

Document: AROC Notice, **Register Page Number:** 26 IR 3149

Source: June 1, 2003, Indiana Register, Volume 26, Number 9

Disclaimer: This document was created from the files used to produce the official CD-ROM Indiana Register. However, this document is unofficial.

**TITLE 410 INDIANA STATE DEPARTMENT OF
HEALTH**

LSA Document #02-142

April 28, 2003

Chairman
c/o George Angelone
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204

RE: 410 IAC 6-2.1; LSA Document # 02-142

Dear Mr. Chairman:

The Indiana State Department of Health is in the process of modifying the current rules for the health, safety, and operation of public and semi-public swimming pools. The proposed changes to the rules involve reorganization of the content as well changes in the content. Traditionally, when amending a rule that requires significant changes, the department uses a method of repealing the current rule and replacing it with a new rule rather than striking large portions of the current rule and adding large amounts of new text. That method was used in this case.

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

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

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

Sincerely,

Veronica Hibbler, Chief Legal Counsel
Office of Legal Affairs