual compensation in excess of ~~the this~~ **this annual compensation** limit.

~~(2) The amount of an employee's annual compensation that may be taken into account in applying certain specified nondis-~~

~~crimination rules under the Code is subject to the annual compensation limit.~~

(b) Prior to its amendment by OBRA '93, the annual compensation limit under Section 401(a)(17) of the Code was two hundred thousand dollars (\$200,000), adjusted for cost-of-living increases (two hundred thirty-five thousand eight hundred forty dollars (\$235,840) for 1993). Section 401(a)(17) of the Code was amended by OBRA '93 to reduce the annual compensation limit to one hundred fifty thousand dollars (\$150,000), and to modify the manner in which cost-of-living adjustments are made to the annual compensation limit. **EGTRRA subsequently amended this annual compensation limit to two hundred thousand dollars (\$200,000), as modified by cost of living adjustments.**

(c) OBRA '93, however, provides a grandfather clause for certain eligible participants in governmental plans. This grandfather rule applies to individuals who already were participants in governmental plans before the first plan year beginning after December 31, 1995, or, if earlier, the first plan year for which the plan is amended to comply with OBRA '93. Under the grandfather rule, the annual compensation limit contained in OBRA '93 will not apply to those eligible participants to the extent that the annual compensation limit in OBRA '93 would reduce the amount of compensation taken into account under the plan below the amount that was allowed to be taken into account under the plans as in effect on July 1, 1993. (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 9-1-2; filed May 31, 1996, 4:00 p.m.: 19 IR 2854*)

SECTION 6. 35 IAC 9-1-3 IS AMENDED TO READ AS FOLLOWS:

35 IAC 9-1-3 Purpose

Authority: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.2; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 3. The purpose of this rule is to comply with OBRA '93 **and EGTRRA as it those acts** amended Section 401(a)(17) of the Code. (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 9-1-3; filed May 31, 1996, 4:00 p.m.: 19 IR 2855*)

SECTION 7. 35 IAC 9-1-4 IS AMENDED TO READ AS FOLLOWS:

35 IAC 9-1-4 Text

Authority: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.2; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 4. The annual compensation limitations of Code Section 401(a)(17) shall be applied as follows:

(1) The annual compensation limit under Code Section 401(a)(17), as amended by OBRA '93 and EGTRRA, shall not apply to any eligible participant, in any future year, to the extent that the application of the annual compensation limit in Code Section 401(a)(17), as amended by OBRA '93 and EGTRRA, would reduce the amount of annual compensation that is allowed to be taken into account under the fund below the amount that was allowed to be taken into account under the fund as in effect on July 1, 1993. As used in this subdivision, "eligible participants" includes all members who participated in the fund prior to July 1, 1996.

(2) The annual compensation limit under Code Section 401(a)(17), as amended by OBRA '93, will be effective with respect to noneligible participants as of July 1, 1996. As used in this subdivision, "noneligible participants" includes all members who did not participate in the fund prior to July 1, 1996. ~~401(a)(17) of the Code.~~ **Effective for years beginning after December 31, 2001, the annual compensation limit under Code Section 401(a)(17), as amended by EGTRRA, will be effective with respect to noneligible participants.**
(Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 9-1-4; filed May 31, 1996, 4:00 p.m.: 19 IR 2855; errata filed Jul 12, 1996, 12:30 p.m.: 19 IR 3471)

SECTION 8. 35 IAC 10 IS ADDED TO READ AS FOLLOWS:

ARTICLE 10. ROLLOVERS AND TRUSTEE-TO-TRUSTEE TRANSFERS

Rule 1. Acceptance of Rollovers and Trustee-to-Trustee Transfers

35 IAC 10-1-1 Definitions

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

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

(b) "Board of trustees" means the board of trustees of the public employees' retirement fund.

(c) "Code" means the Internal Revenue Code of 1986, 26 U.S.C. 1 et seq., and all amendments related thereto.

(d) "Direct rollover" means a payment from an eligible retirement plan specified by the member to the fund.

(e) "EGTRRA" means the Economic Growth and Tax Relief Reconciliation Act of 2001, P.L. 107-16, and all applicable regulations and amendments related thereto.

(f) "Eligible retirement plan" means:

- (1) an individual retirement account described in Section 408(a) of the Code;
- (2) an individual retirement annuity described in Section 408(b) of the Code;

(3) an annuity plan described in Section 403(a) of the Code;

(4) a qualified trust described in Section 401(a) of the Code;

(5) an eligible deferred compensation plan under Section 457(b) of the Code that is maintained by a state, a political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state (so long as the plan agrees to separately account for amounts rolled into the plan); or

(6) an annuity contract under Section 403(b) of the Code; that accepts the distributee's eligible rollover distribution.

(g) "Eligible rollover distribution" means any distribution of all or any taxable portion of the benefit to the credit of a member or a member's spouse, except that an eligible rollover distribution does not include the following:

(1) Any distribution that is one (1) of a series of substantially equal periodic payments, paid not less frequently than annually, made for the life or life expectancy of the member and the member's designated beneficiary.

(2) Any distribution that is one (1) of a series of substantially equal periodic payments for a specified period of ten (10) years or more.

(3) Any distribution to the extent such distribution is required under Section 401(a)(9) of the Code.

(4) The portion of any distribution that is not includible in gross income, provided that any portion of any distribution that is not includible in gross income may be an eligible rollover distribution for purposes of a rollover to either:

(A) a traditional individual retirement account or individual retirement annuity; or

(B) a qualified trust that is part of a plan that is a defined contribution plan that will separately account for the taxable and nontaxable portions of the distribution, in a direct trustee-to-trustee transfer.

(5) Any distribution that is made upon hardship by the member.

(h) "Fund" or "funds" means the legislators' retirement system, public employees' retirement fund, state excise police and conservation enforcement officers' retirement plan, judges' retirement fund, prosecuting attorneys' retirement fund, and the 1977 fund.

(i) "IRS" means the Internal Revenue Service. *(Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 10-1-1)*

35 IAC 10-1-2 Rollover for purchase of service

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 2. The fund may accept any portion of an eligible rollover distribution in payment of all or a portion of a

Proposed Rules

member's purchase of service credit authorized under the fund's statutes. The fund may accept an eligible rollover distribution paid directly to the system in a direct rollover. (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 10-1-2*)

35 IAC 10-1-3 Trustee-to-trustee transfer

Authority: IC 2-3.5-3-4; IC 5-10.3-3-8; IC 5-10.3-11-2; IC 33-13-8-25; IC 33-14-9-10; IC 36-8-8-5

Affected: IC 2-3.5; IC 5-10-5.5; IC 5-10.3; IC 33-13-8; IC 33-14-9; IC 36-8

Sec. 3. The fund may accept a direct trustee-to-trustee transfer from a deferred compensation plan under Code Section 457(b) or a tax-sheltered annuity under Code Section 403(b) for the purchase of permissive service credit, as defined in Code Section 415(n)(3)(A), or a repayment to which Code Section 415 does not apply by reason of Code Section 415(k)(3). (*Board of Trustees of the Public Employees' Retirement Fund; 35 IAC 10-1-3*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 25, 2002 at 2:00 p.m., at the Board of Trustees of the Public Employees' Retirement Fund, Harrison Building, 143 West Market Street, Suite 500, Indianapolis, Indiana the Board of Trustees of the Public Employees' Retirement Fund will hold a public hearing on proposed amendment concerning compliance with federal annual compensation limits. Send written comments to Edward Gohmann, General Counsel, Public Employees' Retirement Fund, Harrison Building, Suite 500, 143 West Market Street, Indianapolis, Indiana 46204. Copies of these rules are now on file at the Board of Trustees of the Public Employees' Retirement Fund, Harrison Building, 143 West Market Street, Suite 500 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

E. William Butler
Executive Director
Board of Trustees of the Public Employees' Retirement Fund

TITLE 135 INDIANA TRANSPORTATION FINANCE AUTHORITY

Proposed Rule LSA Document #02-171

DIGEST

Amends 135 IAC 2 to update the rules for the Indiana East-West Toll Road. Subject to the receipt of comments from the public, the authority does not intend to amend the current rules substantially, but the authority does intend to amend certain of

the terms and phrases and other provisions of the current rules to reflect current law, usage, and circumstance. The authority does not intend to amend any rule to increase or decrease the tolls now in effect for use of the toll road. Repeals 135 IAC 2-7-19. Effective 30 days after filing with the secretary of state.

135 IAC 2-1-1

135 IAC 2-2-1

135 IAC 2-2-3

135 IAC 2-2-5

135 IAC 2-2-10

135 IAC 2-2-12

135 IAC 2-3-1

135 IAC 2-3-2

135 IAC 2-4-1

135 IAC 2-4-4

135 IAC 2-5-1

135 IAC 2-5-2

135 IAC 2-6-1

135 IAC 2-7-1

135 IAC 2-7-3

135 IAC 2-7-7

135 IAC 2-7-11

135 IAC 2-7-15

135 IAC 2-7-18

135 IAC 2-7-19

135 IAC 2-7-20

135 IAC 2-7-23

135 IAC 2-8-1

135 IAC 2-8-3

135 IAC 2-8-5

135 IAC 2-8-7

135 IAC 2-8-11

135 IAC 2-10-1

135 IAC 2-10-2

SECTION 1. 135 IAC 2-1-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-1-1 Definitions

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. ~~As used in 135 IAC 2-1 to 135 IAC 2-10, The following words and terms shall have the following meanings; definitions apply throughout this article unless the context shall indicate~~ indicates another or different meaning or intent:

(1) "Aircraft" means any contrivance used or designed for navigation of or flight in the air.

(2) "Authority" means the Indiana ~~toll~~ transportation finance authority.

(3) "Automatic lane" means those entry or exit lanes located at toll plazas which are generally unattended by toll attendants and are equipped with automatic ticket dispensers or automatic coin receptacles for the collection of specified tolls.

(4) "Axle" means the common axis of rotation of one (1) or more wheels, whether power driven or freely rotating, and whether in one (1) or more segments and regardless of the number of wheels carried thereon.

(5) "Axle weight" means the total weight concentrated on one (1) or more axles spaced less than forty (40) inches from center to center.

(6) "Bicycle" means any vehicle irrespective of the number of wheels in contact with the ground ~~which that~~ has the possibility of being foot propelled.

(7) "Bus" means any vehicle designed for the transportation of ~~ten (10)~~ sixteen (16) or more persons.

(8) "Control devices and signals" means all signs, signals, markings, and devices placed or erected on the toll road, as

herein defined in this section, for the purpose of regulating, warning, or guiding traffic.

(9) "Converter dolly" means a one (1) or two (2) axle vehicle vehicles designed to convert a semi-trailer into a trailer and usually coupled to a semi-trailer for the purpose of making up a tandem trailer combination.

(10) "Cross-over" means a paved area in the median strip provided for the use of authorized vehicles to cross the median strip.

(11) "Deceleration lanes and acceleration lanes" means speed change lanes provided for vehicles entering and exiting service areas or interchanges adjacent to the outer traffic lanes.

(12) "Department" means the Indiana department of highways, transportation, toll road division, district.

(13) "Disabled vehicle" means any vehicle temporarily incapable of movement.

(14) "Emergency vehicle" means fire and police vehicles, ambulances, and other vehicles authorized by the department.

(15) "Gross weight" means the total weight of a vehicle or combination of vehicles, including the weight of the vehicle or vehicles, loads, drivers, fuel, or spare tire. etc.

(16) "Interchange" means that portion of the toll road beginning at the point where entrance and exit roads join federal, state, county, or city highways or streets and ending at the point where the toll road traffic lanes join the deceleration and acceleration lanes, as herein defined in this section, and including all bridges, underpasses, overpasses, toll plazas, or parking areas, etc., located between said points.

(17) "Median strips" means the area between the inner traffic lane for westbound traffic and the inner traffic lane for eastbound traffic, including concrete barriers, grassy areas, and inner shoulders.

(18) "Michigan trains" means a combination of three (3) vehicles consisting of a truck-tractor, semi-trailer, and trailer complying with the requirements of 135 IAC 2-8-2 hereafter, which exceeds ninety thousand (90,000) pounds.

(19) "Motorcycle" means every vehicle designed to travel on not more than three (3) wheels in contact with the ground.

(20) "Operator" means every person who drives, or is in actual physical control of a vehicle upon the toll road or who is exercising control over, or steering, a vehicle being towed or pushed by another vehicle.

(21) "Oversize or unusual vehicle" means those vehicles exceeding the allowable dimensions set forth in 135 IAC 2-4-1 hereafter.

(22) "Parking" means the stopping or standing of a vehicle whether occupied or not. A vehicle shall not be deemed to be parked if stopped temporarily for any of the following reasons:

- (+) (A) Because its movement is obstructed.
- (-) (B) While waiting to enter or exit a toll booth lane.
- (-) (C) In obedience to:
 - (i) the direction of a police officer, toll attendant, or other

toll road employee assigned to traffic control work; or

(ii) an official sign, signal, marking, or device.

(+) (D) Because it is disabled.

(23) "Pedestrian" means any natural person afoot.

(24) "Person" means every natural person, firm, copartnership, association, corporation, or legal entity.

(25) "Police officer" means all officers of the Indiana state police assigned to duty on the toll road by the superintendent of state police.

(26) "Public police officer" means peace officers of the United States of the state of or Indiana or of its political subdivisions while in discharge of their official duties.

(27) "Radioactive material" means any material, or combination of materials, that spontaneously emits ionizing radiation, excepting only those specifically exempted from control by the hazardous materials regulations of the U.S. United States Department of Transportation, Federal Highway Administration, in effect on June 1, 1980.

(28) "Semi-trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by another vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

"Service area" means the portion of the toll road right-of-way occupied by the restaurant buildings, service stations, parking and seeded areas adjacent thereto, including the deceleration lanes and acceleration lanes provided for entering and exiting such areas.

(29) "Shoulders" means the paved strips adjoining the traffic lanes, acceleration and deceleration lanes, and interchange ramps.

(30) "Tandem axle group" means two (2) or more axles spaced more than forty (40) inches and less than one hundred eight (108) inches from center to center having at least one (1) common point of weight suspension.

(31) "Tandem trailer combination" means a combination of vehicles consisting of a truck-tractor, semi-trailer, converter dolly, and second semi-trailer complying with the requirements in 135 IAC 2-7-2.

(32) "Toll" means the compensation to be paid to the department for the privilege of using the toll road or any portion thereof.

(33) "Toll attendant" means a toll road employee assigned to and on duty at a toll plaza for the purpose of collecting tolls and/or or using toll tickets.

(34) "Toll plaza" means the portion of the toll road:

(A) beginning where the pavement widens on the approach to the toll booths and ending at the point where the pavement narrows to the normal width of roadway after passing the toll booths; and

(B) including all booths and buildings located thereon.

(35) "Toll road" means all traffic lanes, acceleration lanes, deceleration lanes, shoulders, median strips, bridges, overpasses, underpasses, interchanges, approaches, entrance and

Proposed Rules

exit ramps, toll plazas, ~~service areas~~, **travel plazas**, maintenance areas, and any and all other areas adjacent thereto under the control or jurisdiction of the department and comprising a part of the Indiana east-west toll road.

(36) "Toll road employee" means each person in the official employ of the ~~Indiana department of highways, toll road division~~.

(37) "Traffic" means vehicles, either singly or together, using any portion of the toll road for the purpose of travel.

(38) "Traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic on the toll road is regulated.

(39) "Traffic lanes" means the four (4) ~~or six (6)~~ continuous traffic lanes (each for a single line of vehicles) extending between the eastern and western termini of the toll road. These four (4) ~~or six (6)~~ traffic lanes are in two ~~pairs (2) or three (3) lanes~~, which ~~pairs lanes~~ are separated by the median strip. The ~~pair which lies~~ lanes that lie generally to the north of the median strip is for westbound traffic, and the ~~pair which lies~~ lanes that lie generally to the south of the median strip is for eastbound traffic.

(40) "Trailer" means a vehicle without motive power designed for carrying property.

(41) "Trailer combination" means any tandem trailer combination where the semi-trailer or trailer are over **twenty-eight (28) feet six (6) inches** in length and any triple trailer combination.

(42) "Travel plaza" means the portion of the toll road right-of-way occupied by the restaurant buildings, fuel stations, and parking and seeded areas adjacent thereto, including the deceleration lanes and acceleration lanes provided for entering and exiting such areas.

(43) "Triple trailer combination" means a combination of vehicles consisting of a truck-tractor, semi-trailer, and two (2) trailers complying with the requirements in 135 IAC 2-7-2.

(44) "Truck-tractor" means every vehicle designed and used primarily for drawing other vehicles and so constructed as not to carry a load other than a part of the weight of the vehicle and load so drawn. Nothing in this section prohibits the transportation of motor vehicles on part of the truck-tractor.

(45) "Vehicle" means every device (motorized or nonmotorized) in, upon, or by which any person or property is or may be transported or drawn upon a highway.

(Indiana Transportation Finance Authority; 135 IAC 2-1-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 321; errata, 7 IR 1054)

SECTION 2. 135 IAC 2-2-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-1 Speed regulations

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2; IC 9-21-5-11

Sec. 1. The following are speed regulation requirements:

(1) No person shall drive a vehicle on the toll road at a speed

greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing.

~~(1) (2)~~ (2) No person shall drive any vehicle on the traffic lanes of the toll road at a speed greater than that posted. At no location on the toll road shall the rate of speed of any vehicle exceed that permitted by ~~IC 9-4-1-57~~. **IC 9-21-5.**

~~(2) (3)~~ (3) No person shall operate a vehicle at a speed in excess of that posted on any interchange.

~~(3) (4)~~ (4) No person shall operate a vehicle at a speed in excess of twenty (20) miles per hour within any ~~service area, travel plaza~~, except on the acceleration and deceleration lanes thereof.

~~(4) (5)~~ (5) No person shall drive a vehicle at such a low speed as to impede or block the normal and reasonable movement of traffic or at a speed lower than forty-five (45) miles per hour on the traffic lanes on the toll road, except when a reduced speed is necessary for safe operation or when ordered to do so by a police officer or when posted at a lower speed.

~~(5) (6)~~ (6) No operator of a vehicle shall suddenly decrease the speed of his vehicle without first giving a clearly visible and conventional signal to traffic ~~immediately~~ **immediately** to the rear.

(7) In construction zones, vehicles shall comply with IC 9-21-5-11.

(Indiana Transportation Finance Authority; 135 IAC 2-2-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 323; filed Aug 5, 1987, 4:15 p.m.: 11 IR 6)

SECTION 3. 135 IAC 2-2-3 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-3 Entering traffic lanes

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 3. Upon entering a traffic lane from a ~~service area, travel plaza~~, interchange, shoulder, or entrance ramp, the operator of a vehicle shall use the acceleration lane or shoulder and he ~~or she~~ shall enter the outer traffic lane with caution so as not to interfere with or endanger traffic. The operator of a vehicle entering a traffic lane shall yield the right-of-way to vehicles already on the traffic lanes. (Indiana Transportation Finance Authority; 135 IAC 2-2-3; filed Dec 6, 1983, 1:52 p.m.: 7 IR 323)

SECTION 4. 135 IAC 2-2-5 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-5 U-turns prohibited

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 5. No person operating a vehicle shall make a u-turn at any point on the toll road, except as directed to do so by a police officer **or if the operator of the vehicle has a valid u-turn permit issued by the Indiana toll road.** (Indiana Transporta-

tion Finance Authority; 135 IAC 2-2-5; filed Dec 6, 1983, 1:52 p.m.: 7 IR 324)

SECTION 5. 135 IAC 2-2-10 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-10 Traffic control signals

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 10. All traffic approaching toll booths shall comply with the signals of the lights indicating the following:

(1) **For a toll plaza, the following:**

(A) A green ~~light~~ **arrow** indicates that:

(i) the traffic lane over which the light is displayed is open to traffic; or

(ii) in the case of automatic lanes, ~~that~~ such vehicle activating ~~said~~ the green light may proceed.

(B) A red ~~light~~ **X** indicates that:

(i) the traffic lane over which the light is displayed is closed to traffic; or

(ii) in the case of automatic lanes, ~~that~~ such vehicle failing to activate the green light shall not proceed.

(2) **For a highway, a flashing yellow light** indicates that all traffic shall reduce speed and proceed with caution and in compliance with all supplemental and related traffic signs.

(Indiana Transportation Finance Authority; 135 IAC 2-2-10; filed Dec 6, 1983, 1:52 p.m.: 7 IR 324)

SECTION 6. 135 IAC 2-2-12 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-2-12 Stops at toll collection facilities

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 12. (a) The operator of a vehicle shall make a complete stop at **all manual and automatic** toll collection facilities when entering and exiting the toll road if the procurement of a ticket or the payment of a toll is required.

(b) **The operator of a vehicle shall comply with all signs with respect to:**

(1) **operating speed;**

(2) **stopping of vehicles; and**

(3) **the procession subsequent to a reduction in speed or a stop;**

in any facility with unmanned toll collection capabilities.

(Indiana Transportation Finance Authority; 135 IAC 2-2-12; filed Dec 6, 1983, 1:52 p.m.: 7 IR 325)

SECTION 7. 135 IAC 2-3-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-3-1 Pedestrians and certain vehicles prohibited

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. The following shall not be permitted to travel on the toll road under any circumstances:

(1) Pedestrians.

(2) Bicycles.

(3) Motorcycles with less than **one hundred twenty-five (125) cc. cubic centimeters** displacement.

(4) Vehicles drawn by animals.

(5) Aircraft.

(6) Vehicles with improperly secured loads.

(7) Vehicles with:

(A) metal tires, solid tires, or deflated pneumatic tires; and ~~vehicles with~~

(B) caterpillar treads.

(8) Vehicles towing another vehicle ~~which do that does~~ not have a proper tow bar and safety chains.

(9) Such vehicles as **are deemed**, in the opinion of a ~~department toll attendant or attendants or any police officer, are deemed~~ to be unsafe or to be such as to create a hazard upon the toll road.

(Indiana Transportation Finance Authority; 135 IAC 2-3-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 325; errata, 7 IR 1054)

SECTION 8. 135 IAC 2-3-2 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-3-2 Hitchhiking and loitering prohibited

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 2. The solicitation of a ride, commonly known as hitchhiking or stopping any vehicle for the purpose of picking up or discharging a hitchhiker, on any portion of the toll road, including all **toll plazas and travel plazas**, is prohibited. Loitering in or about the toll plazas, **travel plazas**, or any other portion of the toll road is prohibited. *(Indiana Transportation Finance Authority; 135 IAC 2-3-2; filed Dec 6, 1983, 1:52 p.m.: 7 IR 325)*

SECTION 9. 135 IAC 2-4-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-4-1 Allowable dimensions without toll attendant authorization

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. The following shall be the maximum allowable dimensions for vehicles permitted to operate on the toll road without toll attendant authorization under 135 IAC 2-4-2 or a permit under 135 IAC 2-4-4, 135 IAC 2-7 or 135 IAC 2-8. Vehicles not exceeding these dimensions shall, for toll collection purposes, be classified by axle count and the toll assessed accordingly:

FACTOR	LIMITS
Width	8' 6"
Height	13' 6"

Proposed Rules

Length for single vehicle under own motive power (other than buses)	36' 0"
Buses	40' 0"
Semi-trailer in a truck tractor-semi-trailer combination	53' 0"

~~Provided, however, that a semitrailer longer than forty-eight feet six inches (48' 6") shall not be operated on the toll road when the distance between the kingpin and the rearmost axle of the semitrailer exceeds forty feet six inches. (Indiana Transportation Finance Authority; 135 IAC 2-4-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 326; filed Aug 5, 1987, 4:15 p.m.: 11 IR 6; errata, 11 IR 96)~~

SECTION 10. 135 IAC 2-4-4 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-4-4 Special hauling permits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 4. ~~The department may issue (a) A special hauling permit for vehicles a vehicle exceeding the dimensions or weights set forth in 135 IAC 2-4-2 sections 2 and 135 IAC 2-4-3; 3 of this rule, providing the load is nondivisible. These permits are may be issued by the Department of State Revenue, 5252 Decatur Boulevard, Suite R, Indianapolis, Indiana 46241. The permit is issued on a one-trip basis. The permit fee is fifty dollars (\$50.00); (\$50) in addition to paying a rate indicator 8 toll.~~

The operator or operators of any vehicle exceeding said dimensions and weights set out in 135 IAC 2-4-2 and 135 IAC 2-4-3 herein shall apply to the General Manager of the Department, P.O. Box 1, Granger, Indiana 46530-0001, in writing, for an application for special hauling permit. Said application must be in compliance with all the terms thereof; and must be received at least seven (7) days prior to the time of permitted entry; should such permit be granted. Such permit, if granted, will be returned to the applicant in duplicate; properly completed and numbered; and

(b) The driver operator of the vehicle shall have a copy of the permit to present to the toll attendant upon entry. Pertinent information regarding the issuance and use of special hauling permits; as well as application forms; may be obtained from the department upon request. (Indiana Transportation Finance Authority; 135 IAC 2-4-4; filed Dec 6, 1983, 1:52 p.m.: 7 IR 326)

SECTION 11. 135 IAC 2-5-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-5-1 Classification of vehicles

Authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. For the purposes of the toll payable under the toll schedule adopted by the authority for the use of the Indiana toll road, the following classifications shall apply:

- (1) Class 1: Any vehicle with **two (2) or four (4) tires, or less, including recreational vehicles with four (4) tires.**
- (2) Class 2: Any **Class 1** vehicle with four tires or less with **pulling a trailer or another Class 1 vehicle.**
- (3) Class 3: **Any vehicle Vehicles, including recreational vehicles,** with two (2) axles and six (6) tires, **or commercial vehicles.**
- (4) Class 4: Any vehicle **or combination** with three (3) axles. **or two axle tractor with one axle trailer.**
- (5) Class 5: Any vehicle combination with four (4) axles.
- (6) Class 6: Any vehicle combination with five (5) axles.
- (7) Class 7: Any vehicle combination with six (6) axles.
- (8) Class 8: ~~Authorized trailer combinations; Michigan trains and special~~ **Any vehicle or combination with seven (7) or more axles. Also, oversize or unusual and overweight vehicles. (SEE RULES AND REGULATIONS).**
- (9) Class 9: Commuters: **Any vehicle with two (2) or four (4) tires using the same two (2) exits.**

(Indiana Transportation Finance Authority; 135 IAC 2-5-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 326; filed Mar 5, 1985, 9:10 a.m.: 8 IR 748) NOTE: Effective on the date of the commencement of the operation of the new combination ticket/barrier system of toll collection.

SECTION 12. 135 IAC 2-5-2 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-5-2 Payment of toll

Authority: IC 8-15-2-14; IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 2. (a) Every operator of a vehicle using the toll road shall pay the toll prescribed by the authority, except when such use shall have been exempted from such payment by the authority.

(b) On October 1, 1985, the following toll rates will become effective on the toll road and will remain in effect until the commencement of the operation of the new combination ticket/barrier system of toll collection:

VEHICLE CLASS I
INTERIM TOLL SCHEDULE

Proposed Rules

~~| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 | 101 | 102 | 103 | 104 | 105 | 106 | 107 | 108 | 109 | 110 | 111 | 112 | 113 | 114 | 115 | 116 | 117 | 118 | 119 | 120 | 121 | 122 | 123 | 124 | 125 | 126 | 127 | 128 | 129 | 130 | 131 | 132 | 133 | 134 | 135 | 136 | 137 | 138 | 139 | 140 | 141 | 142 | 143 | 144 | 145 | 146 | 147 | 148 | 149 | 150 | 151 | 152 | 153 | 154 | 155 | 156 | 157 | 158 | 159 | 160 | 161 | 162 | 163 | 164 | 165 | 166 | 167 | 168 | 169 | 170 | 171 | 172 | 173 | 174 | 175 | 176 | 177 | 178 | 179 | 180 | 181 | 182 | 183 | 184 | 185 | 186 | 187 | 188 | 189 | 190 | 191 | 192 | 193 | 194 | 195 | 196 | 197 | 198 | 199 | 200 | 201 | 202 | 203 | 204 | 205 | 206 | 207 | 208 | 209 | 210 | 211 | 212 | 213 | 214 | 215 | 216 | 217 | 218 | 219 | 220 | 221 | 222 | 223 | 224 | 225 | 226 | 227 | 228 | 229 | 230 | 231 | 232 | 233 | 234 | 235 | 236 | 237 | 238 | 239 | 240 | 241 | 242 | 243 | 244 | 245 | 246 | 247 | 248 | 249 | 250 | 251 | 252 | 253 | 254 | 255 | 256 | 257 | 258 | 259 | 260 | 261 | 262 | 263 | 264 | 265 | 266 | 267 | 268 | 269 | 270 | 271 | 272 | 273 | 274 | 275 | 276 | 277 | 278 | 279 | 280 | 281 | 282 | 283 | 284 | 285 | 286 | 287 | 288 | 289 | 290 | 291 | 292 | 293 | 294 | 295 | 296 | 297 | 298 | 299 | 300 | 301 | 302 | 303 | 304 | 305 | 306 | 307 | 308 | 309 | 310 | 311 | 312 | 313 | 314 | 315 | 316 | 317 | 318 | 319 | 320 | 321 | 322 | 323 | 324 | 325 | 326 | 327 | 328 | 329 | 330 | 331 | 332 | 333 | 334 | 335 | 336 | 337 | 338 | 339 | 340 | 341 | 342 | 343 | 344 | 345 | 346 | 347 | 348 | 349 | 350 | 351 | 352 | 353 | 354 | 355 | 356 | 357 | 358 | 359 | 360 | 361 | 362 | 363 | 364 | 365 | 366 | 367 | 368 | 369 | 370 | 371 | 372 | 373 | 374 | 375 | 376 | 377 | 378 | 379 | 380 | 381 | 382 | 383 | 384 | 385 | 386 | 387 | 388 | 389 | 390 | 391 | 392 | 393 | 394 | 395 | 396 | 397 | 398 | 399 | 400 | 401 | 402 | 403 | 404 | 405 | 406 | 407 | 408 | 409 | 410 | 411 | 412 | 413 | 414 | 415 | 416 | 417 | 418 | 419 | 420 | 421 | 422 | 423 | 424 | 425 | 426 | 427 | 428 | 429 | 430 | 431 | 432 | 433 | 434 | 435 | 436 | 437 | 438 | 439 | 440 | 441 | 442 | 443 | 444 | 445 | 446 | 447 | 448 | 449 | 450 | 451 | 452 | 453 | 454 | 455 | 456 | 457 | 458 | 459 | 460 | 461 | 462 | 463 | 464 | 465 | 466 | 467 | 468 | 469 | 470 | 471 | 472 | 473 | 474 | 475 | 476 | 477 | 478 | 479 | 480 | 481 | 482 | 483 | 484 | 485 | 486 | 487 | 488 | 489 | 490 | 491 | 492 | 493 | 494 | 495 | 496 | 497 | 498 | 499 | 500 | 501 | 502 | 503 | 504 | 505 | 506 | 507 | 508 | 509 | 510 | 511 | 512 | 513 | 514 | 515 | 516 | 517 | 518 | 519 | 520 | 521 | 522 | 523 | 524 | 525 | 526 | 527 | 528 | 529 | 530 | 531 | 532 | 533 | 534 | 535 | 536 | 537 | 538 | 539 | 540 | 541 | 542 | 543 | 544 | 545 | 546 | 547 | 548 | 549 | 550 | 551 | 552 | 553 | 554 | 555 | 556 | 557 | 558 | 559 | 560 | 561 | 562 | 563 | 564 | 565 | 566 | 567 | 568 | 569 | 570 | 571 | 572 | 573 | 574 | 575 | 576 | 577 | 578 | 579 | 580 | 581 | 582 | 583 | 584 | 585 | 586 | 587 | 588 | 589 | 590 | 591 | 592 | 593 | 594 | 595 | 596 | 597 | 598 | 599 | 600 | 601 | 602 | 603 | 604 | 605 | 606 | 607 | 608 | 609 | 610 | 611 | 612 | 613 | 614 | 615 | 616 | 617 | 618 | 619 | 620 | 621 | 622 | 623 | 624 | 625 | 626 | 627 | 628 | 629 | 630 | 631 | 632 | 633 | 634 | 635 | 636 | 637 | 638 | 639 | 640 | 641 | 642 | 643 | 644 | 645 | 646 | 647 | 648 | 649 | 650 | 651 | 652 | 653 | 654 | 655 | 656 | 657 | 658 | 659 | 660 | 661 | 662 | 663 | 664 | 665 | 666 | 667 | 668 | 669 | 670 | 671 | 672 | 673 | 674 | 675 | 676 | 677 | 678 | 679 | 680 | 681 | 682 | 683 | 684 | 685 | 686 | 687 | 688 | 689 | 690 | 691 | 692 | 693 | 694 | 695 | 696 | 697 | 698 | 699 | 700 | 701 | 702 | 703 | 704 | 705 | 706 | 707 | 708 | 709 | 710 | 711 | 712 | 713 | 714 | 715 | 716 | 717 | 718 | 719 | 720 | 721 | 722 | 723 | 724 | 725 | 726 | 727 | 728 | 729 | 730 | 731 | 732 | 733 | 734 | 735 | 736 | 737 | 738 | 739 | 740 | 741 | 742 | 743 | 744 | 745 | 746 | 747 | 748 | 749 | 750 | 751 | 752 | 753 | 754 | 755 | 756 | 757 | 758 | 759 | 760 | 761 | 762 | 763 | 764 | 765 | 766 | 767 | 768 | 769 | 770 | 771 | 772 | 773 | 774 | 775 | 776 | 777 | 778 | 779 | 780 | 781 | 782 | 783 | 784 | 785 | 786 | 787 | 788 | 789 | 790 | 791 | 792 | 793 | 794 | 795 | 796 | 797 | 798 | 799 | 800 | 801 | 802 | 803 | 804 | 805 | 806 | 807 | 808 | 809 | 810 | 811 | 812 | 813 | 814 | 815 | 816 | 817 | 818 | 819 | 820 | 821 | 822 | 823 | 824 | 825 | 826 | 827 | 828 | 829 | 830 | 831 | 832 | 833 | 834 | 835 | 836 | 837 | 838 | 839 | 840 | 841 | 842 | 843 | 844 | 845 | 846 | 847 | 848 | 849 | 850 | 851 | 852 | 853 | 854 | 855 | 856 | 857 | 858 | 859 | 860 | 861 | 862 | 863 | 864 | 865 | 866 | 867 | 868 | 869 | 870 | 871 | 872 | 873 | 874 | 875 | 876 | 877 | 878 | 879 | 880 | 881 | 882 | 883 | 884 | 885 | 886 | 887 | 888 | 889 | 890 | 891 | 892 | 893 | 894 | 895 | 896 | 897 | 898 | 899 | 900 | 901 | 902 | 903 | 904 | 905 | 906 | 907 | 908 | 909 | 910 | 911 | 912 | 913 | 914 | 915 | 916 | 917 | 918 | 919 | 920 | 921 | 922 | 923 | 924 | 925 | 926 | 927 | 928 | 929 | 930 | 931 | 932 | 933 | 934 | 935 | 936 | 937 | 938 | 939 | 940 | 941 | 942 | 943 | 944 | 945 | 946 | 947 | 948 | 949 | 950 | 951 | 952 | 953 | 954 | 955 | 956 | 957 | 958 | 959 | 960 | 961 | 962 | 963 | 964 | 965 | 966 | 967 | 968 | 969 | 970 | 971 | 972 | 973 | 974 | 975 | 976 | 977 | 978 | 979 | 980 | 981 | 982 | 983 | 984 | 985 | 986 | 987 | 988 | 989 | 990 | 991 | 992 | 993 | 994 | 995 | 996 | 997 | 998 | 999 | 1000 | 1001 | 1002 | 1003 | 1004 | 1005 | 1006 | 1007 | 1008 | 1009 | 1010 | 1011 | 1012 | 1013 | 1014 | 1015 | 1016 | 1017 | 1018 | 1019 | 1020 | 1021 | 1022 | 1023 | 1024 | 1025 | 1026 | 1027 | 1028 | 1029 | 1030 | 1031 | 1032 | 1033 | 1034 | 1035 | 1036 | 1037 | 1038 | 1039 | 1040 | 1041 | 1042 | 1043 | 1044 | 1045 | 1046 | 1047 | 1048 | 1049 | 1050 | 1051 | 1052 | 1053 | 1054 | 1055 | 1056 | 1057 | 1058 | 1059 | 1060 | 1061 | 1062 | 1063 | 1064 | 1065 | 1066 | 1067 | 1068 | 1069 | 1070 | 1071 | 1072 | 1073 | 1074 | 1075 | 1076 | 1077 | 1078 | 1079 | 1080 | 1081 | 1082 | 1083 | 1084 | 1085 | 1086 | 1087 | 1088 | 1089 | 1090 | 1091 | 1092 | 1093 | 1094 | 1095 | 1096 | 1097 | 1098 | 1099 | 1100 | 1101 | 1102 | 1103 | 1104 | 1105 | 1106 | 1107 | 1108 | 1109 | 1110 | 1111 | 1112 | 1113 | 1114 | 1115 | 1116 | 1117 | 1118 | 1119 | 1120 | 1121 | 1122 | 1123 | 1124 | 1125 | 1126 | 1127 | 1128 | 1129 | 1130 | 1131 | 1132 | 1133 | 1134 | 1135 | 1136 | 1137 | 1138 | 1139 | 1140 | 1141 | 1142 | 1143 | 1144 | 1145 | 1146 | 1147 | 1148 | 1149 | 1150 | 1151 | 1152 | 1153 | 1154 | 1155 | 1156 | 1157 | 1158 | 1159 | 1160 | 1161 | 1162 | 1163 | 1164 | 1165 | 1166 | 1167 | 1168 | 1169 | 1170 | 1171 | 1172 | 1173 | 1174 | 1175 | 1176 | 1177 | 1178 | 1179 | 1180 | 1181 | 1182 | 1183 | 1184 | 1185 | 1186 | 1187 | 1188 | 1189 | 1190 | 1191 | 1192 | 1193 | 1194 | 1195 | 1196 | 1197 | 1198 | 1199 | 1200 | 1201 | 1202 | 1203 | 1204 | 1205 | 1206 | 1207 | 1208 | 1209 | 1210 | 1211 | 1212 | 1213 | 1214 | 1215 | 1216 | 1217 | 1218 | 1219 | 1220 | 1221 | 1222 | 1223 | 1224 | 1225 | 1226 | 1227 | 1228 | 1229 | 1230 | 1231 | 1232 | 1233 | 1234 | 1235 | 1236 | 1237 | 1238 | 1239 | 1240 | 1241 | 1242 | 1243 | 1244 | 1245 | 1246 | 1247 | 1248 | 1249 | 1250 | 1251 | 1252 | 1253 | 1254 | 1255 | 1256 | 1257 | 1258 | 1259 | 1260 | 1261 | 1262 | 1263 | 1264 | 1265 | 1266 | 1267 | 1268 | 1269 | 1270 | 1271 | 1272 | 1273 | 1274 | 1275 | 1276 | 1277 | 1278 | 1279 | 1280 | 1281 | 1282 | 1283 | 1284 | 1285 | 1286 | 1287 | 1288 | 1289 | 1290 | 1291 | 1292 | 1293 | 1294 | 1295 | 1296 | 1297 | 1298 | 1299 | 1300 | 1301 | 1302 | 1303 | 1304 | 1305 | 1306 | 1307 | 1308 | 1309 | 1310 | 1311 | 1312 | 1313 | 1314 | 1315 | 1316 | 1317 | 1318 | 1319 | 1320 | 1321 | 1322 | 1323 | 1324 | 1325 | 1326 | 1327 | 1328 | 1329 | 1330 | 1331 | 1332 | 1333 | 1334 | 1335 | 1336 | 1337 | 1338 | 1339 | 1340 | 1341 | 1342 | 1343 | 1344 | 1345 | 1346 | 1347 | 1348 | 1349 | 1350 | 1351 | 1352 | 1353 | 1354 | 1355 | 1356 | 1357 | 1358 | 1359 | 1360 | 1361 | 1362 | 1363 | 1364 | 1365 | 1366 | 1367 | 1368 | 1369 | 1370 | 1371 | 1372 | 1373 | 1374 | 1375 | 1376 | 1377 | 1378 | 1379 | 1380 | 1381 | 1382 | 1383 | 1384 | 1385 | 1386 | 1387 | 1388 | 1389 | 1390 | 1391 | 1392 | 1393 | 1394 | 1395 | 1396 | 1397 | 1398 | 1399 | 1400 | 1401 | 1402 | 1403 | 1404 | 1405 | 1406 | 1407 | 1408 | 1409 | 1410 | 1411 | 1412 | 1413 | 1414 | 1415 | 1416 | 1417 | 1418 | 1419 | 1420 | 1421 | 1422 | 1423 | 1424 | 1425 | 1426 | 1427 | 1428 | 1429 | 1430 | 1431 | 1432 | 1433 | 1434 | 1435 | 1436 | 1437 | 1438 | 1439 | 1440 | 1441 | 1442 | 1443 | 1444 | 1445 | 1446 | 1447 | 1448 | 1449 | 1450 | 1451 | 1452 | 1453 | 1454 | 1455 | 1456 | 1457 | 1458 | 1459 | 1460 | 1461 | 1462 | 1463 | 1464 | 1465 | 1466 | 1467 | 1468 | 1469 | 1470 | 1471 | 1472 | 1473 | 1474 | 1475 | 1476 | 1477 | 1478 | 1479 | 1480 | 1481 | 1482 | 1483 | 1484 | 1485 | 1486 | 1487 | 1488 | 1489 | 1490 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-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Proposed Rules

**VEHICLE CLASS 8
INTERIM TOLL SCHEDULE**

**VEHICLE CLASS 9
INTERIM TOLL SCHEDULE**

(c) On the date of the commencement of the operation of the new combination ticket/barrier system of toll collection, the following toll rates will become effective on the barrier system portion of the toll road:

INDIANA DEPARTMENT OF HIGHWAYS — TOLL ROAD DIVISION
TOLL STRUCTURE AND RATE SCHEDULE
BARRIER SYSTEM

(Tolls will be charged as indicated below only upon entry and exit.)

Vehicle Class	Description	Direction of Travel	Entry or Exit	1	5	10	TOLL PLAZAS	17	21	23
1	2-axle, 4-tire vehicle	West	Entry	\$0.50	\$ -	\$ -	\$ -	\$0.15	\$0.30	\$0.30
			Exit	0.50	0.25	0.25	0.15	-	-	-
		East	Entry	0.50	0.25	0.25	0.15	-	-	-
			Exit	0.50	-	-	-	0.15	0.30	0.30
2	2-axle, 4-tire vehicle with trailer	West	Entry	0.75	-	-	-	0.25	0.45	0.45
			Exit	0.75	0.40	0.40	0.25	-	-	-
		East	Entry	0.75	0.40	0.40	0.25	-	-	-
			Exit	0.75	-	-	-	0.25	0.45	0.45
3	2-axle, 6-tire vehicle	West	Entry	0.70	-	-	-	0.30	0.40	0.40
			Exit	0.70	0.40	0.40	0.30	-	-	-
		East	Entry	0.70	0.40	0.40	0.30	-	-	-
			Exit	0.70	-	-	-	0.30	0.40	0.40
4	3-axle vehicle ⁽¹⁾	West	Entry	1.05	-	-	-	0.45	0.60	0.60
			Exit	1.05	0.60	0.60	0.45	-	-	-
		East	Entry	1.05	0.60	0.60	0.45	-	-	-
			Exit	1.05	-	-	-	0.45	0.60	0.60
5	4-axle vehicle ⁽¹⁾	West	Entry	1.40	-	-	-	0.60	0.80	0.80
			Exit	1.40	0.80	0.80	0.60	-	-	-
		East	Entry	1.40	0.80	0.80	0.60	-	-	-
			Exit	1.40	-	-	-	0.60	0.80	0.80
6	5-axle vehicle	West	Entry	1.75	-	-	-	0.75	1.00	1.00
			Exit	1.75	1.00	1.00	0.75	-	-	-
		East	Entry	1.75	1.00	1.00	0.75	-	-	-
			Exit	1.75	-	-	-	0.75	1.00	1.00
7	6-axle vehicle	West	Entry	2.10	-	-	-	0.90	1.20	1.20
			Exit	2.10	1.20	1.20	0.90	-	-	-
		East	Entry	2.10	1.20	1.20	0.90	-	-	-
			Exit	2.10	-	-	-	0.90	1.20	1.20
8	Oversized Vehicles ⁽¹⁾	West	Entry	3.00	-	-	-	1.35	1.80	1.80
			Exit	3.00	1.80	1.80	1.35	-	-	-
		East	Entry	3.00	1.80	1.80	1.35	-	-	-
			Exit	3.00	-	-	-	1.35	1.80	1.80
9A ⁽²⁾	Type 9A Computers	West	Entry	0.30	-	-	-	0.05	0.15	0.15
			Exit	0.30	0.10	0.10	0.05	-	-	-
		East	Entry	0.30	0.10	0.10	0.05	-	-	-
			Exit	0.30	-	-	-	0.05	0.15	0.15
9B ⁽²⁾	Type 9B Computers	West	Entry	0.35	-	-	-	0.05	0.15	0.15
			Exit	0.35	0.15	0.15	0.10	-	-	-
		East	Entry	0.35	0.15	0.15	0.10	-	-	-
			Exit	0.35	-	-	-	0.05	0.15	0.15

⁽¹⁾ Vehicle classes 4, 5, and 8 are single unit or combination.
⁽²⁾ Two computer toll schedules are required to differentiate between single plaza versus double plaza movements.

(d) On the date of the commencement of the operation of the new combination ticket/barrier system of toll collection, the following toll rates will become effective on the ticket system portion of the toll road:

4145

TICKET SYSTEM TOLL SCHEDULE

[illegible]

(b) The following rates are effective on the barrier system of the toll road:

INDIANA DEPARTMENT OF TRANSPORTATION - TOLL ROAD DISTRICT
Toll Structure and Rate Schedule

BARRIER SYSTEM

(Tolls will be charged as indicated below only upon entry and exit.)

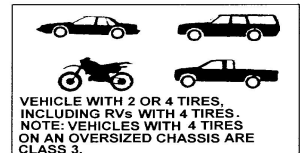
Vehicle Class	Description		Direction of Travel	Entry or Exit	TOLL PLAZAS							
					1	5	10	14A/B	17	21	23	
1	2-axle, 4-tire vehicles	West	Entry	\$0.50	\$-0-	\$-0-	\$-0-	\$0.15	\$0.30	\$0.30		
			Exit	0.50	0.25	0.25	-0-	-0-	-0-	-0-		
		East	Entry	0.50	0.25	0.25	-0-	-0-	-0-	-0-		
			Exit	0.50	-0-	-0-	-0-	0.15	0.30	0.30		
2	2-axle, 4-tire vehicles with trailer	West	Entry	0.75	-0-	-0-	-0-	0.25	0.45	0.45		
			Exit	0.75	0.40	0.40	-0-	-0-	-0-	-0-		
		East	Entry	0.75	0.40	0.40	-0-	-0-	-0-	-0-		
			Exit	0.75	-0-	-0-	-0-	0.25	0.45	0.45		
3	2-axle, 6-tire vehicles	West	Entry	0.70	-0-	-0-	-0-	0.30	0.40	0.40		
			Exit	0.70	0.40	0.40	-0-	-0-	-0-	-0-		
		East	Entry	0.70	0.40	0.40	-0-	-0-	-0-	-0-		
			Exit	0.70	-0-	-0-	-0-	0.30	0.40	0.40		
4	3-axle vehicles ⁽¹⁾	West	Entry	1.05	-0-	-0-	-0-	0.45	0.60	0.60		
			Exit	1.05	0.60	0.60	-0-	-0-	-0-	-0-		
		East	Entry	1.05	0.60	0.60	-0-	-0-	-0-	-0-		
			Exit	1.05	-0-	-0-	-0-	0.45	0.60	0.60		
5	4-axle vehicles ⁽¹⁾	West	Entry	1.40	-0-	-0-	-0-	0.60	0.80	0.80		
			Exit	1.40	0.80	0.80	-0-	-0-	-0-	-0-		
		East	Entry	1.40	0.80	0.80	-0-	-0-	-0-	-0-		
			Exit	1.40	-0-	-0-	-0-	0.60	0.80	0.80		
6	5-axle vehicles ⁽¹⁾	West	Entry	1.75	-0-	-0-	-0-	0.75	1.00	1.00		
			Exit	1.75	1.00	1.00	-0-	-0-	-0-	-0-		
		East	Entry	1.75	1.00	1.00	-0-	-0-	-0-	-0-		
			Exit	1.75	-0-	-0-	-0-	0.75	1.00	1.00		
7	6-axle vehicles ⁽¹⁾	West	Entry	2.10	-0-	-0-	-0-	0.90	1.20	1.20		
			Exit	2.10	1.20	1.20	-0-	-0-	-0-	-0-		
		East	Entry	2.10	1.20	1.20	-0-	-0-	-0-	-0-		
			Exit	2.10	-0-	-0-	-0-	0.90	1.20	1.20		
8	Oversized Vehicles ⁽¹⁾	West	Entry	3.00	-0-	-0-	-0-	1.35	1.80	1.80		
			Exit	3.00	1.80	1.80	-0-	-0-	-0-	-0-		
		East	Entry	3.00	1.80	1.80	-0-	-0-	-0-	-0-		
			Exit	3.00	-0-	-0-	-0-	1.35	1.80	1.80		
9A ⁽²⁾	Type 9A Commuters	West	Entry	0.30	-0-	-0-	-0-	0.05	0.15	0.15		
			Exit	0.30	0.10	0.10	-0-	-0-	-0-	-0-		
		East	Entry	0.30	0.10	0.10	-0-	-0-	-0-	-0-		
			Exit	0.30	-0-	-0-	-0-	0.05	0.15	0.15		
9B ⁽²⁾	Type 9B Commuters	West	Entry	0.35	-0-	-0-	-0-	0.05	0.15	0.15		
			Exit	0.35	0.15	0.15	-0-	-0-	-0-	-0-		
		East	Entry	0.35	0.15	0.15	-0-	-0-	-0-	-0-		
			Exit	0.35	-0-	-0-	-0-	0.05	0.15	0.15		

- (1) Vehicle classes 4,5,6,7 and 8 are single unit or combination
- (2) Two commuter toll schedules are required to differentiate between single plaza versus double plaza movements

(Revised 9/99)

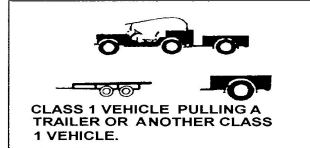
(c) The following rates are effective on the ticket system portion of the toll road:

CLASS 1



24 Portage Barrier		INCLUDING RVs WITH 4 TIRES. NOTE: VEHICLES WITH 4 TIRES ON AN OVERSIZED CHASSIS ARE CLASS 3.	
0.45	31 Valparaiso - Chesterton		
0.65	0.40	39	Michigan City
1.00	0.65	0.40	49 LaPorte
1.55	1.10	0.95	0.65 72 South Bend West
1.75	1.30	1.10	0.90 0.35 77 South Bend - Notre Dame
2.00	1.55	1.30	1.10 0.45 0.35 83 Mishawaka
2.20	1.75	1.65	1.30 0.70 0.50 0.40 92 Elkhart
2.35	1.95	1.70	1.40 0.75 0.60 0.50 0.35 95 Elkhart East
2.50	2.10	1.85	1.50 0.90 0.70 0.55 0.40 0.35 101 Bristol - Goshen
2.65	2.30	2.05	1.65 1.10 0.95 0.75 0.55 0.40 0.35 107 Middlebury
2.85	2.65	2.50	2.10 1.55 1.30 1.10 0.90 0.75 0.65 0.45 121 Howe - LaGrange
3.70	3.40	3.20	2.75 2.20 2.00 1.80 1.65 1.45 1.30 1.10 0.75 144 Angola
4.15	3.85	3.60	3.20 2.65 2.40 2.20 2.00 1.70 1.65 1.45 1.10 0.45 153 Eastpoint

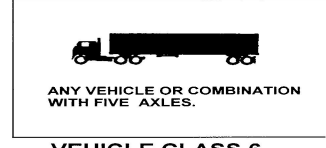
CLASS 2



VEHICLE CLASS 2

24	Portage Barrier
0.50	31 Valparaiso - Chesterton
0.70	0.45 39 Michigan City
1.10	0.70 0.45 49 LaPorte
1.70	1.40 1.10 0.75 72 South Bend West
1.95	1.65 1.30 1.00 0.45 77 South Bend - Notre Dame
2.20	1.95 1.50 1.15 0.55 0.45 83 Mishawaka
2.40	2.05 1.75 1.45 0.75 0.60 92 Elkhart
2.50	2.20 1.90 1.60 0.90 0.75 0.60 0.45 96 Elkhart East
2.70	2.40 2.10 1.75 1.10 0.90 0.65 0.50 0.45 101 Bristol - Goshen
2.90	2.65 2.30 2.00 1.25 1.10 0.90 0.60 0.50 0.45 107 Middlebury
3.30	3.05 2.75 2.40 1.75 1.55 1.30 1.00 0.85 0.70 0.55 121 Howe - LaGrange
4.20	3.85 3.60 3.30 2.55 2.30 2.10 1.75 1.60 1.50 1.25 0.85 144 Angola
4.60	4.30 3.95 3.70 2.95 2.75 2.55 2.20 2.10 1.95 1.75 1.25 0.55 153 Eastpoint

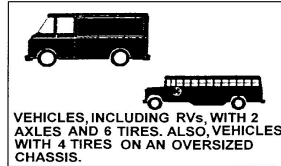
CLASS 6



VEHICLE CLASS 6

24	Portage Barrier
1.40	31 Valparaiso - Chesterton
2.25	1.25 39 Michigan City
2.95	1.90 1.25 49 LaPorte
4.70	3.55 2.95 2.00 72 South Bend West
5.30	4.25 3.65 2.65 1.25 77 South Bend - Notre Dame
5.80	4.90 4.15 3.20 1.55 1.25 83 Mishawaka
6.55	5.75 5.00 3.90 2.15 1.50 1.25 92 Elkhart
6.95	6.10 5.35 4.35 2.40 1.90 1.55 1.25 96 Elkhart East
7.40	6.55 5.80 4.90 2.70 2.25 1.70 1.25 1.25 101 Bristol - Goshen
8.15	7.20 6.25 5.40 3.65 3.00 2.25 1.50 1.30 1.25 107 Middlebury
9.40	8.45 7.65 6.65 4.90 4.25 3.55 2.75 2.25 1.90 1.25 121 Howe - LaGrange
11.55	10.65 9.75 8.75 7.00 6.25 5.70 5.00 4.55 4.00 3.45 2.20 144 Angola

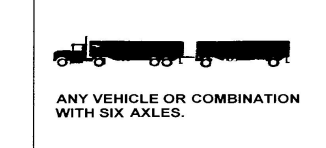
CLASS 3



VEHICLE CLASS 3

24	Portage Barrier
0.50	31 Valparaiso - Chesterton
1.15	0.65 39 Michigan City
1.55	0.90 0.65 49 LaPorte
2.50	1.90 1.50 1.00 72 South Bend West
2.75	2.15 1.90 1.25 0.65 77 South Bend - Notre Dame
3.15	2.50 2.15 1.65 0.75 0.65 83 Mishawaka
3.50	2.95 2.50 2.00 1.15 0.80 0.65 92 Elkhart
3.70	3.15 2.70 2.20 1.25 0.95 0.75 0.65 96 Elkhart East
3.90	3.40 2.95 2.50 1.40 1.15 0.90 0.65 0.65 101 Bristol - Goshen
4.20	3.70 3.25 2.80 1.75 1.45 1.15 0.80 0.75 0.65 107 Middlebury
4.90	4.30 3.90 3.45 2.50 2.15 1.80 1.40 1.20 0.95 0.75 121 Howe - LaGrange
6.00	5.40 5.00 4.50 3.55 3.25 2.95 2.50 2.30 2.05 1.90 1.15 144 Angola

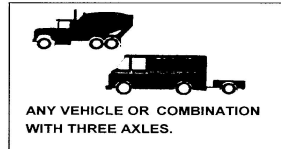
CLASS 7



VEHICLE CLASS 7

24	Portage Barrier
1.65	31 Valparaiso - Chesterton
2.65	1.50 39 Michigan City
3.40	2.15 1.50 49 LaPorte
5.40	4.25 3.50 2.25 72 South Bend West
6.15	5.00 4.25 3.00 1.50 77 South Bend - Notre Dame
6.90	5.65 4.90 3.75 1.90 1.50 83 Mishawaka
7.80	6.65 5.90 4.75 2.50 1.75 1.50 92 Elkhart
8.20	7.15 6.35 5.15 2.80 2.15 1.90 1.50 96 Elkhart East
8.75	7.75 6.90 5.65 3.15 2.65 2.00 1.50 1.50 101 Bristol - Goshen
9.40	8.45 7.50 6.40 4.15 3.40 2.65 1.75 1.60 1.50 107 Middlebury
10.95	9.75 9.00 7.80 5.65 4.90 4.15 3.25 2.80 2.20 1.50 121 Howe - LaGrange
13.45	12.40 11.55 10.40 8.25 7.50 6.70 5.90 5.35 4.70 4.05 2.65 144 Angola
15.00	13.75 13.15 11.90 9.50 8.75 8.15 7.40 6.85 6.15 5.50 4.05 1.50 153 Eastpoint

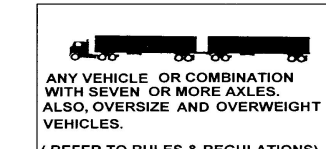
CLASS 4



VEHICLE CLASS 4

24	Portage Barrier
0.95	31 Valparaiso - Chesterton
1.45	0.80 39 Michigan City
2.05	1.25 0.80 49 LaPorte
2.95	2.25 1.90 1.15 0.80 72 South Bend West
3.30	2.65 2.25 1.65 0.80 77 South Bend - Notre Dame
3.65	3.00 2.55 1.95 0.95 0.80 83 Mishawaka
4.15	3.50 3.15 2.50 1.40 1.00 0.80 92 Elkhart
4.40	3.75 3.35 2.70 1.55 1.20 0.95 0.80 96 Elkhart East
4.70	4.05 3.65 3.00 1.70 1.40 1.05 0.80 0.80 101 Bristol - Goshen
5.00	4.40 3.90 3.45 2.20 1.90 1.40 1.00 0.95 0.80 107 Middlebury
5.75	5.25 4.70 4.05 3.00 2.65 2.20 1.65 1.45 1.15 0.90 121 Howe - LaGrange
7.00	6.50 5.95 5.30 4.25 3.90 3.50 2.95 2.75 2.50 2.15 1.25 144 Angola

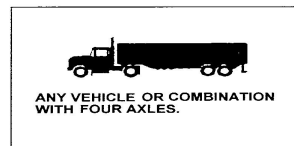
CLASS 8



VEHICLE CLASS 8

24	Portage Barrier
10.65	31 Valparaiso - Chesterton
11.90	10.65 39 Michigan City
13.15	11.90 10.65 49 LaPorte
15.65	13.75 12.80 10.30 72 South Bend West
16.90	14.70 13.75 12.50 10.30 77 South Bend - Notre Dame
17.80	15.30 14.40 13.15 10.95 10.30 83 Mishawaka
19.40	16.55 15.95 14.70 11.90 10.95 10.65 92 Elkhart
19.75	17.25 16.60 15.40 12.70 11.90 10.95 10.30 96 Elkhart East
20.30	18.15 17.50 16.25 13.45 12.50 11.90 10.65 10.30 101 Bristol - Goshen
21.25	19.40 18.45 17.20 14.05 13.15 12.50 10.95 10.80 10.65 107 Middlebury
22.50	21.25 20.00 18.75 15.95 15.00 14.05 12.50 11.90 11.25 10.65 121 Howe - LaGrange
26.25	24.05 22.80 21.90 19.40 18.45 18.15 16.55 15.70 14.40 13.75 11.90 144 Angola
28.75	26.55 24.70 23.45 21.25 20.30 19.40 17.80 17.55 16.90 16.25 14.40 10.65 153 Eastpoint

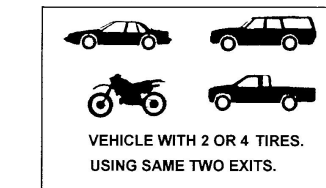
CLASS 5



VEHICLE CLASS 5

24	Portage Barrier
1.15	31 Valparaiso - Chesterton
1.90	1.00 39 Michigan City
2.40	1.50 1.00 49 LaPorte
3.90	2.90 2.25 1.50 72 South Bend West
4.40	3.40 2.75 2.00 1.00 77 South Bend - Notre Dame
4.75	3.75 3.15 2.50 1.25 1.00 83 Mishawaka
5.25	4.40 3.80 3.15 1.65 1.15 1.00 92 Elkhart
5.45	4.65 4.15 3.40 1.80 1.40 1.25 1.00 96 Elkhart East
5.75	5.00 4.50 3.75 2.15 1.75 1.25 1.00 1.00 101 Bristol - Goshen
6.25	5.50 5.00 4.25 2.75 2.25 1.75 1.15 1.10 1.00 107 Middlebury
7.25	6.50 6.00 5.25 3.75 3.25 2.75 2.15 1.85 1.50 1.00 121 Howe - LaGrange
8.90	8.15 7.65 6.90 5.40 4.90 4.40 3.75 3.50 3.15 2.65 1.65 144 Angola
9.80	9.15 8.75 7.80 6.25 5.95 5.30 4.75 4.40 4.00 3.65 2.65 1.00 153 Eastpoint

CLASS 9 COMMUTER



VEHICLE CLASS 9

24	Portage Barrier
0.25	31 Valparaiso - Chesterton
0.40	0.20 39 Michigan City
0.60	0.40 0.20 49 LaPorte
1.00	0.70 0.60 0.40 72 South Bend West
1.10	0.80 0.70 0.55 0.20 77 South Bend - Notre Dame
1.30	1.00 0.80 0.70 0.25 0.20 83 Mishawaka
1.40	1.10 1.05 0.80 0.40 0.30 0.20 92 Elkhart
1.50	1.20 1.10 0.85 0.45 0.35 0.25 0.20 96 Elkhart East
1.60	1.35 1.20 0.95 0.55 0.40 0.30 0.20 0.20 101 Bristol - Goshen
1.70	1.50 1.30 1.05 0.70 0.60 0.45 0.30 0.20 0.20 107 Middlebury
2.00	1.70 1.60 1.35 1.00 0.80 0.70 0.55 0.50 0.40 0.25 121 Howe - LaGrange
2.40	2.20 2.10 1.80 1.40 1.30 1.15 1.05 0.95 0.80 0.70 0.45 144 Angola
2.70	2.50 2.35 2.10 1.70 1.55 1.40 1.30 1.20 1.05 0.90 0.70 0.25 153 Eastpoint

(Indiana Transportation Finance Authority; 135 IAC 2-5-2; filed Dec 6, 1983, 1:52 p.m.: 7 IR 327; filed Mar 5, 1985, 9:10 a.m.: 8 IR 748; filed Aug 29, 1985, 2:20 p.m.: 9 IR 6, eff Oct 1, 1985; errata, 9 IR 291)

Proposed Rules

SECTION 13. 135 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-6-1 Damage to property

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. Any person who defaces, destroys, or damages any property or equipment owned by, or under the jurisdiction or control of the **Indiana department of transportation (INDOT)**, shall be liable to the department **INDOT** for such destruction or damage. (*Indiana Transportation Finance Authority; 135 IAC 2-6-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 327*)

SECTION 14. 135 IAC 2-7-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-1 Permit required

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 1. Trailer combinations may operate on the toll road only under an annual ~~tandem trailer~~ permit issued by the ~~department's general manager toll road district~~ and subject to compliance by the permittee with ~~135 IAC 2-7-1; this rule.~~ (*Indiana Transportation Finance Authority; 135 IAC 2-7-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 327*)

SECTION 15. 135 IAC 2-7-3 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-3 Weight limits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 3. The maximum gross weight for a trailer combination shall be governed by the formula **ninety thousand (90,000)** pounds plus **one thousand seventy (1,070)** pounds per foot for each foot of combination length (front bumper to end of combination) in excess of sixty (60) feet. However, any such combination of vehicles may not exceed a total maximum gross weight of **one hundred twenty-seven thousand four hundred (127,400)** pounds. The gross load of a combination of vehicles shall not exceed the sum of allowable gross loads on the axles, which are as follows:

(1) Maximum gross weight on any one (1) axle: **twenty-two thousand four hundred (22,400)** pounds, (axles measuring less than forty (40) inches between axle centers are considered one (1) axle).

(2) Maximum combined axle load of any two ~~successive~~ **successive** axles, spaced more than forty (40) inches apart but less than nine (9) feet apart: **thirty-six thousand (36,000)** pounds.

No such combinations will be permitted to leave the toll road for travel as combinations upon the state highways of Indiana without a permit from the ~~Indiana Department of highways.~~ **State Revenue, 5252 Decatur Boulevard, Suite R, Indianapolis, Indiana 46241.** Maximum gross weight and axle weight

of vehicles leaving the toll road as singles to travel upon the public highways of Indiana must comply with the Indiana state law. (*Indiana Transportation Finance Authority; 135 IAC 2-7-3; filed Dec 6, 1983, 1:52 p.m.: 7 IR 328*)

SECTION 16. 135 IAC 2-7-7 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-7 Emergency equipment; tires

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2; IC 9-19

Sec. 7. Each truck-tractor used in trailer combinations shall be equipped at a minimum with emergency equipment as required by the Indiana Acts of 1955, Chapter 170, page 415, and acts amendatory thereof, and as ~~further provided herein: (IC 9-8-6-1 et seq.)~~ **follows:**

(1) A fire extinguisher ~~which shall utilize that utilizes~~ an extinguishing agent ~~which that~~ does not need protection from freezing and ~~which shall be~~ is properly filled and securely mounted in brackets. Such extinguisher shall have a rating of not less than 4BC as classified under the standards of Underwriters Laboratories, Inc., 333 Pfingston, Northbrook, Illinois.

(2) At least one (1) spare fuse or other overload protective device, ~~fi~~ if the devices used are not of a reset type, for each kind and size used.

~~(3) One (1) set of tire chains for at least one (1) axle of the truck-tractor and; in the event the truck-tractor is required by this section to have more than one (1) drive axle; chains shall be provided for the second axle; unless the truck-tractor is so equipped that the axle equipped with chains will be positively driven when the second axle is without chains. Such chains shall be carried whenever the combination of vehicles is operating during an accumulation of snow or ice on the pavement of the Indiana toll road. Stalling because of an accumulation of snow or ice and failure to be so equipped with the required chains shall subject permittee to revocation of its permit to operate tandem trailer combinations on the toll road.~~

~~(4) (3)~~ All wheels of the combination of vehicles shall be equipped with tires with not less than **two thirty-seconds (²/₃₂) (one-sixteenth (¹/₁₆))** inch tread groove or sipe depth when measured as near to the center of the tread as possible, except the steering tires ~~which that~~ should have not less than **four thirty-seconds (⁴/₃₂) (one-eighth (¹/₈))** inch tread groove. Tread wear shall be reasonably uniform over the whole circumference of the tire.

~~(5) (4)~~ Warning devices for display in cases of disabled vehicles upon the toll road as required by Indiana Acts of 1955, Chapter 170, page 416, and acts amendatory thereof. ~~(IC 9-8-6-1)~~

(*Indiana Transportation Finance Authority; 135 IAC 2-7-7; filed Dec 6, 1983, 1:52 p.m.: 7 IR 328*)

SECTION 17. 135 IAC 2-7-11 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-11 Lights and reflectors

Authority: IC 8-15-2-17; IC 8-15-2-17.2
Affected: IC 8-15-2

Sec. 11. Each unit in a trailer combination shall be equipped at a minimum with electric lights and reflectors mounted on the vehicle as required by Indiana Acts of 1955, Chapter 170, page 416, and acts amendatory thereof. ~~(IC 9-8-6-1)~~ *(Indiana Transportation Finance Authority; 135 IAC 2-7-11; filed Dec 6, 1983, 1:52 p.m.: 7 IR 329)*

SECTION 18. 135 IAC 2-7-15 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-15 Assembly areas

Authority: IC 8-15-2-17; IC 8-15-2-17.2
Affected: IC 8-15-2

Sec. 15. Trailer combinations shall be made up and broken up ~~on the toll road~~ only in special assembly areas designated for this purpose by the department. All movements across traffic while entering or leaving a make-up/break-up area shall be properly safeguarded. *(Indiana Transportation Finance Authority; 135 IAC 2-7-15; filed Dec 6, 1983, 1:52 p.m.: 7 IR 329)*

SECTION 19. 135 IAC 2-7-18 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-18 Passing

Authority: IC 8-15-2-17; IC 8-15-2-17.2
Affected: IC 8-15-2

Sec. 18. (a) Trailer combinations may pass another vehicle traveling in the same direction only if the speed differential will allow the trailer combination to complete the maneuver and return to the normal driving lane within a distance of one (1) mile.

(b) Trailer combinations shall not pass another vehicle traveling the same direction within one (1) mile of any ~~service area~~ **travel plaza** or interchange. *(Indiana Transportation Finance Authority; 135 IAC 2-7-18; filed Dec 6, 1983, 1:52 p.m.: 7 IR 330)*

SECTION 20. 135 IAC 2-7-20 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-20 Driver requirements

Authority: IC 8-15-2-17; IC 8-15-2-17.2
Affected: IC 8-15-2

Sec. 20. Drivers shall possess the minimum qualifications as required by the state of ~~Indiana~~ for drivers operating vehicles within the state and as ~~further provided herein:~~ **following:**

(1) Drivers of trailer combinations on the toll road must be not less than twenty-six (26) years of age, in good health, and shall have not less than five (5) years of provable experience in driving semi-trailer or tandem trailer type motor vehicles.

Such driving experience shall include experience throughout the four **(4)** seasons.

(2) An applicant will be rejected if **his or her:**

(A) ~~his~~ license has been revoked more than once in the past ten (10) years;

(B) ~~his~~ license has been suspended more than twice in the past ~~ten (10)~~ **three (3)** years;

(C) ~~his driver's~~ record of **major traffic convictions for moving violations** shows ~~more than five (5) points~~ **two (2) or more violations** in the ~~preceding last two (2) years or seven (7) points in the preceding~~ **while driving a commercial vehicle or a total of three (3) or more violations in the last two (2) years while driving any vehicle;**

(D) ~~his~~ record of chargeable (preventable) accidents shows more than two (2) in the preceding ~~five (5)~~ **three (3)** years. ~~or more than one (1) in the preceding two (2) years on the toll road; or more than two (2) in the preceding two (2) years off the toll road. In any case, the maximum total is two (2) in the preceding two (2) years.~~

(Indiana Transportation Finance Authority; 135 IAC 2-7-20; filed Dec 6, 1983, 1:52 p.m.: 7 IR 330)

SECTION 21. 135 IAC 2-7-23 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-7-23 Insurance coverage

Authority: IC 8-15-2-17; IC 8-15-2-17.2
Affected: IC 8-15-2

Sec. 23. Applicant for trailer combination operating permit shall furnish to the department a certificate attesting to the fact that there has been secured by the applicant public liability insurance affording coverages of not less than \$500,000/\$1,000,000 for all damages arising from bodily injury, including death, and \$100,000/\$500,000 for property damage, including damage to toll road property and facilities. The named insured thereon shall include the department, its officers, agents, and employees, and the certificate shall indicate that the policy contains an endorsement ~~reading as follows:~~ **that reads,** "The inclusion of the ~~Indiana department of highways, toll road division,~~ as an additional named insured shall not exclude coverage of liability of the named insured for damage of property of the additional named insured, or for injury to or death of any person working with or for the additional named insured." Such certificate shall also provide that the coverage under the policy may not be ~~cancelled~~ **canceled** without thirty (30) days prior notice to the department. *(Indiana Transportation Finance Authority; 135 IAC 2-7-23; filed Dec 6, 1983, 1:52 p.m.: 7 IR 331)*

SECTION 22. 135 IAC 2-8-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-1 Permit required

Authority: IC 8-15-2-17; IC 8-15-2-17.2
Affected: IC 8-15-2

Proposed Rules

Sec. 1. Michigan trains may operate on the toll road only under a Michigan train single trip permit issued by the Department of State Revenue, 5252 Decatur Boulevard, Suite R, Indianapolis, Indiana 46241 and subject to compliance by the permittee with ~~135 IAC 2-8-7~~ **this rule.** (*Indiana Transportation Finance Authority; 135 IAC 2-8-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 331*)

SECTION 23. 135 IAC 2-8-3 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-3 Weight limits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 3. (a) The maximum gross weight for a Michigan train shall be **one hundred twenty-seven thousand four hundred** (127,400) pounds. maximum gross weight on any one (1) axle shall be **twenty-two thousand four hundred** (22,400) pounds (axles measuring less than forty (40) inches between centers are considered one (1) axle).

(b) Maximum combined axle loads of any two (2) successive axles spaced more than forty (40) inches apart but less than nine (9) feet apart shall be **thirty-six thousand** (36,000) pounds. No such combination will be permitted to leave the toll road for travel upon the state highways of Indiana without a permit from the ~~Indiana Department of highways.~~ **State Revenue, 5252 Decatur Boulevard, Suite R, Indianapolis, Indiana 46241.** Maximum gross weight and axle weights of vehicles leaving the toll road as singles to travel the public highways of Indiana must comply with Indiana state law. (*Indiana Transportation Finance Authority; 135 IAC 2-8-3; filed Dec 6, 1983, 1:52 p.m.: 7 IR 331*)

SECTION 24. 135 IAC 2-8-5 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-5 Permits

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 5. Michigan train permits for specified one-way movements may be obtained from the ~~Indiana Department of highways, toll road division.~~ **State Revenue.** The permits do not include the rate indicator 8 toll, which must be paid as provided in the rules. For information regarding Michigan train permits, contact the ~~Indiana Department of Highways, Toll Road Division at 52551 Ash Road, P.O. Box 1, Granger, Indiana 46530-0001.~~ **State Revenue, 5252 Decatur Boulevard, Suite R, Indianapolis, Indiana 46241.** (*Indiana Transportation Finance Authority; 135 IAC 2-8-5; filed Dec 6, 1983, 1:52 p.m.: 7 IR 332*)

SECTION 25. 135 IAC 2-8-7 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-7 Emergency equipment; tires

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2; IC 9-19

Sec. 7. Each truck-tractor used in the Michigan train operation shall be equipped at a minimum with emergency equipment as required by the Indiana Acts of 1955, Chapter 170, page 416, and acts amendatory thereof, and as ~~further provided herein: (IC 9-8-6-1, et. seq.)~~ **follows:**

(1) A fire extinguisher ~~which shall utilize that utilizes~~ an extinguishing agent ~~which that~~ does not need protection from freezing and ~~which shall be~~ is properly filled and securely mounted in brackets. Such extinguisher shall have a rating of not less than 4BC as classified under the standards of Underwriters Laboratories, Inc., 333 Pfingston, Northbrook, Illinois.

(2) At least one (1) spare fuse or other overload protective device, if the devices used are not of a reset type, for each kind and size used.

~~(3) One (1) set of tire chains for at least one (1) axle of the truck-tractor and; in the event the truck-tractor is required by this section to have more than one (1) drive axle; chains shall be provided for the second axle; unless the truck-tractor is so equipped that the axle equipped with chains will be positively driven when the second axle is without chains. Such chains shall be carried whenever the combination of vehicles is operating during an accumulation of snow or ice on the pavement of the Indiana toll road. Stalling because of an accumulation of snow or ice and failure to be so equipped with the required chains shall subject permittee to revocation of its permit to operate Michigan train combinations on the toll road.~~

~~(4) (3)~~ All wheels of the combination of vehicles shall be equipped with tires with not less than **two thirty-seconds** ($\frac{2}{32}$) ~~(one-sixteenth~~ ($\frac{1}{16}$)) inch tread groove or sipe depth when measured as near to the center of the tread as possible, except the steering tires which should have not less than **four thirty-seconds** ($\frac{4}{32}$) ~~(one-eighth~~ ($\frac{1}{8}$)) inch tread groove. Tread wear shall be reasonably uniform over the whole circumference of the tire.

~~(5) (4)~~ Warning devices for display in cases of disabled vehicles upon the toll road as required by Indiana Acts of 1955, Chapter 170, page 416, and acts amendatory thereof. ~~(IC 9-8-6-1, et. seq.)~~

(*Indiana Transportation Finance Authority; 135 IAC 2-8-7; filed Dec 6, 1983, 1:52 p.m.: 7 IR 332*)

SECTION 26. 135 IAC 2-8-11 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-8-11 Lights and reflectors

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2; IC 9-19

Sec. 11. Each unit in a Michigan train combination shall be equipped at a minimum with electric lights and reflectors

mounted on the vehicle as required by Indiana Acts of 1955, Chapter 170, page 416, and acts amendatory thereof. ~~(IC 9-8-6-1, et seq.)~~ (Indiana Transportation Finance Authority; 135 IAC 2-8-11; filed Dec 6, 1983, 1:52 p.m.: 7 IR 333)

SECTION 27. 135 IAC 2-10-1 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-10-1 Penalties

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2-17.2

Sec. 1. (a) ~~Section 250 of Public Law No. 74 of the 101st Indiana General Assembly Second Regular Session, as set forth in IC 8-15-2-17.2 established~~ **establishes** penalties for violation of the authority's rules ~~and regulations~~ and reads in part as follows: **set out in this section.**

(b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:

- (1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and
- (2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation established by the authority under this section that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violated a size or weight limitation established by the authority under this section for a period of not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a weight or size limitation established by the authority under this section, the court may recommend suspension of his ~~or her current chauffeur's~~ **commercial driver's** license only if the violation was committed knowingly. (Indiana Transportation Finance Authority; 135 IAC 2-10-1; filed Dec 6, 1983, 1:52 p.m.: 7 IR 334)

SECTION 28. 135 IAC 2-10-2 IS AMENDED TO READ AS FOLLOWS:

135 IAC 2-10-2 Severability provision

Authority: IC 8-15-2-17; IC 8-15-2-17.2

Affected: IC 8-15-2

Sec. 2. If any rule or application of any rule is held invalid or void, the invalidity or voidness affects the remainder of the ~~authority~~ **authority's** rules only to the extent that the remainder is:

- (1) so essentially and inseparately connected with, and so dependent on, the invalid or void provision or application that it cannot be presumed that the remainder would have been issued without the invalid or void provision or application; or

- (2) incomplete and incapable of being executed without the invalid or void provision or application.

(Indiana Transportation Finance Authority; 135 IAC 2-10-2; filed Dec 6, 1983, 1:52 p.m.: 7 IR 334)

SECTION 29. 135 IAC 2-7-19 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 3, 2002 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 2, Indianapolis, Indiana the Indiana Transportation Finance Authority will hold a public hearing on proposed amendments to update the rules for the Indiana East-West Toll Road. Copies of these rules are now on file at the Indiana Toll Road Administration Building, 52551 Ash Road, Granger, Indiana; Indiana Government Center-South, 302 West Washington Street, Room E111; and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Diana Hamilton

Indiana Transportation Finance Authority

TITLE 210 DEPARTMENT OF CORRECTION

Proposed Rule

LSA Document #02-173

DIGEST

Amends 210 IAC 6-1-1 concerning the applicability of the article. Amends 210 IAC 6-2-3 concerning the definition of department. Amends 210 IAC 6-2-4 the definition of dispositional program. Amends 210 IAC 6-2-5 the definition of existing facility. Amends 210 IAC 6-2-13 the definition of standard. Amends 210 IAC 6-3-1 concerning administration and management general provisions. Amends 210 IAC 6-3-2 concerning physical plant. Amends 210 IAC 6-3-3 concerning institutional operations. Amends 210 IAC 6-3-4 concerning facility services. Amends 210 IAC 6-3-5 concerning juvenile services. Amends 210 IAC 6-3-9 concerning the construction of juvenile detention facilities. Amends 210 IAC 6-3-10 concerning compliance with mandatory standards. Amends 210 IAC 6-3-11 concerning compliance. Effective 30 days after filing with the secretary of state.

210 IAC 6-1-1
210 IAC 6-2-3
210 IAC 6-2-4
210 IAC 6-2-5
210 IAC 6-2-13
210 IAC 6-3-1
210 IAC 6-3-2

210 IAC 6-3-3
210 IAC 6-3-4
210 IAC 6-3-5
210 IAC 6-3-9
210 IAC 6-3-10
210 IAC 6-3-11

Proposed Rules

SECTION 1. 210 IAC 6-1-1 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-1-1 Applicability

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 1. (a) This article applies to all newly constructed, remodeled, converted, and existing juvenile detention facilities.

(b) This article does not apply to secure facilities or other facilities licensed by the ~~state division of family and children~~ **family and social services administration**. (*Department of Correction; 210 IAC 6-1-1; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312*)

SECTION 2. 210 IAC 6-2-3 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-2-3 "Department" defined

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 3. "Department" means the ~~state~~ department of correction. (*Department of Correction; 210 IAC 6-2-3; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312*)

SECTION 3. 210 IAC 6-2-4 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-2-4 "Dispositional program" defined

Authority: IC 11-8-2-5; IC 31-31-8-2; IC 31-37-19-1

Affected: IC 11-8-2; IC 31-31-8; IC 31-37-19

Sec. 4. "Dispositional program" means activities and services provided for juveniles who are placed in a juvenile detention facility as a disposition of a juvenile court. ~~in accordance with IC 31-6-4-15.9(i)~~. (*Department of Correction; 210 IAC 6-2-4; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312*)

SECTION 4. 210 IAC 6-2-5 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-2-5 "Existing facility" defined

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 5. "Existing facility" means any juvenile detention facility in use prior to the effective date of this article: **March 1, 1996**. (*Department of Correction; 210 IAC 6-2-5; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312*)

SECTION 5. 210 IAC 6-2-13 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-2-13 "Standard" defined

Authority: IC 11-8-2-5

Affected: IC 11-8-2

Sec. 13. "Standard" means one (1) of the minimum standards produced by the ACA and contained in the publication, Standards for Juvenile Detention Facilities, Third Edition, May 1991 ~~Any later and all amendments or editions are not included~~ **published through 1995 consistent with 210 IAC 6-3-1 through 210 IAC 6-3-9**. (*Department of Correction; 210 IAC 6-2-13; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1313*)

SECTION 6. 210 IAC 6-3-1 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-3-1 General provisions

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 1. (a) Except as provided in this section, ACA standards 1A-01 through 1G-09 are adopted as a part of this article.

(b) The following ACA standards are deleted in their entirety:

(1) 1A-03, 1A-05, 1A-08, 1A-10, 1A-14, 1A-15, 1A-17, 1A-23, 1A-25, and 1A-28.

(2) 1B-02, 1B-04, 1B-09, 1B-10, 1B-12, 1B-13, 1B-16, 1B-17, and 1B-20.

(3) 1C-03, 1C-06, 1C-09, 1C-10, 1C-11, and 1C-18.

(4) 1D-02, 1D-03, 1D-06, 1D-10, 1D-11, and 1D-12.

(5) 1F-02 and 1F-04.

(6) 1G-06, **1G-07, and 1G-08**.

(c) The following ACA standards are adopted as modified:

(1) Change the last sentence of standard 1B-05 to read as follows: Facility staff's participation in preparing the facility's written budget request is encouraged.

(2) Change ~~ACA~~ standard 1B-08 to read: ~~as follows:~~ "Written policy, procedure, and practice demonstrate that the procedures for the collection, safeguarding, and disbursement of monies comply with the accounting procedures established by the state board of accounts and local policies. These policies shall be reviewed annually and updated as needed."

(3) Change standard 1C-13 to read, **"A criminal record and sex offender registry check is conducted on all new employees in accordance with state and federal statutes."**

(4) Change standard 1C-22 to read, **"Written policy, procedure, and practice provide that employees, consultants, volunteers and contract personnel who work with juveniles are informed in writing about the facility's policies on confidentiality of information and agree to abide by them in writing."**

(5) Change the first sentence of standard 1D-08 to read, **"Written policy, procedure, and practice provide that all managerial staff receive forty (40) hours of training in addition to orientation training during their first year of employment and forty (40) hours of training each year thereafter."**

(6) Change the first sentence of standard 1D-09 to read, **"Written policy, procedure, and practice provide that all new juvenile staff careworkers receive an additional one**

hundred twenty (120) hours of training during their first year of employment.”.

(7) Add new standard 1D-09A to read, “Written policy, procedure, and practice provide that all juvenile staff careworkers receive an additional forty (40) hours of training each calendar year.”.

(8) Change standard 1D-13 to read, “All part-time staff, volunteers, support and administrative staff and contract personnel receive formal orientation appropriate to their assignments and additional training as needed”.

(9) Change ~~ACA~~ standard 1G-04 to read, ~~as follows~~: “Written policy, procedure, and practice provide that the program director curtails, postpones, or terminates the services of a volunteer or volunteer organization when there is a reason for doing so.”.

(Department of Correction; 210 IAC 6-3-1; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1313)

SECTION 7. 210 IAC 6-3-2 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-3-2 Physical plant

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 2. (a) Except as provided in this section, ACA standards 2A-01 through 2G-02 are adopted as a part of this article.

(b) ACA standards 2B-02, ~~and~~ 2B-08, ~~and~~ **2D-02** are deleted in their entirety.

(c) In ACA standard 2A-04, change the word “recognized” to “applicable”.

(d) Change ACA standard 2B-04 to read, ~~as follows~~: “Written policy and ~~procedures~~ **procedure** provide that a replacement detention facility be constructed or an existing facility be expanded only after a needs evaluation study has been completed by the parent agency or other appropriate agency. **A copy of this study must accompany blueprints submitted to the department for review.**”.

(e) Change subsection 3 of ACA standard 2C-03 to read, “**a bed, desk, and seating.**”. *(Department of Correction; 210 IAC 6-3-2; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1313)*

SECTION 8. 210 IAC 6-3-3 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-3-3 Institutional operations

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 3. (a) Except as provided in this section, ACA standards 3A-01 through 3E-05 are adopted as a part of this article.

(b) The following ACA standards are deleted in their entirety:

- (1) 3A-03.
- (2) 3A-11.
- (3) 3A-12.
- (4) 3A-17.
- (5) 3B-08.
- (6) 3B-09.
- (7) 3E-01.
- (8) 3E-02.
- (9) 3E-03.
- (10) 3E-04.
- (11) 3E-05.

(c) The following ACA standards are adopted as modified:

(1) **Change the first sentence of standard 3A-13 to read, “The facility has a system for physically counting juveniles and maintains a daily report on juvenile population movement.”.**

(2) Change ~~ACA~~ standard 3A-20 to read, ~~as follows~~: “Written policy, procedure, and practice provide that manual or instrument inspection of body cavities is conducted only when there is reason to do so. Except in the case of an emergency, inspection is conducted only when authorized by the facility administrator or designee. The inspection is conducted in private by health care personnel only.”.

(3) Change ~~ACA~~ standard 3A-21 to read, ~~as follows~~: “Written policy, procedure, and practice provide that strip searches and visual inspection of juvenile private body cavities be conducted based on a reasonable belief that the juvenile is carrying contraband or other prohibited material. The inspection is conducted in private by a trained staff member of the same sex as the juvenile.”.

(4) Change ~~ACA~~ standard 3A-26 to read, ~~as follows~~: “Written policy, procedure, and practice govern the availability, control, and use of chemical agents and related security devices and specify the level of authority required for their access and use.”.

(5) **Change standard 3B-06 to read, “The facility has access to an alternate power source to maintain the following minimum essential services in an emergency: lighting, heating and ventilation, water, security systems and communications systems.”.**

(6) Change ~~ACA~~ standard 3C-08 to read, ~~as follows~~: “Written policy, procedure, and practice specify the circumstances which justify room restriction and limit the time period to one (1) hour unless an extension is approved by the facility administrator or designee. Juveniles placed on room restriction are checked visually by staff at least every fifteen (15) minutes.”.

(7) **Change standard 3C-12 to read, “Written policy, procedure, and practice require that a juvenile charged with a major violation of facility rules is given a written copy of the alleged rule violation or violations within twenty-four (24) hours of the alleged violation or violations or the conclusion of the investigation into the alleged**

Proposed Rules

violation or violations. A hearing may be held within the subsequent twenty-four (24) hour period with the juvenile's written consent."

~~(5)~~ (8) Change standard ~~ACA~~ 3C-14 to read, ~~as follows~~: "Written policy, procedure, and practice provide that disciplinary hearings on rule violations are conducted by an impartial person or a disciplinary committee appointed by the facility administrator or designee. A record of the proceedings is made and maintained for at least six (6) months."

~~(6)~~ (9) The "Comment" ~~which that~~ follows ~~ACA~~ standard 3C-21 is added as part of the standard.

~~(7)~~ (10) Change ~~ACA~~ standard 3D-07 to read, ~~as follows~~: "Written policy, procedure, and practice allow freedom in personal grooming and dress unless a safety, security, or hygiene concern justifies otherwise."

(Department of Correction; 210 IAC 6-3-3; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1314)

SECTION 9. 210 IAC 6-3-4 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-3-4 Facility services

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 4. (a) Except as provided in this section, ACA standards 4A-01 through 4C-48 are included as a part of this article.

(b) The following ACA standards are deleted in their entirety:

- (1) 4B-09.
- (2) 4C-03.
- (3) 4C-05.
- (4) 4C-19.
- (5) 4C-23.
- (6) 4C-30.
- (7) 4C-31.
- (8) 4C-32.

(c) The following ACA standards are adopted as modified:

(1) Change ~~ACA~~ standard 4A-01 to read, ~~as follows~~: "A staff member, experienced in food service management, supervises food service operations."

(2) Change ~~ACA~~ standard 4A-03 to read, ~~as follows~~: "There is documentation that the facility's system of dietary allowance is reviewed at least annually by a dietician or state authorized agency to ensure compliance with nationally recommended food allowances."

(3) Change standard 4A-05 to read, "The food service plan provides for a single menu so that all juveniles and staff, except those on a special diet, eat the same meals."

~~(3)~~ (4) Change ~~ACA~~ standard 4A-11 to read, ~~as follows~~: "Shelf goods, refrigerated foods, and frozen foods shall be maintained at temperatures established under the Indiana state department of health standards."

~~(4)~~ (5) After the second sentence of ~~ACA~~ standard 4A-13, add, ~~the following~~: "Snacks and food will be available for special occasions such as late night admissions."

~~(5)~~ (6) After the second sentence of ~~ACA~~ standard 4B-12, add, ~~the following~~: "Policy and procedures will address the special linen needs of the juveniles."

~~(6)~~ (7) After the third sentence of ~~ACA~~ standard 4C-01, add, ~~the following~~: "The health authority shall meet at least quarterly with the facility administrator."

~~(7)~~ (8) Change ~~ACA~~ standard 4C-16 to read, ~~as follows~~: "Written policy, procedure, and practice specify the provision of mental health services for juveniles and assure juvenile detention facilities are not intended to be mental health treatment facilities."

(9) Change standard 4C-20 to read, "The person administering medications has training approved by the responsible physician, and the official responsible for the facility, is accountable for administering medications according to others, and records the administration of medications in a manner and on a form approved by the responsible physician."

~~(8)~~ (10) Change ~~ACA~~ standard 4C-21 to read as follows: Insert "hearing problems" and "eye problems" in the "Inquiry into" list, after:

(A) "mental health problems", insert "hearing problems" and "eye problems"; and

(B) "suicide", insert "attempt".

~~(9)~~ (11) Change ~~ACA~~ standard 4C-25 ~~as follows~~: Delete by deleting the second and third items listed after "This care includes the following:"

(12) Change the first sentence of standard 4C-27 to read, "Written policy, procedure, and practice provide that juvenile careworker staff and other personnel are trained to respond to health related situations within a four-minute response time."

~~(10)~~ (13) Add, ~~the following~~ as a part of ~~ACA~~ standard 4C-29, "For facilities that operate with no more than twenty (20) juveniles, sick call must be available at a minimum of once per week."

~~(11)~~ (14) Change ~~ACA~~ standard 4C-36 to read, ~~as follows~~: "Written policy, procedure, and practice specify approved actions to be taken by employees concerning juveniles who have been diagnosed HIV-positive or who have hepatitis-B. The policy shall include, at a minimum, the following:

- when and where juveniles are to be tested
- appropriate safeguards for staff and juveniles
- when and under what conditions juveniles are to be separated from general population
- staff and juvenile training procedures
- issues of confidentiality."

~~(12)~~ (15) Change ~~ACA~~ standard 4C-39 to read, ~~as follows~~: "Written policy, procedure, and practice provide for screening, care, or referral for care for mentally ill or retarded juveniles. The responsible physician shall designate, in advance, specific referral sources. Policy and procedures shall provide for emergency transfers to mental health facilities. Emergency transfers shall be reported to the court the next working day."

~~(13)~~ **(16)** Change ACA standard 4C-41 to read, ~~as follows:~~
 “Written policy, procedure, and practice provide for the clinical management of chemically dependent juveniles.”.

~~(14)~~ **(17)** Change ACA standard 4C-47 to read ~~as follows:~~
 after “2” and prior to “access”, insert “Physical”.

(Department of Correction; 210 IAC 6-3-4; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1314)

SECTION 10. 210 IAC 6-3-5 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-3-5 Juvenile services

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 5. (a) Except as provided in this section, ACA standards 5A-01 through 5H-07 are adopted as a part of this rule.

(b) The following ACA standards are deleted in their entirety:

(1) 5A-01, 5A-03, 5A-04, 5A-05, 5A-07, 5A-08, 5A-09, 5A-10, 5A-12, and 5A-13.

(2) 5B-02 and 5B-03.

(3) 5D-02.

(4) 5H-01, 5H-05, and 5H-06.

(c) The following ACA standards are adopted as modified:

(1) In the first sentence of ACA standard 5A-02, after “juveniles”, delete the word “new”.

(2) Change ACA standard 5A-06 to read, ~~as follows:~~
 “Written policy, procedure, and practice ensure that any juvenile placed in detention or shelter care shall be brought before the juvenile court consistent with state law.”.

(3) Change standard 5A-11 to read, “Written policy, procedure, and practice grant all juveniles the right to complete at least one local or collect long distance telephone call to a family member, attorney, or other approved individual during the admissions process.”.

~~(3)~~ **(4)** At the end of ACA standard 5B-01, ~~change the word delete “treatment” to and insert “services”.~~

~~(4)~~ **(5)** Change ACA standard 5E-01 to read, ~~as follows:~~ “The facility has a qualified staff member who shall direct and supervise all recreation programs.”.

(6) Change standard 5H-03 to read, “Juveniles shall be provided a copy of all specific release information received in writing at the facility, and the decision is recorded in the case record.”.

~~(5)~~ **(7)** Change ACA standard 5H-07 to read, ~~as follows:~~
 “Written policy, procedure, and practice provide for and govern leaves into the community.”.

(Department of Correction; 210 IAC 6-3-5; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1315)

SECTION 11. 210 IAC 6-3-9 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-3-9 Construction of juvenile detention facilities

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 9. Prior to the construction or expansion of a juvenile detention facility, plans and specifications shall be submitted to the department for review and comment. ~~The department’s review shall focus on compliance with Plans and specifications shall satisfy all physical plant standards contained in section 2 of this rule. The department’s written review shall be provided to fire and building services for plan release within ten (10) working days from the date of receipt.~~
(Department of Correction; 210 IAC 6-3-9; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1316)

SECTION 12. 210 IAC 6-3-10 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-3-10 Compliance with mandatory and physical plant standards

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 10. (a) No more than forty-five (45) days after the effective date of this article, an existing juvenile detention facility shall submit a report to the department regarding compliance with mandatory standards. These reports shall:

(1) be based upon a self-assessment of compliance with each mandatory standard; and

(2) detail a plan of action and time frame for compliance regarding any standard with which the facility does not comply.

~~(b) A new juvenile detention facility shall not begin operation until the department has determined through inspection that the facility is in compliance with all mandatory and physical plant standards.~~ *(Department of Correction; 210 IAC 6-3-10; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1316)*

SECTION 13. 210 IAC 6-3-11 IS AMENDED TO READ AS FOLLOWS:

210 IAC 6-3-11 Compliance

Authority: IC 11-8-2-5; IC 31-31-8-2

Affected: IC 11-8-2; IC 31-31-8

Sec. 11. (a) In order to achieve and maintain provisional compliance with this article, ~~an existing a new~~ juvenile detention facility shall have been determined through inspection to be in compliance with the following:

(1) All mandatory standards.

(2) A minimum of ~~sixty percent (60%)~~ **seventy-five percent (75%)** of the recommended standards within one (1) year of the effective date of this article: ~~commencing operation.~~

(3) ~~A minimum of seventy-five percent (75%) of recommended standards within two (2) years of the effective date of this article.~~ **All physical plant standards.**

~~(b) Provisional compliance requirements for new facilities shall be as stated in subsection (a) except that the time frames for compliance with the stated percentages of recommended standards shall start when the facility begins operation.~~

Proposed Rules

(~~e~~) (b) In order to achieve and maintain full compliance with standards adopted under this article, a juvenile detention facility shall have been determined through inspection to be **in compliance with the following:**

- (1) ~~in compliance with~~ All mandatory standards. ~~and~~
- (2) ~~in compliance with~~ A minimum of ninety percent (90%) of the recommended standards **within two (2) years of commencing operation and each year thereafter.**

(~~d~~) (c) A certification in writing, either full or provisional, shall be issued by the department to all juvenile detention facilities that achieve compliance.

(d) Should a new or existing facility fail to achieve or maintain the required level of compliance with this article, a plan of action shall be submitted to the department within thirty (30) days to correct each deficiency. Approved plans of action shall remain valid for a period not to exceed one (1) year.

(e) In the event a plan of action is not approved, compliance with this article is not achieved within one (1) year or the deficiencies are so severe as to affect life, health or safety, the department may petition the judge of the circuit court in the county in which the facility is located to restrict, alter the use of, or close the facility. (*Department of Correction; 210 IAC 6-3-11; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1316; errata filed Mar 8, 1996, 2:00 p.m.: 19 IR 2044*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 2, 2002 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana the Department of Correction will hold a public hearing on proposed amendments concerning juvenile detention facilities. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E334 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Diane Mains
Staff Counsel
Department of Correction

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #02-73

DIGEST

Amends 312 IAC 16 that governs the drilling, production, and reclamation of wells for oil and gas purposes to address

several subjects. Modifications would be made to definitions, bonding, enforcement, standards for determining operator compliance history, evidencing patterns of violations, identifying responsible officers, permitting, and other matters concerning fee exemption, calculation, and collection. Included would be amendments to help implement statutory authorities embodied in House Enrolled Act 1227 of the 112th Indiana General Assembly. Effective 30 days after filing with the secretary of state.

312 IAC 16-3-2

312 IAC 16-3.5

312 IAC 16-4-1

312 IAC 16-4-2

312 IAC 16-4-5

SECTION 1. 312 IAC 16-3-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-3-2 Permit applications

Authority: IC 14-37-3

Affected: IC 4-21.5; IC 14-34; IC 14-37; IC 25-39-1.5

Sec. 2. (a) This section establishes general application requirements for a permit to drill, deepen, operate, or convert a well for oil and gas purposes.

(b) An application for a permit to drill, deepen, operate, or convert a well for oil and gas purposes shall be made on a division form.

(c) A permit application must be signed by:

(1) the person designated as the owner or operator on the application; or

(2) an authorized agent.

Upon a request by the division, a person who signs as an agent for an owner or operator must furnish satisfactory evidence of authority.

(d) ~~Except as provided in subsection (e),~~ An applicant shall remit with the application a permit fee of one hundred dollars (\$100) in cash, by check, or by draft, payable to the department of natural resources. ~~for the:~~

(1) ~~drilling of a new well for oil and gas purposes;~~

(2) ~~deepening of a well to a new horizon;~~

(3) ~~opening of a previously plugged well; or~~

(4) ~~repermitting of a well whose permit was revoked under section 9(a) of this rule.~~

(~~e~~) There is no fee for:

(1) ~~a permit converting one (1) kind of well to another unless previously plugged; or~~

(2) ~~a change of location under section 4(b) of this rule.~~

(~~f~~) (e) This subsection describes the surveying requirements for a permit application as follows:

(1) Except as otherwise provided in this subsection, an application must be accompanied by a survey showing the location of the proposed well for oil and gas purposes, giving the:

- (A) quarter, quarter, quarter section, township, range, county, lot number;
- (B) block of the recorded plat if the land is platted;
- (C) three (3) nearest boundary lines of the tract; and
- (D) distance in two (2) directions from a corner of the tract of land upon which the well is to be drilled and from the nearest quarter post or lot corner.

A registered Indiana land surveyor must certify the survey with respect to the information required under this subdivision.

(2) With respect to a Class II well, or a noncommercial gas well, in addition to the requirements set forth in subdivision (1), the survey must include the permit number, location, and state the depth of the following:

(A) Each well for oil and gas purposes located within one-fourth (¼) mile of the proposed well (including abandoned and nonoperational wells) that intersect the injection or production zone.

(B) Each water well recorded with the department under IC 25-39-1.5 located within one-fourth (¼) mile of the proposed Class II well location.

(3) Information of public record and information that should have been known to the applicant must be included under this subsection. This subsection does not apply to an existing injection well unless otherwise ordered by the department.

~~(g)~~ **(f)** In addition to the general requirements for a permit application provided in this section, an application for a permit for a Class II well must be accompanied by the following:

(1) A schematic diagram of the well showing the following:

- (A) The total depth of the plugback of the well.
- (B) The depth of the injection or disposal interval.
- (C) The geological name of the injection or disposal zone.
- (D) The geological name, thickness, and description of the confining zone.

(E) The vertical distance separating the uppermost extremity of the injection zone from the base of the lowest underground source of drinking water.

(F) The depths of the tops and the bottoms of the casing and the cement to be used in a well.

(G) The size of the casing and tubing, and the depth of the packer.

(H) The depth to the base of the lowermost underground source of drinking water.

(2) If the well has been drilled, a copy of the completion report and any available geophysical log of the well.

(3) Proposed operating data as follows:

(A) The geological name, depth, and location of the injection fluid source.

(B) A standard laboratory analysis of a representative sample of water to be injected under the proposed Class II permit.

(C) The location and description of each underground source of drinking water through which the well would pass.

(D) A description of the current or proposed casing program, including the following:

(i) Casing size, weight, and type.

(ii) Cement volume and type.

(iii) Packer type.

(iv) Type of completion for the well and the proposed method for testing casing.

(E) The proposed maximum injection rate and pressure. The owner or operator shall limit injection pressure to either:

(i) a value that does not exceed a maximum injection pressure at the wellhead calculated to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the confining zone adjacent to an underground source of drinking water and will not cause the movement or injection of fluids into an underground source of drinking water; or

(ii) a value for wellhead pressure calculated by using the following formula:

$$P_{\max} = (0.8 \text{ psi/ft} - (.433 \text{ psi/ft (Sg)}))d$$

Where: P_{\max} = Maximum injection pressure (psia).

S_g = Specific gravity of the injected fluid.

d = Depth to the top of the injection zone in feet.

~~(h)~~ **(g)** A bond as set forth in 312 IAC 16-4-2 must accompany a permit application.

~~(i)~~ **(h)** If a drilling unit, lease, or tract of land is communitized for exploration or development, the original or a certified copy of the communitization agreement or declaration of pooling must accompany the initial permit application made under that agreement or declaration. An application for a subsequent permit must identify the agreement or declaration and the permit number of the initial permit.

~~(j)~~ **(i)** With respect to an application for a Class II well, or a noncommercial gas well, an applicant must serve a written notification describing the proposed well personally or by certified mail on each of the following persons, if the described property is located within one-fourth (¼) mile of the proposed well:

(1) The owner or operator of each well for oil and gas purposes, including a well having temporary abandonment status under 312 IAC 16-5-20 or not yet in production.

(2) The permittee of an underground mine permitted under IC 14-34.

(3) The person who files a mine plan under 312 IAC 16-5-4(b) through 312 IAC 16-5-4(g) showing the workable limits for a proposed underground mine.

(4) Each owner of rights to surface or subsurface property that the well penetrates.

~~(k)~~ **(j)** The notification required under subsection ~~(j)~~ **(i)** shall specify that a person who wishes to object to issuance of the permit may, within fifteen (15) days of receipt of the notifica-

Proposed Rules

tion, submit written comments or request an informal hearing before the commission under 312 IAC 16-2-3. The notification shall include the address to which written comments or the hearing request must be forwarded and where additional information may be obtained.

~~(j)~~ **(k)** In addition to the notification required under subsection ~~(j)~~ **(i)**, the division shall cause a notice of a permit application to be placed in a newspaper of general circulation in the county where the proposed well is located. The notice must include the following:

- (1) The name and address of the applicant.
- (2) The location of the proposed well.
- (3) The geological name and depth of the injection zone.
- (4) The maximum injection pressure.
- (5) The maximum rate of barrels each day.

The notice shall specify that a person who wishes to object to issuance of the permit may, within fifteen (15) days of publication of the notification, submit written comments or request an informal hearing before the department. The notification shall include the address to which the written comments or hearing requests must be forwarded, how a person may receive written notice of the proceedings, and where additional information concerning the proposed permit can be obtained.

~~(m)~~ **(l)** Proof of service of the notification required in subsection ~~(j)~~ **(i)** must be delivered to the division before a permit for a Class II well can be issued.

~~(n)~~ **(m)** A person may file a written request for an informal hearing under 312 IAC 16-2-3 within fifteen (15) days after the notification required under subsections ~~(j)~~ **(i)** through ~~(k)~~ **(k)** to consider an objection to a permit.

~~(o)~~ **(n)** No permit shall be issued for a Class II well or a noncommercial gas well:

- (1) until eighteen (18) days after service of any notification required under subsections ~~(j)~~ **(i)** through ~~(k)~~ **(k)**; or
- (2) if a hearing is requested under subsection ~~(n)~~ **(m)**, until the division director makes a determination with respect to the objection.

Upon issuance of the permit, IC 4-21.5 and 312 IAC 3-1 apply.

~~(p)~~ **(o)** Upon notification by the division that the requirements of this section are satisfied, an owner or operator may act upon a permit. (*Natural Resources Commission; 312 IAC 16-3-2; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2332*)

SECTION 2. 312 IAC 16-3.5 IS ADDED TO READ AS FOLLOWS:

Rule 3.5. Annual Well Fee

312 IAC 16-3.5-1 Annual well fee and reporting requirements

Authority: IC 14-37-5

Affected: IC 4-21.5; IC 14-37-6-2; IC 14-37-6-4

Sec. 1. (a) Each oil and gas well owner or operator must pay an annual well fee based on the number of wells for oil and gas purposes for which the person has permits as of November 1 of each year. The annual well fee does not apply to a noncommercial gas well.

(b) The division shall, by December 1 of each year, mail a notice to each owner or operator indicating the number of wells that division records show were under a permit on November 1. Each owner or operator must verify the annual fee due under section 2 of this rule and must cause the fee to be actually received by the division no later than February 1 of the following year. Failure of an owner or operator to comply with this subsection is a violation of this article and is cause for revocation of any permit in violation.

(c) A well for oil and gas purposes is included in the number of wells that the division assesses for the annual well fee on November 1 until the earlier of the following:

- (1) The well is plugged and the well site is restored under 312 IAC 16-5-19.**
- (2) The well is transferred to a new permittee under 312 IAC 16-3-8.**

(d) Each owner or operator of a well for oil and gas purposes must also report to the division by February 1 of each year, on a form prescribed by the division, any change in:

- (1) mailing address; or**
- (2) organizational status.**

(*Natural Resources Commission; 312 IAC 16-3.5-1*)

312 IAC 16-3.5-2 Amount of assessment

Authority: IC 14-37-5

Affected: IC 4-21.5; IC 14-37-6-2; IC 14-37-6-4

Sec. 2. The division shall assess the annual well fee as follows:

- (1) For one (1) permit, one hundred fifty dollars (\$150).**
- (2) For two (2) through five (5) permits, three hundred dollars (\$300).**
- (3) For six (6) through twenty-five (25) permits, seven hundred fifty dollars (\$750).**
- (4) For twenty-six (26) through one hundred (100) permits, one thousand five hundred dollars (\$1,500).**
- (5) For more than one hundred (100) permits, one thousand five hundred dollars (\$1,500) plus fifteen dollars (\$15) for each permit over one hundred (100).**

(*Natural Resources Commission; 312 IAC 16-3.5-2*)

SECTION 3. 312 IAC 16-4-1 IS AMENDED TO READ AS FOLLOWS:

Rule 4. Bonding in Addition to Annual Well Fee

312 IAC 16-4-1 Bond required in addition to the annual well fee

Authority: IC 14-37-3

Affected: IC 4-21.5; IC 14-37-5; IC 14-37-6-2; IC 14-37-6-4; IC 14-37-13

Sec. 1. (a) **In addition to the annual well fee required by 312 IAC 16-3.5**, no person shall drill, deepen, operate, or convert a well for oil and gas purposes until the person has filed and the department has accepted a bond as provided in section 2 of this rule, ~~A if the person: who has created or acquired a well for oil and gas purposes is required to file a bond with the department within ten (10) days after creating or acquiring the well.~~

- (1) is an applicant for a permit under this article who has never been granted a permit for a well for oil and gas purposes under this article;**
- (2) has demonstrated a pattern of violation under IC 14-37 and this article within the previous two (2) years;**
- (3) has failed to pay a civil penalty imposed under IC 14-37-13; or**
- (4) has failed to pay an annual fee required under IC 14-37-5.**

(b) The purpose of a bond is to provide for compliance with IC 14-37 and this article.

(c) A bond shall be renewed until there has been compliance with the conditions imposed by ~~law~~ **IC 14-37** and by the permit **for two (2) consecutive years.**

(d) Requirements and procedures applicable to bonds also apply to the substitute securities described in IC 14-37-6-2 and IC 14-37-6-4.

(e) Any person in whose name the permit is issued shall execute and be named as principal on the bond. The name of the owner or operator on the permit and the principal on the bond shall be the same. (*Natural Resources Commission; 312 IAC 16-4-1; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2336*)

SECTION 4. 312 IAC 16-4-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-4-2 Bond types

Authority: IC 14-37-3

Affected: IC 14-37

Sec. 2. (a) The bond required in section 1 of this rule shall consist of any one (1) of the following:

- (1) A surety bond in the amount of two thousand **five hundred** dollars ~~(\$2,000)~~ **(\$2,500)** for each well drilled or produced.
- (2) A cash bond in the amount of two thousand **five hundred** dollars ~~(\$2,000)~~ **(\$2,500)** for each well drilled or produced.
- (3) A certificate of deposit in the principal amount of two thousand **five hundred** dollars ~~(\$2,000)~~ **(\$2,500)** for each well drilled or produced, according to terms and specifications provided by the division.
- ~~(4) A blanket surety bond in the sum of five thousand dollars (\$5,000) for all wells if the blanket surety bond was filed and accepted by the commission before March 11, 1971.~~

~~(5) (4)~~ A surety bond in any amount for wells drilled, deepened, or converted; however, the maximum number of wells under the bond may not exceed that number determined by dividing the principal sum of the bond by two thousand **five hundred** dollars ~~(\$2,000)~~ **(\$2,500).**

~~(6) (5)~~ A blanket bond of **thirty forty-five** thousand dollars ~~(\$30,000)~~ **(\$45,000)** for any number of wells drilled, deepened, or converted.

(b) No surety bond shall be approved unless issued by a company holding an applicable certificate of authority from the department of insurance, state of Indiana. A surety bond shall be executed by the owner or operator as principal and by the surety or for either of them by an attorney-in-fact with certified power of attorney attached.

(c) With respect to a noncommercial gas well drilled on real estate owned by a bona fide resident of Indiana, the deputy director may waive the bond described in subsection (a), provided the person does the following:

- (1) Submits written proof of financial responsibility.
- (2) Enters on a division form an agreement to maintain and abandon the well in accordance with IC 14-37 and this article. The deputy director may require the agreement provided under this subsection to be recorded.

(d) The division shall obtain possession and custody of all collateral deposited by an applicant until released or replaced under this rule. A certificate of deposit must be assigned in writing to the state and the assignment noted upon the books of the bank issuing the certificate. (*Natural Resources Commission; 312 IAC 16-4-2; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2336*)

SECTION 5. 312 IAC 16-4-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 16-4-5 Bond release

Authority: IC 14-37-3

Affected: IC 14-37-5; IC 14-37-6-1; IC 14-37-13

Sec. 5. (a) ~~No bond shall be released until the commission determines each permit secured by a bond has been. The division shall release a bond submitted pursuant to this rule after:~~

- (1) each well secured by the bond has been plugged and abandoned and the well site restored** under IC 14-37, this article, the terms of the permit, and orders of the department;
- (2) each well secured by the bond has been converted** under 312 IAC 16-5-19(e) to a fresh water well; ~~or~~
- ~~(3) until a substitute bond is filed by the owner or operator and accepted by the department;~~
- (4) each well secured by the bond is transferred under 312 IAC 16-3-8; or
- (5) the owner or operator is not required to post a bond under IC 14-37-6-1(a) due to not having:

Proposed Rules

- (A) demonstrated a pattern of violation within the previous two (2) years;
- (B) failed to pay a civil penalty imposed under IC 14-37-13; or
- (C) failed to pay an annual fee required under IC 14-37-5.

(b) The department may execute a partial release for a bond issued to secure more than one (1) permit where an individual well is abandoned or converted to a fresh water well. A partial release under this subsection shall not relieve a surety from responsibility with respect to a well other than the individual well identified in the partial release. *(Natural Resources Commission; 312 IAC 16-4-5; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2337)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 30, 2002 at 11:00 a.m., at the Department of Natural Resources Field Office, 3101 North Green River Road, Suite 510, Evansville, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that govern the drilling, production, and reclamation of wells for oil and gas purposes to address several subjects. Modifications would be made to definitions, bonding, enforcement, standards for determining operator compliance history, evidencing patterns of violations, identifying responsible officers, permitting, and other matters concerning fee exemption, calculation, and collection. Included would be amendments to help implement statutory authorities embodied in House Enrolled Act 1227 of the 112th Indiana General Assembly. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #02-104 DIGEST

Amends 312 IAC 25-1 by adding new definitions. Amends 312 IAC 25-4-43, 312 IAC 25-4-47, 312 IAC 25-4-85, and 312 IAC 25-4-93 with respect to performance standards for the protection of ground water quality. Adds 312 IAC 25-6-12.5 and 312 IAC 25-6-76.5 to establish application procedures and performance standards consistent with 327 IAC 2-11 as regulated under IC 14-34. Effective upon the Department of

Natural Resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of the Interior and notice of that approval being published in the Indiana Register.

312 IAC 25-1-45.5	312 IAC 25-4-85
312 IAC 25-1-60.5	312 IAC 25-4-93
312 IAC 25-4-43	312 IAC 25-6-12.5
312 IAC 25-4-47	312 IAC 25-6-76.5

SECTION 1. 312 IAC 25-1-45.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 25-1-45.5 "Drinking water well" defined

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 45.5. "Drinking water well", for the purposes of 312 IAC 25-6-12.5 and 312 IAC 25-6-76.5, means a bored, drilled, or driven shaft or a dug hole that meets each of the following:

- (1) Supplies ground water for human consumption.**
 - (2) Has a depth greater than its largest surface dimension.**
 - (3) Is not permanently abandoned under 312 IAC 13-10-2.**
- (Natural Resources Commission; 312 IAC 25-1-45.5)*

SECTION 2. 312 IAC 25-1-60.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 25-1-60.5 "Ground water management zone" defined

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 60.5. "Ground water management zone" means a three (3) dimensional region of ground water around a potential or existing contaminant source where a contaminant is or was managed to prevent or mitigate deterioration of ground water quality such that the criteria established in 312 IAC 25-6-12.5(a) or 312 IAC 25-6-76.5(a) are met at and beyond the boundary of the region. *(Natural Resources Commission; 312 IAC 25-1-60.5)*

SECTION 3. 312 IAC 25-4-43 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-43 Surface mining permit applications; reclamation and operations plan; maps

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 43. Each application shall contain maps and plans of the proposed permit and adjacent areas as follows:

- (1) The maps and plans shall depict the lands proposed to be affected throughout the operation and any change in a facility or feature to be caused by the proposed operations if the**

facility or feature was shown under sections 37 and 38 of this rule.

(2) The following shall be shown for the proposed permit area and adjacent area within one thousand (1,000) feet:

- (A) Buildings, utility corridors, and facilities to be used.
- (B) The area of land to be affected within the proposed permit area according to the sequence of mining and reclamation.
- (C) Each area of land for which a performance bond will be posted under 312 IAC 25-5.
- (D) Each coal storage, cleaning, and loading area.
- (E) Each topsoil, spoil, coal waste, and noncoal waste storage area.
- (F) Each water diversion, collection, conveyance, treatment, storage, and discharge facility to be used.
- (G) Each source of waste and each disposal facility relating to coal processing or pollution control.
- (H) Each facility to be used to protect and enhance fish and wildlife and related environmental values.
- (I) Each explosive storage and handling facility.
- (J) Location of each:
 - (i) siltation structure;
 - (ii) permanent water impoundment;
 - (iii) coal processing waste bank; and
 - (iv) coal processing waste dam and embankment;

in accordance with section 49 of this rule, and fill area for the disposal of excess spoil in accordance with section 54 of this rule.

(K) Each air pollution collection and control facility if required.

(3) Maps, plans, and cross sections required under subdivision (2)(D) through (2)(F) and (2)(J) shall be prepared by, or under the direction of, and certified by a registered professional engineer or professional geologist, with necessary assistance from experts in related fields such as land surveying and landscape architecture, except that maps, plans, and cross sections for:

- (A) siltation structures may only be prepared by a registered professional engineer; and
- (B) spoil disposal facilities may only be prepared by a registered professional engineer.

(4) All monitoring locations used to demonstrate compliance with 312 IAC 25-6-12.5.

(Natural Resources Commission; 312 IAC 25-4-43; filed Jun 21, 2001, 2:53 p.m.: 24 IR 3454, eff Dec 1, 2001)

SECTION 4. 312 IAC 25-4-47 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-47 Surface mining permit applications; reclamation and operations plan; reclamation plan; protection of hydrologic balance

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 47. (a) Each reclamation plan shall contain a detailed description, including maps and drawings of the measures to be taken during the mining and reclamation process, through bond release, to assure the protection of the following:

- (1) The quality of surface and ground water systems, within the permit area and adjacent area, from adverse effects of the mining and reclamation process.
- (2) The rights of present users of that water.
- (3) The quantity of surface and ground water systems, within the permit area and adjacent area, from adverse effects of the mining and reclamation process or to provide alternative sources of water under section 33 of this rule and 312 IAC 25-6-25 where the protection of quantity cannot be assured.
- (4) The prevention of material damage outside the permit area.
- (5) Compliance with applicable federal and state water quality laws and regulations.
- (6) The hydrologic balance within the permit and adjacent areas.

(b) The description in subsection (a) shall include the following:

- (1) A plan for the control of drainage under 312 IAC 25-6-5 through 312 IAC 25-6-69, of surface and ground water drainage into, through, and out of the proposed permit area.
- (2) A plan for the treatment, where required under 312 IAC 25-6-5 through 312 IAC 25-6-69, of surface and ground water drainage from the area to be affected by the proposed activities and proposed quantitative limits on pollutants in discharges subject to 312 IAC 25-6-13, according to the more stringent of:

- (A) 312 IAC 25-6-5 through 312 IAC 25-6-69; or
- (B) other applicable state or federal laws.

- (3) A plan for the restoration of the approximate recharge capacity of the permit area under 312 IAC 25-6-22 and as required by section 45 of this rule.
- (4) A plan for the collection, recording, and reporting of ground and surface water quality and water quantity data under 312 IAC 25-6-23.
- (5) A plan to avoid acid or toxic drainage.
- (6) A plan to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to stream flow.
- (7) A plan to provide water treatment facilities when needed.
- (8) A plan to control drainage.
- (9) A plan to demonstrate compliance with 312 IAC 25-6-12.5.**

(c) The description in subsection (a) shall include a determination of the probable hydrologic consequences (PHC) of the mining and reclamation operations proposed, in the permit and adjacent areas, with respect to the quantity and quality of surface and ground water systems under all seasonal conditions, including the contents of dissolved and total suspended solids, total iron, pH, total manganese, and other parameters required by the director. Information shall be provided as follows:

Proposed Rules

(1) The PHC determination shall be based on baseline hydrologic, geologic, and other information collected for the permit application and may include data statistically representative of the site.

(2) The PHC determination shall include findings on the following:

(A) Whether adverse impacts may occur to the hydrologic balance.

(B) Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface or ground water supplies.

(C) Whether the proposed operation may proximately result in contamination, diminution or interruption of an underground or surface source of water within the proposed permit or adjacent areas that is used for domestic, agricultural, industrial, or other legitimate purpose.

(D) What impact the proposed operation will have on the following:

(i) Sediment yields from the disturbed area.

(ii) Acidity, total suspended and dissolved solids, and other important water quality parameters of local impact.

(iii) Flooding or stream flow alteration.

(iv) Ground water and surface water availability.

(v) Other characteristics as required by the director.

(3) Sampling and analysis shall be conducted under section 28(d) of this rule.

(4) An application for a permit revision shall be reviewed by the director to determine whether a new or updated PHC determination shall be required.

(d) The description in subsection (a) shall include a plan specifically addressing any potentially adverse hydrologic consequences identified in the PHC determination prepared under subsection (c) and shall include preventative and remedial measures. (*Natural Resources Commission; 312 IAC 25-4-47; filed Jun 21, 2001, 2:53 p.m.; 24 IR 3456, eff Dec 1, 2001*)

SECTION 5. 312 IAC 25-4-85 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-85 Underground mining permit applications; reclamation plan; protection of hydrologic balance

Authority: IC 14-34-2-1

Affected: IC 14-34; 30 CFR 784.14

Sec. 85. (a) Each reclamation plan shall contain a detailed description, with appropriate maps and cross section drawings, of the measures to be taken during and after the proposed underground mining activities, through bond release, under 312 IAC 25-6-70 through 312 IAC 25-6-132, to ensure the protection of the following:

(1) The quality of surface and ground water in the proposed permit area and adjacent area from adverse effects of the proposed underground mining activities.

(2) The rights of present users to that surface and ground water.

(3) The quantity of surface and ground water in the proposed permit area and adjacent area from adverse effects of the proposed underground mining activities, or to provide alternative sources of water, under section 74 of this rule and 312 IAC 25-6-88, where the protection of quantity cannot be ensured.

(4) Water quality by locating openings for mines under 312 IAC 25-6-85.

(5) The prevention of material damage outside the permit area.

(6) Compliance with applicable federal and state water quality laws and regulations.

(7) The hydrologic balance within the permit and adjacent areas.

(b) The description in subsection (a) shall include the following:

(1) A plan for the control, under 312 IAC 25-6-70 through 312 IAC 25-6-132, of surface and ground water drainage into, through, and out of the proposed permit area.

(2) A plan for the treatment, where required under 312 IAC 25-6-70 through 312 IAC 25-6-132, of surface and ground water drainage from the area to be affected by the proposed activities, and proposed quantitative limits on pollutants in discharges subject to 312 IAC 25-6-77, according to the more stringent of the following:

(A) 312 IAC 25-6-70 through 312 IAC 25-6-132.

(B) Other applicable state and federal laws.

(3) A plan for the collection, recording, and reporting of ground and surface water quality and water quantity data under 312 IAC 25-6-86.

(4) A plan to avoid acid or toxic drainage.

(5) A plan to prevent, to the extent possible using the best technology currently available, adding contributions of suspended solids to stream flow.

(6) A plan to provide water treatment facilities when needed.

(7) A plan to control drainage.

(8) A plan to demonstrate compliance with 312 IAC 25-6-76.5.

(c) The description in subsection (a) shall include the following:

(1) A determination of the probable hydrologic consequences (PHC) of the proposed underground mining activities, on the proposed permit area and adjacent area, with respect to the hydrologic regime and the quantity and quality of water in surface and ground water systems under all seasonal conditions, including the following:

(A) The contents of dissolved and total suspended solids.

(B) Total iron.

(C) pH.

(D) Total manganese.

(E) Other parameters required by the director.

(2) Whether the underground mining activities may result in contamination, diminution, or interruption of a well or spring in existence at the time the permit application is submitted and used for domestic, drinking, or residential purposes within the permit or adjacent areas.

(d) Sampling and analysis shall be conducted under 312 IAC 25-6-86. Information shall be provided as follows:

(1) The PHC determination shall be based on baseline hydrologic, geologic, and other information collected for the permit application and may include data statistically representative of the site.

(2) The PHC determination shall include findings on the following:

(A) Whether adverse impacts may occur to the hydrologic balance.

(B) Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface or ground water supplies.

(C) What impact the proposed operation will have on the following:

(i) Sediment yields from the disturbed area.

(ii) Acidity, total suspended and dissolved solids, and other important water quality parameters of local impact.

(iii) Flooding or stream flow alteration.

(iv) Ground water and surface water availability.

(v) Other characteristics as required by the director.

(3) Any application for a permit revision shall be reviewed by the director to determine whether a new or updated PHC determination shall be required.

(e) Each plan shall contain a detailed description, with appropriate drawings, of permanent entry seals and down slope barriers, designed to ensure stability under anticipated hydraulic heads developed while promoting mine inundation after mine closure for the proposed permit area.

(f) The plan shall specifically address any potential adverse hydrologic consequences identified in the PHC determination prepared under subsection (c) and shall include preventive and remedial measures. (*Natural Resources Commission; 312 IAC 25-4-85; filed Jun 21, 2001, 2:53 p.m.; 24 IR 3472, eff Dec 1, 2001*)

SECTION 6. 312 IAC 25-4-93 IS AMENDED TO READ AS FOLLOWS:

312 IAC 25-4-93 Underground mining permit applications; reclamation plan; maps

Authority: IC 14-34-2-1

Affected: IC 14-34

Sec. 93. Each application shall contain maps, plans, and cross sections of the proposed permit and adjacent areas as follows:

(1) The maps, plans, and cross sections shall show the underground mining activities to be conducted, the land to be affected throughout the operations, and any change in a

facility or feature to be caused by the proposed operations if the facility or feature was shown under sections 78 and 79 of this rule.

(2) The following shall be shown for the proposed permit area:

(A) Buildings, utility corridors, and facilities to be used.

(B) The area of land to be affected within the proposed permit area according to the sequence of mining and reclamation.

(C) Each area of land for which a performance bond will be posted under 312 IAC 25-5.

(D) Each coal storage, cleaning, and loading area.

(E) Each topsoil, spoil, coal preparation waste, underground development waste, and noncoal waste storage area.

(F) Each water diversion, collection, conveyance, treatment, storage, and discharge facility to be used.

(G) Each source of waste and each waste disposal facility relating to coal processing or pollution control.

(H) Each facility to be used to protect and enhance fish and wildlife related environmental values.

(I) Each explosive storage and handling facility.

(J) Location of each:

(i) siltation structure;

(ii) permanent water impoundment;

(iii) coal processing waste bank; and

(iv) coal processing waste dam and embankment;

in accordance with section 87 of this rule and disposal areas for underground development waste and excess spoil in accordance with section 90 of this rule.

(K) Each profile, at cross sections specified by the director, of the anticipated final surface configuration to be achieved for the affected areas.

(L) Location of each water and subsidence monitoring point.

(M) Location of each facility that will remain on the proposed permit area as a permanent feature after the completion of underground mining activities.

(3) Maps, plans, and cross sections required under subdivision (2)(D) through (2)(F) and (2)(I) through (2)(K) shall be prepared by, or under the direction of, and certified by a professional engineer or professional geologist, with necessary assistance from experts in related fields such as land surveying and landscape architecture, except that maps, plans, and cross sections of:

(A) siltation structures may only be prepared by a registered engineer; and

(B) excess spoil and underground development waste facilities may only be prepared by a registered professional engineer.

(4) All monitoring locations used to demonstrate compliance with 312 IAC 25-6-76.5.

(*Natural Resources Commission; 312 IAC 25-4-93; filed Jun 21, 2001, 2:53 p.m.; 24 IR 3476, eff Dec 1, 2001*)

SECTION 7. 312 IAC 25-6-12.5 IS ADDED TO READ AS FOLLOWS:

Proposed Rules

312 IAC 25-6-12.5 Hydrologic balance; application of ground water quality standards

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 12.5. (a) Ground water is classified under 327 IAC 2-11 to determine appropriate criteria that shall be applied to ground water.

(b) Surface coal mining and reclamation operations must be planned and conducted to prevent violations of ground water quality standards under 327 IAC 2-11.

(c) The ground water management zone described in 327 IAC 2-11-9 must be established as follows:

(1) At each drinking water well that is within three hundred (300) feet from the edge of:

- (A) the coal extraction area;
- (B) the coal mine processing waste disposal site if not within a coal extraction area;
- (C) the area where coal is extracted by auger mining methods;
- (D) the location at which coal is crushed, washed, screened, stored, and loaded at or near the mine site unless the location is within the coal extraction area; or
- (E) the spoil deposition area.

(2) Within three hundred (300) feet from the edge of an area or site described in subdivision (1) where there is no drinking water well that is within three hundred (300) feet from the edge of an area or site described in subdivision (1).

(d) The criteria established in subsection (a) must be met at and beyond the boundary of the ground water management zone. (*Natural Resources Commission; 312 IAC 25-6-12.5*)

SECTION 8. 312 IAC 25-6-76.5 IS ADDED TO READ AS FOLLOWS:

312 IAC 25-6-76.5 Underground mining; hydrologic balance; application of ground water quality standards

Authority: IC 14-34-2-1
Affected: IC 14-34

Sec. 76.5. (a) Ground water is classified under 327 IAC 2-11 to determine appropriate criteria that shall be applied to ground water.

(b) Underground coal mining and reclamation operations must be planned and conducted to prevent violations of ground water quality standards under 327 IAC 2-11.

(c) The ground water management zone described in 327 IAC 2-11-9 must be established as follows:

(1) At each drinking water well that is within three hundred (300) feet from the edge of:

- (A) the coal mine processing waste disposal site;
 - (B) the location at which coal is crushed, washed, screened, stored and loaded at or near a mine site; or
 - (C) the underground waste and spoil deposition area.
- (2) Within three hundred (300) feet from the edge of an area or site described in subdivision (1) where there is no drinking water well that is within three hundred (300) feet from the edge of an area or site described in subdivision (1).

(d) The criteria established in subsection (a) must be met at and beyond the boundary of the ground water management zone. (*Natural Resources Commission; 312 IAC 25-6-76.5*)

SECTION 9. SECTIONS 1 through 8 of this document take effect upon the department of natural resources receiving notice of approval from the Office of Surface Mining and Reclamation of the U.S. Department of Interior and notice of that approval being published in the Indiana Register.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 30, 2002 at 6:00 p.m., at the Department of Natural Resources Field Office, R.R. 2, Box 129, (S.R. 48 west of) Jasonville, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to add new definitions, to make changes with respect to performance standards for the protection of ground water quality, and to establish application procedures and performance standards consistent with 327 IAC 2-11 as regulated under IC 14-34. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #02-162

DIGEST

Amends 312 IAC 5-6-6 that provides restricted watercraft zones on Lake Wawasee to replace 10 miles per hour speed limits with expanded idle speed zones and watercraft prohibition zones on Lake Wawasee and Syracuse Lake for the protection of ecological resources. (The proposed rule changes are substantively the same as those considered in LSA Document #01-293.) Effective 30 days after filing with the secretary of state.

312 IAC 5-6-6

SECTION 1. 312 IAC 5-6-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-6-6 Lake Wawasee and Syracuse Lake; special watercraft zones

Authority: IC 14-10-2-4; IC 14-15-7-3
Affected: IC 14; IC 32-19-1-1

Sec. 6. (a) This section establishes restrictions on the operation of watercraft on and between Lake Wawasee and Syracuse Lake in Kosciusko County. The coordinates used in this section are on the Indiana coordinate system of 1983, east zone, in United States Survey feet as defined in IC 32-19-1-1, hereinafter referred to as SPC.

(b) A person must not operate a watercraft in excess of ten (10) miles per hour on Lake Wawasee within an area described as follows: idle speed in any of the following locations:

(1) North and west of Pickwick Road: In an area known as Johnson Bay on Lake Wawasee, and more particularly described as east and north of buoys placed along a boundary in the northeastern portion of the bay. The boundary:

- (A) begins at its southernmost point with a buoy placed at SPC 2244173.23 north and SPC 323786.03 east;
- (B) continues in a northwesterly direction, including, but not limited to, buoys placed at:
 - (i) SPC 2244348.87 north and SPC 323439.20 east;
 - (ii) SPC 2244959.54 north and SPC 323331.64 east; and
 - (iii) SPC 2245188.84 north and SPC 322952.76 east; and
- (C) concludes with the northernmost buoy placed at SPC 2245460.99 north and SPC 322442.69 east.

(2) South of the CSX railroad In an area known as Johnson Bay on Lake Wawasee, and more particularly described as west of buoys forming a boundary in the western portion of the bay. The boundary:

- (A) begins at its southernmost point with a buoy placed at SPC 2242916.32 north and SPC 321786.06 east;
- (B) continues north, including, but not limited to, buoys placed at:
 - (i) SPC 2243201.20 north and SPC 321889.40 east; and
 - (ii) SPC 2243594.17 north and SPC 321842.69 east; and
- (C) concludes with the northernmost buoy placed at SPC 2243903.36 north and SPC 321985.50 east.

(3) East of the Turtle Bay housing development In the area known as Conklin Bay on Lake Wawasee, and more particularly described as west and south of buoys forming a boundary in the southwestern portion of the bay entrance. The boundary:

- (A) begins at its easternmost point with a buoy placed at SPC 2242757.49 north and SPC 310031.71 east;
- (B) continues in a northwesterly direction along buoys placed at points, including, but not limited to:

- (i) SPC 2242767.16 north and SPC 309590.62 east;
 - (ii) SPC 2242759.48 north and SPC 309502.02 east;
 - (iii) SPC 2243000.96 north and SPC 309262.89 east;
 - (iv) SPC 2243007.82 north and SPC 309161.84 east;
 - (v) SPC 2243121.70 north and SPC 308708.60 east; and
 - (vi) SPC 2243143.59 north and SPC 308440.77 east; and
- (C) concludes at its northernmost point with a buoy placed at SPC 2243332.11 north and SPC 308363.57 east.

(4) In the area of Lake Wawasee, commonly referred to as the channel area and Mud Lake, that lies between the main body of Lake Wawasee and Syracuse Lake.

(5) In the southeastern portion of Syracuse Lake, more particularly described as east and south of buoys forming a boundary that:

- (A) begins at its northernmost point with a buoy placed at SPC 2249799.53 north and SPC 311364.04 east;
- (B) continues in a southwesterly direction to include buoys placed at:
 - (i) SPC 2249436.77 north and SPC 310315.97 east; and
 - (ii) SPC 2249156.14 north and SPC 310047.98 east; and
- (C) concludes at its southernmost point with a buoy placed at SPC 2248558.17 north and SPC 309952.51 east.

(6) In an area commonly referred to as the north bay on Lake Wawasee, more particularly described as north of the boundary between buoys placed at:

- (A) SPC 2246336.50 north and SPC 313670.41 east; and
- (B) SPC 2246294.91 north and SPC 312868.18 east.

(c) In addition to subsection (b)(6), a person must not operate, anchor, or moor a watercraft in either of the following restricted zones located in the area commonly referred to as the north bay on Lake Wawasee:

(1) Within the rectangular shaped area bounded by buoys designating the:

- (A) southwestern corner of the area at SPC 2246372.00 north and SPC 313226.16 east;
- (B) northwestern corner at SPC 2246561.00 north and SPC 313224.59 east;
- (C) northeastern corner at SPC 2246576.75 north and SPC 313538.09 east; and
- (D) southeastern corner at SPC 2246382.25 north and SPC 313549.53 east.

(2) Within the rectangular shaped area bounded by buoys designating the southwestern corner of the:

- (A) area at SPC 2246371.25 north and SPC 312958.88 east;
- (B) northwestern corner at SPC 2246558.25 north and SPC 312954.19 east;
- (C) northeastern corner at SPC 2246558.50 north and SPC 313090.28 east; and
- (D) southeastern corner at 2246374.50 north and SPC 313091.94 east.

(Natural Resources Commission; 312 IAC 5-6-6; filed Mar 23, 2001, 2:50 p.m.; 24 IR 2374, eff Jan 1, 2002)

Proposed Rules

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 24, 2002 at 10:00 a.m., at the Indiana Conservation Officers District 1 Headquarters, 9822 North Turkey Creek Road, Syracuse, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments that provide restricted watercraft zones on Lake Wawasee to replace 10 miles per hour speed limits with expanded idle speed zones and watercraft prohibition zones on Lake Wawasee and Syracuse Lake for the protection of ecological resources. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule LSA Document #01-377

DIGEST

Amends 345 IAC 7-7 concerning disposal of dead animals. Adds 345 IAC 7-7-1.5 to define terms. Makes other changes in the law of dead animal disposal. Repeals 345 IAC 7-7-6 and 345 IAC 7-7-8. *NOTE: Under IC 4-22-2-40, LSA Document #01-377, printed at 25 IR 1991, was recalled by the Indiana State Board of Animal Health. This document was revised and readopted.* Effective 30 days after filing with the secretary of state.

345 IAC 7-7-1.5	345 IAC 7-7-6
345 IAC 7-7-2	345 IAC 7-7-7
345 IAC 7-7-3	345 IAC 7-7-8
345 IAC 7-7-3.5	345 IAC 7-7-9
345 IAC 7-7-4	345 IAC 7-7-10
345 IAC 7-7-5	

SECTION 1. 345 IAC 7-7-1.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 7-7-1.5 Definitions

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7
Affected: IC 15-2.1-2-15; IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-16; IC 15-2.1-24

Sec. 1.5. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:

- (1) "Animal" means domestic animal.
- (2) "Condemned and inedible waste" means any part of

a slaughtered animal that is unfit for human food or that is not intended for human food. The term does not include eggs and parts thereof.

(3) "Dead animal" means an animal that has died other than by slaughter.

(4) "Domestic animal" has the meaning set forth in IC 15-2.1-2-15.

(5) "Exotic animal" means a flesh-eating wild animal. Some examples are tigers, lions, bears, and cougars.

(6) "Restaurant grease" means animal or vegetable oils and fats that have been used or generated as a result of the preparation of food by a restaurant or other establishment that prepares food for human consumption.

(7) "Slaughter" means the killing and processing of an animal for human food.

(8) "Slaughtering establishment" means an establishment that is inspected or that has been granted an exemption from inspection under IC 15-2.1-24, the Federal Meat Inspection Act (21 U.S.C. et seq.), or the Federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.).

(9) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 and all authorized representatives.

(10) "Wild animal" means an animal that is not a domestic animal.

(Indiana State Board of Animal Health; 345 IAC 7-7-1.5)

SECTION 2. 345 IAC 7-7-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-2 Exemption or license required

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7
Affected: IC 15-2.1-3-13; IC 15-2.1-16-1; IC 15-2.1-16-7; IC 15-2.1-24

Sec. 2. (a) No person shall transport carcasses of dead animals, or poultry condemned and inedible waste, or restaurant grease in the state unless he holds either that person meets one (1) of the following requirements:

- (1) The person holds a valid disposal plant permit or exotic animal feeding permit; license or collection service license and transport vehicle licenses issued under IC 15-2.1-16.
- (2) The person is exempt under IC 15-2.1-16-1 or this rule.

(b) A person who owns, cares for, or possesses an animal that dies must dispose of all parts of the dead animal within twenty-four (24) hours of knowing of the death in a manner that meets the requirements in this rule.

(c) A slaughtering establishment must dispose of condemned and inedible waste in compliance with IC 15-2.1-24, 345 IAC 9, 345 IAC 10, and this rule.

(~~b~~) (d) The following persons matters or vocations and activities are exempt from section (a) requiring a permit: the requirements in this rule:

(1) ~~Persons slaughtering, butchering, manufacturing, The transportation or selling in any manner of any animal flesh or products solely for the purpose of human consumption.~~

(2) ~~Persons engaged in transporting dead animal and poultry bodies for human consumption.~~

(3) ~~(2) Persons transporting, disposing of, or selling the hides or skins of animals, or tanning such animal hides or skins for himself or others; provided no other byproducts operation is involved.~~

(4) ~~(3) Persons transporting and disposing of bodies of dead fish, reptiles, dogs, cats, and small game. in numbers not to exceed five (5) at one time.~~

(5) ~~(4) Any governmental agencies agency collecting, transporting, or disposing of dead animals or poultry in any manner.~~

(6) ~~(5) Any livestock animal owner transporting his or her dead livestock animal to a rendering plant or to a diagnostic facility or a site for disposal in compliance with this rule.~~

(7) ~~Exotic animal owners who pick up only carcasses of (6) Transportation and disposal of dead wild deer and other non-domestic wild animals.~~

(7) ~~Any person collecting, transporting, or disposing of dead animals or poultry in any manner for educational or research purposes.~~

(e) The following apply to disposal plant, collection service, and transport vehicle licenses issued under this section:

(1) The license fees are those listed in IC 15-2.1-16-7.

(2) Each license expires at the end of the day on January 31 or the date a replacement license is issued, whichever is earlier. Licenses issued in November or December expire January 31 of the next year.

(3) A license may be renewed.

(Indiana State Board of Animal Health; 345 IAC 7-7-2; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1758; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 3. 345 IAC 7-7-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-3 Disposal methods

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16-19; IC 15-2.1-16-26; IC 15-2.1-24-15

Sec. 3. Any person owning, caring for, or having possession of an animal that has died (a) ~~Dead animals and condemned and inedible waste shall dispose be disposed of the carcass within twenty-four (24) hours of the death by one (1) or more of the following methods:~~

(a) ~~(1) Removal of the carcass to a licensed disposal plant.~~

(b) ~~(2) Burying the carcass or condemned and inedible waste on the owner's premises to a depth of four (4) feet or more, with a covering of at least four (4) feet of earth in addition to any other materials that may be used for that~~

~~purpose: covering. Burying a carcass or condemned and inedible waste in a location without the land owner's permission is prohibited.~~

(c) ~~(3) Thorough and complete incineration of the carcass or condemned and inedible waste.~~

(d) ~~Removal (4) Thorough and complete composting of the carcass to an exotic animal feeding permit holder: or condemned and inedible waste in compliance with the standards in this rule.~~

(5) ~~By sale to a plant producing pet food under permit issued by the state veterinarian under IC 15-2.1-16-26.~~

(b) A person may dispose of a dead animal or condemned and inedible waste by delivering the animal or waste to a facility approved by the state to operate as a landfill. But a person may not dispose of a dead animal or waste as described in this subsection if other state laws or local ordinances prohibit such activity. The operator of a landfill is not required by this rule to accept dead animals or condemned and inedible waste.

(c) A person meets the disposal requirement in section 2(b) of this rule if they have arranged for a disposal plant or collection service to pick up the dead animal or animals, including a prearranged contract for ongoing periodic collection, even if the actual pick up by the disposal plant or collection service occurs after twenty-four (24) hours have passed. The person responsible for disposal shall take steps to prevent other animals from accessing the dead animals prior to pick-up. An authorized person may give permission for a disposal plant or collection service to enter a premises as required under IC 15-2.1-16-19 and section 7(4) of this rule in any manner that communicates their intent, including placing an order to pick up a dead animal or entering into a prearranged contract for ongoing periodic collection.

(d) No person may bury an animal or condemned and inedible waste within the corporate limits of any city or town if prohibited by a city or town ordinance.

(e) A person applying for meat or poultry inspection or an exemption from inspection under IC 15-2.1-24 shall notify the state veterinarian in writing of the method by which the applicant will dispose of the dead animals and condemned and inedible waste from the establishment. If the establishment changes the method of disposal the owner must notify the state veterinarian in writing within fifteen (15) days of the change.

(f) The state veterinarian may authorize or order that any particular animal or condemned and inedible waste, or any class of animal or waste, be disposed of in a particular manner, including a manner not listed in subsection (a), for the purpose of addressing an emergency, facilitating research, preventing the spread of disease, or protecting the public health. *(Indiana State Board of Animal Health; 345 IAC*

Proposed Rules

7-7-3; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 4. 345 IAC 7-7-3.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 7-7-3.5 Composting

Authority: IC 15-2.1-3-19; IC 15-2.1-24-7

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 3.5. (a) A person composting dead animals or condemned and inedible waste must meet the following standards:

(1) The composting operation must be operated in a manner that meets all of the following conditions:

(A) Domestic animals are kept from accessing the compost pile.

(B) Rodents and other wild animals are controlled so they do not disrupt the compost pile or create a health hazard to humans or animals.

(C) Leachate run-off must be prevented or controlled.

(D) The material must be thoroughly and completely composted. Any part that is not completely composted must be removed from the compost prior to application and must be disposed of in accordance with section 3 of this rule.

(2) Dead animals and condemned and inedible waste from other operations may not be accepted for composting. But, the following may be transported to another site and accepted for composting:

(A) Sheep and goat condemned and inedible waste from slaughtering establishments.

(B) Animals excluded from this rule under section 2(d) of this rule.

(C) Dead animals and condemned and inedible waste from facilities under common ownership or management.

(b) A slaughtering establishment must meet the following additional requirements to compost dead animals and condemned and inedible waste:

(1) The composting operation may not be located in a facility that:

(A) shares a common wall or roof with the slaughtering establishment; or

(B) utilizes the same air handling equipment as the slaughtering establishment.

(2) Equipment and supplies used in the composting operation may not be moved into the slaughtering establishment.

(3) The slaughtering establishment must establish and follow procedures that will prevent adulteration of products intended for human food from the movement of personnel between the compost facility and the slaughtering establishment.

(c) The state veterinarian may order that any particular

animal or condemned and inedible waste, or any class of animal or waste, not be composted, or composted in a particular manner, in order to prevent the spread of disease and protect the public health. (*Indiana State Board of Animal Health; 345 IAC 7-7-3.5*)

SECTION 5. 345 IAC 7-7-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-4 Unloading of trucks

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 4. (a) No dead animal carcasses of dead animals or condemned and inedible waste shall remain on a truck overnight, more than twenty-four (24) hours, but shall be unloaded within at a licensed disposal plant or a licensed substation. or at the premises of an exotic animal feeding permit-holder.

(b) All carcasses of dead animals which and condemned and inedible waste that have been unloaded in a licensed substation shall be transferred to a licensed disposal plant within twenty-four (24) hours of the time the carcasses were placed in and waste arrived at the substation. (*Indiana State Board of Animal Health; 345 IAC 7-7-4; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 6. 345 IAC 7-7-5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-5 Transportation for feeding

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 5. Exotic animal owners, who wish to (a) No person may transport and dispose of carcasses of domestic animals for the purpose of by feeding the carcasses to exotic animals. shall obtain But, a permit from person who, prior to July 1, 2003, notifies the board before transporting such state veterinarian of their intent to transport and dispose of the carcasses of domestic animals by feeding them to exotic animals may transport and dispose of carcasses in that manner.

(b) A person transporting carcasses for feeding to exotic animals shall keep records of the following information for each collection:

(1) The name and address of the person from whom the dead animal is obtained.

(2) The date the dead animal is obtained.

(3) A description of what was obtained from the premises on each date.

The records shall be kept for not less than two (2) years.

(c) A person storing on their premises dead animal carcasses for the purpose of feeding exotic animals shall

totally dispose of the carcasses and waste within seventy-two (72) hours of arrival at the premises. Any remains of a carcass not eaten within seventy-two (72) hours shall be disposed of by a method allowed under section 3 of this rule. But, carcasses that are placed in a refrigerator or freezer immediately upon arrival at the premises shall be disposed of within seventy-two (72) hours of being removed from the appliance. (*Indiana State Board of Animal Health; 345 IAC 7-7-5; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 7. 345 IAC 7-7-7 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-7 Vehicle requirements

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-24-15

Sec. 7. (a) ~~Exotic animal feeder permit holders~~ **A person transporting dead animals and condemned and inedible waste under this rule shall use a comply with the following requirements:**

(1) ~~A vehicle for transporting used to transport dead animals which does or waste must be configured to not allow dripping and seepage. The carcasses fluids from the dead animals or waste to leak onto public roads.~~

(2) ~~Dead animals and waste shall be contained or covered while transported so that they are not be visible when the vehicle is on the public highways: roads.~~

(b) ~~The vehicles~~ (3) **A vehicle used to transport dead animals or waste shall be thoroughly cleaned and disinfected after each use time that it is used for transporting carcasses: dead animals or waste.**

(c) ~~(4) A vehicle of exotic animal feeder permit holders transporting carcasses dead animals or waste from a premise premises is prohibited from entry onto any other premise premises unless given permission by the owner, until the carcasses and waste are unloaded at the final destination and the vehicle is cleaned and disinfected.~~

(5) **In the event any dead animal, condemned and inedible waste, or seepage therefrom escapes from the transporting vehicle, the licensee shall clean it up as soon as is reasonably possible.**

(*Indiana State Board of Animal Health; 345 IAC 7-7-7; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1759; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 8. 345 IAC 7-7-10 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-7-10 Denial, suspension, or revocation of licenses

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-16; IC 15-2.1-17-5

Sec. 10. The state veterinarian may **refuse to issue a license under this rule and may** suspend or revoke any license issued

under this chapter for failure to comply with this chapter. rule if the state veterinarian finds the following:

(1) The applicant or licensee violated a requirement of this rule.

(2) Any reason listed in IC 15-2.1-16, IC 15-2.1-17-5, or this rule.

(3) The transportation or disposal of dead animals or condemned and inedible waste by the applicant or licensee presents a health hazard to animals or the citizens of Indiana.

(*Indiana State Board of Animal Health; 345 IAC 7-7-10; filed Jan 20, 1988, 4:04 p.m.: 11 IR 1760; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 9. THE FOLLOWING ARE REPEALED: 345 IAC 7-7-6; 345 IAC 7-7-8; 345 IAC 7-7-9.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 10, 2002 at 9:40 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning the disposal of dead animals. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.

Indiana State Veterinarian

Indiana State Board of Animal Health

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule

LSA Document #02-107

DIGEST

Adds 345 IAC 1-3-16.5 to allow a person to move swine interstate within a production system without identification and a certificate of veterinary inspection. Amends 345 IAC 1-3 to allow swine vaccinated with Pseudorabies vaccine to move into the state. Amends 345 IAC 3-5.1-3 to consolidate and clarify requirements to move swine intrastate. Amends 345 IAC 3-5.1-8.5 to eliminate annual and semi-annual Pseudorabies testing of all swine herds. Makes other substantive and technical changes in the law of Pseudorabies control. Repeals 345 IAC 1-3-8, 345 IAC 1-3-16, 345 IAC 3-5.1-8.8, 345 IAC 3-5.1-8.9, 345 IAC 3-5.1-9, 345 IAC 3-5.1-12, 345 IAC 3-5.1-14, and 345 IAC 3-5.1-15. Effective 30 days after filing with the secretary of state.

Proposed Rules

345 IAC 1-3-3	345 IAC 3-5.1-3.5
345 IAC 1-3-4	345 IAC 3-5.1-4
345 IAC 1-3-8	345 IAC 3-5.1-6
345 IAC 1-3-11	345 IAC 3-5.1-7
345 IAC 1-3-12	345 IAC 3-5.1-8.5
345 IAC 1-3-13	345 IAC 3-5.1-8.7
345 IAC 1-3-14	345 IAC 3-5.1-8.8
345 IAC 1-3-15	345 IAC 3-5.1-8.9
345 IAC 1-3-16	345 IAC 3-5.1-9
345 IAC 1-3-16.5	345 IAC 3-5.1-10
345 IAC 3-5.1-1.2	345 IAC 3-5.1-12
345 IAC 3-5.1-1.5	345 IAC 3-5.1-14
345 IAC 3-5.1-2	345 IAC 3-5.1-15
345 IAC 3-5.1-3	

SECTION 1. 345 IAC 1-3-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-3 Identification required; exceptions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-12-7; IC 15-2.1-12-7.5; IC 15-2.1-15-17

Sec. 3. (a) All domestic animals entering Indiana, regardless of age, sex, or breed, shall be identified as follows:

(1) Each animal shall be individually identified utilizing a method of identification acceptable for that species. Acceptable methods of identification are as follows:

- (A) An ear tag.
- (B) A tattoo.
- (C) An individual brand.
- (D) A standard ear notch.
- (E) A registration number.
- (F) A method of identification that is approved by the state veterinarian.

(2) Each animal shall be individually described on the accompanying certificate of veterinary inspection.

(b) The following official identification is approved for livestock transported into Indiana:

(1) Swine must be identified using:

~~(A) a standard ear notch or acceptable ear tag for breeding animals; and~~

~~(B) a standard ear notch for exhibition swine.~~

~~Official ear tags shall be used for feeder pigs. (See IC 15-2.1-12-7.5.)~~ as provided in section 11 of this rule.

(2) Cattle must be identified using **one (1) of the following methods of identification:**

- (A) An official ear tag.
- (B) A tattoo.
- (C) An individual brand. ~~or~~
- (D) A registration number if accompanied by registration papers.

(3) Sheep must be identified using **one (1) of the following methods of identification:**

- (A) A tattoo.
- (B) A standard ear notch. ~~or~~

(C) An ear tag.

(D) A breed association ear tag.

(4) Goats must be identified using **one (1) of the following methods of identification:**

- (A) A tattoo.
- (B) A standard ear notch. ~~or~~
- (C) An ear tag.

(D) A breed association ear tag.

(5) Horses and other equine must be identified using **one (1) of the following methods of identification:**

- (A) A lip tattoo.
- (B) An individual brand.
- (C) A registration number if accompanied by registration papers. ~~or~~
- (D) A descriptive marking with **the animal's** name.

(6) Cervidae must be identified using **one (1) of the following methods of identification:**

- (A) An ear tag. ~~or~~
- (B) A tattoo.

(7) Any species may be identified using other identification approved by the state veterinarian.

(c) Any animal may be identified using a permanent electronic chip implant that uniquely identifies the animal if the following requirements are met:

- (1) The chip identification number is written on the certificate of veterinary inspection or shipping manifest.
- (2) A piece of equipment that is capable of accurately reading the chip implant accompanies the animal at all times.
- (3) The owner or caretaker of the animal allows board personnel to use the equipment necessary to read the implanted chip upon request.

If the equipment provided by an owner or caretaker of an animal does not allow for an accurate identification of an animal for any reason, the animal will be deemed unidentified for the purpose of this rule unless the animal is identified using another method authorized by this rule.

(d) If additional identification is present, at least one (1) additional identification shall also be listed on the certificate of veterinary inspection.

(e) The following types of animals are exempt from the identification requirements in this section:

- (1) Steers.
- (2) Poultry.
- (3) Slaughter animals.
- (4) Baby calves and feeder heifers from Brucellosis-free and Class A states.

(Indiana State Board of Animal Health; Reg 76-1, Title I, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 128; filed May 2, 1983, 10:02 a.m.: 6 IR 1039; filed May 10, 1984, 8:36 a.m.: 7 IR 1447; filed Jan 8, 1986, 2:52 p.m.: 9 IR 991; filed Dec 2, 1994, 3:52 p.m.: 18 IR 856; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1472; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1336; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 2. 345 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-4 Certificate of veterinary inspection and permit required for importation

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1

Sec. 4. (a) A person may not transport into Indiana a domestic animal, or a wild animal of the ~~bovine, ovine, caprine, bison,~~ **family Bovidae, family Suidae, family Equidae, family Cervidae, camelid, or porcine species, family Camelidae,** unless the animal is accompanied by an official certificate of veterinary inspection. The following animals may be transported into Indiana without a certificate of veterinary inspection:

- (1) Those consigned for immediate slaughter.
- (2) The state veterinarian may allow a person to transport into Indiana an animal without a certificate of veterinary inspection in order to facilitate the diagnosis, prevention, or control of disease.

(3) Swine moving under the procedures in section 16.5 of this rule.

(b) No person may transport into Indiana an animal other than those described in subsection (a) unless the animal is accompanied by a shipping manifest clearly stating the following information:

- (1) The origin of each animal.
- (2) An individual description and identification of each animal.
- (3) The destination of each animal.
- (4) The import permit number, if required under subsection (d), for the shipment.

(c) The state veterinarian may set specific restrictions, prerequisites, and other requirements for the transportation of diseased or experimental animals into Indiana. Each official certificate of veterinary inspection or shipping manifest must note any restrictions imposed.

(d) No person may transport into Indiana any domestic or wild animal of the ~~bovine, ovine, caprine, bison,~~ **family Bovidae, family Suidae, family Cervidae, camelid, or porcine species, family Camelidae** regardless of age, sex, or breed, without first obtaining a permit to transport the animal into Indiana. Permits shall be obtained from the state veterinarian. The state veterinarian shall assign a permit number for each permit issued. The permit number shall be recorded on the certificate of veterinary inspection associated with the permitted animals, or if a certificate of veterinary inspection is not required, the shipping manifest accompanying the shipment. The certificate of veterinary inspection or shipping manifest with the correct permit number must be in possession of the person in charge of animals during movement. A person transporting the following animals into Indiana is exempt from the requirements in this subsection:

- (1) Animals transported into Indiana for immediate slaughter.
- (2) The state veterinarian may waive all or part of the requirements in this subsection for a specific shipment of animals to facilitate the diagnosis, prevention, or control of disease.
- (3) Swine moving under the procedures in section 16.5 of this rule.**

(e) Permits for the transportation of animals into Indiana may be obtained day or night, including weekends and holidays, by calling the following telephone numbers:

- (1) For a permit to transport an animal of the bovine, ovine, caprine, bison, cervidae, or camelid species, call (317) 227-0316.
- (2) For a permit to transport an animal of the porcine species, call (317) 227-0311.

(Indiana State Board of Animal Health; Reg 76-1, Title I, Sec 3; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 128; filed May 2, 1983, 10:02 a.m.: 6 IR 1039; filed Jan 8, 1986, 2:52 p.m.: 9 IR 992; filed May 24, 1988, 9:40 a.m.: 11 IR 3535; filed May 1, 1990, 10:25 a.m.: 13 IR 1700; filed Dec 2, 1994, 3:52 p.m.: 18 IR 857; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1478; errata filed Mar 31, 1999, 9:36 a.m.: 22 IR 2534; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1337; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 3. 345 IAC 1-3-11 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-11 Swine identification, certificate of veterinary inspection, and permit

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-10-1; IC 15-2.1-21-6

Sec. 11. **(a) Except as provided in subsection (d),** a person ~~transporting~~ **moving** swine into Indiana ~~the state~~ must comply with the identification requirements in ~~345 IAC 1-3-11 subsection (b)~~ and the permit and ~~health~~ **certificate of veterinary inspection** requirements in ~~345 IAC 1-3-4, section 4 of this rule.~~

(b) A person moving swine into the state must identify the swine at the earliest of the following:

- (1) The point of first commingling the swine with swine from any other source.**
- (2) Upon unloading the swine at a livestock market.**
- (3) Before transfer of ownership.**
- (4) Before arrival at the animal's final destination.**

The method of identification must be one specified in subsection (c).

(c) The following methods of identification are approved to move swine into the state:

- (1) Official ear tags with individual animal identification.**
- (2) United States Department of Agriculture back tags may be used on swine moving to slaughter.**
- (3) Official swine tattoos may be used on swine moving to**

Proposed Rules

slaughter if the tattoo is approved by the state veterinarian or the United States Department of Agriculture.

(4) Ear notching of swine if the ear notching has been recorded in the book of record of a pure-bred registry association.

(5) Tattoos on the ear or inner flank of swine if the tattoos have been recorded in the book of record of a swine registry association.

(6) Feeder pigs and swine moving to slaughter may be identified with an ear tag or tattoo bearing only the premises identification number assigned by a state or federal animal health official to the premises from which the swine originated.

(d) A person may move swine into the state without individually identifying each animal if one (1) of the following sets of procedures are followed:

(1) Using the procedures in section 16.5 of this rule.

(2) The swine are kept as a group during movement to their final destination and the following requirements are met:

(A) The animals were born on the same premises.

(B) The animals were raised on the premises where they were born.

(C) They are moved directly to a slaughter establishment from the place where they were raised.

(D) They are not commingled with swine from any other premises prior to arriving at the slaughter establishment.

(E) Approved identification is applied to the swine at the slaughter establishment or the animals are slaughtered one after another as a group and not mixed with other swine at slaughter.

(Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 1; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Sep 1, 2000, 2:03 p.m.: 24 IR 6; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 4. 345 IAC 1-3-12 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-12 Swine herds infected with Pseudorabies; transportation into Indiana prohibited

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 12. A person may not transport any of the following swine into ~~Indiana; the state~~:

(1) Swine that originate from a herd that is known to be infected with the Pseudorabies virus.

(2) Swine that are subject to an order of quarantine issued by the United States government or another state because the animals may harbor a disease.

(3) Swine that originate from a herd that has been fed garbage as defined in 345 IAC 1-2.1-1.

(4) Swine that originate from a herd located in a state that does not require the reporting of Pseudorabies diagnosis or quarantine all known Pseudorabies infected swine.

(Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 2; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1989; filed Sep 1, 2000, 2:03 p.m.: 24 IR 6; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 5. 345 IAC 1-3-13 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-13 Breeding swine; tests for Brucellosis and Pseudorabies

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 13. (a) Before swine for breeding purposes may be transported into ~~Indiana; the state~~, the swine must have passed a negative test for Brucellosis within thirty (30) days prior to transportation into ~~Indiana; the state~~. The following swine are exempt from the test required in this subsection:

(1) Swine under one hundred eighty (180) days of age.

(2) Swine that originate from a herd that qualifies as a validated Brucellosis-free herd as defined in 345 IAC 3-4-2.

(3) Swine that originate from a validated Brucellosis-free area as defined in 345 IAC 3-4-2. But, feral swine are not exempt.

(b) All breeding swine that originate from ~~areas~~ **an area** that ~~are~~ **is** not validated Brucellosis-free as defined in 345 IAC 3-4-2 are quarantined to the receiving producer's premises, must be:

(1) isolated from all other animals; and

(2) tested for Brucellosis;

in not less than thirty (30) nor more than forty-five (45) days after the date of entry. But, no more than fifty (50) head of swine in any one (1) shipment from one (1) farm of origin must be tested after entry.

(c) Before breeding swine may be transported into ~~Indiana; the state~~, the swine must test negative for Pseudorabies on an official serology test that is conducted within the thirty (30) days prior to transportation into ~~Indiana; the state~~. But, swine that meet one (1) of the following sets of criteria are exempt from the test required in this subsection:

(1) Swine originating from a herd in an area designated by the United States Department of Agriculture as Stage III under the national Pseudorabies eradication program and the swine originate from a herd that is a Pseudorabies-qualified herd or a qualified Pseudorabies-negative gene-altered virus-vaccinated herd, utilizing monthly herd testing, under the national Pseudorabies Program Standards defined in 345 IAC 3-5.1.

(2) Swine, except feral swine, from an area designated Stage IV or Stage V by the United States Department of Agriculture under the national Pseudorabies eradication program.

~~(d) Swine vaccinated with Pseudorabies vaccine shall not be~~

transported into Indiana. The state veterinarian may allow swine vaccinated with Pseudorabies vaccine to be transported into Indiana if such action furthers the goal of Pseudorabies eradication:

(c) (d) All breeding swine transported into Indiana the state are quarantined to the destination premises and must be isolated from other animals and tested for Pseudorabies in not less than thirty (30) nor more than forty-five (45) days from date of entry. But, the following are exemptions and alterations to the test required in this subsection:

(1) Swine entering a Pseudorabies-infected herd must be vaccinated for Pseudorabies within seventy-two (72) hours after arrival and must be isolated and retested as required by the state veterinarian to minimize the transmission of Pseudorabies.

(2) (1) No more than fifty (50) head of swine in any one (1) shipment from one (1) farm of origin must be tested after entry.

(3) (2) Swine that are shipped directly from a swine herd that is located in an area designated Stage IV or Stage V by the United States Department of Agriculture under the national Pseudorabies eradication program are exempt.

(4) (3) Swine that originate from a herd in an area designated by the United States Department of Agriculture as Stage III under the national Pseudorabies eradication program and the herd of origin is a Pseudorabies-qualified herd or qualified negative gene-altered virus-vaccinated herd, utilizing monthly herd testing, under the national Pseudorabies Program Standards defined in 345 IAC 3-5.1 are exempt.

(e) (e) Feral swine shall not be transported into Indiana unless consigned directly to a recognized slaughter establishment. (*Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 3; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed May 24, 1988, 9:40 a.m.: 11 IR 3535; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1990; filed Nov 30, 1990, 4:35 p.m.: 14 IR 620; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1079; filed Feb 9, 1994, 10:00 a.m.: 17 IR 1089; filed Sep 1, 2000, 2:03 p.m.: 24 IR 6; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 6. 345 IAC 1-3-14 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-14 Feeder pigs

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 14. (a) Feeder pigs that originate from an area designated Stage II or Stage III by the United States Department of Agriculture under the national Pseudorabies eradication program must be tested for Pseudorabies utilizing an official random sample test (95/10) under the Program Standards defined in 345 IAC 3-5.1 within the thirty (30) days immediately prior to the feeder pigs entering Indiana. the state. Feeder

pigs originating from an area designated Stage III and from a herd that qualifies as a Pseudorabies-qualified herd or a qualified negative gene-altered virus-vaccinated herd, utilizing monthly testing, in the Program Standards defined in 345 IAC 3-5.1 are exempt from the test required under this subsection. If the test required in this subsection is not completed or if any feeder pig tests positive for Pseudorabies, a person is prohibited from transporting any part of that group of feeder pigs into Indiana.

(b) All feeder pigs that are transported into Indiana must be delivered directly to a farm for further feeding or directly to a licensed feeder pig concentration point that offers for sale feeder pigs only. All feeder pigs are quarantined to the first feeding premises and shall be isolated from any other swine until sold for slaughter. But, feeder swine consigned to a licensed feeder pig concentration point may be resold within seventy-two (72) hours and are quarantined to the destination premises. The sale of feeder pigs through a concentration point must be documented on State Form 3552R or other forms approved by the state veterinarian.

(c) The owner of feeder pigs that are transported into Indiana shall procure the services of a licensed and accredited veterinarian to test the imported swine for Pseudorabies between thirty (30) and forty-five (45) days after entry into Indiana utilizing an official random sample test (95/10) under the Program Standards defined in 345 IAC 3-5.1. But, the test required in this subsection is waived if one (1) of the following conditions are met:

(1) The swine originated from an area designated Stage IV or Stage V by the United States Department of Agriculture under the national Pseudorabies eradication program.

(2) The swine originated from an area designated Stage III by the United States Department of Agriculture under the national Pseudorabies eradication program and originated from a herd that qualifies as a Pseudorabies-qualified herd or a qualified negative gene-altered virus-vaccinated herd, utilizing monthly testing, under the Pseudorabies Program Standards defined in 345 IAC 3-5.1.

(*Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 4; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed Feb 9, 1994, 10:00 a.m.: 17 IR 1089; filed Sep 1, 2000, 2:03 p.m.: 24 IR 7; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 7. 345 IAC 1-3-15 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-15 Slaughter swine; consignment

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 15. (a) Swine consigned for sale in Indiana for immediate slaughter shall be consigned to a recognized an approved

slaughtering establishment or to a licensed public livestock market that buys and sells only slaughter swine for resale directly to a ~~recognized~~ **an approved** slaughtering establishment. Swine sold for immediate slaughter must be slaughtered within seven (7) days of the date of the first consignment and must not move through more than two (2) markets.

(b) All swine sold for immediate slaughter shall be accompanied by a proper way-bill, bill-of-lading, cargo manifest, or similar document showing the point of destination.

(c) **Swine moved through a slaughter market or otherwise sold for slaughter in another state may be moved into the state only to a slaughter establishment or to a market for sale for slaughter.**

(d) **Sows and boars moved to a livestock market shall be consigned for sale for slaughter only. Any sow or boar in a livestock market shall be considered a slaughter only animal for the purposes of this rule.**

(Indiana State Board of Animal Health; Reg 76-1, Title IV, Sec 5; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 133; filed May 2, 1983, 10:02 a.m.: 6 IR 1043; filed Jan 8, 1986, 2:52 p.m.: 9 IR 995; filed Sep 1, 2000, 2:03 p.m.: 24 IR 8; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 8. 345 IAC 1-3-16.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 1-3-16.5 Interstate movement of swine within a production system

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 16.5. (a) For the purposes of this section the following apply:

(1) **A swine production health plan for a swine production system must be designed to maintain the health of the swine and detect signs of communicable disease and must meet the following requirements:**

(A) **The plan must be in writing.**

(B) **The plan must identify all premises that are part of the swine production system that are in the state and that receive swine from outside the state or send swine out of the state.**

(C) **The plan must provide for inspections of identified premises by the swine production system accredited veterinarian at intervals not greater than thirty (30) days.**

(D) **The plan must describe the swine production system record keeping system.**

(E) **The plan must be signed by an official of each swine production system identified in the plan, the swine production system accredited veterinarian or veterinarians, a United States Department of Agriculture official, the state veterinarian, and a state animal health official**

from each state in which the swine production system has premises.

(2) **A swine production system is a swine production enterprise that consists of multiple sites of production that are connected by ownership or contractual relationships, between which swine move while remaining under the control of a single owner or a group of contractually connected owners. But, slaughter plants and livestock markets are not part of a swine production system.**

(b) **A person may move swine into the state without a permit and certificate of veterinary inspection required under section 4 of this rule and without individual animal identification if the following requirements are met:**

(1) **The animals may not be moved to a livestock market or concentration point.**

(2) **The animals must be moved only to another premises identified in a valid swine production health plan for that swine production system. The swine production health plan for the swine production system must be approved by the state veterinarian and allow for the movement.**

(3) **The swine production system accredited veterinarian must have found the swine to be free from signs of any communicable disease during the most recent inspection of the originating premises. The inspection must have been within the thirty (30) days prior to movement.**

(4) **Prior to the movement, the person moving swine must deliver a report of the proposed movement to the swine production system accredited veterinarian for the premises of origin, the state animal health official for the state of origin, and the state veterinarian.**

(5) **During movement and after arriving at the destination premises, the swine may not be commingled with other swine in a manner that prevents identification of the premises of origin for each animal. Permanent marking of animals, physical separation, and any other effective means may be used to identify the premises of origin.**

(6) **The swine production system must keep the following records for not less than three (3) years:**

(A) **A copy of each swine production health plan signed by the producer.**

(B) **All interstate swine movement reports issued by the producer.**

(C) **All reports issued by the swine production system accredited veterinarian that document the health status of the swine on the premises.**

(D) **Records that will allow a state or federal official to trace any animal on the premises back to its previous premises.**

(7) **The swine health production system must allow state and federal officials access to the premises upon request to inspect animals and review records.**

(8) **Once each month each swine production system must send the state veterinarian a written summary of the**

number of animals moved into the state in the past month, the premises from which they were moved, and the premises to which they were moved.

(c) The following procedures apply to the cancellation of, or withdrawal from, a swine production health plan:

(1) A swine production system may withdraw one (1) or more of its premises from the swine production health plan by giving written notice to all parties signing the plan. The withdrawal shall be effective on the date specified in the notice.

(2) The state veterinarian may cancel the board's participation in a swine production health plan by giving written notice to all parties signing the plan. The state veterinarian may cancel state approval if the state veterinarian determines that it is necessary or helpful to protect animal or public health, or if the swine production system violates a law enforced by the board. The cancellation shall be effective on the date specified in the notice.

(Indiana State Board of Animal Health; 345 IAC 1-3-16.5)

SECTION 9. 345 IAC 3-5.1-1.2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-1.2 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3-13; IC 15-2.1-18

Sec. 1.2. The definitions in IC 15-2.1-2, the definitions in the Program Standards, and the following definitions apply throughout this rule:

(1) "Board" means the Indiana state board of animal health.

(2) "Breeding animal" means a sexually intact swine that is at least six (6) months of age and that is not moving in slaughter channels.

(3) "Feeder pig" means swine intended for feeding purposes and swine of any breed weighing one hundred eighty (180) pounds or less.

~~(2)~~ (4) "High risk herd" means one which is adjacent, in close proximity, or exposed to an infected herd, feeder pigs, or a herd determined as such by the owner and the attending veterinarian. The final determination of the herd status will be made by the state veterinarian.

~~(3)~~ (5) "Isolated" means swine must be maintained in a manner to ensure that these swine will have no physical contact with other domestic animals on the premises. All drainage of organic waste material must be designed to prevent it from having contact with any other swine on the premises. The area where the swine are maintained may be approved by a representative of the board and shall be separated from other animals by two (2) barriers (for example, fences or walls) with the intervening area uninhabited by swine or separated by a lot or a road. No other swine may be in the same building unless approved by the state veterinarian.

~~(4)~~ (6) "Official gene-altered Pseudorabies vaccine" means

any vaccine for which there is an approved differential Pseudorabies test.

~~(5)~~ (7) "Officially vaccinated herd" means any herd of swine in which a percentage of the swine in the herd as outlined in section 8(a) of this rule has been tested and found negative for Pseudorabies prior to being vaccinated with differentiable Pseudorabies vaccine. Officially vaccinated herds will not be quarantined for Pseudorabies vaccine use.

~~(6)~~ "Parity" means having born offspring. Parity one (1) means an animal that has had its first litter of offspring; Parity two (2) means the animal has had its second litter of offspring; and so on.

~~(7)~~ (8) "Pseudorabies Program Standards" or "Program Standards" means the Pseudorabies Eradication-State-Federal-Industry Standards, as adopted by the United States Department of Agriculture, and incorporated herein by reference in section 1.5 of this rule.

~~(8)~~ (9) "Pseudorabies vaccine" means a biological product designed for the prevention or control of Pseudorabies. Any vaccine sold or offered for sale or exchange, to be used or otherwise distributed, shall be in accordance with IC 15-2.1-18-5, IC 15-2.1-18-6, and IC 15-2.1-18-8.

~~(9)~~ (10) "Qualified negative gene-altered vaccinated herd" means a herd of swine in which all swine over six (6) months of age have been vaccinated with an official gene-altered Pseudorabies vaccine. The herd status is maintained by following the testing protocol as described in the Pseudorabies Program Standards except all samples must be tested using an approved differential Pseudorabies test and all swine so tested must be found negative for Pseudorabies.

~~(10)~~ (11) "Quarantine" means an order restricting the movement of swine into or out of, or both, a premises.

(12) "Slaughter animal" means the following swine:

(A) Any swine weighing more than one hundred eighty (180) pounds that is not a breeding animal.

(B) Any swine in slaughter channels.

(13) "Slaughter channels" means an animal is sold or moved in any of the following ways:

(A) Directly to a slaughter facility.

(B) To a slaughter only market.

(C) To a market where it is sold as a slaughter animal.

~~(11)~~ (14) "Special permit" means a special permit issued by the office of the state veterinarian to owners of swine infected with, vaccinated against, or quarantined for Pseudorabies that allows the movement of such swine.

~~(12)~~ (15) "State veterinarian" means the Indiana state veterinarian.

~~(13)~~ (16) "VS Form 1-27" means the United States Department of Agriculture Veterinary Services' "Permit for Movement of Restricted Animals".

(Indiana State Board of Animal Health; 345 IAC 3-5.1-1.2; filed Oct 11, 1996, 2:00 p.m.: 20 IR 746; filed Jun 19, 1998, 4:00 p.m.: 21 IR 4202; filed Dec 23, 1998, 4:36 p.m.: 22 IR 1484; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

Proposed Rules

SECTION 10. 345 IAC 3-5.1-1.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-1.5 Pseudorabies Program Standards; adoption by reference

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 1.5. (a) The board adopts and incorporates by reference the United States Department of Agriculture Pseudorabies Eradication-State-Federal-Industry Program Standards in effect January 1, 2000, as rules of the board. Copies of the Pseudorabies Program Standards may be obtained from the office of the state veterinarian by calling (317) 227-0310. Where provisions of the Program Standards conflict with this rule, the express provisions of this rule shall control.

(b) Owners of qualified Pseudorabies-negative (QN) herds ~~may that~~ maintain qualified Pseudorabies-negative herd status as follows:

(1) ~~Herds located in a Stage Two area in Indiana must complete using~~ the monthly testing protocol set forth in Part IV(B)(1) of the Program Standards

(2) ~~Herds located in a Stage Three area in Indiana may complete the monthly testing protocol set forth in Part IV(B)(1) or the quarterly testing protocol set forth in Part IV(B)(2) of the Program Standards.~~

~~Monthly testing must be test~~ every twenty-five (25) to thirty-five (35) days and must ~~include~~ **conduct** twelve (12) official tests in a calendar year.

(c) Part III, subpart "Stage III Mandatory Herd Cleanup", item (C) "Disposition of quarantined herds" of the Program Standards also applies to Part III, subpart "Stage II Control". (*Indiana State Board of Animal Health; 345 IAC 3-5.1-1.5; filed Oct 11, 1996, 2:00 p.m.: 20 IR 746; filed Jun 19, 1998, 4:00 p.m.: 21 IR 4203; filed Sep 1, 2000, 2:03 p.m.: 24 IR 8; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 11. 345 IAC 3-5.1-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-2 Report by veterinarian; determination of status; special permits

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-17

Sec. 2. (a) When clinical or laboratory evidence indicates the presence of Pseudorabies in an individual animal or herd, the veterinarian shall report the diagnosis immediately to the office of the state veterinarian.

(b) All animals tested must be individually identified by ear tags approved by the board or by standard ear notches. All identification must be recorded on the test form. The state veterinarian may alter the identification requirements as needed to protect animal health in Indiana. All blood samples must be

drawn by a state or federal official or a licensed, accredited veterinarian, and serological tests must be conducted by a state and federally approved laboratory.

(c) A veterinarian making a clinical diagnosis of Pseudorabies must confirm the diagnosis in writing and send a copy to the board within two (2) business days of the diagnosis. The final determination of herd status shall be made by the state veterinarian.

(d) ~~Special permits issued by the state veterinarian shall indicate the status of the herd; be signed by both the consignor and consignee; and be approved by the state veterinarian prior to movement. The state veterinarian shall not issue a special permit unless he has determined that it will not increase the risk of disease in the area and he has considered all valid objections to the permit.~~ (*Indiana State Board of Animal Health; Reg 79-1, Title II; filed Mar 26, 1979, 3:40 p.m.: 2 IR 577; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1437; filed Oct 11, 1996, 2:00 p.m.: 20 IR 747; filed Dec 23, 1998, 4:36 p.m.: 22 IR 1484; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 12. 345 IAC 3-5.1-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-3 Intrastate movement of swine

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3. ~~No~~ (a) ~~The following requirements apply to a person may sell; offer for sale; barter; lease; or exchange any moving swine for exhibition or breeding purposes unless within the swine have been tested negative for Pseudorabies within thirty (30) days preceding the date of sale; barter; lease; or exchange; and conform to other provisions of this rule; except as follows:~~ **state:**

(1) ~~swine~~ **A person may move feeder pigs as follows:**

(A) ~~Feeder pigs may be moved from a currently PRV-qualified herd or premises to another premises without moving through a qualified negative gene-altered vaccinated herd.~~ (2) ~~By special permit: livestock market if a record of the movement is kept for not less than twelve (12) months.~~

(B) ~~Feeder pigs may be moved through a livestock market if the animals are individually identified using an official eartag or an official (3) swine vaccinated with Pseudorabies vaccine shall not be sold; offered for sale; bartered; leased; or exchanged; except tattoo if the tattoo is approved by the state veterinarian.~~

(2) ~~A person may move breeding swine as provided by the board: follows:~~

(A) ~~Breeding swine may be moved from a premises to another premises without moving through a livestock market if the following requirements are met:~~

(i) ~~A certificate of veterinary inspection for the animals to be moved is obtained from a licensed and~~

accredited veterinarian prior to movement. The certificate of veterinary inspection must accompany the animals during transportation. A copy of the certificate of veterinary inspection must be given to the recipient of the swine and a copy must be mailed or delivered to the board office within fourteen (14) days of the animal movement.

(ii) Each animal is individually identified with an official eartag or an ear notch that has been recorded in the book of record of a swine registry association.

(B) Breeding swine moved to a livestock market shall be consigned for sale for slaughter only. Any breeding swine in a livestock market shall be considered a slaughter animal for the purposes of this rule, 345 IAC 3-4-4.5, and 345 IAC 7-3.5. Breeding swine may move from a livestock market only in slaughter channels.

(3) A person may move slaughter swine as follows:

(A) Directly to a slaughter establishment.

(B) Consigning the animals to a slaughter only market.

(C) Consigning the animals to a livestock market for sale for slaughter.

(b) The requirements to move feeder pigs and breeding animals in subsection (a)(1)(A) and (a)(2)(A) do not apply to the movement of swine intrastate within a production system under common ownership or management.

(c) Any animal in slaughter channels must remain in slaughter channels until delivered to a slaughter establishment. (*Indiana State Board of Animal Health; Reg 79-1, Title III; filed Mar 26, 1979, 3:40 p.m.: 2 IR 577; filed Oct 29, 1984, 9:01 a.m.: 8 IR 174; filed Nov 30, 1990, 4:40 p.m.: 14 IR 622; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 13. 345 IAC 3-5.1-3.5 IS ADDED TO READ AS FOLLOWS:

345 IAC 3-5.1-3.5 Interstate movement of swine

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 3.5. A person moving swine into the state shall meet the requirements for moving swine into the state in 345 IAC 1-3. (*Indiana State Board of Animal Health; 345 IAC 3-5.1-3.5*)

SECTION 14. 345 IAC 3-5.1-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-4 Additions to qualified or qualified negative gene-altered vaccinated herd; monitoring

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 4. (a) All purchased additions, except as further noted, will require A person must meet the requirements in this section and section 5 of this rule to maintain a qualified or qualified negative gene-altered vaccinated herd.

(b) Animals purchased to add to a herd must test negative

test for Pseudorabies within thirty (30) days ~~previous~~ prior to movement and must be isolated **upon arrival** and retested negative not less than thirty (30) nor more than forty-five (45) days from the date of receipt ~~upon premises to be eligible to be added to the herd:~~ arrival.

(b) But, additions to a herd may be purchased directly from a PRV-qualified herd or a qualified negative gene-altered vaccinated herd without the negative thirty (30) day test previous to sale. ~~however, such animals shall be isolated and tested negative not less than thirty (30) nor more than forty-five (45) days after receipt to be eligible to be added to the herd;~~ except no more than fifty (50) head of swine in any one (+) shipment from one (+) farm of origin must be tested after entry. Purchased additions are not considered to be part of the herd for monitoring protocol until thirty (30) days after the retest.

(c) Members of a PRV-qualified herd or qualified negative gene-altered vaccinated herd ~~which that~~ are exhibited or otherwise commingled with swine from non-Pseudorabies qualified herds shall be held in isolation on the herd premises or owner's isolation facility for a minimum of thirty (30) days after return and shall be tested negative to an official test for Pseudorabies not less than thirty (30) days nor more than forty-five (45) days from ~~date of the~~ first day of isolation before being reunited with other members of the herd.

(d) All **qualified or qualified negative gene-altered vaccinated** herds shall be monitored as described in the Pseudorabies Program Standards or as further defined by ~~the board:~~ **this rule.** (*Indiana State Board of Animal Health; Reg 79-1, Title IV; filed Mar 26, 1979, 3:40 p.m.: 2 IR 577; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1437; filed Oct 29, 1984, 9:01 a.m.: 8 IR 174; filed Nov 30, 1990, 4:40 p.m.: 14 IR 622; filed Sep 10, 1993, 5:00 p.m.: 17 IR 184; filed Oct 11, 1996, 2:00 p.m.: 20 IR 747; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 15. 345 IAC 3-5.1-6 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-6 High risk herds

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 6. (a) The state veterinarian shall quarantine all swine herds infected ~~or with Pseudorabies and may quarantine~~ high risk herds. ~~shall be quarantined immediately by the state veterinarian or agent of the board:~~

(b) Swine from a herd diagnosed as infected with Pseudorabies or from a high risk herd ~~shall that has been~~ quarantined for Pseudorabies may be sold moved only to an approved slaughter market except the following:

(+) Swine from known-infected or high risk herds may be moved into other known-infected quarantined premises in not less than thirty (30) days following cessation of clinical

Proposed Rules

symptoms of the disease if these swine are vaccinated on or within thirty (30) days prior to the day of sale and a special permit is issued by the state veterinarian.

(2) Those swine which meet requirements of section 7(3) of this rule:

(3) Under exigent circumstances as determined directed by the state veterinarian. under special permit:

(c) Swine from infected or quarantined high risk herds shall not be sold through any a livestock auction market except as provided directed by the board: state veterinarian.

(d) Owners of infected or high risk herds may apply for qualification of the herd by signing the qualified herd agreement and meeting requirements of section 7(3); 7(4); 7(a)(3) or 7(5) 7(a)(4) of this rule.

(e) Herds in which a percentage of the swine in the herd has been tested and found negative for Pseudorabies prior to being vaccinated with differentiable Pseudorabies vaccine shall be known as officially vaccinated herds. The percentage of animals to be tested is outlined in section 8(a) of this rule. Officially vaccinated herds will not be quarantined for Pseudorabies vaccine use:

(f) Quarantined swine may be sold without a permit only if sold directly to a slaughter facility or to an approved slaughter market:

(e) All other sales or movement of quarantined swine is restricted unless by a special permit issued by the Indiana state veterinarian authorizes the movement. (*Indiana State Board of Animal Health; Reg 79-1, Title VI; filed Mar 26, 1979, 3:40 p.m.: 2 IR 578; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1437; filed Oct 29, 1984, 9:01 a.m.: 8 IR 174; filed Aug 19, 1987, 8:30 a.m.: 11 IR 9; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1756; errata, 11 IR 2901; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1993; filed Sep 10, 1993, 5:00 p.m.: 17 IR 184; filed Oct 11, 1996, 2:00 p.m.: 20 IR 748; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 16. 345 IAC 3-5.1-7 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-7 Release of quarantine; testing

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 7. (a) The state veterinarian may release the Pseudorabies quarantine placed on an infected swine herd when all animals that have tested positive for Pseudorabies have been removed from the premises, no animal on the quarantined premises shows signs of Pseudorabies infection, and at least one (1) of the following sets of requirements is completed:

(1) Complete depopulation of the infected herd occurs meaning that all swine in the herd are removed from the

premises and delivered for slaughter. The premises is cleaned and disinfected under the direction of the state veterinarian. No swine have been on the premises for thirty (30) continuous days following the completion of cleaning and disinfecting. The state veterinarian may approve release of a quarantine in less than thirty (30) days after cleaning and disinfecting if doing so advances Pseudorabies eradication.

(2) Complete depopulation of the infected herd meaning that all swine in the herd are removed from the premises and delivered for slaughter. No swine have been on the premises for a period of not less than ninety (90) continuous days from the date the depopulation is complete. Cleaning and disinfecting is not required if a veterinary epidemiologist or the state veterinarian determines that Pseudorabies eradication will be advanced by releasing the quarantine without cleaning and disinfecting at the site.

(3) Progeny under eight (8) weeks of age may be weaned, isolated from a quarantined herd under direction and supervision of the state veterinarian and pass two (2) negative official Pseudorabies tests or approved differential Pseudorabies tests not less than thirty (30) nor more than sixty (60) days apart. However, the first qualifying test will be conducted on pigs three (3) months of age or over. The first test must be a complete test, and the second test must be at least the designated percentage of animals as outlined in section 8(a) 8.5(a) of this rule. The swine herd is eligible for qualified Pseudorabies-negative herd status if the second negative test is a complete test of the population.

(4) All swine positive to an approved differential or official Pseudorabies test are removed from the premises. The premises are cleaned to the extent feasible. The remaining swine in the herd are tested as follows:

(A) Not less than thirty (30) days after the Pseudorabies-infected swine are removed and the premises is cleaned, all swine over six (6) months of age must test negative for Pseudorabies, and an official random sample of thirty (30) swine between two (2) and six (6) months of age must test negative for Pseudorabies.

(B) Between thirty (30) and sixty (60) days after the tests required under clause (A) are completed, an official random sample of swine over six (6) months of age must test negative for Pseudorabies. An official random sample of swine between two (2) and six (6) months of age must test negative for Pseudorabies. The exact number of animals to be tested shall be determined under section 8(a) 8.5(a) of this rule. Additional negative herd tests may also be required. Infected herds become eligible for qualified Pseudorabies-negative herd status if two (2) complete herd tests have been conducted on all swine over six (6) months of age plus two (2) random samples of progeny two (2) to six (6) months of age and all swine tested are negative. The two (2) tests must be at least thirty (30) days apart.

(5) All swine present on the date the herd was quarantined for Pseudorabies have been removed, and there have been no clinical signs of Pseudorabies infection in the herd for at least

six (6) months. Two (2) successive random tests of a percentage of the herd over six (6) months of age and of a percentage of the progeny over four (4) months of age have been determined to reveal no Pseudorabies infection. The two (2) tests must be at least ninety (90) days apart. The percentage of animals to be tested shall be determined under section ~~8(a)~~ **8.5(a)** of this rule. Herds released from Pseudorabies quarantine under this subdivision must be tested for Pseudorabies and test negative using a percentage test one (1) year after the quarantine is released. This subdivision applies only to parts of ~~Indiana~~ **the state** classified Stage I, Stage II, and Stage III under the Program Standards.

(6) High risk herds may be released from quarantine when a percentage of the swine in the herd are tested and found negative for Pseudorabies. The percentage of animals to be tested shall be determined under section ~~8(a)~~ **8.5(a)** of this rule.

(7) In swine herds that contain no breeding swine and that do not receive swine from any premises quarantined for Pseudorabies, one (1) of the following sets of requirements are met:

(A) The herd is depopulated meaning that all swine in the herd are removed from the premises and delivered for slaughter. The premises is cleaned and disinfected and at least seven (7) days ~~passes~~ **pass** after cleaning and disinfecting before any animals are moved onto the premises. The herd tests negative for Pseudorabies infection using an official random sample test (95/10) under the Program Standards conducted at least thirty (30) days after the depopulation was completed.

(B) The herd tests negative for Pseudorabies infection twice, the first test an official random sample test (95/5) under the Program Standards, the second test conducted at least thirty (30) days following the first test and must be an official random sample test (95/10) under the Program Standards.

(b) The state veterinarian shall make the final determination to release any quarantine.

(c) After any herd is released from Pseudorabies quarantine, the herd must be tested for Pseudorabies between one hundred fifty (150) and one hundred eighty (180) days after the quarantine is released utilizing an official random sample test (95/10) under the Program Standards.

(d) A qualified Pseudorabies-negative herd that has been determined to be infected with Pseudorabies may qualify for reinstatement as a qualified Pseudorabies-negative herd if the **quarantine is released and the owner meets all of the following conditions:**

- (1) All swine in the herd six (6) months of age and older test negative for Pseudorabies using an official Pseudorabies test.
- (2) A random sample of swine two (2) to six (6) months of age ~~are~~ **is** tested for Pseudorabies using an official

Pseudorabies test and all swine tested are negative.

(3) Between thirty (30) and sixty (60) days after the tests described in ~~subdivision (A) and subdivision (B)~~ **subdivisions (1) and (2)** are completed, the tests described in ~~subdivision (A) and subdivision (B)~~ **subdivisions (1) and (2)** are repeated.

(e) All tests required in this section must be an approved differential or official Pseudorabies test. (*Indiana State Board of Animal Health; Reg 79-1, Title VII; filed Mar 26, 1979, 3:40 p.m.: 2 IR 578; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1438; filed Jun 29, 1983, 10:27 a.m.: 6 IR 1376; filed Oct 29, 1984, 9:01 a.m.: 8 IR 175; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1756; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1993; filed Nov 30, 1990, 4:40 p.m.: 14 IR 623; filed Jul 29, 1992, 10:00 a.m.: 15 IR 2568; filed Sep 10, 1993, 5:00 p.m.: 17 IR 185; filed Sep 1, 2000, 2:03 p.m.: 24 IR 8; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 17. 345 IAC 3-5.1-8.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-8.5 Swine herd monitoring

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 8.5. (a) An owner of a swine in ~~Indiana~~ **herd described in subsection (c) or (d)** must procure a licensed and accredited veterinarian to test the owner's swine herd for Pseudorabies. ~~not less than once every seven hundred thirty (730) days.~~ The **Pseudorabies testing required in subsections (c) and (d)** shall be conducted as follows:

- (1) In herds of ten (10) head of swine or less, all are tested.
- (2) In herds of eleven (11) to thirty-five (35) head of swine, ten (10) head are tested.
- (3) In herds of thirty-six (36) or more head of swine, thirty percent (30%) or thirty (30) head of swine, whichever is less, must be tested.
- (4) Purchased additions are not considered to be part of the herd for monitoring purposes until sixty (60) days after entry.
- (5) Swine sampled must be randomly selected from the herd.
- (6) All swine breeding and feeding herds are subject to the test.

(b) Quarantined **swine** herds shall be tested under section 8.7 of this rule. ~~until they are released from Pseudorabies quarantine and tested under subsection (a) thereafter.~~

(c) If the United States Department of Agriculture assigns ~~Indiana, the state~~ or portions of the state a status under the Program Standards that is lower than Stage ~~HH~~ **IV** status, **all swine herds in the lower status area must be tested for Pseudorabies testing required as outlined in subsection (a) shall be conducted within thirty (30) days of the date the state veterinarian notifies the herd owner or manager of the requirement to test. Swine herds in the lower status area**

Proposed Rules

must be retested not less than once every three hundred sixty-five (365) days for all swine herds located in **until** the lower status area: **United States Department of Agriculture assigns the area a Stage IV or Stage V status under the Program Standards.**

(d) Circle testing shall be coordinated by the **board state veterinarian** to identify Pseudorabies infection within five (5) miles of each Pseudorabies infected herd. **An** The owner of a swine herd **that** is located, in whole or in part, within five (5) miles of a swine herd that tests positive for Pseudorabies must test a percentage of the swine in the owner's herd as outlined in **section 8(a) of this rule: subsection (a).** (*Indiana State Board of Animal Health; 345 IAC 3-5.1-8.5; filed Jan 8, 1992, 12:00 p.m.: 15 IR 701; filed Sep 10, 1993, 5:00 p.m.: 17 IR 186; filed Oct 11, 1996, 2:00 p.m.: 20 IR 749; filed Sep 1, 2000, 2:03 p.m.: 24 IR 10; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 18. 345 IAC 3-5.1-8.7 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-8.7 Quarantined herd cleanup

Authority: IC 15-2.1-3-19

Affected: IC 4-21.5; IC 15-2.1-3-13; IC 15-2.1-15; IC 15-2.1-18-16; IC 15-2.1-19

Sec. 8.7. (a) Anyone owning swine quarantined for Pseudorabies in Indiana must **submit a herd clean-up plan: All new quarantined herds must submit a herd clean-up plan within thirty (30) days of meet the quarantine date: The herd clean-up plan must do the following:**

(1) Indicate procedures and actions that the herd owner will take that will eliminate Pseudorabies from the herd within the time allowed under section 8-9 of this rule:

(2) Include a testing and vaccination plan that complies with this rule:

(3) Contain procedures that comply with the board's rules governing release of quarantine:

(4) Contain procedures for testing and removing Pseudorabies-positive animals that meet the requirements of this section. and section 8-8 of this rule: The plan may require more testing and culling than is required by this section and section 8-8 of this rule:

(5) The plan complies with all of the provisions in this rule:

A plan of no action is not acceptable. All herd clean-up plans must be submitted to the office of the state veterinarian for approval. The state veterinarian may approve only those herd clean-up plans that comply with this rule. Herd clean-up plans must be reviewed at least semiannually and shall be modified as needed to comply with this rule.

(b) The owner of a swine herd quarantined for Pseudorabies must test quarantined swine:

(1) at least two (2) times per year using an official random sample test (95/5) outlined in the Program Standards; or

(2) pursuant to the owner's approved herd clean-up plan:

(c) The owner of a swine herd that is quarantined for Pseudorabies must vaccinate all swine in the quarantined herd with an official gene-altered Pseudorabies vaccine as follows:

(1) Breeding herds shall be vaccinated pursuant to the owner's herd clean-up plan: However, breeding swine must be vaccinated a minimum of two (2) times per year:

(2) Swine under six (6) months of age must be vaccinated according to a vaccination protocol for those swine in the owner's approved herd clean-up plan: Swine under six (6) months of age must be vaccinated at least one (1) time each year if the herd contains any infected swine:

(d) In order for any person to move swine from a site quarantined for Pseudorabies; a state or federal official or their designee must document in writing the movement of the swine by filling out completely a form approved by the state veterinarian: The approved form may be the United States Department of Agriculture "Permit for Movement of Restricted Animals" VS Form 1-27: Copies of the completed form must be distributed as noted on the form:

(e) (b) Owners of swine herds that are under Pseudorabies quarantine on or after January 1, 2000; and owners of swine herds that violate any provision of this rule are subject to the following requirements for as long as the herd is under Pseudorabies quarantine. Before swine are moved from a Pseudorabies-quarantined premises, the transport vehicle shall be sealed as follows:

(1) Prior to the swine leaving the premises, a state or federal official or the official's designee must document in writing the movement of the swine on a form approved by the state veterinarian. The approved form may be the United States Department of Agriculture "Permit for Movement of Restricted Animals" VS Form 1-27.

(2) Before the swine leave the premises, the vehicle transporting the swine must be sealed by a state or federal official or the official's designee.

(3) Copies of the completed form must be distributed as noted on the form. A copy of the completed form must accompany the swine as they are transported to market and must be presented to a state or federal official or their designee at the destination.

(4) The seal on the transporting vehicle must be broken by a state or federal official or the official's designee at the destination.

(f) (c) The following apply to all movement of swine under subsections (d) and (e): **subsection (b):**

(1) The movement of swine must be consistent with the owner's herd clean-up plan:

(2) (1) The swine must be delivered only to markets approved by the state veterinarian to accept swine from quarantined premises. Only markets approved to accept Pseudorabies-

quarantined swine may accept delivery of Pseudorabies-quarantined swine.

~~(3)~~ **(2)** Vehicles transporting the swine must be cleaned and disinfected according to procedures that are designed to prevent the spread of Pseudorabies and that are approved by the state veterinarian before transporting any other swine.

~~(g)~~ **(d)** The state veterinarian shall approve a market to accept swine from Pseudorabies-infected sites only if the movement of swine from infected sites through that market is not likely to spread Pseudorabies. When considering markets for approval, the state veterinarian shall consider all aspects of the market operation, including the market location and biosecurity practices at the market.

~~(h)~~ **Owners of swine herds quarantined for Pseudorabies must meet the deadlines for quarantine release in section 8.9 of this rule:**

~~(i)~~ **Owners of swine herds quarantined for Pseudorabies must meet the requirements of section 8.8 of this rule:**

~~(j)~~ **(e)** Beginning January 1, 2000, the board may order, after notice and hearing under IC 4-21.5 or waiver of right to hearing under IC 15-2.1-19, a herd of swine quarantined for Pseudorabies be depopulated in whole or in part under a staged slaughtering plan in order to protect other producers' swine from the Pseudorabies virus and to ensure continued interstate and international trade in swine from Indiana.

~~(k)~~ **(f)** After the United States Department of Agriculture declares ~~Indiana the state~~ to be without Pseudorabies by assigning ~~Indiana the state~~ Stage V status under the Program Standards, the **board state veterinarian** will order, after notice and hearing under IC 4-21.5 or waiver of right to hearing under IC 15-2.1-19, a herd of swine that is infected with Pseudorabies be depopulated in whole or in part under a staged slaughtering plan.

~~(l)~~ **(g)** A staged slaughtering plan ordered under ~~subsections (j) and (k)~~ **subsection (e) or (f)** will include the following minimum requirements:

- (1) Time frames for completion of each stage that reasonably protect other producers' swine from the Pseudorabies virus and that ensure continued interstate and international trade in swine from ~~Indiana the state~~.
- (2) Requirements that will eliminate Pseudorabies from the herd.
- (3) Requirements that will result in the release of the herd's quarantine under this rule.

~~(m)~~ **(h)** The owner of a swine herd that is located within a two (2) mile radius of a swine herd that is under quarantine for Pseudorabies must do the following:

- (1) Vaccinate all of the swine in his herd for Pseudorabies at least one (1) time within ten (10) days of the date on which

the owner received notice from the ~~board~~ **state veterinarian** that a Pseudorabies-quarantined herd is located within two (2) miles of his herd.

(2) After complying with subdivision (1), continue to vaccinate his herd pursuant to a written Pseudorabies vaccination plan approved by the state veterinarian until such time as all Pseudorabies-quarantined herds within two (2) miles of the owner's herd are released from quarantine.

(3) Qualified Pseudorabies-negative herds that maintain their qualified Pseudorabies-negative herd status by testing monthly are exempt from the vaccination requirements in this subsection.

(Indiana State Board of Animal Health; 345 IAC 3-5.1-8.7; filed Jan 8, 1992, 12:00 p.m.: 15 IR 701; filed Oct 11, 1996, 2:00 p.m.: 20 IR 749; filed Jun 19, 1998, 4:00 p.m.: 21 IR 4203; filed Dec 23, 1998, 4:36 p.m.: 22 IR 1485; errata filed Mar 31, 1999, 9:34 a.m.: 22 IR 2534; filed Sep 1, 2000, 2:03 p.m.: 24 IR 10; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 19. 345 IAC 3-5.1-10 IS AMENDED TO READ AS FOLLOWS:

345 IAC 3-5.1-10 Pseudorabies vaccine; sale and use; reports

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 10. (a) ~~The use of Pseudorabies vaccine is restricted to veterinarians who are may be used only if the use is authorized by a licensed and accredited in Indiana as follows: veterinarian.~~

~~(1) A veterinarian approved by the board to use Pseudorabies vaccine may dispense vaccine only to owners of herds on file at the office of the state veterinarian for vaccine use. The veterinarian dispensing Pseudorabies vaccine shall be responsible for reporting all new vaccinated herds in writing to the office of the state veterinarian at least once each month.~~

(2) All swine sold under section 6(b)(1) of this rule shall be identified and vaccinated by a veterinarian. A certificate of vaccination must be completed to accompany the special permit.

(b) All Pseudorabies vaccine sold into Indiana must be reported monthly by the manufacturer and any registered distributor to the office of the state veterinarian.

(c) ~~Only swine in herds on file at the office of the state veterinarian for vaccine use may be vaccinated. Effective January 1, 1992; Only those Pseudorabies vaccines with an approved differential Pseudorabies test may be used.~~

~~(d) Feeder pigs identified by official ear tags at time of purchase may be vaccinated without additional identification provided the buyer is on file at the office of the state veterinarian.~~

Proposed Rules

ian for vaccine use.

(e) (d) All serological results conducted on swine vaccinated with Pseudorabies vaccine will be evaluated by a veterinary epidemiologist to determine the herd status. (*Indiana State Board of Animal Health; Reg 79-1, Title X; filed Mar 26, 1979, 3:40 p.m.: 2 IR 579; filed Jul 8, 1981, 10:15 a.m.: 4 IR 1439; filed Oct 29, 1984, 9:01 a.m.: 8 IR 175; filed May 13, 1986, 4:00 p.m.: 9 IR 2686; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1060; filed Jan 20, 1988, 4:03 p.m.: 11 IR 1757; filed May 24, 1988, 9:43 a.m.: 11 IR 3536; filed Jun 18, 1990, 3:24 p.m.: 13 IR 1995; filed Nov 30, 1990, 4:40 p.m.: 14 IR 624; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 20. THE FOLLOWING ARE REPEALED: 345 IAC 1-3-8; 345 IAC 1-3-16; 345 IAC 3-5.1-8.8; 345 IAC 3-5.1-8.9; 345 IAC 3-5.1-9; 345 IAC 3-5.1-12; 345 IAC 3-5.1-14; 345 IAC 3-5.1-15.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 10, 2002 at 9:40 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning Pseudorabies control in swine. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule LSA Document #02-126 DIGEST

Adds 345 IAC 7-5-2.1 to consolidate and clarify limits on exhibiting animals. Amends 345 IAC 7-5-2.5 to clarify requirements for certificates of veterinary inspection. Amends 345 IAC 7-5-15.1 to allow swine to be tested for Pseudorabies up to 90 days prior to exhibition. Amends 345 IAC 7-5-28 to require a Brucellosis test on cervidae prior to exhibition. Makes other substantive and technical changes in the laws governing exhibition of animals. Repeals 345 IAC 7-5-3, 345 IAC 7-5-4, 345 IAC 7-5-5, 345 IAC 7-5-8, 345 IAC 7-5-16, 345 IAC 7-5-16.1, 345 IAC 7-5-21, 345 IAC 7-5-25.7, 345 IAC 7-5-26, and

345 IAC 7-5-27. Effective 30 days after filing with the secretary of state.

345 IAC 7-5-1	345 IAC 7-5-15.1
345 IAC 7-5-2.1	345 IAC 7-5-16
345 IAC 7-5-2.5	345 IAC 7-5-16.1
345 IAC 7-5-3	345 IAC 7-5-21
345 IAC 7-5-4	345 IAC 7-5-22
345 IAC 7-5-5	345 IAC 7-5-24
345 IAC 7-5-6	345 IAC 7-5-25.7
345 IAC 7-5-7	345 IAC 7-5-26
345 IAC 7-5-8	345 IAC 7-5-27
345 IAC 7-5-9	345 IAC 7-5-28
345 IAC 7-5-11	

SECTION 1. 345 IAC 7-5-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3; IC 15-2.1-4; IC 15-2.1-15-14

Sec. 1. The following definitions **and the definitions in IC 15-2.1-2** apply throughout this rule:

(1) **“Accredited veterinarian” means a veterinarian that is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.**

(2) **“Approved official health certificate” or “approved certificate of veterinary inspection” means an official health certificate or certificate of veterinary inspection which that bears the endorsement or approval of the chief livestock health official of the state of origin.**

~~(2)~~ (3) **“Board” means the Indiana state board of animal health appointed under IC 15-2.1-3.**

(4) **“Certificate of veterinary inspection” means any prescribed or printed form adopted by a state to be used for the purpose of recording the identification, description, results of tests, vaccinations, and other data concerning the health status of animals listed thereon. Certificates of veterinary inspection must be issued and signed by a veterinarian who holds the following qualifications:**

(A) The veterinarian is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.

(B) The veterinarian is licensed to practice veterinary medicine in the state in which the certificate is issued.

(5) **“Equine infectious anemia” or “EIA” means an acute or chronic disease of equidae, characterized by intermittent fever, depression, progressive weakness, loss of weight, edema, and progressive or transitory anemia.**

~~(3)~~ (6) **“Equine infectious anemia test” means has the official test for the detection of EIA shall be conducted meaning set forth in a state-USDA approved laboratory and shall be one of the following:**

(A) Agar Gel Immuno-Diffusion Test (AGID);

(B) Any other recognized EIA test that is approved by the

board:

Blood for all tests must be drawn by a licensed, accredited veterinarian. 345 IAC 6-1.1-1.

(7) "Exhibition" means a fair, show, or competition of limited duration that congregates animals from multiple sources on a premises.

(4) (8) "National Poultry Improvement Plan" or "NPIP" means the National Poultry Improvement Plan and Auxiliary Provisions adopted by the board in 345 IAC 4-4-1.

(5) (9) "Official ear tag" means a metal identification ear tag approved by the state veterinarian and conforming to the nine (9) character alpha-numeric, National Uniform Ear Tagging System security, and of appropriate color, for example, orange for vaccination. design requirements set by the state veterinarian.

(6) "Official health certificate" or "certificate of veterinary inspection" means the printed form adopted by any of the various states and designed to record the identification, description, tests, vaccinations, and other data concerning the health status of domestic animals listed thereon issued and signed by a licensed, accredited veterinarian.

(7) (10) "Quarantine" means an order restricting the movement of domestic animals into or out of, or both, a premises.

(8) (11) "State 4-H department" means the branch of the Cooperative Extension Service of the United States Department of Agriculture (USDA) that is responsible for administering the state 4-H programs.

(12) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 and authorized agents.

(Indiana State Board of Animal Health; Reg 77-2, Title I; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1035; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 790; filed Jan 8, 1986, 2:54 p.m.: 9 IR 997; filed Dec 2, 1994, 3:50 p.m.: 18 IR 859; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 2. 345 IAC 7-5-2.1 IS ADDED TO READ AS FOLLOWS:

345 IAC 7-5-2.1 Exhibition limitations

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 2.1. (a) The following animals may not be exhibited in the state:

(1) An animal that originates from a herd that is under an order of quarantine.

(2) An animal that is a health hazard to persons or other animals. A determination that an animal is a health hazard may be based on any of the following:

(A) Tests.

(B) Clinical diagnoses.

(C) A determination that the animal is showing signs

that suggest the animal may be infected with or afflicted with an infectious, contagious, or communicable disease or condition.

(D) Epidemiologic evidence.

(3) An animal that does not meet the requirements in this rule.

(4) An animal that is prohibited from exhibition under any law or order.

(b) The state veterinarian is authorized to make the final determination as to an animal's eligibility for exhibition under this rule. The state veterinarian may order any animal that may not be exhibited removed from the exhibition grounds. (Indiana State Board of Animal Health; 345 IAC 7-5-2.1)

SECTION 3. 345 IAC 7-5-2.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-2.5 Health certificate required

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-15-14

Sec. 2.5. (a) All out-of-state swine and cattle shall be accompanied by an approved official health certificate or official health certificate with A permit. A cattle permit may be obtained by calling (317) 232-1330. A swine permit may be obtained by calling (317) 232-1333. All Indiana swine shall be accompanied by an approved official health certificate unless otherwise exempted by person moving animals into the state for exhibition must comply with the requirements in 345 IAC 1-3 and this rule.

(b) The following are required to have an official health animals must be accompanied by a certificate of veterinary inspection for the animal while on the exhibition premises:

(1) All sheep and goats: animals of the family Bovidae, including

(2) All Indiana cattle, sheep, goats, and buffalo.

(3) Out-of-state equine.

(2) All animals of the family Equidae if the animal originates from outside the state.

(3) All animals of the family Suidae, including domestic and feral swine.

(4) All animals of the family Cervidae, including deer and elk.

(5) All animals of the family Camelidae, including camels, llamas, and alpacas.

(c) All animals subject to For the purposes of this section must show no symptoms of any infectious or contagious disease and be permanently and individually identified; and such identification must be clearly indicated on the accompanying health rule, a certificate of veterinary inspection is valid only if the certificate At the discretion of the state veterinarian was issued within the following time frames:

(1) If the health certificate may be waived in lieu of an

Proposed Rules

inspection by personnel who have been approved for this purpose by animal originated from within the state veterinarian, and the certificate of veterinary inspection is an Indiana certificate, within the ninety (90) days immediately preceding the date the animal enters the exhibition grounds.

(2) If the animal originated from outside the state, within the thirty (30) days immediately preceding the date the animal enters the exhibition grounds.

(d) No cattle may be exhibited that show warts or ringworm. The certificate of veterinary inspection must include the information required on the certificate, including the following:

- (1) The official identification of each animal as required under section 9 of this rule.
- (2) The age and sex of each animal.
- (3) The results of any tests conducted on each animal.
- (4) The name and address of the exhibitor.

(e) Each person intending to exhibit an animal in the state or an agent for that person must mail or deliver a copy of the official certificate of veterinary inspection for the animal to the state veterinarian prior to the opening date of the exhibition. A person moving an animal out of state to exhibition must mail or deliver a copy of the official certificate of veterinary inspection to the state veterinarian within thirty (30) days of the date the certificate was completed.

(f) The state veterinarian may refuse to allow an animal to be exhibited if the requirements in this section are not met. (*Indiana State Board of Animal Health; 345 IAC 7-5-2.5; filed May 24, 1988, 9:45 a.m.: 11 IR 3537; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1990; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 4. 345 IAC 7-5-6 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-6 Suspect animals prohibited

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 6. (a) Any animal classified as a Brucellosis suspect or a stabilized suspect under 345 IAC 2-6 is not eligible for exhibition in Indiana.

(b) All Brucellosis tests must be conducted at the Animal Disease Diagnostic Laboratory at Purdue University, a state or federal laboratory where tests are conducted by a state or federal employee, or a laboratory approved by the state veterinarian. (*Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 5; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 5. 345 IAC 7-5-7 IS AMENDED TO READ AS

FOLLOWS:

345 IAC 7-5-7 Determination of eligibility of animal

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 7. (a) ~~DETERMINATION OF ELIGIBILITY~~ The determination as to whether any animal meets the requirements for eligibility for exhibition in Indiana shall this rule may be made by board personnel assigned to the exhibit by the state veterinarian. The An animal shall not be exhibited pending any appeal.

(b) ~~DISEASED ANIMAL REMOVED~~ Any domestic animal that develops or shows signs of any infectious, contagious, or communicable disease or condition during exhibition must be removed from the premise premises and surrounding exhibition grounds. when determined by Personnel assigned to the exhibit by the state veterinarian may order any such animal removed.

(c) Whenever the state veterinarian orders an animal not be exhibited under this rule, the person with custody of the animal at that time shall immediately remove the animal from the exhibition grounds. (*Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 6; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1383; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 6. 345 IAC 7-5-9 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-9 Identification and description

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-7; IC 15-2.1-12-7.5; IC 15-2.1-15-14

Sec. 9. (a) ~~All domestic animals requiring~~ Each animal for which a health certificate of veterinary inspection is required for exhibition under section 2.5 of this rule must meet be permanently, individually, and uniquely identified utilizing one (1) of the following requirements:

(+) methods of identification described in subsection (b). One (1) of the following methods of identification shall be permanently and individually identified by an acceptable method used for that species, such as: animals not specifically addressed in subsection (b):

(A) (1) An ear tag.

(B) (2) A tattoo.

(C) (3) A standard ear notch.

(D) (4) An individual brand. or

(E) (5) A breed registration number.

(2) Be described on the accompanying health certificate indicating the animal's age, sex, and breed:

(b) The following methods of identification is required for domestic animal shall be used to identify animals of the respective listed species exhibited in Indiana: for exhibition:

(1) Domestic swine must be identified with the utilizing a

standard ear notch system **approved by the state veterinarian**, except the following:

(A) ~~that swine that are to exhibited as part of an~~ Indiana 4-H swine **exhibition** may use ~~an all-flex or similar a~~ plastic tag approved by the Indiana state 4-H department. The tag shall consist of two (2) parts, the male part imprinted with a permanent identification number and the female part imprinted with a coded number or letters that identify the county of the 4-H member's residence.

(B) ~~Official ear tags may be used for feeder pigs only if they are to be exhibited in a feeder pig class. (See IC 15-2.1-7 and IC 15-2.1-12-7.5).~~

(2) Cattle must be identified using **one (1) of the following methods of identification:**

- (A) An official ear tag.
- (B) A tattoo.
- (C) An individual brand. ~~or~~
- (D) A registration number if accompanied by registration papers.

~~except that~~ **But**, Indiana steers ~~that do not require testing~~ may **use be identified using** any type of individual ear tag, ~~for example, including plastic tags.~~

(3) Sheep must be identified using **one (1) of the following methods of identification:**

- (A) A tattoo.
- (B) A standard ear notch.
- (C) An ear tag. ~~or~~
- (D) A breed association ear tag.

(4) Goats must be identified using **one (1) of the following methods of identification:**

- (A) A tattoo.
- (B) A standard ear notch.
- (C) An ear tag. ~~or~~
- (D) A breed association ear tag.

(5) Horses **and other equine** must be identified using **one (1) of the following methods of identification:**

- (A) A lip tattoo.
- (B) An individual brand.
- (C) A registration number if accompanied by registration papers. ~~or~~
- (D) A descriptive marking with **the animal's** name.

(6) Cervidae must be identified using **one (1) of the following methods of identification:**

- (A) An ear tag.
- (B) A tattoo. ~~or~~
- (C) Other identification approved by the state veterinarian.

(c) If ~~additional more than one (1)~~ identification is present ~~one (+) additional on an animal, at least two (2) of the identification should also numbers or markings shall be listed on the health certificate of veterinary inspection. (Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 8; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1036; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 792; filed Jan 8, 1986, 2:54 p.m.:~~

9 IR 998; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1476; errata filed Mar 31, 1999, 9:37 a.m.: 22 IR 2534; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 7. 345 IAC 7-5-11 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-11 Isolation of domestic animals from Pseudorabies premises

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-15-14

Sec. 11. Cattle, sheep, and goats ~~existing housed~~ on premises ~~infected with quarantined because~~ Pseudorabies ~~has been diagnosed in an animal on or from the premises~~ must be isolated ~~not less than fourteen (14) days from infected swine and any other species showing symptoms of the disease previous quarantined animals for at least fourteen (14) days prior to exhibition. (Indiana State Board of Animal Health; Reg 77-2, Title II, Sec 10; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)~~

SECTION 8. 345 IAC 7-5-15.1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-15.1 Pseudorabies tests for swine

Authority: IC 15-2.1-3-19
Affected: IC 15-2.1-15-14

Sec. 15.1. (a) Before a person may exhibit swine in ~~Indiana, the state~~, each swine to be exhibited must test negative for Pseudorabies using an official Pseudorabies serological test approved by the ~~board~~ **state veterinarian**.

(b) The test required in subsection (a) must occur

~~(1) within sixty (60) ninety (90) days if the swine are coming from Indiana, within the state, or thirty (30) days if the swine are coming from out of state, prior to the opening date of exhibition. however~~

~~(2) if swine are to be offered for sale at exhibition, the test must occur:~~

~~(A) within thirty (30) days prior to the sale; or~~

~~(B) within sixty (60) days prior to the opening date of exhibition if the swine is coming from Indiana and will be offered for sale for slaughter only.~~

(c) The following are exempt from the requirements of subsections (a) and (b):

(1) Swine that originate from ~~a herd that is located in outside the state from~~ an area that the United States Department of Agriculture has designated as Stage IV or Stage V under the national Pseudorabies eradication program, ~~and if the swine originate from a herd that meets animal has been in the requirements for a qualified Pseudorabies-negative herd or qualified-negative gene-altered virus-vaccinated herd under~~

Proposed Rules

the Program Standards defined in 345 IAC 3-5-1: **state for ninety (90) days or less.**

(2) Swine that originate from a herd that is located in an area that the United States Department of Agriculture has designated as Stage III under the national Pseudorabies eradication program and the swine originate from a herd that meets the requirements for a qualified Pseudorabies-negative herd or qualified-negative gene-altered virus-vaccinated herd, utilizing monthly testing, under the Program Standards defined in 345 IAC 3-5.1.

(3) Swine exempted by the state veterinarian.

(4) Suckling pigs accompanying a dam that has met the testing requirements of subsections (a) and (b).

(d) Retest requirements for breeding swine established in 345 IAC 1-3-13 apply to swine transported into ~~Indiana~~ **the state** that are sold at exhibition.

~~(e) Swine vaccinated with Pseudorabies vaccine shall not be exhibited or sold unless specifically allowed by this rule: (Indiana State Board of Animal Health; 345 IAC 7-5-15.1; filed Oct 11, 1996, 2:00 p.m.: 20 IR 751, eff Jan 1, 1997; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; errata filed Dec 10, 1997, 3:50 p.m.: 21 IR 1350; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 1, 2000, 2:03 p.m.: 24 IR 13; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)~~

SECTION 9. 345 IAC 7-5-22 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-22 Vaccinations and tests required for dogs and cats

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-6; IC 15-2.1-15-14

Sec. 22. (a) Before a dog or cat may be exhibited in ~~Indiana~~ **the state**, a licensed and accredited veterinarian must administer the following vaccinations to the animal within the three hundred sixty-five (365) days immediately preceding the date of exhibition:

(1) Each dog must be vaccinated for distemper, hepatitis, leptospirosis, bordetella (kennel cough), and parvovirus. ~~A dog three (3) months of age or older must be vaccinated for rabies.~~

(2) Each cat must be vaccinated for feline panleukopenia, feline rhinotracheitis, and calicivirus. ~~A cat three (3) months of age or older must be vaccinated for rabies.~~

(3) The board recommends that each exhibitor consult with his or her veterinarian about vaccination for feline leukemia **and feline immunodeficiency virus (FIV)** prior to exhibition.

(b) Dogs and cats three (3) months of age or older must have a current vaccination for rabies as defined in 345 IAC 1-5 at the time they are exhibited.

~~(b)~~ **(c)** Before a cat may be exhibited in ~~Indiana~~ **the state**, a licensed and accredited veterinarian must test the cat for feline

leukemia **virus (FeLV)** within the one hundred eighty (180) days immediately preceding the date of exhibition. Cats that test positive for feline leukemia may not be exhibited.

~~(c)~~ **(d)** A person exhibiting a dog or cat must have with the animal a certificate or other statement from the veterinarian performing the vaccinations and tests required by this section certifying that the vaccinations and tests have been completed and the date each was completed. The statement must be signed by the veterinarian. (*Indiana State Board of Animal Health; Reg 77-2, Title VII, Sec 3; filed Jul 21, 1978, 2:30 p.m.: 1 IR 569; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; filed Mar 23, 2000, 4:24 p.m.: 23 IR 1914; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 10. 345 IAC 7-5-24 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-24 Poultry exhibition rules

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-15-14

Sec. 24. (a) All poultry for exhibition shall be accompanied by an official health certificate or appropriate NPIP certificate.

(b) All poultry for exhibition shall have passed a negative test for pullorum-typhoid within ninety (90) days prior to the date of their exhibition or originate from NPIP-approved flocks, hatched from eggs originating from NPIP-approved flocks, or the entire flock must be certified NPIP pullorum-typhoid clean.

~~(c) No poultry may be exhibited showing signs of infectious or communicable disease.~~

~~(d) No poultry may be exhibited showing excessive signs of external parasite infestation. (Indiana State Board of Animal Health; Reg 77-2, Title VIII, Sec 1; filed Jul 21, 1978, 2:30 p.m.: 1 IR 569; filed May 2, 1983, 10:03 a.m.: 6 IR 1038; filed Feb 15, 1985, 9:05 a.m.: 8 IR 793; filed Feb 13, 1987, 2:15 p.m.: 10 IR 1384; filed May 24, 1988, 9:45 a.m.: 11 IR 3538; filed Dec 2, 1994, 3:50 p.m.: 18 IR 861; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)~~

SECTION 11. 345 IAC 7-5-28 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-28 Cervidae exhibition

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-15-14

Sec. 28. If cervidae are to be exhibited at a show or 4-H fair, the cervidae must meet ~~one (1)~~ **one (1)** of the following requirements or they may not enter the exhibition grounds:

~~(1) A cervidae~~ **The animal must meet one (1) of the following requirements:**

(A) Test negative for tuberculosis within ninety (90) days prior to the date of exhibition.

(2) ~~A cervidae must~~

(B) Originate from a herd that is accredited under requirements that are at least equal to those in 345 IAC 2-4.5-3.

(2) The animal must test negative for Brucellosis within ninety (90) days prior to the date of exhibition.

(Indiana State Board of Animal Health; 345 IAC 7-5-28; filed Dec 23, 1998, 4:37 p.m.: 22 IR 1477; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 12. THE FOLLOWING ARE REPEALED: 345 IAC 7-5-3; 345 IAC 7-5-4; 345 IAC 7-5-5; 345 IAC 7-5-8; 345 IAC 7-5-16; 345 IAC 7-5-16.1; 345 IAC 7-5-21; 345 IAC 7-5-25.7; 345 IAC 7-5-26; 345 IAC 7-5-27.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 10, 2002 at 9:45 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning health requirements for exhibiting animals. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule

LSA Document #02-127

DIGEST

Amends 345 IAC 9-2.1-1 to incorporate by reference federal regulations in effect on January 1, 2002 concerning slaughter of livestock and processing of meat and meat products. Amends 345 IAC 10-2.1-1 to incorporate by reference federal regulations in effect on January 1, 2002, concerning the slaughter of poultry and the processing of poultry and poultry products. Effective 30 days after filing with the secretary of state.

345 IAC 9-2.1-1 345 IAC 10-2.1-1

SECTION 1. 345 IAC 9-2.1-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 9-2.1-1 Incorporation by reference

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-19; IC 15-2.1-24

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~2000~~: **2002**:

(1) 9 CFR 301, except the definitions in IC 15-2.1 and 345 IAC 9-1-3 shall control over conflicting definitions in 9 CFR.

(2) 9 CFR 303 through 9 CFR 311, except the following are not incorporated:

(A) 9 CFR 303.1(c), 9 CFR 303.1(g), and 9 CFR 303.2.

(B) 9 CFR 306.1.

(C) 9 CFR 307.4, 9 CFR 307.5, and 9 CFR 307.6.

(D) 9 CFR 308.

(3) 9 CFR 313 through 9 CFR 320, except 9 CFR 317.4 and 9 CFR 317.5.

(4) 9 CFR 325.

(5) 9 CFR 416.

(6) 9 CFR 417.

(7) 9 CFR 500, except the following:

(A) References to the Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean IC 15-2.1-19 and ~~IC 4-2.15-3~~: **IC 4-21.5-3**.

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in IC 15-2.1-24.

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) A reference to any subpart of 9 CFR 302 refers to the corresponding section of 345 IAC 9-2.

(2) A reference to:

(A) 9 CFR 307.4 shall refer to 345 IAC 9-7-4;

(B) 9 CFR 307.5 shall refer to 345 IAC 9-7-6; and

(C) 9 CFR 307.6 shall refer to 345 IAC 9-7-6.

(3) A reference to any subpart of 9 CFR 312 refers to the corresponding section of 345 IAC 9-12.

(4) A reference to:

(A) 9 CFR 316.16 shall refer to 345 IAC 9-16-16;

(B) 9 CFR 317.4 shall refer to 345 IAC 9-17-4;

(C) 9 CFR 317.5 shall refer to 345 IAC 9-17-5; and

(D) 9 CFR 317.16 shall refer to 345 IAC 9-17-16.

(5) A reference to:

(A) 9 CFR 321.1 shall refer to 345 IAC 9-20; and

(B) 9 CFR 321.2 shall refer to 345 IAC 9-20.

(6) A reference to any subpart of 9 CFR 329 shall refer to the corresponding section in 345 IAC 9-22.

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control. *(Indiana State Board of Animal Health; 345 IAC 9-2.1-1; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1301; filed Sep 10, 1999, 9:14 a.m.: 23 IR 14; filed Oct 30, 2000, 2:06 p.m.: 24 IR 678; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)*

SECTION 2. 345 IAC 10-2.1-1 IS AMENDED TO READ

Proposed Rules

AS FOLLOWS:

345 IAC 10-2.1-1 Incorporation by reference; poultry products inspection

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-19; IC 15-2.1-24

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~2000~~, **2002**, relating to poultry products inspection:

(1) 9 CFR 381.1, except the definitions in IC 15-2.1 and 345 IAC 10-1-1 shall control over conflicting definitions in 9 CFR.

(2) 9 CFR 381.10 through 9 CFR 381.95, except the following are not incorporated:

(A) 9 CFR 381.36.

(B) 9 CFR 381.37.

(C) 9 CFR 381.38.

(D) 9 CFR 381.39.

(E) 9 CFR 381.45 through 9 CFR 381.61.

(3) 9 CFR 381.115 through 9 CFR 381.182, except the following are not incorporated:

(A) 9 CFR 381.132.

(B) 9 CFR 381.133.

(4) 9 CFR 381.189 through 9 CFR 381.194.

(5) 9 CFR 381.300 through 9 CFR 381.500.

(6) 9 CFR 416.

(7) 9 CFR 417.

(8) 9 CFR 500, except the following:

(A) References to Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean IC 15-2.1-19 and IC 4-21.5-3.

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in IC 15-2.1-24.

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) References to 9 CFR 381.3 through 9 CFR 381.7 refer to the corresponding section in 345 IAC 10-2.

(2) References to:

(A) 9 CFR 381.36 refer to 345 IAC 10-7-1;

(B) 9 CFR 381.37 refer to 345 IAC 10-7-2 and 345 IAC 10-7-3; and

(C) 9 CFR 381.38 and 9 CFR 381.39 refer to 345 IAC 10-7-4.

(3) References to:

(A) 9 CFR 381.96 refer to 345 IAC 10-13-1;

(B) 9 CFR 381.98 refer to 345 IAC 10-13-2;

(C) 9 CFR 381.99 refer to 345 IAC 10-13-3;

(D) 9 CFR 381.100 refer to 345 IAC 10-13-4;

(E) 9 CFR 381.101 refer to 345 IAC 10-13-5;

(F) 9 CFR 381.103 refer to 345 IAC 10-13-6;

(G) 9 CFR 381.110 refer to 345 IAC 10-13-7; and

(H) 9 CFR 381.111 refer to 345 IAC 10-13-8.

(4) References to 9 CFR 381.131, 9 CFR 381.132, and 9 CFR 381.133 refer to 345 IAC 10-14-18 and 345 IAC 10-14-20.

(5) References to:

(A) 9 CFR 381.185 refer to 345 IAC 10-18-1; and

(B) 9 CFR 381.186 refer to 345 IAC 10-18-2.

(6) References to 9 CFR 381.210 through 9 CFR 381.218 refer to the corresponding section of 345 IAC 10-20.

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control. (*Indiana State Board of Animal Health; 345 IAC 10-2.1-1; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 10, 1999, 9:14 a.m.: 23 IR 16; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 10, 2002 at 9:45 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning requirements for the slaughter of animals and processing of meat and poultry for human consumption. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.

Indiana State Veterinarian

Indiana State Board of Animal Health

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Proposed Rule

LSA Document #02-142

DIGEST

Adds 410 IAC 6-2.1 to clarify and update the requirements for the health, safety, and operation of public and semi-public swimming pools, spas, and wading pools. Repeals 410 IAC 6-2. Effective 30 days after filing with the secretary of state.

410 IAC 6-2

410 IAC 6-2.1

SECTION 1. 410 IAC 6-2.1 IS ADDED TO READ AS FOLLOWS:

Rule 2.1. Public and Semi-Public Pools

410 IAC 6-2.1-1 Applicability

Authority: IC 16-19-3-4

Affected: IC 16-19-3

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

rule. (*Indiana State Department of Health; 410 IAC 6-2.1-1*)

410 IAC 6-2.1-2 “Air gap” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 2. “Air gap” means the unobstructed vertical distance through atmosphere between the water supply inlet and the flood level rim of the receiving unit and is at least a distance equal to two (2) times the diameter of the water supply outlet or pipe. (*Indiana State Department of Health; 410 IAC 6-2.1-2*)

410 IAC 6-2.1-3 “Bather load” defined

Authority: IC 16-19-3-4

Affected: IC 16-1-3

Sec. 3. “Bather load” means the total number of bathers within the pool enclosure. (*Indiana State Department of Health; 410 IAC 6-2.1-3*)

410 IAC 6-2.1-4 “Breakpoint chlorination” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 4. “Breakpoint chlorination” means the point in a rising chlorine residual at which the concentration of available chlorine becomes great enough to completely oxidize all organic matter and ammonia compounds (combined chlorine) in a pool. (*Indiana State Department of Health; 410 IAC 6-2.1-4*)

410 IAC 6-2.1-5 “Competition pool” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 5. “Competition pool” means any pool intended for use for accredited competitive aquatic events. Such pools may also be used for recreation and instruction. (*Indiana State Department of Health; 410 IAC 6-2.1-5*)

410 IAC 6-2.1-6 “Department” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 6. “Department” means the Indiana state department of health. (*Indiana State Department of Health; 410 IAC 6-2.1-6*)

410 IAC 6-2.1-7 “Diving pool” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 7. “Diving pool” means any pool that is designed and constructed primarily for diving and does not have a shallow end. (*Indiana State Department of Health; 410 IAC 6-2.1-7*)

410 IAC 6-2.1-8 “mg/l” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 8. “mg/l” means milligrams per liter and is equivalent to parts per million when the medium is water. (*Indiana State Department of Health; 410 IAC 6-2.1-8*)

Sec. 9. “Person” means:

410 IAC 6-2.1-9 “Person” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

(1) any individual, firm, partnership, company, corporation, trustee, association, municipality, county, authority, estate, or public or private entity; and

(2) its or their successors, assigns, or agents.

(*Indiana State Department of Health; 410 IAC 6-2.1-9*)

410 IAC 6-2.1-10 “Plunge pool” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 10. “Plunge pool” means a pool located at the exit end of a waterslide flume and is intended and designed to receive sliders emerging the flume. (*Indiana State Department of Health; 410 IAC 6-2.1-10*)

410 IAC 6-2.1-11 “Pool” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 11. “Pool” means a structure, basin, chamber, or tank containing an artificial body of water for swimming, bathing, competition, relaxation, or recreational use. (*Indiana State Department of Health; 410 IAC 6-2.1-11*)

410 IAC 6-2.1-12 “Pools with wading areas” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 12. “Pools with wading areas” means any pool that has a portion of the shallow end with a maximum depth of twenty-four (24) inches. (*Indiana State Department of Health; 410 IAC 6-2.1-12*)

410 IAC 6-2.1-13 “Public pool” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 13. “Public pool” means any pool, other than those pools defined as a semi-public pool, which is intended to be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee, regardless of whether a fee is charged for use. Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests. (*Indiana State Department of Health; 410 IAC 6-2.1-13*)

410 IAC 6-2.1-14 “Public sewer” defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 14. “Public sewer” means a sewage disposal facility

Proposed Rules

provided by a utility, municipality, conservancy district, or regional sewer district. *(Indiana State Department of Health; 410 IAC 6-2.1-14)*

410 IAC 6-2.1-15 "Public water supply" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 15. "Public water supply" means water supplied by a utility, municipality, conservancy district, regional water district, or water corporation. *(Indiana State Department of Health; 410 IAC 6-2.1-15)*

410 IAC 6-2.1-16 "Sanitary facilities" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 16. "Sanitary facilities" means flush toilets, hand washing lavatories, and showers. *(Indiana State Department of Health; 410 IAC 6-2.1-16)*

410 IAC 6-2.1-17 "Semi-public pool" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 17. "Semi-public pool" means any pool that is intended to be used for swimming or bathing and is operated solely for and in conjunction with:

- (1) schools, universities, and colleges;
- (2) hotels, motels, apartments, condominiums, bed and breakfasts, or similar lodgings;
- (3) camps or mobile home parks; or
- (4) membership clubs or associations.

Nothing in this article shall be construed as applying to any pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of the household and house guests. *(Indiana State Department of Health; 410 IAC 6-2.1-17)*

410 IAC 6-2.1-18 "Spa" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 18. "Spa" means a pool designed for recreational and/or therapeutic use, which is not drained, cleaned, and refilled after each use. The term may include, but is not limited to:

- (1) hydrojet circulation;
- (2) hot water;
- (3) cold water;
- (4) mineral baths;
- (5) air induction systems; or
- (6) any combination thereof.

(Indiana State Department of Health; 410 IAC 6-2.1-18)

410 IAC 6-2.1-19 "Swimming pool slide" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 19. "Swimming pool slide" means any device used to

enter a pool by sliding down an inclined plane or equipment similar to a playground slide. *(Indiana State Department of Health; 410 IAC 6-2.1-19)*

410 IAC 6-2.1-20 "Turnover rate" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 20. "Turnover rate" means the period of time, expressed in hours, required to circulate a volume of water equal to the maximum pool-water capacity through the pool-water treatment system. *(Indiana State Department of Health; 410 IAC 6-2.1-20)*

410 IAC 6-2.1-21 "Wading pool" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 21. "Wading pool" means a pool used for bathing that has a maximum depth of two (2) feet. *(Indiana State Department of Health; 410 IAC 6-2.1-21)*

410 IAC 6-2.1-22 "Waterslide" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 22. "Waterslide" means a recreational ride that is a sloped trough-like or tubular structure using water as a lubricant and method of regulating rider velocity and terminates in a plunge pool, swimming pool, or a specifically designed deceleration structure. *(Indiana State Department of Health; 410 IAC 6-2.1-22)*

410 IAC 6-2.1-23 "Wave pool" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 23. "Wave pool" means any pool having a bottom sloped upward from the deep end to the surface at the shallow end with equipment installed at the deep end to create wave motions in the water. *(Indiana State Department of Health; 410 IAC 6-2.1-23)*

410 IAC 6-2.1-24 "Zero depth pool" defined

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 24. "Zero depth pool" means any pool with a bottom sloped upward from the deep end to the surface level at the shallow end. *(Indiana State Department of Health; 410 IAC 6-2.1-24)*

410 IAC 6-2.1-25 Administration of rule

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 25. This rule may be administered by the department or by the local health officer through their authorized agent. *(Indiana State Department of Health; 410 IAC 6-2.1-25)*

410 IAC 6-2.1-26 New construction

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 26. Public and semi-public pools shall be designed, constructed, maintained, and modified in accordance with 675 IAC 20. (*Indiana State Department of Health; 410 IAC 6-2.1-26*)

410 IAC 6-2.1-27 Water supply

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 27. (a) An adequate and convenient supply of potable water that meets the provisions of 327 IAC 8-2 shall be provided at plumbing fixtures used for drinking, cooking, dishwashing, hand washing, showering, and pool water.

(b) Wells shall be constructed, installed, and located in accordance with 327 IAC 8-2 and 312 IAC 13.

(c) A public water supply shall be exclusively used if available within a reasonable distance. A water supply, properly located and constructed, shall be provided if a public water supply is not available.

(d) The construction and location of wells with less than fifteen (15) service connections, or serving less than twenty-five (25) people, shall comply with Bulletin S.E. 13. All other wells shall comply with 327 IAC 8-2.

(e) The water supply and distribution system shall have the capacity to deliver a minimum water pressure of twenty (20) pounds per square inch to all water connections during periods of peak water usage. The water supply shall have a capacity to meet total water demands. If a well or pump cannot meet a peak or daily demand, a sufficient useable storage capacity shall be provided.

(f) The casing pipe of a well shall extend no less than twenty-four (24) inches above floor level, finish grade, or the highest flood level on record.

(g) Water supplies shall have no wellhead, well casing, pump, pumping machinery, exposed pressure tanks, or suction piping located in any pit, room, or enclosure that does not have free drainage by gravity to the ground surface at all times.

(h) Stop-and-waste valves (including unapproved frost-proof hydrants) or other devices that would allow aspiration or backflow of contaminated water into the potable system shall not be used.

(i) All portions of the water distribution system serving pools, and auxiliary facilities, shall be protected against backflow and backsiphonage. Water introduced into the pool, either directly or through the recirculation system,

shall be supplied through an air gap or in accordance with 675 IAC 1. (*Indiana State Department of Health; 410 IAC 6-2.1-27*)

410 IAC 6-2.1-28 Sewage disposal

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 28. (a) The sewage disposal system shall be adequate to serve the facility, including the bathhouse, locker room, pool water treatment equipment, deck drains, and related accommodations.

(b) Pool water and filter backwash water may not discharge to a ditch, stream, or lake, except in accordance with 327 IAC 2-1.

(c) All pool gutters, recirculation systems, and overflows shall discharge through an air gap to preclude the possibility of a backup of sewage or waste into the pool or pool piping system.

(d) All pool sumps, deck drainage systems, and other drainage fixtures that discharge to a sewer or storm drain shall be properly trapped and vented to prevent sewer gases and odors from reaching the pool area.

(e) All sewage, including gray water, shall be disposed of via a connection to a public sewer, if available within a reasonable distance. If a public sewer is not available within a reasonable distance from the pool, sewage disposal must comply with 410 IAC 6-10, Bulletin S.E. 11, Bulletin S.E. 13, or applicable rules of the Indiana department of environmental management. (*Indiana State Department of Health; 410 IAC 6-2.1-28*)

410 IAC 6-2.1-29 Sanitary facilities

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 29. (a) The ratio and location of sanitary facilities for public and semi-public pools shall be in accordance with 675 IAC 20-2-27.

(b) Sanitary facilities are not required poolside at semi-public pools if sanitary facilities are available to pool patrons within three hundred (300) feet of the pool enclosure.

(c) Toilet paper and covered waste receptacles shall be provided for toilet facilities.

(d) Soap, covered waste receptacles, and paper towels or electrical hand-drying units shall be provided at the lavatories.

(e) Hot and cold water shall be provided through a

Proposed Rules

mixing faucet.

(f) When showers are provided, the water temperature shall be at least ninety (90) degrees Fahrenheit and shall not exceed one hundred twenty (120) degrees Fahrenheit. An approved hot water control valve shall be installed on the hot water heater to ensure safe water temperature.

(g) All sanitary facilities shall be maintained in a safe and sanitary condition. (*Indiana State Department of Health; 410 IAC 6-2.1-29*)

410 IAC 6-2.1-30 Pool water chemistry

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 30. (a) All pools, when open for use, shall be continuously and automatically disinfected with a chemical that imparts an easily measured, free residual.

(b) A free residual of the disinfectant chemical shall be maintained throughout the pool at concentrations in accordance with the following:

POOL TYPE	CHLORINE		BROMINE	
	Minimum	Maximum	Minimum	Maximum
Wading pools	3.0 ppm	7.0 ppm	4.0 ppm	10 ppm
Spa pools	2.0 ppm	7.0 ppm	4.0 ppm	10 ppm
Waterslide plunge pools	2.0 ppm	7.0 ppm	3.0 ppm	10 ppm
Wave pools	2.0 ppm	7.0 ppm	3.0 ppm	10 ppm
All other pools	1.0 ppm	7.0 ppm	2.0 ppm	10 ppm

(c) Whenever the residual disinfectant falls below the minimum concentration required or exceeds the maximum concentration allowed, the pool shall be cleared and kept free of bathers until disinfectant residuals are within the acceptable range.

(d) The department may accept other disinfecting materials or methods when such materials or methods have been demonstrated:

- (1) to provide a residual effect equivalent to halogens;
- (2) to be easily measured under conditions of use;
- (3) not to be dangerous to public health;
- (4) not to create objectionable physiological effects; or
- (5) not to impart toxic properties to the water.

(e) The pool water shall be superchlorinated to breakpoint or superoxidized with a nonchlorine oxidizer, when the pool test kit reveals a combined chlorine (chloramine) concentration of five-tenths (0.5) parts per million (ppm) or greater.

(f) Chlorinated isocyanurates or stabilized chlorine shall not be used for breakpoint chlorination.

(g) The pool shall be closed and remain closed during breakpoint chlorination until the chlorine concentration

drops to the maximum level referenced in subsection (b).

(h) If a nonchlorine oxidizer is used to superoxidize, the pool shall be closed and shall remain closed in accordance with the specifications on the product label.

(i) A test kit shall be readily available for use by the pool operator, with reagents replaced according to manufacturer's requirements, and meet the following:

(1) For pools that use chlorine as a disinfectant, a test kit shall be used that covers a minimum range of zero (0.0) ppm to five (5.0) ppm or higher. The test kit must be in increments of five-tenths (0.5) ppm and be capable of measuring total chlorine.

(2) Orthotolidine may not be used as the disinfectant testing reagent.

(3) For pools that use a disinfectant other than chlorine, the test kit shall have the range and accuracy proportionate to the range required for chlorine test kits.

(4) A pH test kit accurate to the nearest two-tenths (0.2) pH unit and covering a minimum range of seven (7.0) to eight (8.0) pH units shall be used.

(5) When a cyanurate is used as a chlorine stabilizer, the test kit shall be capable of measuring cyanuric acid concentrations.

(6) A test kit capable of measuring total alkalinity shall be used.

(j) If chlorinated isocyanurate or cyanuric acid stabilizers are used in a pool, the concentration shall not exceed sixty (60) ppm. When the maximum allowable cyanuric acid concentration is exceeded, appropriate measures shall be taken to lower the concentrations to the required range.

(k) Chlorinated isocyanurates and cyanuric acid stabilizers shall not be used in any indoor pool.

(l) Only in pools where chlorine is used as the disinfectant can cyanuric acid be used as a stabilizer.

(m) The water in a pool shall have a pH of not less than seven and two-tenths (7.2) and not more than seven and eight-tenths (7.8).

(n) The alkalinity of the water in pools shall be at least eighty (80) ppm as titrated to the methyl orange endpoint.

(o) Pool water shall be tested for the following:

(1) pH and disinfectant residuals daily before the pool is open for use and at least one (1) other time during the hours of pool use.

(2) Combined chlorine at least twice a week when chlorine is used.

(3) Total alkalinity at least once a week.

(4) Cyanuric acid, when it is used, at least once a week.

(p) Spa water shall be tested for pH and disinfectant

residuals daily before the spa is open for use and at least two (2) other times during the hours of spa use for the following:

- (1) Combined chlorine concentration, when chlorine is used, at least twice a week.
- (2) Total alkalinity at least once a week.

(q) All results shall be recorded.

(r) If electronic monitoring devices are used, the accuracy of the device must be checked as required by the manufacturer or compared for accuracy at least once per week with a test kit.

(s) The pool shall be closed for a period equal to at least one (1) hour following the manual addition of chemicals.

(t) Any chemical used to treat the water in a pool must be used in accordance with the product label directions. (*Indiana State Department of Health; 410 IAC 6-2.1-30*)

410 IAC 6-2.1-31 Water quality standards

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 31. (a) At all times, the water in a pool shall have sufficient clarity so that the main drain or a black disc, six (6) inches in diameter placed at the deepest part of the pool, is readily visible from the deck.

(b) The water temperature in spas may not exceed one hundred four (104) degrees Fahrenheit.

(c) One (1) water sample must be collected weekly from each pool and submitted for bacteriological examination. Samples may not be collected from any portion of the recirculation system.

(d) Sampling shall start at least one (1) week prior to the opening of the pool.

(e) Bacteriological examinations performed on each sample shall include the heterotrophic thirty-five (35) degree Centigrade plate count, and a total coliform test using either the:

- (1) multiple tube fermentation test;
- (2) membrane filter test; or
- (3) one hundred (100) milliliter presence/absence test.

Tests shall be performed by a state-approved laboratory in accordance with the procedures outlined in the 18th edition of Standard Methods for the Examination of Water and Wastewater (APHA), Part 9000, Microbiological Examination of Water, published in 1992.

(f) All water sample reports must be submitted to the local health department.

(g) No two (2) consecutive samples or three (3) samples

collected in a six (6) week period shall demonstrate the following:

- (1) Contain more than two hundred (200) bacteria colonies per milliliter as determined by the heterotrophic thirty-five (35) degree Centigrade plate count.
- (2) Test positive (confirmed test) for coliform organisms in any of the five (5) to ten (10) milliliter portions of a sample when the multiple tube fermentation tube test is used.
- (3) Test positive for more than one (1) coliform organism per fifty (50) milliliters when the membrane filter test is used.
- (4) Show the presence of any coliform when the one hundred (100) milliliter presence/absence test is used.

(h) Failure to collect and analyze weekly water samples during the period that a pool is open for use is considered an unsatisfactory report for the applicable week.

(i) When the pool must be closed due to an unsatisfactory sample report, an additional water sample must be submitted to an approved laboratory. The pool may be reopened upon receipt of a satisfactory report. (*Indiana State Department of Health; 410 IAC 6-2.1-31*)

410 IAC 6-2.1-32 Recirculation

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 32. (a) The recirculation system shall be maintained in accordance with the following:

- (1) The turnover rate for spa pools shall be once every half hour.
- (2) For pools, except spas, built before September 13, 1989, the turnover rate shall be the lesser of the following times:
 - (A) Eight (8) hours.
 - (B) The maximum pool capacity in gallons, divided by the maximum bather load, divided again by one hundred eight (108) gallons per hour per bather.

(b) In all other public pools built after September 13, 1989, the turnover rate shall be as follows:

POOL TYPE	TURNOVER RATE
Wading pools	1 hour
Wave pools	2 hours
Zero depth pools	2 hours
Pools with wading areas	2 hours
Competition pools	6 hours
Diving pools	12 hours
All other pools	6 hours

(c) A suitable means shall be provided to measure the flow of water through the pool water recirculating system.

(d) Footbaths are prohibited. (*Indiana State Department of*

Proposed Rules

Health; 410 IAC 6-2.1-32)

410 IAC 6-2.1-33 Gas chlorine and chemical storage

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 33. (a) The following shall be provided when chlorine gas is used:

(1) Chlorine gas equipment shall be operated and maintained in accordance with standards and recommendations of The Chlorine Institute, Inc., sixth edition, (1997). A copy of said standards must be kept on the premises.

(2) A self-contained positive pressure demand breathing apparatus, with air supply tank, designed for use in a chlorine atmosphere.

(3) The self-contained breathing apparatus shall be kept in a closed cabinet, accessible without a key and located outside of the room in which the chlorinator or chlorine cylinders are located.

(4) Pool equipment operating staff shall be trained in the use of the self-contained breathing apparatus and shall maintain documentation of that training.

(5) Each pool operator shall have a written emergency plan of action for chlorine gas leaks. The emergency plan shall be communicated to all employees, posted in a conspicuous place, and be practiced with annual drills.

(b) All chemicals and items in the chemical storage room shall be stored at least six (6) inches above the floor to allow for flushing the area in the case of a spill.

(c) All chemicals shall be stored in accordance with manufacturer recommendations. (*Indiana State Department of Health; 410 IAC 6-2.1-33*)

410 IAC 6-2.1-34 Lifesaving and safety equipment

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 34. (a) At least one (1) unit of lifesaving equipment shall be provided at each pool and shall consist of the following:

(1) A life pole, or shepherd's crook type of pole, with blunted ends and a minimum length of twelve (12) feet.

(2) A ring buoy, having a minimum outside diameter of twenty (20) inches, with one-fourth (1/4) inch diameter rope equal in length to the width of the pool and not to exceed forty-five (45) feet in length.

(b) One (1) spineboard shall be available for each pool enclosure, except for spas and wading pools.

(c) For pools with a surface area of two thousand (2,000) square feet or more, a rescue tube or ring buoy shall be provided for each lifeguard on duty.

(d) A standard twenty-four (24) unit first aid kit ap-

proved for swimming pools by the American Red Cross and two (2) blankets shall be provided within each pool enclosure. The first aid kit shall be kept filled and ready for use whenever the pool is open.

(e) A telephone shall be located within two hundred (200) feet of the pool enclosure and must be available for emergency use with the following emergency telephone numbers posted within view:

(1) 911.

(2) Ambulance or rescue unit.

(3) Hospital.

(4) Police station.

(5) Fire department.

(f) Depth markings of pools shall conform to 675 IAC 20-2.

(g) A removable buoyed transition line, anchored at each end, shall separate the shallow area defined as five (5) feet or less, from the deeper pool area, except when the pool is being used for organized activities.

(h) One (1) unit of lifesaving equipment, in good repair, ready for use, and stored within twenty (20) feet of the pool, shall be provided for each two thousand (2,000) square feet of pool water surface, except spas and wading pools. (*Indiana State Department of Health; 410 IAC 6-2.1-34*)

410 IAC 6-2.1-35 Lifeguards

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 35. (a) A qualified lifeguard is required for all public pools. A qualified lifeguard is required for all semi-public pools with a surface area of two thousand (2,000) square feet or more. Lifeguards must be on duty at poolside at all times when the pools are open for use.

(b) A qualified lifeguard or attendant must be stationed continuously at a waterslide and control its use.

(c) When lifeguards are required, they shall be provided as follows:

BATHER LOAD*	MINIMUM NUMBER OF LIFEGUARDS
0-75	1
76-150	2
151-225	3
226-300	4
301-375	5

*When the bather load exceeds three hundred seventy-five (375), one (1) lifeguard shall be provided for each additional seventy-five (75) bathers or fraction thereof.

(d) Lifeguards shall possess a current nationally recog-

nized certification in each of the following:

- (1) Lifeguard training.
- (2) Adult/infant/child cardiopulmonary resuscitation.
- (3) First aid.

(e) The operators of all public pools shall provide annual lifeguard orientation and training that includes training in bloodborne pathogens. New guards shall also receive training when they are employed.

(f) When on patron surveillance duty, lifeguards shall not perform any other duties and shall not be in the water except in the line of duty.

(g) Lifeguards on duty shall be identified with distinguishing equipment, apparel, or emblems.

(h) Lifeguard platforms or chairs shall be elevated five (5) to six (6) feet above the deck, placed in locations that minimize sun glare on the water, and in positions that will allow complete visual coverage of the pool and the pool bottom within a field of view no greater than forty-five (45) degrees on either side of a line extending straight out from the chair. (*Indiana State Department of Health; 410 IAC 6-2.1-35*)

410 IAC 6-2.1-36 Warning signs

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 36. (a) Warning signs shall be provided in legible letters at least four (4) inches high as follows:

- (1) A sign warning "DANGER-HAZARDOUS CHEMICALS" shall be posted on or adjacent to the entrance to the pool chemical feed and chemical storage rooms.
- (2) Whenever the pool area is open for use and no lifeguard service is provided, warning signs shall be placed in plain view at the entrances and inside the pool area that state "Warning-No Lifeguard on Duty". In addition, the signs shall also state in clearly legible letters at least two (2) inches high, "No Swimming Alone. Children Under 14 Years of Age and Nonswimmers Shall Not Use the Pool Unless Accompanied by a Responsible Adult."
- (3) When the pool is not open for use, a sign shall be posted stating "POOL CLOSED".
- (4) A sign stating "No Diving" shall be posted at nondiving areas and at portions of the pool which are five (5) feet deep or less. "No Diving" signs are not required at spas or wading pools.

(b) The following user sanitation and safety rules shall be posted on signs with letters at least one (1) inch high and within the pool enclosure:

- (1) Anyone who has or has had diarrhea in the past two (2) weeks shall not use the pool.
- (2) Anyone who has an area of exposed subepidermal tissue, open blisters, cuts, etc., is advised not to use the

pool.

(3) All persons shall take a cleansing shower before using the pool. A bather leaving the pool to use the toilet shall take another cleansing shower before returning to the pool enclosure.

(4) Spitting, spouting of water, blowing the nose, and similar behavior in the pool is prohibited.

(5) No running or rough play is permitted in the pool, on the runways, on diving boards, on floats, on platforms, in dressing rooms, or in showers.

(6) Street clothes are not allowed in the pool.

(c) In addition to the requirements of subsection (b), spa pools shall have the following posted:

- (1) Pregnant women, small children, or persons with heart disease, diabetes, high blood pressure, or low blood pressure should not enter the spa except under advice of a physician.
- (2) Avoid use while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or raise or lower blood pressure.
- (3) Exposure greater than fifteen (15) minutes may result in drowsiness, nausea, or fainting.

(d) In addition to the requirements of subsection (b), wading pools shall have the following posted:

- (1) All diaper-aged children shall use plastic pants with tight fitting elastic at the legs and waist, or swim diapers.
- (2) Do not change diapers at poolside.

(e) The following shall be posted near the entrance of swimming pool slides:

- (1) One (1) rider at a time. Wait until the landing area is clear before entering the slide.
- (2) Slide in a sitting position or on the back only.
- (3) Do not attempt to stop on the slide.
- (4) Leave the plunge area immediately.
- (5) Warning: Water depth is ____ feet.

(f) The following shall be posted near the entrance of the water slide:

- (1) Only one (1) rider at a time.
- (2) Follow the instructions of the attendant and/or lifeguard.
- (3) No running, standing, kneeling, rotating, tumbling, or stopping in the flumes.
- (4) No diving from a flume.
- (5) Leave the plunge pool promptly after entering.

(*Indiana State Department of Health; 410 IAC 6-2.1-36*)

410 IAC 6-2.1-37 Cleaning

Authority: 16-19-3-4

Affected: 16-19-3

Sec. 37. (a) Visible dirt on the bottom and walls of the pool shall be removed at least every twenty-four (24) hours

or more frequently if required.

(b) Scum, oils, or floating matter on the water surface of a pool shall be removed continuously by skimming, flushing, or other effective means when the pool is open for use. (*Indiana State Department of Health; 410 IAC 6-2.1-37*)

410 IAC 6-2.1-38 Records of operation

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 38. (a) Operating records shall be logged daily, kept for a minimum of one (1) year, and be available upon request by the department. The operating records must contain the following:

- (1) Disinfectant residuals and combined chlorine concentrations.
- (2) pH readings.
- (3) Volume of fresh water added.
- (4) Operating periods of pool water recirculation pumps and filters and the corresponding rate of flow meter readings.
- (5) Amounts of chemicals used.
- (6) Maintenance and malfunctioning of equipment.

(b) An injury/incident report using a form prescribed by the department shall be made for each occurrence that:

- (1) results in death;
- (2) requires resuscitation;
- (3) results in transportation to a hospital or other facility for medical treatment; or
- (4) results in an illness connected to the water quality at the pool.

(c) The injury/illness report shall be forwarded to the department within ten (10) days. (*Indiana State Department of Health; 410 IAC 6-2.1-38*)

410 IAC 6-2.1-39 Visitor and spectator areas at public pools

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 39. There shall be a separation between the spaces used by visitors and spectators at a public pool and those spaces used by bathers. Visitors and spectators in street clothes may be allowed within the perimeter enclosure if a separate area is provided that is segregated from the space used by the bathers by a barrier or wall at least twenty-nine (29) inches high. (*Indiana State Department of Health; 410 IAC 6-2.1-39*)

410 IAC 6-2.1-40 Food and drink area

Authority: 16-19-3-4

Affected: 16-19-3

Sec. 40. Food and drink may be permitted only in the

visitor or spectator area of a public pool, or in a similarly separated snack area for bathers. (*Indiana State Department of Health; 410 IAC 6-2.1-40*)

410 IAC 6-2.1-41 Multi-use suits and towels

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 41. (a) After each use, all multi-use suits and towels, furnished to bathers by the operator of a pool, shall be washed thoroughly with detergent and hot water of at least one hundred seventy-five (175) degrees Fahrenheit or laundered in warm soapy water containing a chlorine concentration of at least fifty (50) parts per million. Suits and towels must be rinsed and thoroughly dried after laundering.

(b) Clean suits and towels must be kept strictly separated from those that have been used and are unlaundered. (*Indiana State Department of Health; 410 IAC 6-2.1-41*)

410 IAC 6-2.1-42 Garbage and refuse disposal

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 42. Garbage and refuse shall be collected, stored, and disposed so that the pool area is kept clean and litter free. (*Indiana State Department of Health; 410 IAC 6-2.1-42*)

410 IAC 6-2.1-43 Reasons for closure

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 43. A pool shall be closed when any of the following occurs:

- (1) Failure to meet bacteriological requirements of section 31(f) of this rule.
- (2) Failure to meet disinfectant concentrations of section 30(b) of this rule.
- (3) Failure to meet the water clarity requirements of section 31(a) of this rule.
- (4) The grate on the main drain is missing or broken.
- (5) Failure to meet lifeguard requirements of section 35 of this rule.
- (6) A pump, filter, or disinfectant feeder is nonoperational.
- (7) A nonsolid fecal accident.
- (8) The spa water temperature exceeds one hundred four (104) degrees Fahrenheit.

(*Indiana State Department of Health; 410 IAC 6-2.1-43*)

410 IAC 6-2.1-44 Fecal accidents

Authority: IC 16-19-3-4

Affected: IC 16-19-3

Sec. 44. (a) In the event that a solid stool is identified in the pool or spa water, the following steps are required:

- (1) The pool shall be cleared of all patrons.
- (2) The solid fecal material shall be removed. If a vacuum is used for this purpose, the waste shall be discharged to the sanitary sewer and not through the pool filtration system. All equipment used to remove the fecal material shall be sanitized with a solution of twenty (20) parts per million (ppm) chlorine. The solution shall be prepared fresh.
- (3) The free chlorine/bromine level shall be tested.
- (4) pH shall be maintained between 7.2 and 7.8.
- (5) When the required level of disinfectant concentrations fail to meet the requirements of section 30(b) of this rule, the pool shall remain closed until the required levels of free disinfectant are present in the pool water as measured at poolside.
- (6) When the required level of disinfectant concentrations are met, the pool may reopen.

(b) In the event that a nonsolid stool is identified in the pool or spa water, the following steps are required:

- (1) Immediately clear the pool of all patrons and close all affected pools or spas operating on a common filtration system and keep closed during the sanitization procedure.
- (2) Raise and maintain the free chlorine residual in the pool water for the length of time necessary to attain a "9600 contact time" CT value equivalent, or completely drain the pool to a sanitary sewer or approved sewage disposal system.
- (3) When the pool is drained, sanitize all surfaces with a chlorine solution of at least twenty (20) ppm.
- (4) When the pool is disinfected without draining, continuously operate the recirculation/filtration system during the sanitization/contact period time.
- (5) Filters shall be backwashed to waste and filter material replenished as necessary.
- (6) When the sanitizing contact period is completed, the pool may be reopened if:
 - (A) the excess free chlorine levels are reduced to the maximum allowed in section 30(b) of this rule;
 - (B) the pH is balanced as needed;
 - (C) the filter is recharged as needed; and
 - (D) the circulation system is operating.

(Indiana State Department of Health; 410 IAC 6-2.1-44)

410 IAC 6-2.1-45 Right of entry

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 45. The department or the local health officer may enter public or private property at reasonable times, upon presentation of credentials to do any of the following:

- (1) Inspect facilities, equipment, or records.
- (2) Investigate complaints.
- (3) Conduct tests.
- (4) Collect samples to obtain information required under

this rule.

- (5) Determine whether any person is subject to, or in violation of, this rule.

(Indiana State Department of Health; 410 IAC 6-2.1-45)

410 IAC 6-2.1-46 Enforcement

Authority: IC 16-19-3-4
Affected: IC 4-21.5-3-8; IC 16-19-3; IC 16-20-1-23

Sec. 46. The department may commence an action under IC 4-21.5-3-8 against a pool operator who:

- (1) fails to comply with this rule; or
- (2) interferes with or obstructs the department or its designated agent in the performance of duties pursuant to IC 16-20-1-23.

(Indiana State Department of Health; 410 IAC 6-2.1-46)

410 IAC 6-2.1-47 Incorporation by reference

Authority: IC 16-19-3-4
Affected: IC 16-19-3

Sec. 47. The following are hereby incorporated by reference as a part of this rule:

- (1) Indiana State Department of Health Bulletin S.E. 11. Copies may be obtained by a mailed request to Indiana State Department of Health, 2 North Meridian Street, Indianapolis, Indiana 46204.
- (2) Indiana State Department of Health Bulletin S.E. 13. Copies may be obtained by a mailed request to Indiana State Department of Health, 2 North Meridian Street, Indianapolis, Indiana 46204.
- (3) Part 9000, Microbiological Examination of Water, Standard Methods for the Examination of Water and Wastewater, seventeenth edition, published by the American Public Health Association, Inc., in 1989, is incorporated by this rule. Copies may be obtained from the American Public Health Association, Inc., 1015 15th Street N.W., Washington, D.C. 20005.
- (4) The standards of the Chlorine Institute, Inc., sixth edition, 1997. Two (2) copies of these standards are available for reference at the department. Copies may be obtained from the Chlorine Institute, Inc., 2000 L Street N. W., Suite 506, Washington, D.C. 20036.
- (5) The Pool/Spa Operators Handbook of the National Swimming Pool Foundation, 1983-1990 edition. Two (2) copies are available for reference at the department. Copies may be obtained from the National Swimming Pool Foundation, 10803 Gulfdale, Suite 300, San Antonio, Texas 78216.

(Indiana State Department of Health; 410 IAC 6-2.1-47)

SECTION 2. THE FOLLOWING ARE REPEALED: 410 IAC 6-2-0.1; 410 IAC 6-2-0.2; 410 IAC 6-2-0.3; 410 IAC 6-2-0.4; 410 IAC 6-2-0.5; 410 IAC 6-2-0.6; 410 IAC 6-2-0.7; 410 IAC 6-2-1; 410 IAC 6-2-1.1; 410 IAC 6-2-1.2; 410 IAC 6-2-1.3; 410 IAC 6-2-1.4; 410 IAC 6-2-1.5; 410 IAC 6-2-2; 410

Proposed Rules

410 IAC 6-2-3; 410 IAC 6-2-4; 410 IAC 6-2-5; 410 IAC 6-2-6; 410 IAC 6-2-7; 410 IAC 6-2-8; 410 IAC 6-2-9; 410 IAC 6-2-10; 410 IAC 6-2-11; 410 IAC 6-2-13.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 24, 2002 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on proposed new rules to clarify and update the requirements for the health, safety, and operation of public and semi-public swimming pools, spas, and wading pools. Copies of these rules are now on file at the Health Care Regulatory Services Commission, Indiana State Department of Health, 2 North Meridian Street, 5th Floor and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health

TITLE 412 INDIANA HEALTH FACILITIES COUNCIL

Proposed Rule LSA Document #02-41

DIGEST

Amends 412 IAC 2-1 to govern training, testing, practice, and certification of qualified medication aides. Effective 30 days after filing with the secretary of state.

412 IAC 2-1-1	412 IAC 2-1-10
412 IAC 2-1-2.1	412 IAC 2-1-11
412 IAC 2-1-2.2	412 IAC 2-1-12
412 IAC 2-1-6	412 IAC 2-1-13
412 IAC 2-1-8	412 IAC 2-1-14

SECTION 1. 412 IAC 2-1-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

412 IAC 2-1-1 “Qualified medication aide” or “QMA” defined

Authority: IC 16-28-1-7; IC 16-28-1-11
Affected: IC 16-28-1

Sec. 1. As used in this rule, “qualified medication aide” or “QMA” means an individual who has satisfactorily completed the ~~state-qualified~~ **state-approved qualified medication aide course, passed the state-approved competency evaluation test, and test received state certification.** (*Indiana Health Facilities Council; 412 IAC 2-1-1; filed Apr 30, 2002, 11:05*

a.m.: 25 IR 2728)

SECTION 2. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

412 IAC 2-1-2.1 Employment of QMA and registry verification

Authority: IC 16-28-1-7; IC 16-28-1-12
Affected: IC 16-28

Sec. 2.1. (a) A facility must not allow an individual to work as a QMA unless that individual has satisfactorily completed a state-approved QMA training and competency evaluation program and has been certified by the Indiana state department of health.

(b) A facility must not allow an individual to work as a QMA unless the individual has been recertified and completed at least six (6) hours of in-service training per calendar year beginning January 1 of the year after initial training and certification.

(c) Before allowing an individual to serve as QMA, a facility must receive verification from the Indiana Certified Nurse Aide (CNA)/QMA registry that the individual has met certification requirements unless the individual can prove that he or she has recently successfully completed a QMA training and competency evaluation program approved by the Indiana state department of health and has not yet been included in the registry. Facilities must follow up to ensure that such an individual actually is placed in the registry. (*Indiana Health Facilities Council; 412 IAC 2-1-2.1*)

SECTION 3. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

412 IAC 2-1-2.2 Program applicants

Authority: IC 16-28-1-7; IC 16-28-1-12
Affected: IC 16-28

Sec. 2.2. All applicants wishing to enroll in a training program to become a QMA shall meet all of the following preenrollment criteria:

- (1) Proof of a high school diploma or GED.
- (2) Proof of being at least eighteen (18) years of age.
- (3) Proof of completion of an Indiana nurse aide training course, including certification and on the Indiana state CNA registry.
- (4) At least one thousand (1,000) hours of documented work experience as a CNA within in the last twenty-four (24) months.
- (5) Demonstrated ability to read and write in English and the ability to perform the four (4) basic mathematical functions:

(A) addition;

- (B) subtraction;**
- (C) multiplication; and**
- (D) division;**

as determined per training entity enrollment pretest.
(*Indiana Health Facilities Council; 412 IAC 2-1-2.2*)

SECTION 4. 412 IAC 2-1-6, AS ADDED AT 25 IR 2729, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

412 IAC 2-1-6 Location for supervised practicum

Authority: IC 16-28-1-7; IC 16-28-1-11

Affected: IC 16-28-1

Sec. 6. (a) The site for the supervised practicum shall be a facility or unit operating under 410 IAC 16.2. The practicum training site shall have written approval from the Indiana state department of health every two (2) years.

(b) If the supervised practicum site is conducted at a location other than the site of the classroom training, a written agreement shall be in place stating the practicum is being conducted under appropriate supervision.

(c) The Indiana state department of health may remove approval to train QMAs from any training entity that:

- (1) fails to meet the requirements of 410 IAC 16.2;**
- (2) refuses unannounced visits by the Indiana state department of health;**
- (3) refuses to submit an acceptable plan of correction to an Indiana state department of health survey;**
- (4) falsifies any documents pertaining to the QMA training;**
- (5) has a pattern of excessive failure rates on the competency evaluation test; and**
- (6) has validated training improprieties.**

(*Indiana Health Facilities Council; 412 IAC 2-1-6; filed Apr 30, 2002, 11:05 a.m.: 25 IR 2729*)

SECTION 5. 412 IAC 2-1-8, AS ADDED AT 25 IR 2729, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

412 IAC 2-1-8 QMA competency evaluation

Authority: IC 16-28-1-7; IC 16-28-1-11

Affected: IC 16-28-1

Sec. 8. (a) A QMA competency evaluation test shall be administered consisting of multiple choice questions requiring a passing score of eighty percent (80%) by the state-approved training entity. Ongoing revision of test questions may be necessary in an effort to maintain a valid exam that includes new medications and updated materials for various medication classifications. The application for competency exam shall be submitted within thirty (30) days of practicum completion.

(b) The competency evaluation test may be retaken three (3) times within one (1) year of the completion date of classroom training. Prior to the student applying to take the second or third

test, the student shall provide documentation to the testing entity of additional training conducted by a registered nurse. However, if the student is unsuccessful after three (3) attempts, he or she shall repeat the training program in its entirety. Testing will be administered and scored by an entity under contract with the Indiana state department of health.

(c) The student has six (6) months from the completion of the sixty (60) hour classroom portion of the program to complete the forty (40) hour practicum and successfully pass the competency evaluation test, including the retake in case of initial failure.

(d) Graduate nursing students that do not pass the state nursing boards may function as a QMA after successfully completing the competency evaluation test with a passing score of eighty percent (80%).

(e) Nursing students who have completed a pharmacology class with a grade of "C" or above would be exempt from the classroom training, however, the student is required to complete the practicum and successfully complete the competency evaluation test.

(f) The competency evaluation program must be approved by the Indiana state department of health every two (2) years. (*Indiana Health Facilities Council; 412 IAC 2-1-8; filed Apr 30, 2002, 11:05 a.m.: 25 IR 2729*)

SECTION 6. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

412 IAC 2-1-10 Mandatory recertification/annual in-service education requirements

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28

Sec. 10. (a) A QMA shall be recertified by the Indiana state department of health every year.

(b) To be recertified, a QMA must obtain a minimum of six (6) hours per calendar year of in-service education in the area of medication administration, beginning January 1 of the year after initial QMA training and certification.

(c) Annual in-service education shall include, but is not limited to, the following if facility policy allows the QMA to perform such functions in the facility:

- (1) Medication administration via G-tube/J-tube.**
- (2) Hemocult testing.**
- (3) Finger stick blood glucose testing (specific to the glucose meter used).**

(d) It is the QMA's responsibility to track said hours of in-service training and supply proof of completion of in-service training to the Indiana state department of health in

Proposed Rules

conjunction with application for annual recertification.

(e) The Indiana state department of health shall maintain a registry of QMAs who have current certification.

(f) A QMA who does not meet the six (6) hour per year in-service requirement shall not be recertified. The QMA will be removed from the QMA registry and be required to reenter and satisfactorily complete a training program and pass the state approved competency evaluation test prior to again serving in the capacity of a QMA. (*Indiana Health Facilities Council; 412 IAC 2-1-10*)

SECTION 7. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

412 IAC 2-1-11 Disciplinary action

Authority: IC 16-28-1-7; IC 16-28-1-12
Affected: IC 16-28

Sec. 11. (a) All incidents of alleged abuse, neglect, misappropriation of resident property, or conduct outside the QMA scope of practice shall be reported to the Indiana state department of health. The Indiana state department of health will investigate the incident.

(b) The Indiana state department of health may revoke the certification of a QMA following appropriate investigation.

(c) Acts that may result in the revocation of QMA certification include, but are not limited to, the following:

- (1) Stealing, diverting, or otherwise misusing medications.
- (2) Fraudulently procuring or attempting to procure a certification.
- (3) Neglecting to administer appropriate medications as prescribed.
- (4) Performing duties outside the QMA scope of practice.

(d) A finding on the CNA registry results in automatic revocation of the QMA certification. (*Indiana Health Facilities Council 412 IAC 2-1-11*)

SECTION 8. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

412 IAC 2-1-12 Reciprocity

Authority: IC 16-28-1-7; IC 16-28-1-12
Affected: IC 16-28

Sec. 12. An individual who is a certified QMA in another state may petition the Indiana state department of health to be exempt from the Indiana QMA training course and supervised practicum. The petition for exemption shall be

in writing and shall include proof that the applicant is a QMA in good standing in another state. If a petition for exemption is granted, the individual will be required to take and pass the competency evaluation test with a score of eighty percent (80%) or higher before that individual can be certified as a QMA in Indiana. (*Indiana Health Facilities Council; 412 IAC 2-1-12*)

SECTION 9. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

412 IAC 2-1-13 QMA practicing prior to rule

Authority: IC 16-28-1-7; IC 16-28-1-12
Affected: IC 16-28

Sec. 13. An individual who is certified and employed as a QMA in Indiana prior to the effective date of this rule may continue to work as a QMA, except the individual:

- (1) may perform only those tasks addressed in previous QMA training;
- (2) must complete supplemental training approved by the Indiana state department of health that addresses the QMA scope of practice and allowable tasks within eighteen (18) months from the effective date of this rule; and
- (3) must meet the annual inservice requirements in section 10 of this rule.

(*Indiana Health Facilities Council; 412 IAC 2-1-13*)

SECTION 10. 412 IAC 2-1, AS ADDED AT 25 IR 2728, SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:

412 IAC 2-1-14 Fees

Authority: IC 16-28-1-7; IC 16-28-1-12
Affected: IC 16-28

Sec. 14. (a) An annual fee of twenty dollars (\$20), payable to the Indiana state department of health, is required for recertification of a QMA.

(b) The fee required by subsection (a) shall be due thirty (30) days prior to the expiration of the QMA's certification. (*Indiana Health Facilities Council; 412 IAC 2-1-14*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 30, 2002 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana Health Facilities Council will hold a public hearing on proposed amendments governing training, testing, practice, and certification of qualified medication aides. Copies of these rules are now on file at the Health Care Regulatory Services Commission, Indiana State Department of Health, 2 North Meridian Street and Legislative Services

*Agency, One North Capitol, Suite 325, Indianapolis, Indiana
and are open for public inspection.*

Sue Hornstein
Secretary
Indiana Health Facilities Council

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

Proposed Rule
LSA Document #02-106

DIGEST

Adds 440 IAC 9-2-10, 440 IAC 9-2-11, and 440 IAC 9-2-12 to establish standards and requirements for community mental health centers and certified managed care providers regarding case management, outpatient services and medication evaluation and monitoring as part of the required continuum of care for persons needing addiction services, persons with serious mental illness, or children with serious emotional disorders. Effective 30 days after filing with the secretary of state.

440 IAC 9-2-10

440 IAC 9-2-11

440 IAC 9-2-12

SECTION 1. 440 IAC 9-2-10 IS ADDED TO READ AS FOLLOWS:

440 IAC 9-2-10 Case management

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-24-12-10; IC 12-24-19-4

Sec. 10. (a) Managed care providers and community mental health centers shall provide case management according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide case management services also meet the same standards.

(b) Case management services are goal oriented activities that assist consumers by locating, coordinating, and monitoring necessary care and services that are appropriate and accessible to the individual and family.

(c) Case management services shall be based on the abilities, needs, resources, and desires of each consumer, as documented in the individualized treatment plan as follows:

(1) Individualized treatment plans reflect periodic assessment and level of case management and other mental health services appropriate for the consumer based on current level of functioning and history.

(2) The level of case management depends on the functioning level of the consumer, the consumer's preferences,

and response to treatment as documented in the individualized treatment plan and clinical notes.

(d) Case management services are provided by staff members who have demonstrated competency in cultural and ethnic issues and in the specific services they are providing.

(e) Supportive and intensive case management services shall be available in all primary service areas served by a managed care provider or community mental health center. Services are delivered in the least restrictive, most natural environment that is appropriate for the individual's needs as follows:

(1) Delivery of different levels of intensity of case management services to individual consumers shall be evidenced in all geographic areas served by the provider.

(2) Supportive case management coordinates services and facilitates the delivery of services. Supportive case management includes the following services:

(A) Service delivery facilitation, includes helping individuals make and keep appointments, accompanying individuals to appointments as needed, arranging mental health, addiction, medical, and rehabilitation services.

(B) Advocacy and referral, includes helping individuals access entitlement and other services, for example, Medicaid, housing, food stamps, educational services, recovery groups, and vocational services.

(C) Assistance in the use of financial resources.

(D) Monitoring and coordination of care, includes monitoring and coordination of care with other involved systems, such as the court system, medical care, schools, or the local office of the division of family and children.

(3) Intensive case management assists consumers with persistent mental illness, chronic addiction, or seriously emotionally disturbed children and families who have a need for more frequent or more intensive services, or both, including persons who have not been successfully engaged in outpatient services. Programs have appropriate client-staff ratios that meet the individual needs of the consumers. Services are not time limited. Intensive case management includes the assurance that the following services are provided:

(A) Outreach to engage clients.

(B) Provision of crisis intervention and stabilization.

(C) Assisting individuals through ongoing support.

(D) Training and assistance in use of community resources.

(E) Training in activities of daily living and coping skills, such as self-care and daily life management, or problem-solving skills, and direction toward eliminating psycho-social barriers. These skills are developed through structured interventions for the attainment of

goals identified in the individualized treatment plan.

(F) Assisting in developing community and family supports.

(G) For seriously emotionally disturbed children, training parents to cope more effectively with their child's behavior.

(H) With the consent of the consumer, training the family to cope more effectively with an adult consumer's illness.

(I) Medication education and monitoring.

(f) Additional case management requirements for specific populations are as follows:

(1) Adults with serious mental illness as follows:

(A) Intensive case management shall be provided for adults with severe and persistent mental illness who have a need for more frequent or intensive services, including persons who have not been engaged successfully in treatment services. Eligible recipients shall include individuals with a diagnosable mental illness that impairs functions in two (2) or more life domains, such as self-care, social functioning, activities of daily living, economic self-sufficiency, self-direction, and concentration.

(B) Eligible subpopulations include heavy users of crisis and inpatient services, homeless individuals who are mentally ill, mentally ill substance abusers, forensic consumers, and persons with combined mental illness and developmental disabilities.

(2) Seriously emotionally disturbed or chemically dependent children, or both, as follows:

(A) Case management services shall be provided by staff who have demonstrated competency in child development, serious emotional disturbances and behavioral disorders, parenting-behavioral management and the specific services they are providing.

(B) Case management shall be provided for children and their families with multiple needs, which have not been successfully resolved in traditional outpatient treatment services.

(C) Eligible recipients include children with diagnosable mental illnesses or chemical addictions that impair functions in one (1) or more life domains, such as life skills, school level of functioning, social functioning, and supports (family, school, and community). Eligible subpopulations include heavy users of crisis and inpatient services, children at-risk for out-of-home placement, children with combined mental illness and developmental disabilities, and seriously emotionally disturbed youth transitioning to adulthood.

(3) For adults who are chemically addicted, supportive and intensive case management services shall be available during the treatment episode. Services may include ongoing case management services following active treatment, and the case manager shall be involved in the

development of an aftercare/relapse prevention plan.

(Division of Mental Health and Addiction; 440 IAC 9-2-10)

SECTION 2. 440 IAC 9-2-11 IS ADDED TO READ AS FOLLOWS:

440 IAC 9-2-11 Outpatient services

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-23-12-1; IC 12-24-12-10; IC 12-24-19-4; 42 CFR 2

Sec. 11. (a) Managed care providers and community mental health centers shall provide or arrange for the provision of outpatient services according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide outpatient services also meet the same standards.

(b) Outpatient services include assessment and treatment (counseling and intensive outpatient services). These services provide a comprehensive, coordinated, and structured set of therapeutic interactions that may vary in the level of intensity, according to the level of functioning and treatment needs of the consumer.

(c) Each agency shall ensure accessibility of outpatient services. The agency shall have the following, at a minimum:

(1) Established office hours, including evening hours or weekend hours, or both.

(2) Outpatient services available within an hour's travel time throughout the agency's primary service area.

(3) Linkages to the other components of the continuum of care, including the following:

(A) Crisis intervention.

(B) Individualized treatment planning.

(C) Medication evaluation and monitoring.

(D) Case management.

(E) Day treatment.

(F) Acute stabilization.

(G) Residential services.

(H) Family support services.

(I) Services to prevent unnecessary and inappropriate treatment and hospitalization, including utilization review.

(d) Each agency shall develop a process to ensure appropriate access, consonant with each consumer's needs, to intake/screening and comprehensive assessment, leading to the development of the individualized treatment plan with the consumer, and appropriate treatment.

(e) Assessment and treatment services for seriously emotionally disturbed children shall include the family, foster family, or legal guardian in the assessment and

treatment process.

(f) Assessment and treatment services for addicted children shall include only the family, foster family, or legal guardian in the assessment and treatment process if the minor consents to the notification and participation in accordance with IC 12-23-12-1 and 42 CFR 2.

(g) The type and intensity of services provided to an adult consumer shall be based upon the clinical judgment of competent staff and the consumer's preference of services and clinician.

(h) The agency shall set standards for clinicians providing outpatient assessment and treatment services that include required levels of training, experience, competencies, and clinical supervision.

(i) Outpatient treatment services shall consist of a combination of individual, group, and family therapeutic interventions that promote the achievement of the individual's treatment plan.

(j) Outpatient treatment services shall refer consumers with health or legal issues to appropriate medical or legal resources and assist to coordinate this care when appropriate.

(k) Outpatient addiction assessment and treatment shall include screening for co-occurring mental health problems and gambling disorders.

(l) Outpatient treatment for seriously mentally ill adults and seriously emotionally disturbed children shall include screening for co-occurring substance abuse and gambling disorders.

(m) Intensive outpatient addiction treatment is a milieu of treatment with a combination of counseling and education activities consisting of sessions at least two (2) hours, three (3) days a week for a minimum of four (4) weeks.

(n) Intensive outpatient addiction treatment shall include a relapse prevention plan appropriate to the needs and preferences of the consumer. This plan may include after-care treatment or case management. (*Division of Mental Health and Addiction; 440 IAC 9-2-11*)

SECTION 3. 440 IAC 9-2-12 IS ADDED TO READ AS FOLLOWS:

440 IAC 9-2-12 Medication evaluation and monitoring

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-24-12-10; IC 12-24-19-4; IC 12-26

Sec. 12. (a) Managed care providers and community mental health centers shall provide or arrange for the

provision of medication evaluation and monitoring according to the standards set out in this section. Managed care providers and community mental health centers shall ensure that their subcontractors who provide medication evaluation and monitoring also meet the same standards.

(b) Medication evaluation and monitoring includes the following:

- (1) Assessment of the need for medication.
- (2) Prescription of medications by qualified medical staff.
- (3) Dispensing or administration of prescribed medications.
- (4) Monitoring of medications by qualified direct care staff.

(c) Goals of services, developed with the consumer, shall be directed toward maximizing consumer's functioning and reducing symptoms and side effects.

(d) Medication evaluation shall be planned and carried out by qualified medical staff.

(e) Medication evaluation assessments shall include the following:

- (1) A comprehensive mental health or behavioral assessment, or both.
- (2) A physical health screen with referral for physical examination when clinically indicated.
- (3) The review of all drugs used, their effects, side effects, and contraindications, including interactions with over-the-counter drugs and other substances.
- (4) Consideration of consumer preferences as evidenced by documentation.

(f) The agency shall provide education regarding prescribed medication, including the following:

- (1) Education of the consumer, and, with the consumer's consent, the consumer's family or legal representative regarding the targeted symptoms, medications prescribed, possible side effects, and interactions with over-the-counter drugs and other substances.
- (2) Education of other agency direct care staff regarding psychotropic medications, possible side effects, and interactions with over-the-counter drugs and other substances.

(g) Each agency shall develop policies and procedures regarding the administration, dispensing, and monitoring of prescribed medications.

(h) Medication monitoring shall include the following:

- (1) Coordination with the primary health care provider based on the needs of the consumer.
- (2) Observation, in the natural environment, of the consumer taking his or her medication if the need for compliance monitoring is indicated by the individual's

Proposed Rules

level of functioning.

(i) Medication monitoring shall be provided by qualified staff, which may include case managers with training and demonstrated competence.

(j) Each agency shall have a plan to access psychotropic medications for indigent consumers.

(k) Documentation of assessments, prescriptions, administration, dispensing, and monitoring of medications shall:

- (1) be legible and complete;
- (2) identify target symptoms and measurable goals for medications;
- (3) include notes reflecting progress toward goals; and
- (4) note adverse reactions to medications.

(Division of Mental Health and Addiction; 440 IAC 9-2-12)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 3, 2002 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 8, Indianapolis, Indiana the Division of Mental Health and Addiction will hold a public hearing on proposed new rules to establish standards and requirements for community mental health centers and certified managed care providers regarding case management, outpatient services and medication evaluation and monitoring as part of the required continuum of care for persons needing addiction services, persons with serious mental illness, or children with serious emotional disorders. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet Corson
Director
Division of Mental Health and Addiction

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule LSA Document #02-170

DIGEST

Amends 511 IAC 5-2-3 and 511 IAC 5-2-4 to change requirements for participation of limited English proficient students in ISTEP testing to coincide with requirements of federal law. Effective 30 days after filing with the secretary of state.

511 IAC 5-2-3

511 IAC 5-2-4

SECTION 1. 511 IAC 5-2-3, AS AMENDED AT 25 IR 1148, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

511 IAC 5-2-3 Applicability

Authority: IC 20-1-1-6; IC 20-10.1-16-5; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-10.1-7

Sec. 3. (a) Any nonpublic school seeking accreditation and all school corporations shall administer the ISTEP criterion-referenced test to each student in grades 3, 6, 8, and 10.

(b) A student with a disability under 511 IAC 7 is exempt from participation in the ISTEP program if, ~~the student qualifies under one (1) of the following: (1) as determined by the student's case conference committee, a~~ the student who is a student with a disability under 511 IAC 7 who does not receive classroom instruction in English/language arts or mathematics that reflects the student's grade level achievement standards.

(2) (c) A student whose primary language is other than English ~~has and who is a student with~~ limited English proficiency in English; and reads at least two (2) years below grade level. Limited proficiency in English is evidenced by any of the following:

(A) The student does not understand, speak, read, or write English; but may know a few isolated words or expressions;

(B) The student understands simple sentences in English; especially when they are spoken slowly; but speaks only isolated words and expressions;

(C) The student:

(i) speaks English with hesitancy;

(ii) understands English with difficulty;

(iii) converses in English; but only with effort and assistance;

(iv) understands only some parts of lessons;

(v) cannot understand and follow simple directions; and

(vi) cannot write sentences that do not contain errors in syntax and fact.

shall participate in the ISTEP program as required by federal law.

(b) (d) The building principal must document the exemption of a student from participation in the ISTEP program in the student's permanent educational record. If the student is exempt under subsection ~~(a)(1); (b)~~, that exemption must be included in the student's IEP as defined under 511 IAC 7. (*Indiana State Board of Education; 511 IAC 5-2-3; filed May 4, 1988, 8:40 a.m.: 11 IR 3037; filed Nov 13, 2000, 8:01 a.m.: 24 IR 994; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1148*)

SECTION 2. 511 IAC 5-2-4, AS AMENDED AT 25 IR

1147, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

511 IAC 5-2-4 Accommodations

Authority: IC 20-1-1-6; IC 20-10.1-16-10

Affected: IC 20-1-1.2; IC 20-1-1.3; IC 20-1-6; IC 20-10.1-16; IC 20-10.1-17

Sec. 4. (a) The case conference committee may determine that a testing accommodation is necessary for a student, who is a student with a disability under 511 IAC 7, to take the test. The accommodation must be documented in the student's individualized education program as defined in 511 IAC 7, the student's permanent educational record, and on the appropriate ISTEP document.

(b) For a student who has an unusual condition that significantly impairs the student's ability to take the test, but to whom subsection (a) does not apply, the building principal or principal's designee shall ensure that determinations about testing accommodations are made. Examples of these conditions range from temporary disabling conditions, such as a broken arm, to chronic conditions that affect motor ability, such as cerebral palsy. The accommodation must be documented in the student's permanent educational record and on the appropriate ISTEP document.

(c) The building principal or principal's designee may determine that a testing accommodation is necessary for a student whose primary language is a language other than English and who is a student with limited English proficiency. ~~as defined in section 3 of this rule.~~ The accommodation must be documented in the student's permanent educational record and on the appropriate ISTEP document.

(d) Subject to the requirements of federal law, IC 20-1-6, and the ISTEP program manual, testing accommodations include, but are not limited to:

- (1) adaptive equipment;
- (2) braille;
- (3) increased testing time;
- (4) large print; and
- (5) a test assistant to fill in the answers indicated by the student on the answer document.

(Indiana State Board of Education; 511 IAC 5-2-4; filed May 4, 1988, 8:40 a.m.: 11 IR 3038; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Dec 2, 2001, 12:30 p.m.: 25 IR 1147)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 3, 2002 at 9:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Indiana State Board of Education will hold a public hearing on proposed amendments to change requirements for participation of limited English proficient students in

ISTEP testing to coincide with requirements of federal law. Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Suellen Reed

Superintendent of Public Instruction
Indiana State Board of Education

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule

LSA Document #02-177

DIGEST

Amends 511 IAC 6-7-6.5 to add integrated mathematics II and integrated mathematics III to the list of courses that count toward the academic honors diploma. Amends 511 IAC 6.1-5.1-5 to change the name of mathematical topics to integrated mathematics. Effective 30 days after filing with the secretary of state.

511 IAC 6-7-6.5

511 IAC 6.1-5.1-5

SECTION 1. 511 IAC 6-7-6.5 IS AMENDED TO READ AS FOLLOWS:

511 IAC 6-7-6.5 Academic honors diploma; additional course requirements

Authority: IC 20-1-1-6

Affected: IC 20-5-2-1.1

Sec. 6.5. (a) To be eligible for an academic honors diploma, a student must complete a minimum of forty-seven (47) high school credits. The following areas and courses are required:

- | | |
|------------------------------|----------------|
| (1) Language arts | 8 credits |
| (2) Social studies | 6 credits |
| (3) Mathematics | 8 credits |
| (4) Science | 6 credits |
| (5) Foreign language | 6 or 8 credits |
| (6) Fine arts | 2 credits |
| (7) Health and safety | 1 credit |
| (8) Basic physical education | 1 credit |

(b) In addition to the minimum course requirements prescribed in section 6 of this rule, courses counting toward an academic honors diploma are subject to the following requirements:

- (1) Language arts credits must include literature, composition, and speech.
- (2) In addition to required courses in government and United States history, social studies credits must include courses with

Proposed Rules

a major emphasis on economics and geography or world history.

(3) Mathematics credits must include:

(A) geometry ~~and algebra Level II or integrated mathematics II and integrated mathematics III~~; and

(B) at least one (1) upper level mathematics course from those listed in ~~511 IAC 6.1-5.1-5(2)(I)~~ **511 IAC 6.1-5.1-5(2)(H)** through ~~511 IAC 6.1-5.1-5(2)(N)~~ **511 IAC 6.1-5.1-5(2)(M)** or a program of equal rigor. If a student has completed a junior high school curriculum that is equivalent to high school algebra ~~Level I~~ and is placed in high school algebra ~~Level II or a junior high curriculum that is equivalent to integrated mathematics I and is placed in high school integrated mathematics II~~, that student must earn only six (6) high school mathematics credits.

(4) Science credits must include:

(A) two (2) credits in biology;

(B) two (2) credits in chemistry, physics, or integrated chemistry-physics;

(C) two (2) additional credits from:

- (i) chemistry, physics, earth and space science, advanced biology, advanced chemistry, advanced environmental science, or advanced physics; or
- (ii) a program of equal rigor.

(5) Foreign language credits must include:

(A) six (6) credits in one (1) language; or

(B) four (4) credits in one (1) language and four (4) in another.

If a student has completed a junior high school curriculum that is equivalent to a Level I high school foreign language and is placed in a Level II high school foreign language, that student must earn only four (4) credits in that language or two (2) credits in that language and four (4) credits in another foreign language.

(6) Only courses that have been approved by the department on recommendation of a review committee and in which a student has earned a grade of "C" or above may count toward an academic honors diploma. A student must have a grade point average of "B" or above.

(c) The school corporation shall note the awarding of an academic honors diploma on the student's grade transcript.

(d) The school corporation shall inform students, parents, and guardians of the availability of an academic honors diploma. (*Indiana State Board of Education; 511 IAC 6-7-6.5; filed Mar 24, 1987, 3:00 p.m.: 10 IR 1697; errata, 10 IR 2303; filed Oct 6, 1997, 5:20 p.m.: 21 IR 387; filed Sep 25, 1998, 4:50 p.m.: 22 IR 440*)

SECTION 2. 511 IAC 6.1-5.1-5 IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.1-5.1-5 Mathematics courses

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 5. The following courses may be offered in the mathe-

tics area of study:

(1) The following Level I courses:

(A) Mathematical problem solving.

(B) Prealgebra.

(2) The following Level II-III courses:

(A) Algebra I.

(B) Algebra II.

(C) Geometry.

(D) Investigative geometry.

(E) Trigonometry.

(F) ~~Mathematical topics~~ **Integrated mathematics I.**

(G) ~~Mathematical topics~~ **Integrated mathematics II.**

(H) ~~Mathematical topics~~ **Integrated mathematics III.**

(I) Precalculus.

(J) Probability and statistics.

(K) Data analysis and probability.

(L) Discrete mathematics.

(M) Calculus.

(N) Mathematics, advanced placement or college credit.

(*Indiana State Board of Education; 511 IAC 6.1-5.1-5; filed Nov 8, 1990, 3:05 p.m.: 14 IR 656; filed Aug 15, 1997, 8:50 a.m.: 21 IR 83, eff Jul 1, 1998; filed Nov 4, 1999, 10:08 a.m.: 23 IR 568, eff Jul 1, 2000*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 3, 2002 at 9:00 a.m., at the Department of Education, 151 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Indiana State Board of Education will hold a public hearing on proposed amendments to add integrated mathematics II and integrated mathematics III to the list of courses that count toward the academic honors diploma and to change the name of mathematical topics to integrated mathematics. Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Suellen Reed

Superintendent of Public Instruction

Indiana State Board of Education

TITLE 511 INDIANA STATE BOARD OF EDUCATION

Proposed Rule

LSA Document #02-178

DIGEST

Amends 511 IAC 6.1-5.1-5 to remove from the approved list of high school mathematics courses those courses that are remedial in nature or duplicate other courses. Adds a remedial

mathematics course that will not count toward the high school graduation requirement in mathematics. Consolidates certain courses to more accurately reflect the manner in which the courses should be offered. Changes the names of courses to reflect the academic standards on which the courses are based. Effective July 1, 2004.

511 IAC 6.1-5.1-5

SECTION 1. 511 IAC 6.1-5.1-5, PROPOSED TO BE AMENDED AT 25 IR 4206, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

511 IAC 6.1-5.1-5 Mathematics courses

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 5. The following courses may be offered in the mathematics area of study:

- (1) The following Level I courses:
 - (A) ~~Mathematical problem solving.~~ **Mathematics lab.**
 - (B) Prealgebra.
- (2) The following Level II-III courses:
 - (A) Algebra I.
 - (B) Algebra II.
 - (C) Geometry.
 - ~~(D) Investigative geometry.~~
 - ~~(E) Trigonometry.~~
 - ~~(F) (D) Integrated mathematics I.~~
 - ~~(G) (E) Integrated mathematics II.~~
 - ~~(H) (F) Integrated mathematics III.~~
 - (G) Investigative geometry.**
 - ~~(H) (H) Precalculus.~~ **Precalculus/trigonometry.**
 - ~~(I) (I) Probability and statistics.~~
 - ~~(K) Data analysis and probability.~~
 - ~~(J) (J) Discrete mathematics.~~
 - ~~(M) (K) Calculus, advanced placement.~~
 - (L) Statistics, advanced placement.**
 - ~~(N) (M) Mathematics advanced placement or college credit.~~

(Indiana State Board of Education; 511 IAC 6.1-5.1-5; filed Nov 8, 1990, 3:05 p.m.: 14 IR 656; filed Aug 15, 1997, 8:50 a.m.: 21 IR 83, eff Jul 1, 1998; filed Nov 4, 1999, 10:08 a.m.: 23 IR 568, eff Jul 1, 2000)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 3, 2002 at 9:00 a.m., at the Department of Education, 150 West Ohio Street, James Whitcomb Riley Conference Room, Indianapolis, Indiana the Indiana State Board of Education will hold a public hearing on proposed amendments to remove from the approved list of high school mathematics courses those courses that are remedial in nature or duplicate other courses. Adds a remedial mathematics course that will not count toward the high school graduation requirement in mathematics. Consoli-

dates certain courses to more accurately reflect the manner in which the courses should be offered. Changes the names of courses to reflect the academic standards on which the courses are based. Copies of these rules are now on file at 229 State House and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Suellen Reed
Superintendent of Public Instruction
Indiana State Board of Education

TITLE 515 PROFESSIONAL STANDARDS BOARD

Proposed Rule

LSA Document #02-75

DIGEST

Amends 515 IAC 1-4-1 and 515 IAC 1-4-2 to change the testing requirements for certain Indiana teaching licenses. Effective 30 days after filing with the secretary of state.

515 IAC 1-4-1

515 IAC 1-4-2

SECTION 1. 515 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

515 IAC 1-4-1 Test requirements and exemptions

Authority: IC 20-1-1.4-7; IC 20-6.1-3-10.1

Affected: IC 20-6.1-3-3

Sec. 1. (a) An applicant for an Indiana initial teaching license must do the following

- (1) consistent with 515 IAC 1-2-20: ~~one (1) of the following:~~
- ~~(A) From July 1, 1997, through August 31, 1999, for an applicant who has completed a teacher preparation program before September 1, 1999, and who is administered an examination before September 1, 1999, successfully complete a written examination that demonstrates proficiency in:~~

- ~~(i) communications skills;~~
- ~~(ii) general education;~~
- ~~(iii) professional education; and~~
- ~~(iv) knowledge of the areas in which the individual is required to have a license to teach.~~

- ~~(B) From September 1, 1999, for an applicant who has completed a teacher preparation program during calendar year 1999 and who is administered an examination described in IC 20-6.1-3-10.1 on or after September 1, 1999, successfully complete a written examination that demonstrates proficiency in:~~

- ~~(i) basic reading, writing, and mathematics through the Pre-professional Skills Test (PPST or Praxis 1) of the~~

Proposed Rules

Educational Testing Service;

(ii) pedagogy; and

(iii) knowledge of the areas in which the individual is required to have a license to teach.

~~(C)~~ (1) From September 1, 1999, for an applicant who has completed a teacher preparation program during calendar year 2000 or after and who is administered an examination described in IC 20-6.1-3-10.1 on or after September 1, 1999, successfully complete a written examination that demonstrates proficiency in:

(i) basic reading, writing, and mathematics through the Pre-professional Skills Test (PPST or Praxis I) of the Educational Testing Service;

(ii) pedagogy; and

(iii) knowledge of the areas in which the individual is required to have a license to teach.

(2) Fulfill the academic retention standard established by the institution recommending the applicant.

~~(b)~~ An applicant who has not successfully completed the required examination under subsection (a)(1)(A) or (a)(1)(B) may qualify for a one (1) year, renewable limited license under 515 IAC 1-2-20.

~~(c)~~ (b) As an alternative to successfully completing the entire written examination listed under subsection (a), an applicant for an initial license may demonstrate proficiencies in the subject areas required by the examination in the following circumstances:

(1) An applicant may successfully complete an examination which is substantially equivalent to the examination required under subsection (a)(1). The board shall determine what constitutes substantial equivalency.

(2) An applicant who has a disability that would affect the applicant's performance on the examination, for which the applicant has taken the examination with reasonable accommodations, and for which the applicant has not successfully passed the entire examination, may not be required to have obtained a passing score in all subject areas required by the examination. To obtain a proficiency review under this subsection, an applicant should submit the following to the board and may submit additional material:

(A) A letter in which the applicant requests a review of the applicant's proficiencies in the pertinent subject areas.

(B) Credible documentation of the disability from an appropriate professional.

(C) Documentation which shows that the applicant has taken the examination with special accommodations.

(D) A written statement from an education professional who has worked with the applicant which attests to the competency of the applicant as a classroom teacher.

(E) A written statement from a college faculty member who has supervised the applicant's clinical experience which attests to the applicant's proficiency in classroom performance.

(F) A statement which outlines any special assistance or

accommodations the candidate has had during college.

(G) The applicant's test history.

(H) A transcript copy which shows evidence of completion of a teacher preparation program, including student teaching and degree posted on the transcript.

(I) Any other relevant documentation required by the board.

An applicant with a disability that might affect test performance should notify the testing company of the disability when making application to take the test.

(Professional Standards Board; 515 IAC 1-4-1; filed Nov 26, 1985, 8:20 a.m.: 9 IR 717; filed Jun 11, 1986, 4:00 p.m.: 9 IR 2718; filed May 13, 1987, 9:30 a.m.: 10 IR 2289; filed Dec 15, 1989, 4:45 p.m.: 13 IR 885; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1004; filed Sep 16, 1998, 9:16 a.m.: 22 IR 445; filed Nov 20, 2000, 3:21 p.m.: 24 IR 995; filed Jun 1, 2001, 2:00 p.m.: 24 IR 3030; readopted filed Sep 25, 2001, 9:43 a.m.: 25 IR 529) NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-4-1) to the Professional Standards Board (515 IAC 1-4-1) by P.L.46-1992, SECTION 19, effective July 1, 1992.

SECTION 2. 515 IAC 1-4-2 IS AMENDED TO READ AS FOLLOWS:

515 IAC 1-4-2 Minimum acceptable scores

Authority: IC 20-1-1.4-7; IC 20-6.1-3-10.1

Affected: IC 4-22-7-7; IC 20-6.1-3-3

Sec. 2. ~~(a)~~ The following are the minimum acceptable scores for successful completion of the examinations described in section ~~1(a)(1)(A)~~ of this rule; the number in parentheses is the code number used by the Educational Testing Service for the test:

~~(1)~~ Communications skills (10500) 653

~~(2)~~ General knowledge (10510) 647

~~(3)~~ Professional knowledge (10520) 646

~~(b)~~ (a) The following are the minimum acceptable scores for successful completion of the examinations described in section ~~1(a)(1)(B) or 1(a)(1)(C)~~ **1(a)(1)** of this rule; the number in parentheses is the code number used by the Educational Testing Service for the test:

(1) Mathematics: 320 on computer based test (0731), or 175 on written test (10730), **or 175 on computer based test (5730).**

(2) Reading: 323 on computer based test (0711), or 176 on written test (10710), **or 176 on computer based test (5710).**

(3) Writing: 318 on computer based test (0721), or 172 on written test (20720), **or 172 on computer based test (5270).**

~~(c)~~ (b) The following are the minimum acceptable scores for successful completion of the various specialty area tests; the number in parentheses is the code number or the last four (4) digits of a code number used by the Educational Testing Service for the test; if two (2) or more tests on the same subject are or may be offered at the same time, the word "replaces" follows

Proposed Rules

the code number of the required test, and precedes the code number of the test that is no longer accepted, and the effective date of the required test:

National Teachers Examination Specialty Area Tests or Praxis II from the Educational Testing Service	
Art: Content Knowledge (0133 replaces 10130 after August 1, 2001)	149
Art Education (10130)	510
Biology: Content Knowledge (0235) (Middle and High School) (0235 replaces 10230 after August 1, 2001)	154
Biology and General Science (20030) (Middle School)	560
Biology (10230) (High School)	510
Business Education (10100)	480
Chemistry: Content Knowledge (0245) (0245 replaces 20240 after August 1, 2001)	151
Chemistry (20240)	460
Early Childhood Education (K-3) (10020)	510
Earth Science: Content Knowledge (0571 replaces 20570 after August 1, 2001)	150
Earth/Space Science (20570)	420
Elementary Education: Curriculum, Instruction, and Assessment (10011)	143
Education of Students with Mental Retardation (10320)	560
English Language, Literature, and Composition: Content Knowledge (10041) (Middle and High School)	153
French (10170) (Middle and High School)	520
French: Content Knowledge (0173)	160
French: Productive Language Skills (0171) (0173 and 0171 replace 10170 after August 1, 2001)	162
General Science (10430) For General Science License	450
For Physical Science License	360
German (20180) (Middle and High School)	490
Health Education (20550)	420
Home Economics Education (10120)	540
Introduction to the Teaching of Reading (10200)	510
Mathematics (10060) (Middle and High School)	530
Mathematics: Content Knowledge (0061) (0061 replaces 10060 after August 1, 2001)	136
Media Specialist (10310) (Library Media Specialist)	530
Music: Content Knowledge (0113 replaces 10110 after August 1, 2001)	140
Music Education (10110)	510
Physical Education (10090)	540
Physical Education: Content Knowledge (0091)	150

(0091 replaces 10090 after August 1, 2001)	
Physical Science (10430)	360
Physics: Content Knowledge (0265) (0265 replaces 30260 after August 1, 2001)	149
Physics (30260)	400
Prekindergarten Education (20530) (for Pre-K/Early Childhood License)	390
Reading Specialist (0300) (For elementary teaching after July 1, 2001)	370
School Leaders Licensure Assessment (1010)	165
Social Studies: Content Knowledge (10081) (Middle and High School)	147
Spanish (10190) (Middle and High School)	500
Spanish: Content Knowledge (0191)	159
Spanish: Productive Language Skills (0192) (0191 and 0192 replace 10190 after August 1, 2001)	162
Special Education: Knowledge-Based Core Principles (0351)	136
Special Education Core Principles: Content Knowledge (0353)	150
Special Education: Teaching Students with Behavioral Disorders/Emotional Disturbance (0371) (0371 replaces 10370 after August 1, 2001)	139
Special Education: Teaching Students with Learning Disabilities (0381) (0381 replaces 10380 after August 1, 2001)	139
Special Education: Teaching Students with Mental Retardation (0321) (0321 replaces 10320 after August 1, 2001)	144
Speech Communication (10220)	490
Teaching Students with Emotional Disturbances (10370)	540
Teaching Students with Learning Disabilities (10380)	430
Technology Education (10050) (Industrial Arts)	590

~~(d)~~ (c) An applicant for a teaching license in a health occupations specialty area must take the registry or certification examination required by the respective professional association and achieve at least the minimal score accepted by that professional association.

~~(e)~~ An applicant for a teaching license in a vocational specialty area must take the National Occupational Competency Trade and Industry Test (NOCTI) in the appropriate specialty area and achieve a minimum T-score of forty (40):

~~(f)~~ (d) An applicant may repeat any section of an examination on which the applicant does not achieve the minimum score.

~~(g)~~ (e) If, during the time an applicant for an initial teaching license is enrolled in a teacher preparation program, the applicant achieved the minimum acceptable score required for

Proposed Rules

an examination or test in subsection ~~(c); (d); (b)~~ or ~~(e); (c)~~, the applicant may use that score even if a different score or a different examination or test is required at the time of application for the license. However, an applicant must achieve the minimum acceptable score for any examination or test that has been added as a requirement for an initial teaching license after the applicant completed the preparation program.

~~(h)~~ **(f)** In lieu of amending this rule, the professional standards board may publish a "Notice of Test Code Change" policy statement pursuant to IC 4-22-7-7 in the event that the Educational Testing Service changes the name of or a code for a test but does not change either the content of the test or the scoring scale for the test. Upon publication, the professional standards board must simultaneously distribute the notice to the unit head and licensing advisor of each institution preparing educators.

~~(i)~~ **(g)** In addition to 515 IAC 1-2-20 regarding limited licenses, a person who is otherwise eligible for an initial standard license in ~~elementary teaching a content area~~ and who has attempted the ~~Reading Specialist (0300) required assessment~~ examination as required under subsection ~~(e)~~ for ~~elementary teaching; (b)~~, but who has not achieved the minimum acceptable score, is eligible for a **one (1) year**, nonrenewable limited license. ~~for the 2001-2002 academic year.~~

(h) From January 1, 2003, until December 31, 2004, a candidate for an administrator's license must achieve a minimum score of 158 on the assessment.

(i) Candidates for the original administration and supervision license after January 1, 2003, must successfully complete the assessment unless they hold a currently valid standard, provisional, or professional administration and supervision license in Indiana or the equivalent license in another state and can verify three (3) years of full-time experience in an accredited K-12 school in the appropriate position under that license. (*Professional Standards Board; 515 IAC 1-4-2; filed Nov 26, 1985, 8:20 a.m.: 9 IR 717; filed May 13, 1987, 9:30 a.m.: 10 IR 2289; errata filed Jul 17, 1988, 11:00 a.m.: 10 IR 2741; filed Sep 27, 1988, 10:10 a.m.: 12 IR 299; filed Dec 15, 1989, 4:45 p.m.: 13 IR 886; filed Mar 1, 1991, 10:35 a.m.: 14 IR 1436; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1004; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2066; errata filed Jun 7, 1994, 4:00 p.m.: 17 IR 2359; filed May 10, 1999, 12:36 p.m.: 22 IR 2867; filed Nov 20, 2000, 3:21 p.m.: 24 IR 996; filed Jun 1, 2001, 2:00 p.m.: 24 IR 3031; readopted filed Sep 25, 2001, 9:43 a.m.: 25 IR 529*) **NOTE:** Transferred from the Indiana State Board of Education (511 IAC 10-4-2) to the Professional Standards Board (515 IAC 1-4-2) by P.L.46-1992, SECTION 19, effective July 1, 1992.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 27, 2002 at 3:00 p.m., at the Professional Standards Board, 101 West Ohio Street, Conference Room, Suite 300, Indianapolis, Indiana the Professional Standards Board will hold a public hearing on proposed amendments concerning testing requirements for certain Indiana teaching licenses. Copies of these rules are now on file at the Professional Standards Board, 101 West Ohio Street, and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Marie Theobald
Executive Director
Professional Standards Board

TITLE 808 STATE BOXING COMMISSION

Proposed Rule
LSA Document #02-120

DIGEST

Amends 808 IAC 2-6-1 to revise the fees charged and collected by the commission. Effective 30 days after filing with the secretary of state.

808 IAC 2-6-1

SECTION 1. 808 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

808 IAC 2-6-1 Fees; two year license validation

Authority: IC 25-1-8-2

Affected: IC 25-9-1-9

Sec. 1. All new licenses and all renewal licenses, granted by the commission, shall be valid in a period of two (2) years from the date of issuance and shall be subject to the following fees:

- (1) Promoter (boxing), ~~forty one hundred dollars (\$50); (\$100).~~
- (2) Physicians, ten dollars (\$10).
- (3) Timekeepers, ten dollars (\$10).
- (4) Matchmakers, ~~fifteen twenty-five dollars (\$15); (\$25).~~
- (5) Managers, ~~fifteen twenty-five dollars (\$15); (\$25).~~
- (6) Trainers, ten dollars (\$10).
- (7) Boxers, ten dollars (\$10).
- (8) Seconds, ten dollars (\$10).
- (9) Judges, ten dollars (\$10).
- (10) Referees, ~~twenty-five fifty dollars (\$25); (\$50).~~

(*State Boxing Commission; Appendix A; filed Dec 16, 1975, 11:40 a.m.: Rules and Regs. 1976, p. 47; filed Jan 28, 1982, 3:04 p.m.: 5 IR 555; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1166;*

filed Jun 14, 1996, 3:00 p.m.: 19 IR 3088; readopted filed Jun 8, 2001, 2:38 p.m.: 24 IR 3235)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 30, 2002 at 9:40 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E012, Conference Room, Indianapolis, Indiana the State Boxing Commission will hold a public hearing on proposed amendments to revise the fees charged and collected by the commission. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Indiana Professional Licensing Agency

TITLE 825 INDIANA GRAIN INDEMNITY CORPORATION**Proposed Rule**

LSA Document #02-179

DIGEST

Repeals 825 IAC 1-1-5, 825 IAC 1-5-1, and 825 IAC 1-5-2. Effective 30 days after filing with the secretary of state.

825 IAC 1-1-5
825 IAC 1-5-1
825 IAC 1-5-2

SECTION 1. THE FOLLOWING ARE REPEALED: 825 IAC 1-1-5; 825 IAC 1-5-1; 825 IAC 1-5-2.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 4, 2002 at 2:00 p.m., at the Office of the Commissioner of Agriculture, 150 West Market Street, Room 414, Indianapolis, Indiana the Indiana Grain Indemnity Corporation will hold a public hearing on proposed repeal of 825 IAC 1-1-5, 825 IAC 1-5-1, and 825 IAC 1-5-2. Copies of these rules are now on file at the Office of the Commissioner of Agriculture, 150 West Market Street, Suite 414 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Richard L. Rowley
General Counsel
Indiana Office of the Commissioner of Agriculture

TITLE 856 INDIANA BOARD OF PHARMACY**Proposed Rule**

LSA Document #02-172

DIGEST

Amends 856 IAC 1-35-1 and 856 IAC 1-35-4 concerning pharmacy technicians, including the determination of whether a pharmacy technician is qualified, and provides technicians the opportunity to pass a certification exam in lieu of taking the training program. Repeals 856 IAC 1-35-6. Effective 30 days after filing with the secretary of state.

856 IAC 1-35-1
856 IAC 1-35-4
856 IAC 1-35-6

SECTION 1. 856 IAC 1-35-1 IS AMENDED TO READ AS FOLLOWS:

856 IAC 1-35-1 Purpose and scope

Authority: IC 25-26-13-4
Affected: IC 25-26-13

Sec. 1. (a) The board is responsible for establishing standards for the competent practice of pharmacy.

(b) The use of pharmacy technicians to assist the pharmacist with nondiscretionary functions associated with the practice of pharmacy enables the pharmacist to provide pharmaceutical care to the patient.

(c) Evolved pharmacy practice demands additional time for pharmacists to counsel individual patients regarding the proper use of drugs.

(d) Only pharmacists (licensed under IC 25-26-13-11), pharmacy interns and externs (as defined in IC 25-26-13-2 and registered under IC 25-26-13-10), and pharmacy technicians as described in this section shall be permitted to participate in the activities associated with a drug order or prescription preparation.

(e) A pharmacist shall not permit a pharmacy technician to participate in the activities associated with a drug order or prescription preparation unless the pharmacy technician meets the qualifications of this section.

(f) The pharmacist is responsible for the work performed by the pharmacy technician under the pharmacist's supervision. (*Indiana Board of Pharmacy; 856 IAC 1-35-1; filed Aug 17, 1995, 8:30 a.m.: 19 IR 39; readopted filed Nov 13, 2001, 3:55 p.m.: 25 IR 1330*)

SECTION 2. 856 IAC 1-35-4 IS AMENDED TO READ AS FOLLOWS:

Proposed Rules

856 IAC 1-35-4 Qualifications

Authority: IC 25-26-13-4

Affected: IC 25-26-13-18

Sec. 4. To be eligible to perform the functions and duties of a pharmacy technician, an individual must possess the following qualifications, which shall be ascertained and documented in a reasonably retrievable manner by the pharmacist that qualifies the pharmacy permit:

(1) The individual has not been convicted of a crime that has a direct bearing on the individual's ability to work with legend drugs or controlled substances.

(2) The individual must be a high school graduate or have successfully completed a General Education Development program **or have been judged to be competent by the qualifying pharmacist.**

(3) The individual must have successfully completed or be enrolled in **and successfully complete within twelve (12) months of being hired as a technician** one (1) of the following board-approved programs:

(A) A **board approved** comprehensive curricular-based education and training program conducted by a pharmacy or educational organization.

(B) A technician training program utilized by the employer that includes specific training in the duties required to assist the pharmacist in the technical functions associated with the practice of pharmacy. The contents of the training program shall include, at a minimum, the following:

(i) Understanding of the duties and responsibilities of the technician and the pharmacist, including the standards of patient confidentiality and ethics governing pharmacy practice.

(ii) Tasks and technical skills, policies, and procedures related to the technician's position.

(iii) Working knowledge of pharmaceutical-medical terminology, abbreviations, and symbols commonly used in prescriptions and drug orders.

(iv) Working knowledge of the general storage, packaging, and labeling requirements of drugs, prescriptions, or drug orders.

(v) Ability to perform the arithmetic calculations required for the usual dosage determinations.

(vi) Working knowledge and understanding of the essential functions related to drug purchasing and inventory control.

(vii) The record keeping functions associated with prescriptions or drug orders.

(4) In lieu of the requirements in subdivision (3), the successful completion of a board-approved certification examination may satisfy the requirements of this section.

(E) (5) A record of the pharmacy technician training and education must be maintained in the pharmacy where the technician is employed and shall include the following:

(i) (A) The name of the pharmacy technician.

(B) The starting date of employment as a pharmacy technician.

(C) The starting date of the technician training program.

(ii) (D) The date of completion of the training program, **or proof of passing the board-approved examination if subdivision (4) applies.**

(iii) (E) A copy of the training manual, if on-the-job training is used by the employer, or certificate of successful completion of another approved program, or other training program completed prior to employment.

(Indiana Board of Pharmacy; 856 IAC 1-35-4; filed Aug 17, 1995, 8:30 a.m.; 19 IR 40; readopted filed Nov 13, 2001, 3:55 p.m.; 25 IR 1330)

SECTION 3. 856 IAC 1-35-6 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 15, 2002 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the Indiana Board of Pharmacy will hold a public hearing on proposed amendments concerning pharmacy technicians. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau

TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule

LSA Document #02-148

DIGEST

Amends 876 IAC 3-2-4 to revise the procedures to reactivate an inactive license. Amends 876 IAC 3-2-5 to revise the fees charged to reinstate an expired license. Amends 876 IAC 3-2-7 to revise the fee schedule for the real estate appraiser licensure and certification program and to add an issuance and renewal fee for prelicensure real estate appraiser schools and courses under 876 IAC 3-4 and real estate appraiser continuing education course providers under 876 IAC 3-5. Amends 876 IAC 3-3-22 to allow an Indiana licensed trainee appraiser who has not associated with a licensed or certified appraiser to hold an inactive license either upon initial issuance of the license or upon the ending of a previous association with a licensed or certified appraiser and to establish a time period during which an Indiana licensed trainee appraiser license may be held in an

inactive status before it becomes void. Amends 876 IAC 3-6-9 to revise the requirements for the use and supervision of Indiana licensed trainee appraisers by licensed or certified appraisers. Effective 30 days after filing with the secretary of state.

876 IAC 3-2-4
876 IAC 3-2-5
876 IAC 3-2-7

876 IAC 3-3-22
876 IAC 3-6-9

SECTION 1. 876 IAC 3-2-4 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-2-4 Expiration of licenses

Authority: IC 25-34.1-3-8

Affected: IC 25-34.1

Sec. 4. (a) Licenses issued under this article shall expire January 1 of every even-numbered year.

- (b) To renew a license, an individual must do the following:
- (1) Pay the fee required by section 7(b)(2) of this rule.
 - (2) Complete an application for renewal on a form provided by the board.
 - (3) Satisfactorily complete the continuing education required by 876 IAC 3-5.
 - (4) Sign a statement under penalty of perjury that:
 - (A) the hours submitted are correct;
 - (B) the licensee attended and completed courses taken; and
 - (C) to the best of the licensee's knowledge, the courses completed meet the requirements of 876 IAC 3-5.

(c) When renewing a license, a licensee may apply for and receive an inactive license. Such an individual is exempt from the continuing education requirements stated in subsection (b)(3) and 876 IAC 3-5. The holder of an inactive license may not appraise real estate.

(d) To reactivate an inactive license, a licensee must ~~apply to the board~~ **complete an application for reactivation** and have obtained the number of qualifying continuing education hours required by the provisions of 876 IAC 3-5-1 within the two (2) years preceding the filing of the application. (*Indiana Real Estate Commission; 876 IAC 3-2-4; filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; filed Jan 8, 1993, 4:00 p.m.: 17 IR 771; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2113; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2790; errata filed Jul 3, 1995, 12:00 p.m.: 18 IR 2796; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1758; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238*)

SECTION 2. 876 IAC 3-2-5 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-2-5 Reinstatement of expired license

Authority: IC 25-34.1-3-8; IC 25-34.1-3-9; IC 25-1-8-2

Affected: IC 25-34.1

Sec. 5. (a) An expired license may be reinstated within one hundred twenty (120) days after its expiration by complying with section 4(b) of this rule and paying a reinstatement fee of twenty dollars (\$20).

(b) If the license is renewed within one (1) year, but more than one hundred twenty (120) days after expiration, the licensee must comply with section 4(b) of this rule and pay ~~an~~ **additional** a reinstatement fee of one hundred ~~twenty-five~~ **twenty-five** dollars ~~(\$100): (\$125).~~

(c) If the license is renewed within eighteen (18) months, but more than one (1) year after expiration, the licensee must comply with section 4(b) of this rule and pay ~~an additional~~ a reinstatement fee of ~~seventy-five~~ **two hundred** dollars ~~(\$75): (\$200).~~

(d) If a licensee fails to reinstate a license within eighteen (18) months after expiration, the license may not be reinstated. To be licensed again, the individual must obtain a new license following the requirements of this article. (*Indiana Real Estate Commission; 876 IAC 3-2-5; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1758; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238*)

SECTION 3. 876 IAC 3-2-7 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-2-7 Fee schedule

Authority: IC 25-34.1-3-8; IC 25-34.1-3-9; IC 25-1-8-2

Affected: IC 25-34.1

Sec. 7. (a) This section establishes the fee schedule for the real estate appraiser licensure and certification program. The fees stated in subsection (b) apply to Indiana licensed trainee appraisers, Indiana licensed residential appraisers, Indiana certified residential appraisers, and Indiana certified general appraisers. However, the fee for licensed trainee appraisers under ~~subsections~~ **subsection** (b)(2), (b)(3), (b)(5), and (b)(6) shall be ~~fifty one hundred~~ **fifty one hundred** dollars ~~(\$50); (\$100),~~ because there is not a requirement under federal law to transmit these amounts for licensed trainee appraisers.

(b) The fee schedule is as follows:

- (1) Application for admittance to the examination ~~\$50~~ **\$100**
- (2) Fee for license or certificate (after passing the examination) during an even-numbered year ~~\$100~~ **\$150** (including fifty dollars (\$50) required by federal law to be transmitted to the federal government)
- (3) Fee for license or certificate (after passing the examination) during an odd-numbered year (including twenty-five dollars (\$25) required by federal law to be transmitted to the federal government) ~~\$75~~ **\$125**
- (4) Application for licensure by reciprocity ~~\$50~~ **\$100**

Proposed Rules

- (5) Fee for license or certificate by reciprocity ~~\$100~~
(after approval by the board) during an even-numbered year (including fifty dollars (\$50) required by federal law to be transmitted to the federal government) **\$150**
- (6) Fee for license or certificate by reciprocity ~~\$75~~
(after approval by the board) during an odd-numbered year (including twenty-five dollars (\$25) required by federal law to be transmitted to the federal government) **\$125**
- (7) Application for the renewal of a license or certification (including fifty dollars (\$50) required by federal law to be transmitted to the federal government) ~~\$100~~ **\$150**
- (8) Duplicate license or certificate ~~\$5~~ **\$10**
- (9) Duplicate pocket card ~~\$5~~ **\$10**
- (10) Certification of license to another state ~~\$10~~ **\$10**
- (11) Application by a holder of an Indiana trainee appraiser license to be approved for a regular license ~~\$15~~ **\$25**
- (12) Application for the issuance of a permit for temporary practice ~~\$10~~ **\$50**
- (13) Fee for issuance and renewal of approvals for (prelicensure) real estate appraiser schools and courses under 876 IAC 3-4 \$500**
- (14) Fee for issuance and renewal of approval for real estate appraiser continuing education course providers under 876 IAC 3-5 \$250**

(c) All fees are nonrefundable and nontransferable. (*Indiana Real Estate Commission; 876 IAC 3-2-7; filed Sep 24, 1992, 9:00 a.m.: 16 IR 737; filed Dec 8, 1993, 4:00 p.m.: 17 IR 772, eff Jan 2, 1994 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #93-130 was filed Dec 8, 1993.]; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2791; filed Jun 21, 1996, 10:00 a.m.: 19 IR 3111; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2697; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238*)

SECTION 4. 876 IAC 3-3-22 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-3-22 Indiana licensed trainee appraiser; examination; licensure procedures

Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 22. (a) An applicant for an Indiana licensed trainee appraiser license shall be required to pass the Indiana licensed residential appraiser examination.

(b) After an applicant passes the examination and pays the fee required by 876 IAC 3-2-7(b)(2) or 876 IAC 3-2-7(b)(3), the board shall do the following:

(1) Issue a wall certificate in the name of the Indiana licensed trainee appraiser to a licensed or certified appraiser who certifies the Indiana licensed trainee appraiser's association with the licensed or certified appraiser.

(2) Issue to the Indiana licensed trainee appraiser an identification card which:

(A) certifies that the Indiana licensed trainee appraiser is licensed; and

(B) indicates the expiration date of the license and the name of the licensed or certified appraiser with whom the licensed trainee appraiser is associated.

(c) If the Indiana licensed trainee appraiser has not associated with a licensed or certified appraiser, the trainee may be issued an inactive license (either upon initial issuance of the license or upon the ending of a previous association with a licensed or certified appraiser). However, the license shall become void if the Indiana trainee appraiser is not associated with a licensed or certified appraiser described in subsection (b)(1) within three (3) years after issuance of the inactive license.

~~(c)~~ **(d)** Upon termination of an Indiana licensed trainee appraiser's association with a licensed or certified appraiser described in subsection (b)(1), the trainee's license shall be returned to the Indiana professional licensing agency within five (5) working days. The Indiana professional licensing agency shall reissue the license to any licensed or certified appraiser upon application as described in subsection (b)(1). (*Indiana Real Estate Commission; 876 IAC 3-3-22; filed Dec 8, 1993, 4:00 p.m.: 17 IR 778; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2792; errata filed Nov 13, 1995, 10:00 a.m.: 19 IR 675; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1764; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238*)

SECTION 5. 876 IAC 3-6-9 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-9 Indiana licensed trainee appraisers; supervision

Authority: IC 25-34.1-3-8
Affected: IC 25-34.1

Sec. 9. (a) This section establishes requirements for the use and supervision of Indiana licensed trainee appraisers.

(b) Indiana licensed trainee appraisers shall be subject to direct supervision (including inspection of all properties except as allowed by subsection ~~(b)(1)~~ **(i)**) by a supervising appraiser who shall be licensed or certified in Indiana.

(c) The supervisor shall be responsible for the direct supervision of the Indiana licensed trainee appraiser by signing and certifying the report as in compliance with the Uniform Standards of Professional Appraisal Practice.

(d) The Indiana licensed trainee appraiser is permitted to have more than one (1) supervising appraiser in the office of the licensed or certified appraiser holder of record with whom the Indiana licensed appraiser has associated under 876 IAC 3-3-22.

(e) Effective January 1, 2004, a certified or licensed appraiser may not be the supervising appraiser for more than two (2) trainees.

(f) An appraisal log shall be maintained by the Indiana licensed trainee appraiser and supervising appraiser and shall, at a minimum, include the following for each appraisal:

- (1) Client name and address.
- (2) Address of appraised property.
- (3) Description of work performed.
- (4) Number of work hours.

(g) The supervising appraiser shall review and sign the appraisal log annually and provide the log to the trainee. It is the responsibility of the trainee to retain the log for submission to the board with any future application for license certification. **The trainee shall be entitled to copies of appraisals, including appraisal reports and any work files, which the trainee completes.**

(h) Separate appraisal logs shall be maintained by each supervising appraiser.

(i) The Indiana licensed trainee appraiser shall be subject to direct supervision until the Indiana licensed trainee appraiser is competent in accordance with the Competency Provision of the Uniform Standards of Professional Appraisal Practice, as adopted in section 2 of this rule, to perform appraisals for the specific property type. After the Indiana licensed trainee appraiser demonstrates competency, the supervising appraiser is not required to inspect the properties. However, the supervising appraiser must continue to sign and accept full responsibility for all appraisals performed by the Indiana licensed trainee appraiser.

(j) **In addition to the requirements in subsection (i), the supervising appraiser shall accompany the Indiana licensed trainee appraiser, and inspect the subject and comparable properties, on the following appraisal assignments:**

(1) The first fifty (50) assignments performed by the trainee.

(2) During the first year the trainee holds an active license, all assignments located more than fifty (50) miles from the supervising appraiser's office.

(Indiana Real Estate Commission; 876 IAC 3-6-9; filed Dec 8, 1993, 4:00 p.m.: 17 IR 782; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 24, 2002 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 2, Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to revise the procedures to reactivate an inactive license, to revise the fees charged to reinstate an expired license, to revise the fee schedule for the real estate appraiser licensure and certification program and to add an issuance and renewal fee for pre-licensure real estate appraiser schools and courses under 876 IAC 3-4 and real estate appraiser continuing education course providers under 876 IAC 3-5, to allow an Indiana licensed trainee appraiser who has not associated with a licensed or certified appraiser to hold an inactive license either upon initial issuance of the license or upon the ending of a previous association with a licensed or certified appraiser and to establish a time period during which an Indiana licensed trainee appraiser license may be held in an inactive status before it becomes void, to revise the requirements for the use and supervision of Indiana licensed trainee appraisers by licensed or certified appraisers. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gerald H. Quigley
Executive Director
Indiana Professional Licensing Agency
