

# **USER'S GUIDE TO THE INDIANA REGISTER AND INDIANA ADMINISTRATIVE CODE**

This guide is intended for use by users of the Indiana Register website and agency personnel involved in the rulemaking process to answer frequently asked questions about the Register and to provide up-to-date explanations of the various procedures used in the rulemaking process. This guide is intended as a source of information only and will be updated periodically on an as-needed basis.

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**INDIANA REGISTER AND INDIANA ADMINISTRATIVE CODE  
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## INTRODUCTION

The Legislative Services Agency is the official publisher of the Indiana Register and the Indiana Administrative Code under the direction of the Legislative Council. The Indiana Register and Indiana Administrative Code are exclusively published online. Each can be accessed through the Indiana General Assembly website or directly at [iac.iga.in.gov/iac/](http://iac.iga.in.gov/iac/). The website has links to the Administrative Drafting Manual and the latest version of the User's Guide.

The Administrative Drafting Manual is prepared by the Legislative Services Agency and approved by the Indiana Code Revision Commission. The Administrative Drafting Manual gives information on the proper style and format for rule writing for the Indiana Register and Indiana Administrative Code.

This guide will give information on the different types of documents, rulemaking process, submission of documents for publication, and how to use the Indiana Register and Indiana Administrative Code website.

### **BRIEF HISTORY OF RULEMAKING IN INDIANA: ESTABLISHMENT OF UNIFORM RULEMAKING PROCEDURES**

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Prior to 1943, uniform rulemaking procedures were nonexistent. Early statutes conferring rulemaking power on state agencies were occasionally designed to ensure public access to rules, but little else. The earliest of these statutes, the 1881 Health Board Act (Acts 1881, Chapter 19), merely required that rules be "promulgated". Other statutes, such as the law creating the Livestock Commission (Acts 1889, Chapter 212) and the Labor Commission (Acts 1897, Chapter 88), required availability for inspection and, with some exceptions, printing of rules. The most comprehensive of the early efforts applied to the Railroad Commission and its successor, the Public Service Commission. Acts 1905, Chapter 53, required the Railroad Commission to furnish each railway company with copies of rules twenty days before they were to take effect. Rights to notice, hearing, and public participation were added in 1913 (Acts 1913, Chapter 76) when the railroads and other utilities were brought under the control of the Public Service Commission. Rules promulgated in conformity with these statutes were to be admissible as evidence in Indiana courts. However, these statutes were not generally used as models for other rulemaking legislation.<sup>1</sup>

In this early period, Indiana courts were more concerned with the substance of rules than the procedures for their adoption. See, *Fertich v. Michener* (1887), 111 Ind. 472, 11 N.E. 605. Procedural matters concerning rulemaking and administrative adjudication were thought to be discretionary, depending upon the exigencies of the situation in which an administrative agency might find itself. It was thought that because the legislature could make rules without special public hearings beyond those constitutionally required for the conduct of legislative business, agencies could, too. See, *Vandalia Railroad v. Public Service Commission of Indiana* (1916), 242 U.S. 255, 61 L.Ed. 276. As late as 1938, the courts were still holding that administrative rulemaking was merely part of the administrative duties of an agency, and no additional procedural safeguards were necessary beyond those in the existing statutes. See, *Financial Aid Corporation v. Wallace* (1939), 216 Ind. 114, 23 N.E. 472. In 1943, the Indiana General Assembly took its first step toward establishing uniform rulemaking procedures. Acts 1943, Chapter 213 ("1943 Act") required that all rules adopted after November 3, 1943, be approved and filed prior to becoming effective. Rules were to be approved by the Attorney General and the Governor and filed with the Secretary of State and the Legislative Bureau. When promulgated in conformity with these procedures, the rule was to be admissible as evidence in any court proceeding after certification by the Secretary of State.

Soon after the passage of the 1943 Act, Governor Gates and Attorney General Emmert authorized a study commission within the Attorney General's office to examine the entire field of administrative law. Comprehensive revision was found impossible to implement before the 1945 session of the Indiana General Assembly, so the study commission concentrated on administrative rulemaking. Revision of the administrative adjudication process was left to the 1947 session.

In the 1945 session, the Indiana General Assembly enacted Acts 1945, Chapter 120 ("1945 Act"). The 1945 Act reenacted the 1943 Act's provisions concerning approval and filing and enacted additional uniform procedures similar to those in an early draft of the Model Administrative Procedures Act adopted by the National Commission on Uniform State Laws in 1946. Subsequently, the 1945 Act was codified as IC 4-22-2 and, with significant amendments and additions made in 1985, continues in force today.

The State's initial effort to publish an official codification of rules was authorized by the 1945 Act. The 1945 Act required the Secretary of State to compile, index, and publish all rules in effect on January 1, 1946. This initial code was to be supplemented each year by a cumulative pocket-part supplement.

The Secretary of State published Indiana's first official codification of rules on January 1, 1947, under the title *Indiana Rules and Regulations*. In each subsequent year through 1979, that office published a noncumulative supplement under the title *Additions and Revisions to Rules and Regulations*. Ordinarily, rules filed with the Secretary of State in a particular calendar year were published in the following year's supplement in an uncodified form. In a few cases, lengthy rules were not published at all. Except in 1947, rules were neither indexed nor codified. The Secretary of State published the last noncumulative supplement in 1979. This volume contained rules filed with that office from January 1, 1978, through May 15, 1978.

Between 1977 and 1981, the Indiana General Assembly enacted a series of amendments to IC 4-22-2 that established a new method of publication for state rules. Rules filed with the Secretary of State, proposed rules, emergency rules, and selected other documents, such as official opinions of the Attorney General and executive orders of the Governor, were to be published by the Legislative Council in the *Indiana Register*. In addition, the Legislative Council was to annually compile, computerize, index, and publish Indiana's rules in an edition of the *Indiana Administrative Code* or a cumulative supplement to the *Indiana Administrative Code*. The Legislative Council began publication of the *Indiana Register* on July 1, 1978, and continued to publish it on a monthly basis through the July 1, 2006, *Indiana Register*. The *Indiana Register* is now published on the Internet only and on a more frequent basis. The Legislative Council published the first *Indiana Administrative Code* in 1979 and supplemented it through 1983 with a soft-bound cumulative supplement.

The 1979 edition of the *Indiana Administrative Code* codified all agency rules in effect on December 31, 1978. With the assistance of the Code Revision Commission, chaired by Senator Leslie Duvall, the Legislative Council compared all rules filed with the Secretary of State after January 1, 1946, against the text of the 1947 Edition of *Indiana Rules and Regulations* to identify all rules in effect. These rules were arranged and numbered in code format and submitted to the agencies having jurisdiction over them for certification. Certified rules were then compiled in the 1979 Edition. IC 4-22-9-3(c) provides that rules "filed with the secretary of state before December 2, 1978, and not compiled in the 1979 edition of the Indiana Administrative Code are void".

The 1984 edition was the first recompilation of the *Indiana Administrative Code*. It replaced the 1979 edition of the *Indiana Administrative Code* and its 1983 cumulative supplement.

The 1988 edition was the second recompilation of the *Indiana Administrative Code* and replaced the 1984 edition of the *Indiana Administrative Code* and its 1987 cumulative supplement.

The 1992 edition was the third recompilation of the *Indiana Administrative Code* and replaced the 1988 edition of the *Indiana Administrative Code* and its 1991 cumulative supplement.

The 1996 edition was the fourth recompilation of the *Indiana Administrative Code* and replaced the 1992 edition of the *Indiana Administrative Code* and its 1995 cumulative supplement.

The 2001 edition was the fifth recompilation of the *Indiana Administrative Code* and replaced the 1996 edition of the *Indiana Administrative Code* and its 2000 cumulative supplement.

The 2003 edition, published in CD format, was the sixth recompilation of the *Indiana Administrative Code* and replaced the 2001 edition and its 2002 supplement.

The 2004 edition was the seventh recompilation of the *Indiana Administrative Code* and replaced the 2003 edition.

The 2005 edition, published in CD format, was the eighth recompilation of the *Indiana Administrative Code* and replaced the 2004 edition.

The 2006 edition, on the Indiana General Assembly's website, was the ninth recompilation of the *Indiana Administrative Code* and replaced the 2005 edition.

The 2007 edition, on the Indiana General Assembly's website, was the tenth recompilation of the *Indiana Administrative Code* and replaced the 2006 edition.

The 2008 edition, on the Indiana General Assembly's website, was the eleventh recompilation of the *Indiana Administrative Code* and replaced the 2007 edition.

The 2009 edition, on the Indiana General Assembly's website, was the twelfth recompilation of the *Indiana Administrative Code* and replaced the 2008 edition.

The 2010 edition, on the Indiana General Assembly's website, was the thirteenth recompilation of the *Indiana Administrative Code* and replaced the 2009 edition.

The 2011 edition, on the Indiana General Assembly's website, was the fourteenth recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2010, and replaced the 2010 edition.

The 2012 edition, on the Indiana General Assembly's website, was the fifteenth recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2011, and replaced the 2011 edition.

The 2013 edition, on the Indiana General Assembly's website, was the sixteenth recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2012, and replaced the 2012 edition.

The 2014 edition, on the Indiana General Assembly's website, was the seventeenth recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2013, and replaced the 2013 edition.

The 2015 edition, on the Indiana General Assembly's website, was the eighteenth recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2014, and replaced the 2014 edition.

The 2016 edition, on the Indiana General Assembly's website, was the nineteenth recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2015, and replaced the 2015 edition.

The 2017 edition, on the Indiana General Assembly's website, was the twentieth recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2016, and replaced the 2016 edition.

The 2018 edition, on the Indiana General Assembly's website, was the twenty-first recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2017, and replaced the 2017 edition.

The 2019 edition, on the Indiana General Assembly's website, was the twenty-second recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2018, and replaced the 2018 edition.

The 2020 edition, on the Indiana General Assembly's website, was the twenty-third recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2019, and replaced the 2019 edition.

The 2021 edition, on the Indiana General Assembly's website, was the twenty-third recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2020, and replaced the 2020 edition.



The 2022 edition, on the Indiana General Assembly's website, was the twenty-four recompilation of the *Indiana Administrative Code*, contains all agency rules in effect after December 31, 1978, through agency rules filed through December 31, 2021, and replaced the 2021 edition.

Since the posting of the 2022 edition, the *Indiana Administrative Code* has been updated in the Latest Update edition on the Indiana General Assembly's website as Final Rules, Readopted Final Rules, code Emergency Rules, and Agency Corrections have become effective.

The *Indiana Administrative Code* is the only available publication containing all of Indiana's current rules. At various times, a private publisher, The Bobbs-Merrill Company, Inc., supplemented the Secretary of State's efforts with an unofficial compilation of rules. In 1941, Professor Frank E. Horack, Jr. of the Indiana University School of Law made an exhaustive search of state office files and collected the rules he found into a loose-leaf publication under the title *Indiana Administrative Code*. It was supplemented until 1947 and discontinued. In 1967, at the suggestion of the Secretary of State and with his cooperation, Bobbs-Merrill resumed publication of rules under the titles *Burns' Indiana Administrative Rules and Regulations, Annotated* and *Burns' Indiana Administrative Rules and Regulations, Code Edition*. This publication was discontinued in 1978.

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<sup>1</sup>A detailed review of Indiana's experience with administrative rulemaking prior to 1962 is contained in an article published in the *Indiana Law Review* by P. Allan Dionisopoulos entitled "Procedural Safeguards in Administrative Rule Making in Indiana" (37 Ind. L.J. 423 (1962)). Professor Dionisopoulos's article was especially helpful in the preparation of this brief history of Indiana rulemaking.

# **PART 1**

## **AN INTRODUCTION TO ADMINISTRATIVE RULES**

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CHAPTER 1. USER'S GUIDE TO THE INDIANA ADMINISTRATIVE CODE

CHAPTER 2. DOCUMENT IDENTIFICATION NUMBER

CHAPTER 3. JUDICIAL NOTICE AND CITATION FORM

CHAPTER 4. INTERNATIONAL STANDARD SERIAL NUMBER

CHAPTER 5. DEFINITIONS FOR THIS GUIDE

CHAPTER 6. SUBMITTING DOCUMENTS TO THE REGISTER

# CHAPTER 1. USER'S GUIDE TO THE INDIANA ADMINISTRATIVE CODE

## GENERAL INFORMATION

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**OFFICIAL PUBLICATION STATUS:** The Indiana Administrative Code (IAC) is an official publication of the state of Indiana. IC 4-22-9-3(b) provides that publication in the IAC "shall be considered prima facie evidence that the rule was adopted in conformity with IC 4-22-2 and that the text published is the text adopted". The IAC codifies the current general and permanent rules of state agencies in subject matter order.

**PUBLICATION ARRANGEMENTS:** Arrangements for publication of the IAC were made by the Indiana Legislative Council under IC 4-22-8-11. In making its decisions, the council relied heavily on the recommendations of the Indiana Code Revision Commission, an advisory body. The IAC posted on the Indiana General Assembly's website includes the text of all unpealed and unexpired permanent rules that have not been voided by legislative action. Beginning July 2006, the IAC has been updated weekly as Final Rules, Readopted Final Rules, and Agency Corrections have become effective.

**PUBLICATIONS REPLACED BY THE INDIANA ADMINISTRATIVE CODE POSTED ON THE INDIANA GENERAL ASSEMBLY'S WEBSITE:** The 2022 edition of the IAC is obsolete. Unrepealed, unexpired, and unamended rule text appearing in the 2022 edition of the IAC has been republished in the Latest Update edition of the IAC posted on the Indiana General Assembly's website. To this body of text has been added the latest version of added or amended rule text as FRs, RFs, and ACs have become effective. The 2022 edition of the IAC and all previous publications of the Indiana Register are now of historical interest only.

**NOTE:** The PDF format of the IAC are the official format of the rule text.

**TEMPORARY RULES ARRANGEMENT:** Temporary rules are not included in the IAC and are not considered part of the general and permanent rule text. If a rule document has general application, but is not permanent by statute, it is considered temporary and may be drafted as a noncode rule. Temporary, noncode rules generally include provisions that contain a specific termination date that is not more than five (5) years after the effective date, provide for transitional or implementary matters as an emergency provision to a permanent rule, or terminate by implication when their purpose is fulfilled or ceases to exist. Temporary rules are posted on the Register. A current list of temporary rules can be found under the authorizing IAC title. The list for the authorizing IAC title is updated when a temporary rule is posted on the Indiana General Assembly's website. The list includes a short digest that includes the effective date of the temporary rule, an expiration date, and links to the text of the temporary rule. Temporary rules include Emergency Rules filed before July 1, 2023, Provisional Rules filed under IC 4-22-2-37.1, and Interim Rules filed under IC 4-22-2-37.2.

## RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

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The Indiana Register is an official publication of the state of Indiana. The full text of Proposed Rules, Final Rules, and other documents, such as Executive Orders and Attorney General's Opinions, is posted on the Register in the order in which the publisher receives the documents.

The IR acts as a source of information about the rules being proposed by state agencies and acts as an advance notice to the IAC. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without posting a substantially similar proposed version in the IR. Although a rule becomes effective without publication in the IR, an agency must file an adopted and approved rule with the Indiana Legislative Council. These rule are then posted on the Register.

## **EDITORIAL POLICY**

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**OFFICIAL RULE TEXT:** Rule text is published in the IAC as adopted, without any intentional deviations. Nonsubstantive style matters, such as the scheme of numbering and capitalization used in some provisions, have been changed to bring them into conformity with the style of the IAC. Other matters have been referred to the issuing agency for remedial action.

**ANNOTATIONS:** As an aid to the reader, the IAC contains a series of annotations that are not part of the official text of any adopted rule (see explanation of annotations on page 11). IC 4-22-9-4 provides that they "are not part of the official text of any rule, are not intended to affect the meaning, application, or construction of any rule, and may be altered at any time by the publisher of the Indiana Register or Indiana Administrative Code".

**UNPUBLISHED RULE TEXT:** The IAC does not contain the text of noncode provisions. Neither does it contain material that is incorporated by reference into a permanent rule. Noncode provisions are posted only on the Register. The text of material incorporated by reference is not posted on the Register. However, the Register contains a notation following the published version of each rule document, as applicable, indicating whether the full text of incorporated matter is available in the office of the secretary of state or, for documents filed after June 30, 2006, is available for inspection and copying in the office of the appropriate state agency.

**DELETION OF NONCURRENT RULE TEXT:** After rule text is included in the IAC, it is retained until expressly repealed by the action of the issuing agency, voided by the Indiana General Assembly, or until it expires under IC 4-22-2.6, which states that an administrative rule adopted under IC 4-22-2, expires January 1 of the fifth year after the year in which the rule takes effect unless the rule contains an earlier expiration date. When rule text is amended, the later version replaces the text of the former version.

**COPYRIGHT:** The Register contains certain materials that are copyrighted by Thomson West under United States law. The section headings and authority and affected lines may not be copied, reproduced, or reprinted without the permission of Thomson West, except as provided under U.S. Copyright law. To obtain permission to copy, reproduce, or reprint copyrighted material described above, contact Thomson West at 610 Opperman Drive, Eagan, Minnesota 55123. Beginning in 2002, with Volume 25 of the Indiana Register, the section headings and authority and affected lines for new and amended sections are prepared by the state agencies and reviewed by the publisher and are not subject to a copyright by Thomson West.

## ORGANIZATIONAL SCHEME

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**ARRANGEMENT:** The IAC contains over one hundred fifty (150) groupings of rules called "titles". Each title contains the rules of one (1) agency. For the purpose of making rules, an "agency" is a governmental body that is given separate authority to issue rules, even if the body is administratively organized as part of another body. Titles are organized into successively smaller units by subject matter. Rule text in a title is arranged into one (1) or more articles, rule text within each article is arranged into one (1) or more rules, and rule text in each rule is arranged into one (1) or more sections. Regardless of when they are issued, related subject matters are grouped together.

**CITATIONS:** Citations to the IAC involve the use of a four-part number for each section. The parts (separated by dashes) designate the title, article, rule, and section in which the rule text is arranged.

**DESIGNATIONS:** The divisions within a section, usually referred to as "designations", are not part of an IAC citation. The drafting style developed by the Legislative Council allows paragraphs in a section to be grouped and designated as subsections. Phrases within a paragraph are listed and designated into successively subordinate units called subdivisions, clauses, items, and subitems. A series of tables, pieces of artwork, exhibits, footnotes, equations, or formulas within a paragraph are consecutively designated as a separate series in each section. However, particularly in text issued on or before December 1, 1978, other designation schemes may be used within a section.

**ASSIGNMENT OF CITATIONS AND DESIGNATIONS:** Initially, the agency issuing a rule assigns its IAC citations and designations. Before it is published in the IR, the publisher reviews the numbering scheme and reassigns IAC citation numbers and designations, as necessary, to bring the text into conformity with the style developed by the Legislative Council. Once assigned, an IAC citation number is permanently associated with the same subject matter. Designations, on the other hand, may change as needed to maintain consecutive series. All amendments to a section are assigned the same IAC citation. Provisions that supplement the subject of an article or rule are assigned to the same article or rule. When text expires, is voided, or is repealed from the IAC, its associated citation is retired. Except when rule text is saved and transferred by the Indiana General Assembly, rule text may be renumbered only by expressly repealing it by IAC citation and readopting it under a different IAC citation.

**DECIMAL CITATIONS:** When a citation is originally assigned to an added title, article, or rule, only whole numbers are used. As provisions are added to the title, article, or rule by subsequent action, decimal numbers are sometimes used to locate rule text near a previously added provision. For example, Article 9.5 will follow Article 9 and precede Article 10.

**RENUMBERING TRANSFERRED RULES:** The rules of an agency are transferred and renumbered as the rules of a successor agency only if the Indiana General Assembly expressly saves and transfers the rules by statute. Rules shown as transferred before August 12, 1987, but not expressly saved and transferred by statute, have been reinserted under their original IAC citation numbers. Annotations have been inserted to document each renumbering action.

## ANNOTATIONS: HEADINGS

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**TEXT HEADINGS:** Prior to 2002, the rule text in each title, article, rule, and section was preceded by a heading prepared by Thomson West; beginning in 2002, with Volume 25 of the Indiana Register, the headings are prepared by the state agencies and reviewed by the publisher. Each heading consists of a citation number component and a descriptive component. The citation number component reflects the IAC citation number assigned by the publisher to the text. The descriptive component in a title heading is the official name of the agency assigned by statute. The descriptive component in each of the other headings contains a brief subject matter description of the text in the article, rule, or section, as applicable.

**PROMULGATED HEADINGS:** Some rule text, particularly rule text issued before publication of the 1979 edition, contains adopted section headings and subsection headings in addition to the headings added by Thomson West. Beginning January 1, 1983, the publisher's policy has been to treat these headings as improperly formatted annotations and to eliminate all promulgated headings as text is added or amended. Under the authority in IC 4-22-8-4, the publisher may reformat, renumber, or revise rule text before it is posted in final form on the Register.

**HEADINGS FOR DELETED RULE TEXT:** When rule text is deleted from the IAC the heading preceding the text is retained with a note explaining the deletion. The following table summarizes the most common heading notes appearing in the IAC:

| Note                         | Explanation   |
|------------------------------|---|
| Agency Abolished             | The Indiana General Assembly has terminated all of the authority of an agency to act and has not saved and transferred the rules of the agency to another agency.   |
| Expired                      | Under IC 4-22-2.6, the rule has expired.  |
| Reinstated                   | The Indiana General Assembly has reinstated previously repealed rules of an agency.   |
| Repealed                     | The agency has expressly repealed the provision by rule.  |
| Statutory Authority Repealed | The Indiana General Assembly has repealed the authorizing statute.  |
| Transferred                  | The Indiana General Assembly has transferred jurisdiction over part or all of the powers and duties of an agency to another agency and has saved the related rules of the prior agency and transferred them to the successor agency related to the subject. |
| Voided                       | The Indiana General Assembly has expressly voided part or all of the rules of an agency.  |

## ADDITIONAL SECTION ANNOTATIONS

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**STANDARD SECTION ANNOTATIONS:** Each section containing text is accompanied by a section heading, authority and affected lines, a section designation, and a history line.

**AUTHORITY AND AFFECTED LINES:** Related Indiana statutory laws are cross-referenced in authority and affected lines preceding rule text. Citations that delegate rulemaking authority to an agency are arranged in the authority line. Other provisions that are cited within the text of the section or are otherwise closely related to the subject matter of the section are arranged in the affected line.

**CHANGES TO AUTHORITY AND AFFECTED LINES:** When it is necessary to change an authority or affected line because of a recodification of an IC statute or a repeal of an IC cite, the publisher will make the necessary changes when there is a clear disposition of the cite. When an authority or affected line cite is repealed in an IC recodification and there is no clear disposition of the cite, the agency may contact the publisher with the replacement cites. The publisher will then make the necessary changes. It is not necessary to amend an IAC section just to change the authority and affected lines, which are not official text and may be altered at any time by the publisher (IC 4-22-9-4). Incorrect IC cites in the text of IAC sections may be corrected by an agency correction under IC 4-22-2-38(a)(2).

**NOTE:** The publisher routinely inserts editorial notes after incorrect cites but does not have the statutory authority to change them.

**HISTORY LINES:** The history line includes the name of the agency currently having jurisdiction to amend, repeal, or readopt the section, the citation number initially assigned to the section by the agency filing it with the Secretary of State before July 1, 2006, or, for documents filed after June 30, 2006, the publisher, and filing and publication information for each action that either added, amended, or readopted text in the section. History line information is deleted from the IAC when a section is repealed or expires under IC 4-22-2.6 or IC 13-14-9.5. The following table explains the history line citations used to summarize a section's filing and publication history:

| Example                        | Explanation  |
|--------------------------------|--|
| filed Jan 15, 2000, 10:40 a.m. | Date and time a rule document was filed with the Secretary of State or, after June 30, 2006, the publisher.  |
| Rules and Regs. 1971, p. 95    | Year of publication and page number on which an addition or amendment of the section was printed in the Secretary of State's publication <i>Indiana Rules and Regulations</i> (1947) or <i>Additions and Revisions to Rules and Regulations</i> . (Applies to rules issued before May 16, 1978.) |
| Unpublished                    | Indicates that an addition or amendment affecting a section was not published in <i>Indiana Rules and Regulations</i> (1947) or <i>Additions and Revisions to Rules</i>  |

*and Regulations.* (Applies to rules issued before May 16, 1978.)

|                                |   |
|--------------------------------|---|
| 25 IR 1266                     | Volume and page number on which an addition, amendment, agency correction, or readoption of the section was printed in an issue of the Indiana Register. (Applies to rules issued after May 15, 1978, through rules published in the July 1, 2006, Indiana Register.) |
| Document identification number | See an explanation of the Document identification number (DIN) in Section IV of this guide.   |
| eff Jul 1, 2003                | Appears only if a delayed effective date provision was contained in a rule document that added or amended the section. Always follows the reference to the publication in which the affected rule text was published. Statutory effective dates are not referenced.   |
| Emergency rule                 | Indicates that an addition or amendment affecting the section was issued under special rulemaking procedures that exempt it from part or all of the notice, public hearing, approval, or effective date provisions applying to most rules.                            |
| Errata                         | Indicates an Agency Correction was filed under IC 4-22-2-38 with the Secretary of State or, after June 30, 2006, the publisher, or that a Publisher's Correction was published under IC 4-22-8-4.   |
| Readopted                      | Indicates a readoption document was filed with the Secretary of State or, after June 30, 2006, the publisher.   |
| Adopted                        | Indicates an agency rulemaking not promulgated under IC 4-22-2.   |

**PUBLISHER'S NOTES:** Publisher's notes may be inserted to expand upon the information contained in an authority or affected line or history line. One (1) or more publisher's notes may follow or be included in a history line. However, publisher's notes never indicate whether a section is enforceable. Related statutory law and case law must be researched independently to ascertain the force and effect of a section.

**BRACKETED INTERNAL REFERENCES AND OTHER BRACKETED NOTES:** Bracketed internal references usually are inserted in rule text to translate or update obsolete and inaccurate internal references to Indiana statutes or rules. The publisher routinely inserts bracketed internal references to indicate that the publisher has renumbered a provision that is cross-referenced in a rule. The publisher also routinely follows a reference to an Act of the Indiana General Assembly or to an IC citation that has been renumbered by the Indiana General Assembly with the appropriate current IC citation. The publisher does not translate references to federal statutes,



federal rules, or case decisions. Other bracketed notes may appear in the text. For example, if an obvious typographical, clerical, or spelling error appears in the adopted version of a rule, the error is retained in the text followed by the notation "[sic]".

## CHAPTER 2. DOCUMENT IDENTIFICATION NUMBER

After July 1, 2006, each document that has been posted on the Register has been assigned a unique document identification number (DIN). The publisher creates a DIN by making consistent use of the following conventions:

This typical DIN describes a Final Rule that was posted on the Register on December 23, 2015:  
20151223-IR-410150039FRA

This Final Rule document would add a new rule that amends Title 410 of the IAC and was assigned LSA document #15-39, which is padded with extra zeros (150039) for the DIN to create a nine (9) digit number when combined with the title number (410150039). This means that this was the thirty-ninth document filed with the publisher by a state agency in 2015.

Since this was the first document posted with respect to this document number on the specified date, the DIN ends with a wild card (A). (See explanation of DIN components in Part A.)

Each individual document that is posted on the Register is internally paginated and stored. This permits citation to the DIN and any specific page within the document that is being referenced.

The Indiana supreme court is considering whether any changes are necessary with respect to the court's rules for citing documents published in the IR under its new format.

### Breakdown of Components in the Above Example:

|        |   |
|--------|---|
| 2015   | Year of posting on the Register   |
| 12     | Month of posting on the Register  |
| 23     | Day of posting on the Register  |
| -IR-   | Indiana Register  |
| 410    | Entity identifier (IAC title number or a 3-letter designation)  |
| 150039 | A six-digit LSA document number, the first two (2) digits referencing the year the number was assigned followed by four (4) digits that are assigned sequentially as documents are submitted to the publisher for publishing throughout that calendar year. |
| FR     | Type of document (Final Rule in the above example)  |
| A      | Wild card.  |

## LIST OF LETTER-DESIGNATED ENTITIES IN A DIN

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Letters, instead of numbers, are assigned when an entity, without rulemaking authority under IC 4-22-2, publishes a document under IC 4-22-7-7. For entities, or divisions of entities, with rulemaking authority publishing a document under IC 4-22-7-7, the title number for that entity or umbrella entity will be used instead of letter characters. For instance, the Indiana Recount Commission is a division of the Secretary of State (Title 75 IAC), so the publisher would assign 075 to the document for the Commission. The list that follows consists of entities that have published an Other Notice (ON) or Nonrule Policy Document (NR) in the IR since October 1999. Entities that have an umbrella entity with an IAC title number are not listed below.

GOV = Governor (Executive Orders and Proclamations)  
LSA = Legislative Services Agency

## LIST OF DOCUMENT TYPE SUFFIXES IN A DIN

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AC = Agency Correction  
AF = Publisher's Receipt for Filed Document  
AO = Attorney General's Opinions  
AP = Additional Notice of Public Comment Period  
AR = IC 4-22-2-19 and IC 4-22-2-25 Notices  
AT = Request for Additional Time (Governor)  
BF = IDEM Final Readoption (before July 1, 2023)  
BN = IDEM Notice of Readoption (before July 1, 2023)  
BP = IDEM Proposed Readoption (before July 1, 2023)  
CH = Change in Notice of Public Hearing  
DA = Disapproval by Attorney General  
DG = Disapproval by Governor  
EI = Economic Impact Statement (if NI posted before July 1, 2023)  
EO = Executive Orders  
ER = Provisional Rule (Emergency Rule before July 1, 2023)  
FC = Notice of Continuation of First Public Comment Period  
FD = Findings and Determinations  
FN = Notice of First Public Comment Period  
FR = Final Rule  
GA = Governor's Approval for provisional and interim rules  
GP = Governor's Proclamations  
IF = Interim Final Rule  
IN = Notice of Public Comment Period for Interim Rule  
NA = Notice of Rule Adoption  
NI = Notice of Intent to Adopt a Rule (before July 1, 2023)  
NR = Nonrule Policy Document  
OA = Objection to Errata (Attorney General)  
OG = Objection to Errata (Governor)  
ON = Other Notice  
PC = Publisher's Correction  
PH = Notice of Public Hearing  
PR = Proposed Rule (if NI posted before July 1, 2023)

|    |   |  |
|----|---|--|
| RA | = | Regulatory Analysis                                    |
| RC | = | Notice of Recall                                       |
| RF | = | Readopted Final Rule                                   |
| RN | = | Notice of Public Comment Period for Rule Readoption    |
| RP | = | Readopt Proposed Rule                                  |
| SC | = | Notice of Continuation of Second Public Comment Period |
| SN | = | Notice of Second Public Comment Period                 |
| WD | = | Notice of Withdrawal                                   |

## **NONRULE POLICY DOCUMENT TYPES**

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NonRule Documents will be fall under on of the following document types:

- (1) Findings
- (2) Interpretation
- (3) Policy
- (4) Ruling
- (5) Bulletin
- (6) Decision
- (7) Order
- (8) Directive
- (9) Opinion
- (10) Guidelines
- (11) Implementation
- (12) Assessment
- (13) Department

The document type will be added to the bottom of the NR with the DIN of the document the NR is replacing, if applicable.

## **CHAPTER 3. JUDICIAL NOTICE AND CITATION FORM**

### **JUDICIAL NOTICE**

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IC 4-22-9-3 provides for the judicial notice of rules published in the IR or the IAC. Subject to any errata document that may affect a rule, the latest published version of a Final Rule is prima facie evidence of that rule's validity and content.

### **CITATION FORM**

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Cite to a current general and permanent rule by IAC citation in the following manner:

- (1) Cite the entire current contents of Title 312, for example, as Title 312 of the Indiana Administrative Code.
- (2) Cite the entire current contents of the third article in Title 312 as 312 IAC 3.
- (3) Cite the entire current contents of the fourth rule in Article 3 as 312 IAC 3-4.
- (4) Cite part or all the current contents of the second section in Rule 4 as 312 IAC 3-4-2.

IC 4-22-9-6 provides that a citation in this form "shall be construed to include all amendments as of the date the reference is written, unless accompanied by a reference to a specific edition or supplement of the Indiana Administrative Code".

(See also page 37 "Citations" of the Administrative Rules Drafting Manual.)

### **AFFIDAVITS OR CERTIFICATES OF AUTHENTICITY**

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Accompanying each archived edition of the IAC is a corresponding Affidavit of Authenticity (filed with the secretary of state under IC 4-22-8-8 (before its repeal)) or a Certificate of Authenticity certifying that the text is correct and complete. A Certificate of Authenticity is also posted for the Latest Update edition of the IAC.

At the bottom of each Affidavit or Certificate is a link to the previous edition's Affidavit or Certificate, as appropriate.

## **CHAPTER 4. INTERNATIONAL STANDARD SERIAL NUMBER**

The International Standard Serial Number (ISSN) is a unique, internationally used identification number for serial publications. It is both a national (ANSI Z39.9) and an international (ISO 3297) standard. It can be thought of as the Social Security number of the serials world, distinguishing serials with the same or similar titles from each other and providing a numerical identifier which can be used to retrieve and match information about serials in databases of any size.

(From "ISSN is for Serials", Library of Congress, National Serials Data Program, September 2006)

The ISSN for the Indiana Register is ISSN 1934-7049.

## CHAPTER 5. DEFINITIONS FOR THIS GUIDE

"Agency Correction" or "AC" means a document published under IC 4-22-2-38. The AC is adopted by an agency and filed with the publisher to correct a previously filed document or the current IAC.

"Attorney General's Opinions" or "AO" means a document published for the attorney general in accordance with IC 4-6-2-5.

"Additional Notice of Public Comment Period" or "AP" means a public comment period notice document published after an agency has held two public comment periods.

"Change in Notice of Public Hearing" or "CH" published on the Register when an agency has a change in date, time, or location to a previously published Notice of Public Hearing.

"Continuation of First Notice of Public Comment Period" or "FC" means an agency document published to extend the first public comment period deadline for a proposed rule.

"Continuation of Second Notice of Public Comment Period" or "SC" means an agency document published to extend the second public comment period deadline for a proposed rule.

"Disapproval by Attorney General" or "DA" means a document published under IC 4-22-2-32, IC 4-22-2-38; IC 4-22-7-7 concerning the disapproval of a Final Rule by the attorney general.

"Disapproval by Governor" or "DG" means a document published by the governor concerning the disapproval of a Final rule.

"Economic Impact Statement" or "EI" means an agency document published under IC 4-22-2.1-5 with the PR.

"Emergency Rule" means a temporary rule adopted by an agency under IC 4-22-2-37.1, before it's amendment.

"Executive Orders" or "EO" means a document published for the governor concerning the governor's action.

"Findings and Determinations" or "FD" means a document published by IDEM concerning the findings and determinations of the commissioner under IC 13-14-9-8.

"Final Rule" or "FR" is a rule adopted by an agency and filed with the publisher for publication in the Indiana Register.

"Governor's Approval" or "GA" means a document published concerning the governor's approval for provisional and interim rules to be adopted by an agency.

"Governor's Proclamations" or "GP" means a document published for the governor concerning the governor's action under IC 1-1-3-2.

"IC 4-22-2-19 and IC 4-22-2-25 Notices" or "AR" published on the Register by an agency concerning a delay in rulemaking

"IDEM Final Readoption" or "BF" means a readopted final rule document published before July 1, 2023 under IC 13-14-9.5.

"IDEM Notice of Readoption" or "BN" means a notice of rule adoption document published before July 1, 2023 under IC 13-14-9.5-4.

"Indiana Administrative Code" or "IAC" means the codified collection of all agency rules.

"Interim Final Rule" or "IF" is a temporary rule adopted by an agency and filed with the publisher. Under IC 4-22-2-37.2 the agency must receive governor approval and complete a public comment period before adopting an IF.

"Interim Notice of Public Comment Period" or "IN" means an agency document published to notify the public of a comment period for a proposed interim rule.

"Indiana Register" or "IR" means the collection of documents published concerning rulemaking and nonrule policy documents.

"Legislative Services Agency" or "LSA" means the official publisher of the Indiana Register and Indiana Administrative Code.

"Notice of First Public Comment Period" means an agency document published to announce the first thirty (30) day comment public period for a proposed rule.

"Notice of Intent to Adopt a Rule" or "NI" means a document published before July 1, 2023, which began the rulemaking process.

"Notice of Public Comment Period for Rule Readoption" or "RN" means a document published to request comments on a current rule before an agency readopts the rule.

"Nonrule Policy Document" or "NR" means an agency document published to notify the public of an agency policy or interpretation.

"Notice of Public Hearing" OR "PH" means a document published to announce a date, time, and location of a public hearing to be held by an agency regarding a proposed rule.

"Notice of Recall" or "RC" means an agency document filed with the publisher after a rule has been adopted to temporarily halt rulemaking.

"Notice of Rule Adoption" or "NA" means a notice published under IC 12-8-3-4-4. IC 12-8-3-4-4 repealed by P.L. 229-2011, SEC. 271.



"Notice of Withdrawal" or "WD" means an agency document published to terminate rulemaking.

"Objection to Errata (Attorney General)" or "OA" means a document filed by the attorney general to object to an Agency Correction.

"Objection to Errata (Governor)" or "OG" means a document filed by the governor to object to an Agency Correction.

"Other Notice" or "ON" means an agency document published concerning agency administrative activities, such as a notice of a comment period for a new policy.

"Proposed Rule document" or "PR" means a rulemaking document published if a Notice of Intent to Adopt a Rule was posted before July 1, 2023. PR include rule text and links to the Economic Impact Statement and Notice of Public Hearing.

"Proposed rule" means the rule text published in the Notice of First Public Comment Period documents and each subsequent comment period document.

"Provisional Rule" or "ER" means an adopted temporary rule under IC 4-22-2-37.1.

"Publisher's Correction" or "PC" means a document published to correct a typographical or clerical error made by the publisher.

"Regulatory Analysis" or "RA" means a document sent to the Office of Management and Budget for approval.

"Provisional Rule" means a temporary rule adopted by an agency and filed with the publisher under IC 4-22-2-37.1.

"Publisher's Receipt for Filed Document" or "AF" means a receipt posted to the Register when an adopted rule document has been filed with the publisher.

"Readopted Final Rule" or "RF" means a current rule that is being readopted by the agency to extend the rule effectiveness for an additional 5 years.

"Readopt Proposed Rule" or "RP" means a document containing the complete rule text for a rule an agency is considering readopting.

"Register" means the online publication of the the IR posted at <http://iac.iga.in.gov/iac/irtoc.htm>.

"Request for Additional Time" or "AT" means a document filed by the governor to request additional time to review a Final Rule document before the document is filed with the publisher.

"Second Notice of Public Comment Period" or "SN" means an agency document published to notify the public of a second public comment period concerning a proposed rule.

## CHAPTER 6. SUBMITTING DOCUMENTS TO THE REGISTER

Except for FRs, documents may be submitted for filing with the publisher on any business day by email, or if preferred, documents may also be submitted in person between the hours of 8:30 a.m. and 4:00 p.m. If documents are to be submitted in person, the Register staff should be contacted in advance to avoid scheduling conflicts.

Adopted FR documents must be burned to CD and placed in the Final Rule binder before submitting to the attorney general's office.

For more information regarding filing procedures for FRs, see Rulemaking under IC 4-22-2.

The email address for all electronic submissions to the Indiana Register for publishing on the Register is: [register@iga.in.gov](mailto:register@iga.in.gov).

NOTE: The publisher will not accept multiple rules in one email.

The following documents must be submitted together in one email for each rule:

- (1) FN, RA, and a PDF of the OMB approval letter.
- (2) SN, and RA, if applicable.
- (3) Proposed Provisional Rule and a PDF of the GA.
- (4) Adopted Provisional Rule, GA, and a PDF signature page.
- (5) IN and GA.
- (6) RF and a PDF of signature page.

ON and NR documents may be submitted as a group. All documents must be submitted in Word format unless otherwise stated above. Incorporated by reference materials and other required supporting documentation must be submitted in a PDF format for archiving purposes.

# **PART 2**

## **RULEMAKING**

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CHAPTER 7. RULEMAKING UNDER IC 4-22-2

CHAPTER 8. TEMPORARY RULEMAKING

CHAPTER 9. RULE READOPTIONS UNDER IC 4-22-2.6

## CHAPTER 7. RULEMAKING UNDER IC 4-22-2

This chapter is a guide to procedures for implementing new changes from P.L. 249-2023 (HB 1623-2023) to the rulemaking process. These procedures are intended as a general guideline only and should not be considered a definitive explanation of the rulemaking process. Consult IC 4-22 and statutes concerning rulemaking authority for a particular agency before beginning the rulemaking process.

The LSA is the official publisher of the IR and IAC. Documents should be submitted to the publisher via email at [register@iga.in.gov](mailto:register@iga.in.gov), in Word format only, with exception of the Final Rule. Final Rule documents must be the adopted version of the rule and be burned to CD. The CD and a print out of what is on the CD must be placed in the Final Rule binder before submitting to the attorney general's office.

**NOTE:** Supplementing the requirements of IC 4-22-2, IC 13-14-9 imposes additional rulemaking requirements upon the Indiana Department of Environmental Management in its preparation of proposals for adoption by the Environmental Rules Board.

### **NOTICE OF FIRST PUBLIC COMMENT PERIOD (INCLUDING PROPOSED RULE AND REGULATORY ANALYSIS)**

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To publish a Notice of First Public Comment Period under IC 4-22-2-23, an agency must submit the following information as an email attachment to [register@iga.in.gov](mailto:register@iga.in.gov):

- (1) The Notice of First Public Comment Period, including the proposed rule.
- (2) Documents incorporated by reference in the proposed rule, if applicable.
- (3) The latest version of the Regulatory Analysis, excluding any appendices containing the data, studies, or analyses referenced in the Regulatory Analysis.
- (4) The determination of the Budget Agency and the Office of Management and Budget authorizing commencement of the public comment periods.
- (5) The agenda of the Budget Committee meeting at which the rule was scheduled for review if the rule adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties, or a statement that the rule does not add or amend language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties.

The Notice of First Public Comment Period must include the following:

- (1) General description of the rule.
- (2) Overview of the intent and scope of the rule.
- (3) Statutory authority of the rule.
- (4) A date that is thirty (30) days after the notice is published when the public comment period will conclude. (The publisher will add the date after confirming the date with the agency.)
- (5) Information concerning where, when, and how a person may submit written comments on the proposed rule, including the name, address, telephone number, and email address of the Small Business Regulatory Coordinator under IC 4-22-2-28.1.

- (6) Name, address, telephone number, and email address of the Small Business Ombudsman and a statement of resources available through the Small Business Ombudsman designated under IC 5-28-17-6.
- (7) Latest version of the Regulatory Analysis, excluding any appendices containing the data, studies, or analyses referenced in the Regulatory Analysis.
- (8) Information concerning where, when, and how a person may inspect and copy the Regulatory Analysis and the data, studies, or analyses referenced within the Regulatory Analysis.
- (9) The proposed rule text.
- (10) Information concerning where, when, and how a person may inspect a document incorporated by reference into the proposed rule.
- (11) Statement indicating that if the agency does not receive any substantive comments during the thirty (30) day public comment period or public hearing, the agency may adopt a rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of First Public Comment Period.
- (12) Statement of the date, time, and place of the public hearing, including information for how to attend the public hearing remotely.

It is essential that incorporated material be fully and exactly described in a proposed rule. It must be identified with specificity (e.g. edition, version, year, etc.). Other than references to the IC or IAC (see IC 4-22-9-5), a document incorporated by reference is "frozen in time" as it exists at the time of incorporation.

Once the documents have been received and reviewed by the publisher, an LSA document number will be assigned by the publisher upon processing the documents. By email to the agency the publisher will notify the agency of the LSA document number, the intended date of posting and a proposed comment period deadline date.

## **NOTICE OF PUBLIC HEARING FOR FIRST PUBLIC COMMENT PERIOD**

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After the Notice of First Public Comment Period has been submitted to the publisher and reviewed by the publisher for publication, an intended date of publication will be sent to the agency by the publisher. This intended date of publication will be a Wednesday and is contingent on the publisher receiving the Notice of Public Hearing information by the preceding Friday. When the agency receives, via email, the intended date of publication, the agency may then schedule the public hearing based on the intended date of publication. The public hearing must be at least thirty (30) days after the date of publication of the Notice of First Public Comment Period including the proposed rule, Regulatory Analysis, and Notice of Public Hearing.

The agency must then send ONLY the Notice of Public Hearing (NOT the Notice of First Public Comment Period or Regulatory Analysis again) to [register@iga.in.gov](mailto:register@iga.in.gov). The Notice of Public Hearing must include the following:

- (1) The date, time, and location of the public hearing.
- (2) A reference of the subject matter.
- (3) A declaration that a copy of the proposed rule, Regulatory Analysis, and appendices referenced in the justification statement is on file and may be examined and copied in the office of the agency proposing the rule.

- (4) Information for how to attend the public hearing remotely.
- (5) Statement indicating that if the agency does not receive any substantive comments during the thirty (30) day public comment period or public hearing, the agency may adopt a rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of First Public Comment Period.

**NOTE:** The information on how to attend the public hearing remotely may be a link to the agency website, if the access link to the remote hearing is on the agency website.

Upon receipt of the Notice of Public Hearing, the Publisher will reply to the email with an authorization to proceed with the public hearing. The authorization must be included in the Final Rule packet that is submitted to the Attorney General's office for approval.

**NOTE:** If the Notice of Public Hearing information is not received by the Friday before the following Wednesday's postings, the Notice of First Public Comment Period will not be posted on the contingent intended date of publication that was previously given to the agency. In these cases, a new Intended Date of Publication will be sent to the agency who must then schedule a new public hearing and send the information to the Publisher within the time frame referenced above.

## **NOTICE OF SECOND PUBLIC COMMENT PERIOD (INCLUDING PROPOSED RULE)**

---

If an agency receives substantive comments during the first public comment period or the public hearing, or the rule establishes a requirement or limitation that is more stringent than an applicable federal requirement or limitation, the agency must conduct a second public comment period under IC 4-22-2-24.

To publish a Notice of Second Public Comment Period under IC 4-22-2-24, an agency must submit the following information as an email attachment to [register@iga.in.gov](mailto:register@iga.in.gov):

- (1) The Notice of Second Public Comment Period, including the proposed rule
- (2) The latest version of the Regulatory Analysis (if changed from the last publication).
- (3) Documents incorporated by reference in the proposed rule if not previously submitted, if applicable.

The Notice of Second Public Comment Period must include the following:

- (1) General description of the rule.
- (2) Overview of the intent and scope of the rule.
- (3) Statutory authority of the rule.
- (4) Summary of the written comments received by the agency during the first public comment period and a summary of the response of the agency to the written comments.
- (5) Either a statement indicating that no changes in the Regulatory Analysis have been made from the version published in the Notice of First Public Comment Period or the latest version of the Regulatory Analysis excluding any

- appendices containing the data, studies, or analyses, referenced in the Regulatory Analysis.
- (6) Information concerning where, when, and how a person may inspect and copy the Regulatory Analysis and appendices referenced within the Regulatory Analysis. (The publisher will add the date after confirming the date with the agency.)
  - (7) A date that is thirty (30) days after the notice is published when the public comment period will conclude.
  - (8) Information concerning where, when, and how a person may submit written comments on the proposed rule, including the name, address, telephone number, and email address of the Small Business Regulatory Coordinator under IC 4-22-2-28.1.
  - (9) Name, address, telephone number, and email address of the Small Business Ombudsman and a statement of resources available through the Small Business Ombudsman designated under IC 5-28-17-6.
  - (10) The text of proposed rule.
  - (11) An explanation of any differences between the text of the proposed rule published in the Notice of First Public Comment Period and the text of the proposed rule to be published in the Notice of Second Public Comment Period.
  - (12) Information concerning where, when, and how a person may inspect a document incorporated by reference into the proposed rule.
  - (13) Statement indicating that the notice is for the second of two (2) thirty (30) day periods in which the public may comment on the proposed rule and that following the second public comment period the agency may adopt a version of the proposed rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of Second Public Comment Period.
  - (14) Statement of the date, time, and place of the proposed public hearing, including information for how to attend the public hearing remotely.

Once the documents have been received and reviewed by the publisher, an LSA document number will be assigned by the publisher upon processing the documents. By email to the agency the publisher will notify the agency of the LSA document number, the intended date of posting and a proposed comment period deadline date.

## **NOTICE OF PUBLIC HEARING FOR SECOND COMMENT PERIOD**

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After the Notice of Second Public Comment Period has been submitted to the Publisher and reviewed by the publisher for publication, an intended date of publication will be sent to the agency by the publisher. This intended date of publication will be a Wednesday and is contingent on the Publisher receiving the Notice of Public Hearing information by the preceding Friday. When the agency receives, via email, the intended date of publication, the agency may then schedule the public hearing based on the intended date of publication. The public hearing must be at least thirty (30) days after the date of publication of the Notice of Second Public Comment Period including the proposed rule, and Notice of Public Hearing.

The agency must then send ONLY the Notice of Public Hearing (NOT the Notice of Second Public Comment Period or Regulatory Analysis again) to [register@iga.in.gov](mailto:register@iga.in.gov). The Notice of

Public Hearing must include the following:

- (1) The date, time, and location of the public hearing.
- (2) A reference of the subject matter.
- (3) A declaration that a copy of the proposed rule and Regulatory Analysis and the appendices referenced in the justification statement is on file and may be examined and copied in the office of the agency proposing the rule.
- (4) Information for how to attend the public hearing remotely.
- (5) Statement indicating that the notice is for the second of two (2) thirty (30) day periods in which the public may comment on the proposed rule and that following the second public comment period, the agency may adopt a version of the proposed rule that is the same as or does not substantially differ from the text of the proposed rule published in the Notice of Second Public Comment Period.

**NOTE:** If the Notice of Public Hearing information is not received by the Friday before the following Wednesday's postings, the Notice of Second Public Comment Period will not be posted on the contingent intended date of publication that was previously given to the agency. In these cases, a new intended date of publication will be sent to the agency who must then schedule a new public hearing and send the information to the Publisher within the time frame referenced above.

Upon receipt of the Notice of Public Hearing, the publisher will reply to the email with an authorization to proceed with the public hearing. The authorization for both the Notice of First Public Comment Period and the Notice of Second Public Comment Period must be included in the Final Rule packet that is submitted to the Attorney General's office for approval.

**PUBLISHER'S TIP: After each public comment period document is posted to the Register, an email will be sent with attachments. One of the attachments will be a PDF showing the changes the publisher made before publishing in red. and any questions the publisher had about the language of the rule in green. It is a good idea to review the PDF and address any questions.**

**The email from the publisher will also include a Word file with the rule text corrected by the publisher before posting to the Register. It would best if the corrected rule text with any additional changes is used when the rule is adopted and placed in the Final Binder and burned to CD. Failure to use the corrected text may result in publisher's notes being added to the Final Rule to correct any incorrect references before posting on the Register and updating the IAC.**

## **ADOPTING A RULE**

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After the comment period and public hearing, the rule may be adopted if there are no substantial changes to the rule requiring additional considerations. Once the rule is adopted, including any revisions under IC 4-22-2-27 through IC 4-22-2-29, submit Final Rule binder to attorney general's office for approval.



**Submit Final Rule binder to attorney general's office for approval.**

Prepare and submit the following in one (1) solid colored folder or binder to the attorney general for approval:

- (1) The Final Rule on a CD-ROM clearly labeled with the agency name and LSA document number and placed in a three-hole punched plastic sleeve with a signature page (see sample signature page), followed by a divider.
- (2) One (1) copy of clearly labeled supporting documentation, followed by a divider. Supporting documentation includes the following:
  - (A) Executive summary (required by governor but may be submitted at this time).
  - (B) Printed from the Indiana Register (IR):
    - (i) Notice of First Public Comment Period;
    - (ii) Notice of Public Hearing;
    - (iii) Notice of Second Public Comment Period, if applicable;
    - (iv) Notice of Second Public Hearing, if applicable; and
    - (v) 250th Day Notice, if applicable.
  - (C) Cover emails for the transmittal of the Regulatory Analysis to State Budget Agency (SBA) and Office of Management and Budget (OMB).
  - (D) Authorization of the commencement of the public comment period from SBA and OMB.
  - (E) Authorization to Proceed from Legislative Services Agency (LSA).
  - (F) Record of Public Hearing.
  - (G) Record of action by any board, commission, or other body that must adopt or approve the rule. The record should include minutes, transcripts, or a statement signed by the chair or other authorized representative.
  - (H) Copy of comments received during the public comment period(s) and at the public hearing(s).
  - (I) Copy of the agency's response to the public comments.
  - (J) If the rule imposes costs or requirements on small businesses, the following:
    - (i) Cover letter or other documentation showing that the Proposed Rule was submitted to the small business ombudsman;
    - (ii) Comments from the small business ombudsman (comments must also be available on the agency's website and at the public hearing); and
    - (iii) Agency response to the small business ombudsman's comments.
  - (K) If the Final Rule is not identical to the Proposed Rule, the agency shall submit a description of all changes and the comments from either the public or the small business ombudsman that prompted the change.
  - (L) Printout of the most current version of the rulemaking docket.
  - (M) If the rule will not be signed by the governor within one (1) year of publication of the Notice of First Public Comment Period, a copy of the notice to the Publisher required under IC 4-22-2-25 that was filed before the 250th day following the publication of the Notice of First Public Comment Period.
  - (N) Any other notices or documents published in the IR.

(O) One (1) copy of any matters incorporated by reference, if applicable, including a brief description of the incorporated matters, followed by a divider.

(P) Executive summary (required by governor but may be submitted at this time), followed by a divider.

The attorney general may request submission of additional documents. (IC 4-22-2-31) (See Attorney General Review of Administrative Rules)

### **APPROVAL OF FINAL RULE BY GOVERNOR**

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Upon the attorney general's approval, the attorney general will forward the rule, as a courtesy, to the governor for approval. If after forty-five (45) days the attorney general has not approved or disapproved the rule, the rule is deemed to be approved and may be submitted to the governor for approval. (IC 4-22-2-31; IC 4-22-2-32)

### **FINAL RULE FILED WITH PUBLISHER**

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If the governor approves the rule, the governor, as a courtesy, will forward the rule to the publisher. If after fifteen (15) days the governor has not approved or disapproved the rule, the governor may request an additional fifteen (15) days to approve or disapprove the rule. If the governor neither approves nor disapproves the rule, the rule is deemed approved and may be submitted to the publisher. (IC 4-22-2-33; IC 4-22-2-34)

Upon acceptance for filing by the publisher, a Publisher's Receipt for Documents Filed will be posted on the Register. This posting begins the thirty (30) day period until the rule becomes effective. The FR will be posted on the Register before the rule becomes effective. The rule will also be updated in the IAC at this time. (IC 4-22-2-35; IC 4-22-2-39; IC 4-22-7-5)

**NOTE:** The publisher has up to three (3) days to accept a FR for filing under IC 4-22-2-39. See Review of the Administrative Rules Drafting Manual for additional information.

For additional information on publishing rule documents please contact the Indiana Register: by email [register@iga.in.gov](mailto:register@iga.in.gov) or call (317) 232-9557 or (317) 232-9564

For additional information on Legal and Drafting please contact the Advisory Division of the Office of the Attorney General by calling (317) 232-6201.

## CHAPTER 8. TEMPORARY RULEMAKING

### PROVISIONAL RULEMAKING UNDER IC 4-22-2-37.1

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To publish a Provisional Rule under IC 4-22-2-37.1, an agency must submit the following information as an email attachment to [register@iga.in.gov](mailto:register@iga.in.gov):

- (1) The full text of the proposed Provisional Rule.
- (2) A statement justifying the need for provisional rulemaking.
- (3) The approval of the Governor to use provisional rulemaking procedures in PDF format.
- (4) Documents incorporated by reference in the proposed Provisional Rule, if applicable.

**NOTE:** An agency may not adopt a proposed Provisional Rule until after the publisher notifies the agency, the publisher has distributed the full text of the proposed Provisional Rule to legislators and the Legislative Council or the Personnel Subcommittee of the Legislative Council acting for the Legislative Council. Additionally, at least ten (10) regular business days must elapse after the Publisher has complied with submitting the full text of the proposed Provisional Rule to the legislators before the Department of Natural Resources, the Natural Resources Commission, the Department of Environmental Management, or a board that has rulemaking authority under IC 13 adopts a Provisional Rule.

Once the documents have been received and reviewed by the publisher, an LSA document number will be assigned by the publisher upon processing the documents. The publisher will distribute the full text of the proposed Provisional Rule to legislators and the Legislative Council or the Personnel Subcommittee of the Legislative Council acting for the Legislative Council. After distribution, the Publisher will send an email to the agency with the date of the distribution.

After the agency adopts the Provisional Rule, the agency shall submit the following to the publisher as an email attachment to [register@iga.in.gov](mailto:register@iga.in.gov) for filing:

- (1) The text of the adopted Provisional Rule.
- (2) The approval of the Governor to use provisional rulemaking procedures in Word format.
- (3) A signature page that indicates that the agency has adopted the Provisional Rule in conformity with all procedures required by law.
- (4) The agenda of the Budget Committee meeting at which the rule was scheduled for review if the rule adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties, or a statement that the rule does not add or amend language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties.
- (5) Documents incorporated by reference in the Provisional Rule if not previously submitted, if applicable.

## INTERIM RULEMAKING UNDER IC 4-22-2-37.2

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To publish an Interim Rule under IC 4-22-2-37.2, an agency must submit the following information as an email attachment to [register@iga.in.gov](mailto:register@iga.in.gov):

- (1) The Notice of Public Comment Period for Interim Rule, including the full text of the proposed Interim Rule.
- (2) The approval of the Governor to use interim rulemaking procedures in both Word and PDF format.
- (3) The agenda of the Budget Committee meeting at which the rule was scheduled for review if the rule adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties, or a statement that the rule does not add or amend language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties.
- (4) Documents incorporated by reference in the Interim Rule, if applicable.

The Notice of Public Comment Period for Interim Rule must include the following:

- (1) General description of the subject matter of the rule.
- (2) Overview of the intent and scope of the rule.
- (3) Statutory authority of the rule.
- (4) A statement justifying any requirement or cost that is imposed on a regulated entity under the Interim Rule and not expressly required by the statute authorizing the agency to adopt rules or any other state or federal law. The statement must include a reference to data, studies, or analyses relied upon by the agency in determining whether the imposition of the requirement or cost is necessary.
- (5) Information concerning where, when, and how a person may inspect and copy the data, studies, or analyses referenced within the statement justifying any requirement or cost that is imposed on a regulated entity under the Interim Rule.
- (6) Full text of the interim rule.
- (7) Information concerning where, when, and how a person may inspect a document incorporated by reference into the Interim Rule.
- (8) A date that is thirty (30) days after the notice is published when the public comment period will conclude. (The publisher will add the date after confirming the date with the agency.)
- (9) Statement explaining that a person may submit written comments concerning the proposed Interim Rule during the public comment period.

Once the documents have been received and reviewed by the publisher, an LSA document number and intended date of publication will be assigned by the Publisher upon processing the documents. The publisher will send an email to the agency with an authorization to proceed, after confirming the comment period deadline date with the agency.

Before adopting the Interim Rule, the agency shall prepare written response to comments received by the agency, including the reasons for rejecting any recommendations made in the comments.

After the agency adopts the Interim Rule, the agency shall submit the following to the publisher as an email attachment to [register@iga.in.gov](mailto:register@iga.in.gov) for filing:

- (1) The text of the adopted Interim Rule.
- (2) A signature page that indicates that the agency has adopted the Interim Rule in conformity with all procedures required by law.
- (3) A summary of the comments received by the agency during the public comment period and the agency's response to the comments.
- (4) Documents incorporated by reference in the Interim Rule if not previously submitted, if applicable.

## CHAPTER 9. RULE READOPTIONS UNDER IC 4-22-2.6

### READOPTION

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If the agency intends to readopt a rule under IC 4-22-2.6, the agency shall, not later than January 1 of the fourth year after the year in which the rule takes effect, provide an initial notice of the intended readoption and submit the following information in the form of a Legislative Notice by sending an email to [register@iga.in.gov](mailto:register@iga.in.gov):

- (1) A general description of the subject matter of all rules proposed to be readopted.
- (2) A listing of rules that are proposed to be readopted, listed by their titles and subtitles only.

Once the LN is submitted to the publisher, the LSA document number will be assigned and a publication date will be assigned. After sending the LN to the Legislative Council, the publisher will inform the agency.

**NOTE:** Readoption lists may contain all rules to be readopted for the entire table. Repealed, transferred, and expired rules may not be readopted. Therefore, they may be ignored when condensing rules to the largest group.

**NOTE:** Dates of agency corrections in history lines do not affect the expiration date of a rule.

The agency shall submit the Notice of Public Comment Period for Rule Readoption to the Publisher not later than the first regular business day in September of the year preceding the year in which the rule expires for publication. The agency shall submit the Notice of Public Comment Period for Rule Readoption as an email attachment to [register@iga.in.gov](mailto:register@iga.in.gov).

The Notice of Public Comment Period for Rule Readoption must including the following:

- (1) A general description of the subject matter of all rules proposed to be readopted.
- (2) A listing of rules that are proposed to be readopted or repealed, listed by their titles and subtitles only.
- (3) A written public comment period of thirty (30) days and instructions on how to submit written comments to the agency. (The publisher will add the date after confirming the date with the agency.)
- (4) A request for comments on whether specific rules should be reviewed through the regular rulemaking process under IC 4-22-2-23 through IC 4-22-2-36.
- (5) A summary of the agency's findings during the review of the rule to consider the continued need for the rule and whether the rule, if readopted, will meet the standards under IC 4-22-2-19.5 and (if applicable) the requirements for fees, fines, and civil penalties in IC 4-22-2-19.6.
- (6) Any other information required by the Publisher.

Once the documents have been received and reviewed by the publisher, an intended date of publication will be assigned by the publisher upon processing the documents. The publisher will send an email to the agency with an authorization to proceed, after confirming a comment period deadline date with the agency.

The agency shall prepare written response to comments received by the agency and may do the following:

- (1) Conduct one (1) or more additional public comment periods on one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption. If a person submits to the agency during the initial public comment period a written request stating a basis for considering a particular rule separately from other rules in the Notice of Public Comment Period for Rule Readoption, the agency may not readopt that rule. The agency may readopt that rule with or without changes only through a rulemaking action initiated under IC 4-22-2-23 through IC 4-22-2-36.
- (2) Readopt one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption without change.
- (3) Repeal one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption, if the need for the rule no longer exists.

After the agency readopts or repeals one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption, the agency shall submit the following to the publisher as an email attachment to [register@iga.in.gov](mailto:register@iga.in.gov) for filing:

- (1) The Readopted Final Rule with
  - (A) a statement listing the rules to be readopted or repealed, listed by their titles and subtitles only.
  - (B) A summary of the comments received by the agency during the public comment period and the agency's response to the comments.
- (2) A signature page, in PDF format, that indicates that the agency has readopted or repealed one (1) or more rules within the scope of the Notice of Public Comment Period for Rule Readoption in conformity with all procedures required by law.

**NOTE:** The Readopted Final Rule must be filed with the publisher by December 2 of the year before the rule expires.

## **NOTICE OF RECALL**

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A recall is only necessary when the agency needs to make changes after the agency has adopted the rule. A recall “unadopts” a rule taking it back to where it was in the promulgation process immediately before adoption. After a recall, the rule may be adopted a second time in an identical or revised form. Attorney General or Governor approval, if either has taken place, are voided by a recall, and are required to be obtained after a readoption. To recall a rule document, an agency must email the LSA document number to the publisher and request that the document be recalled. The Notice of Recall will then be generated by the publisher. (See IC 4-22-2-40.) If the recalled rule is corrected and is adopted by the agency for a second time, a new LSA document number will not be required. The Final Rule binder may proceed to the attorney general's office for approval.

## **NOTICE OF WITHDRAWAL**

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A withdrawal needs to be filed if a rule has been adopted however a major error has been made

and the rulemaking process must be terminated. To withdraw a rule document, an agency must email the LSA document number to the publisher and request that the document be withdrawn. The Notice of Withdrawal will then be generated by the publisher. Once the withdraw is published, the rulemaking process is stopped. If an agency decides to amend or add a rule after the withdraw had been published, the rulemaking process will need to start over with all appropriate approvals under a new LSA document number. (See IC 4-22-2-41.)

## **CHANGE OF PUBLIC HEARING**

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If a change of public hearing is needed, submit a Change in Notice of Public Hearing (CH) to the publisher for publication. The new date, time, or location of the public hearing must be shown in boldface text. The publisher will send a intended date of publication. The new public hearing information must be posted at least thirty (30) days before the public hearing is held.

## **AGENCY CORRECTION**

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To correct the text of the IAC, a FR, an ER, or a RF, the agency must submit an AC for filing to the publisher. The AC must be submitted to the publisher electronically (Word format) along with a signed copy of a signature page (PDF format) and copy of any materials incorporated by reference. The only signature needed for an AC is the authorizing person with a line for the filing date and time. The AC will be effective 45 days after filing with the publisher (See IC 4-22-2-38).



## **PART 3**

# **INDIANA REGISTER WEBSITE**

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CHAPTER 10. ORGANIZATION OF SITE

CHAPTER 11. RELATED DOCUMENTS LINK

CHAPTER 12. DOCUMENTS ON THE REGISTER

CHAPTER 13. SEARCHING THE INDIANA REGISTER WEBSITE

## CHAPTER 10. ORGANIZATION OF SITE

The IAC main web page has a list of IAC titles in title number order. Clicking on a title number will open a page with links to the articles within that title. The IAC will be updated as Final Rules become effective and will be archived each calendar year.

The Register main web page has links chronologically ordered with the most recently posted at the top of the page. The links are grouped as subcollections as follows:

**DAILY COLLECTIONS:** Links for the current day and the previous six (6) days.

**WEEKLY COLLECTIONS:** Links for the current week and the previous three (3) weeks.

**MONTHLY COLLECTIONS:** Links for the current month and the previous eleven (11) months.

Each link has a counter indicating the number of documents in that subcollection. A zero (0) in the current day's counter indicates that no documents have been posted at the time of viewing.

Clicking on one (1) of the chronological links will open a Contents page with links to the various types of documents posted on the Register.

The first link, All Documents, opens a page with links to all the documents, regardless of document type, that were posted during that particular time period. The documents are ordered by IAC title number and by LSA document number within each individual IAC title.

Each document type link, below the All Documents link, has a counter indicating the number of documents that particular subcollection contains. The links are grouped as follows:

**Governor's Actions:**

- Executive Orders; Proclamations
- Requests for Additional Time
- Approvals; Disapprovals; Objections

**Attorney General's Actions:**

- Opinions
- Disapprovals; Objections

**Notices:**

- First Public Comment Periods
- Second Public Comment Periods
- Additional Public Comment Periods
- Comment Periods for Potential Rulemaking
- Public Hearings; Changes in Public Hearings
- Legislative Notices of Rule Readoption
- Public Comment Periods for Rule Readoption
- Public Comment Periods for Interim Rule
- 60 Day Notices; One Year Notices

Recalls  
Withdrawals  
Other Notices

**Rules:**

Errata  
Proposed Rules; Readopted Final Rules  
Interim Final Rules  
Provisional Rules (Emergency Rules before July 1, 2023)  
Additional Proposed Rules  
Regulatory Analyses  
Publisher's Receipts for Filed Documents  
Proposed Rules and Readoptions (Under IC 4-22-2, before July 1, 2023)  
Economic Impact Statements Under IC 4-33-2.1-5

**Nonrule Policy Documents**

**ORDER OF DOCUMENT LISTINGS**

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Within each chronological listing is a list of document types. Within each document type, documents are listed by IAC title number, and the documents of a specific title are listed in chronological order of posting with the most recently posted documents appearing at the top of the list. When two (2) or more documents are posted by the same agency on the same day, the documents are listed in LSA document number order. When two (2) or more documents with the same LSA Document number are posted on the same day, such as is the case with RA, FN, and PH, the documents are listed alphabetically by the suffix appearing in the document identification number.

**ARCHIVES**

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The Register is archived on the website back to Volume 24, October 1, 2000, and will now be archived at the end of each calendar year.

The IAC is archived on the website back to the 2003 edition and will now be archived at the end of each calendar year.

## **CHAPTER 11. RELATED DOCUMENTS LINK**

On all lists of documents, each document has, in addition to links to an HTML formatted version and a PDF formatted version, a Related Documents link. Clicking this Related Documents link gathers and displays the entire family of documents, of whatever types, associated with that particular LSA document number. Only documents posted after July 1, 2006, will be gathered through the Related Documents link. Documents posted on the Register before July 2, 2006, will not appear in this list.

The list of related documents generated will be in reverse chronological order with the most recently posted documents appearing at the top of the list. Within the same posting date, the documents are listed in alphabetical order by the document type suffix located in the DIN.

Typing an LSA document number in the LSA Document # search box on the front page of the Register will also generate a list of Related Documents.

## CHAPTER 12. DOCUMENTS ON THE REGISTER

Other than publisher's receipts for filed documents, documents are published on the Indiana Register (IR) website on Wednesdays at 3:00 p.m.

### **PUBLISHER'S RECEIPTS FOR FILED DOCUMENTS**

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Publisher's receipts for filed documents are posted within three (3) business days of the delivery of a Final Rule (FR) to the publisher from the governor's office and are posted on an "as filed" basis daily at 5:00 p.m. (IC 4-22-2-39(c))

In addition, a publisher's receipt for filed document is posted when a Provisional Rule (ER), Interim Final Rule (IF), Agency Correction (AC), or Readopted Final Rule (RF) is filed with the publisher.

**NOTE:** A user can find out if a FR has been filed with the publisher by conducting a search with the LSA document number of the FR on the Register. If the FR has been received by the publisher, one (1) of the search results will be for a publisher's receipt document. The publisher's receipt will also appear on Related Documents lists.

### **DOCUMENT FORMATS ON THE REGISTER**

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IR documents have links to both a PDF version and an HTML version. The Latest Update edition of the IAC has links to a PDF version and a WordPerfect version. The PDF version of both the IR and the IAC has been designated the official version.

### **DOWNLOADING THE IAC IN WORD FORMAT**

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Each article in the Latest Update edition of the IAC has links to the PDF version and the WordPerfect version of that article. Instructions on how to download an IAC article in Microsoft Word format are as follows:

- (1) Go to the Latest Update edition of the IAC at: [iac.iga.in.gov/iac/iac\\_title](http://iac.iga.in.gov/iac/iac_title).
- (2) Click on the IAC title link that contains the article. A list of articles in that title will appear on your screen.
- (3) Right click on the WordPerfect link to the article you wish to download.
- (4) Select "Save Target As".
- (5) A "Save As" dialog box will appear with the existing file name highlighted.
- (6) Navigate to the folder to which you wish to save the file.
- (7) Rename the file as you choose, adding '.doc' as the extension for the file name.
- (8) Click "Save" to download the file in whichever folder you have chosen.
- (9) If a "Download Complete" dialog box appears, click "Open". The saved article will open in Microsoft Word.
- (10) If a "Download Complete" dialog box does not appear, go to the folder in which the document was saved and open the document from that folder.

**NOTE:** After downloading the WordPerfect document or saving to Word format, the document must be checked for accuracy against the PDF version.

## **LINKS**

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IC cites are linked in the text of IR documents and will direct a user to the text of the referenced IC cite on the General Assembly's website.

**NOTE:** If an agency uses the section symbol, §, or spells out Indiana Code instead of using the abbreviation IC (without periods), does not follow drafting style and maybe altered to allow the text to link to the IC cite.

IAC cites appearing in IR documents are linked to the IR website's Latest Update to the IAC.

DINs appearing in IR documents are linked and will direct a user to the text of the referenced IR document.

Websites will not be links on the Register.

## CHAPTER 13. SEARCHING THE INDIANA REGISTER WEBSITE

Once a document has been posted on the Register, it must be indexed by the General Assembly search engine before becoming searchable. Newly posted documents, therefore, will not appear in search results immediately after posting.

### SEARCH METHODS

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#### *Wildcard Searches*

Standard query parser supports single and multiple character wildcard searches within single terms. Wildcard characters can be applied to single terms, but not to search phrases.

Single character (matches a single character): Use ?

The search string

te?t

would match

test and text

Multiple characters (matches zero or more sequential characters): Use \*

The wildcard search:

hand\*

would match

hand, handling, handwritten ....

You can also use wildcard characters in the middle of a term. For example:

te\*t

would match

test, text, testament ...

\*est

would match

west, request, digest ....

#### *Searching with Quotation Marks*

Enclose phrases in quotation marks to find the entire phrase instead of the individual words in the phrase. For instance, "police officer" will find only the term "police officer". It will not find individual instances of "police" or "officer".

### IR WEBSITE SEARCH AND RETRIEVAL BOXES

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Along the left side of IR website pages is a group of search and retrieval boxes where one may search for specific terms in the Indiana Administrative Code (IAC) or the IR, retrieve documents by document identification number (DIN) or LSA document number, or retrieve IAC and Indiana Code (IC) cites.

(See the following page for an explanation of the search and retrieval boxes.)

|  |
|--|
| <p><a href="#">Indiana General Assembly</a></p> <p><a href="#">Administrative Rules Drafting Manual</a></p> <p><a href="#">Emergency Authority List</a></p>  |
| <p><b>Indiana Register</b></p> <p><a href="#">Current IR</a></p> <p><a href="#">Archive</a></p>  |
| <p><b>Indiana Administrative Code</b></p> <p><a href="#">Latest Update</a></p> <p><a href="#">Archive</a></p>  |
| <p><b>IR and IAC Search</b></p> <p>Enter search terms</p> <input type="text"/> <p><input type="checkbox"/> All Registers</p> <p><input type="checkbox"/> Latest Update IAC</p> <p><input type="button" value="Search"/></p> <p><a href="#">Advanced Search</a></p> |
| <p><b>Register DIN</b><br/>(Document ID Number)</p> <input type="text"/> <p><input type="button" value="Go"/></p> <p>Enter the full DIN, example:<br/>20060301-IR-025050010NIA</p>   |
| <p><b>LSA Document #</b><br/>(Documents since July 2, 2006)</p> <input type="text"/> - <input type="text"/> <input type="button" value="Go"/> <p>Example: 06 - 121</p>   |
| <p><b>IAC Cite</b></p> <input type="text"/> - IAC - <input type="text"/> <input type="button" value="Go"/> <p>Enter Title and Article (optional)<br/>example: 45 - IAC - 1</p>   |
| <p><b>Indiana Code Cite</b></p> <input type="text"/> - <input type="text"/> - <input type="text"/> - <input type="text"/> <input type="button" value="Go"/> <p>Enter Title, Article*, Chapter*, and Section*<br/>* = optional<br/>example: 4 - 22 - 8 - 2</p>      |

← Directs the user to the Law & Administrative Rules page of the General Assembly website.

← Link to the Administrative Rules Drafting Manual.

← Link to the Emergency Authority List.

← The Current IR link directs the user to a listing of Register documents posted within the last twelve (12) months, organized chronologically. The Archive link directs the user to the Register archive page.

← The Latest Update link directs the user to a list of titles in the Latest Update edition of the IAC. The Archive link directs the user to the IAC archives page.

← Entering a term in the IR and IAC Search box generates a list of documents containing the term. The default search scope is all Registers and all editions of the IAC posted on the site. Checkmarking either the All Registers box or the Latest Update IAC box will limit the search to whichever box is checked. If the Search button is pressed without any information in the above boxes (or by clicking the Advanced Search link), the user will be directed to the Advanced Search page.

← Entering (or pasting) a DIN into the Register DIN box retrieves the identified document. The Go button initiates the retrieval.

← Entering an LSA document number in these boxes generates a list of documents associated with that LSA document number (Related Documents). This includes only those documents posted since July 2, 2006.

← Entering an IAC title number and article number retrieves that IAC article. Entering an IAC title number retrieves a listing of article headings in that title.

← Entering a complete Indiana Code citation retrieves the IC chapter. (Entering an IC title, article, and chapter also retrieves the chapter.) Entering an IC title and article retrieves a listing of chapters in that article. Entering an IC title retrieves a listing of articles in that title.



## ADVANCED SEARCH PAGE

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In addition to the search and retrieval functions, on each IR website page is a group of search boxes that appears at the top of hit lists from searches or that is accessible by clicking the Advanced Search link in the IR and IAC Search box.

At the top of this Advanced Search page is the following brief explanation of the timetable and contents of the archives and method of using the search functions on the page:

### When are documents archived?

IAC: Annually

IR: Annually

### How far back does the archive go?

IAC: 2003 Edition

IR: October 2000, Volume 24

### How do I search the archive?

(1) Checkmark the "IAC Editions",

(2) Checkmark the "IR Volumes",

Next is a search box where a user can search for specific words or terms within the IR and the IAC. The default search for this search box is the Latest Update edition only of the IAC and all IR publications, both current and archived.

The next group of boxes enables a user to search within one (1) or any combination of current and archived IAC editions by placing a checkmark in the desired edition or editions.

|  |   |                                       |                                       |                                       |
|--|---|---------------------------------------|---------------------------------------|---------------------------------------|
| Search within<br>IAC Editions<br>(one or more) | <input checked="" type="checkbox"/> Latest Update | <input type="checkbox"/> All Editions |                                       |                                       |
|  | <input type="checkbox"/> 2016 Edition             | <input type="checkbox"/> 2015 Edition | <input type="checkbox"/> 2014 Edition | <input type="checkbox"/> 2013 Edition |
|  | <input type="checkbox"/> 2012 Edition             | <input type="checkbox"/> 2011 Edition | <input type="checkbox"/> 2010 Edition | <input type="checkbox"/> 2009 Edition |
|  | <input type="checkbox"/> 2008 Edition             | <input type="checkbox"/> 2007 Edition | <input type="checkbox"/> 2006 Edition | <input type="checkbox"/> 2005 Edition |
|  | <input type="checkbox"/> 2004 Edition             | <input type="checkbox"/> 2003 Edition |                                       |                                       |
|  |   |                                       |                                       |                                       |
|  |   |                                       |                                       |                                       |

The next group of boxes enables a user to search within one (1) or any combination of current and archived IR publications by placing a checkmark in the desired volume or volumes. The Current IR box enables the user to search within all IR documents posted in the current and previous eleven (11) calendar months. The Recent IR box narrows the search down to IR documents posted in the last eighty-four (84) calendar days.

|  |   |   |  |  |
|--|---|---|--|--|
| Search within<br>IR Volumes<br>(one or more) | <input checked="" type="checkbox"/> All Volumes<br>(to Current) | <input type="checkbox"/> Current IR<br>(since Jul 1, 2015)        | <input type="checkbox"/> Recent IR<br>(since Apr 5, 2016)      |  |
|  | <input type="checkbox"/> Jan-Dec 2015<br>(Jan 2015 - Dec 2015)  | <input type="checkbox"/> Jan-Dec 2014<br>(Jan 2014 - Dec 2014)    | <input type="checkbox"/> Jan-Dec 2013<br>(Jan 2013 - Dec 2013) | <input type="checkbox"/> Jan-Dec 2012<br>(Jan 2012 - Dec 2012) |
|  | <input type="checkbox"/> Jan-Dec 2011<br>(Jan 2011 - Dec 2011)  | <input type="checkbox"/> Jan-Dec 2010<br>(Jan 2010 - Dec 2010)    | <input type="checkbox"/> Jan-Dec 2009<br>(Jan 2009 - Dec 2009) | <input type="checkbox"/> Jan-Dec 2008<br>(Jan 2008 - Dec 2008) |
|  | <input type="checkbox"/> Jan-Dec 2007<br>(Jan 2007 - Dec 2007)  | <input type="checkbox"/> Jul-Dec 2006<br>(Jul 2, 2006 - Dec 2006) | <input type="checkbox"/> Volume 29<br>(Oct 2005 - Jul 1, 2006) | <input type="checkbox"/> Volume 28<br>(Oct 2004 - Sep 2005)    |
|  | <input type="checkbox"/> Volume 27<br>(Oct 2003 - Sep 2004)     | <input type="checkbox"/> Volume 26<br>(Oct 2002 - Sep 2003)       | <input type="checkbox"/> Volume 25<br>(Oct 2001 - Sep 2002)    | <input type="checkbox"/> Volume 24<br>(Oct 2000 - Sep 2001)    |
|  |   |   |  |  |
|  |   |   |  |  |

The Advanced Search boxes allows a user to search within the documents associated with a specific LSA document number or by IAC title number in IR documents posted since July 2, 2006.

When using the Advanced Search boxes above, the following alerts appear with the list of hits to remind the user that they are searching only in documents posted since July 2, 2006. These alerts also appear if a user types in an incorrect IAC title number or LSA document number, or an IAC title number that has not appeared in the IR since July 2, 2006:

## SEARCH TERMS FOR EACH TYPE OF DOCUMENT

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If a user needs to find the total number of a specific type of document that has been published in a given year, they can use the Advanced Search option described in this section by typing the search term for the document type, with the term in quotations, deselecting the check box next to Latest Update and All Volumes, and then selecting the check box next to the year to be searched (e.g. Jan-Dec. 2015). While search terms must be written using quotation marks, they are not case-sensitive, with the exception being the word "NOT" that is used for terms where narrowing down the search is necessary. The following search terms may be used to conduct this type of search:

|                               |  |
|-------------------------------|--|
| Recall Notice                 | "Notice of Recall"   |
| Withdrawal Notice             | "Notice of Withdrawal"   |
| Notice of Adoption            | "Notice of Rule Adoption"  |
| Public Hearing Notice         | "Notice of Public Hearing"   |
| Change of Hearing             | "Change in Notice of Public Hearing"   |
| Notice of Intent              | "Notice of Intent to Adopt a Rule"   |
| Notice of Intent to Readopt   | "Notice of Intent to Readopt"  |
| IC 4-22-2-19 Notices          | "60 Day Requirement"   |
| IC 4-22-2-25 Notices          | "One Year Requirement"   |
| First Notice                  | "First Notice of Comment Period LSA" (Remove Notice of Readoption IC 13-14-9.5 (BN) from the document count)   |
| Continuation of First Notice  | "Continuation of First Notice of Comment Period LSA"   |
| Second Notice                 | "Second Notice of Comment Period LSA" (This search total will include Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7 and Second Notice of Comment Period) |
| Continuation of Second Notice | "Continuation of Second Notice of Comment Period LSA"  |
| IDEM Findings                 | "Findings and Determination of the Commissioner Pursuant to IC 13-14-9-8 and Draft Rule LSA"   |
| IDEM Readopt Notice           | "Notice of Readoption IC 13-14-9.5"  |
| IDEM Proposed Readopt         | (Has not been posted since 2006)   |
| IDEM Final Readopt            | "IC 13-14-9.5 Notice of Final Readoption"  |
| IDEM Fiscal Impact            | "Fiscal Impact Statement LSA" (Has not been posted separately since 2011. Usually included in First Notice of Comment Period)  |
| Other Notice                  | (Can't be found with the Advanced Search option)   |
| Proposed Rule                 | "Proposed Rule LSA"  |
| Readopted Proposed Rule       | "Readopted Proposed Rule LSA"  |
| Economic Impact Statement     | "Economic Impact Statement"  |
| Readopted Final Rule          | "Readopted Final Rule LSA"   |
| Final Rule                    | "Final Rule LSA" NOT "Readopted Final Rule"  |
| Emergency Rule                | "Emergency Rule LSA" NOT "Notice of Intent to Adopt an Emergency Rule"   |

|  |  |
|--|--|
| Agency Correction                        | "Agency Correction"                              |
| Publisher's Correction                   | "Publisher's Correction"                         |
| Executive Order                          | (See other archive method)                       |
| Governor's Proclamation                  | "Proclamation to"                                |
| Governor's Request for Additional Time   | "Extension of Time Request by Governor"          |
| Disapproval by Governor                  | "Governor's Notice of Disapproval"               |
| Gov's Objection to Errata                | (Has not been posted since 2006)                 |
| Disapproval by Attorney General          | "Attorney General's Notice of Disapproval"       |
| Attorney General's Opinion               | "Official Opinion"                               |
| Nonrule Policy Document                  | (Can't be found with the Advanced Search option) |
| Publisher's Receipts for Filed Documents | "Publisher's Receipt"                            |

# PART 4

## REFERENCES

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ADMINISTRATIVE RULES DRAFTING MANUAL

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ALPHABETICAL LISTING OF STATE AGENCIES

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APPENDIX B. EXECUTIVE ORDERS AND PROCLAMATIONS (LIST)

APPENDIX C. ATTORNEY GENERAL'S RULE REVIEW CHECKLIST

APPENDIX D. LEGISLATIVE COUNCIL RESOLUTION 14-05

APPENDIX D. LEGISLATIVE COUNCIL RESOLUTION 14-05

## ADMINISTRATIVE RULES DRAFTING MANUAL

The purpose of the Administrative Rules Drafting Manual is to provide a uniform and consistent format and style for rules published in the Indiana Register and the Indiana Administrative Code. The Administrative Rules Drafting Manual implements IC 4-22-2-42, which reads:

"Sec. 42. The publisher, with the assistance of the code revision commission, shall establish a format, a numbering system, standards, and techniques for agencies to use whenever they draft and prepare rules under this chapter.  
As added by P.L.31-1985, SEC.31."

An agency shall submit a rule to the publisher in the manner provided by IC 4-22-2-20:

"Sec. 20. (a) Whenever an agency submits a rule to the publisher, the attorney general, or the governor under this chapter, the agency shall submit the rule in the form of a written document that:

- (1) is clear, concise, and easy to interpret and to apply; and
- (2) uses the format, numbering system, standards, and techniques established under section 42 of this chapter.

(b) After June 30, 2006, all documents submitted to the publisher under this chapter must be submitted electronically in the format specified by the publisher.

As added by P.L.31-1985, SEC.9. Amended by P.L.215-2005, SEC.2; P.L.123-2006, SEC.3; P.L.291-2013, SEC. 5; P.L.53-2014, SEC 57."

A revised Administrative Rules Drafting Manual was approved by the Legislative Council on May 24, 2022, and is available at: <http://iac.iga.in.gov/iac/IACDrftMan.pdf>

## CITES RELEVANT TO THE RULEMAKING PROCESS

IC 4-22-2-15 Delegation of rulemaking actions

IC 4-22-2-17 Public access to rules and proposed rules; remote webcast hearings

IC 4-22-2-18 Joint rules

*(See also page 26 of the Administrative Rules Drafting Manual.)*

IC 4-22-2-20 Submission of rules and other documents; form

IC 4-22-2-21 Incorporations by reference

*(See also page 62 of the Administrative Rules Drafting Manual.)*

IC 4-22-2-22 Attorney general as legal advisor

IC 4-22-2-22.5 Agency rulemaking docket

IC 4-22-2-22.7 Regulatory analysis for proposed rules

IC 4-22-2-22.8 Submission of regulatory analysis for proposed rule; requirements; review process; revised regulatory analysis

IC 4-22-2-23 Notice of intent to adopt rule; first public comment period; solicitation of comments; publication

IC 4-22-2-23.1 Solicitation of comments

IC 4-22-2-24 Second public comment period; notice requirements; publication of notice

IC 4-22-2-25 Limitation on time in which to adopt rule

In order to be effective, the final version of an adopted rule must be approved by the attorney general and the governor within one (1) year after the date that the Notice of First Public Comment Period is published.

IC 4-22-2-26 Public hearings

IC 4-22-2-27 Consideration of comments received at public hearings

IC 4-22-2-28 Fiscal impact of rules; review

IC 4-22-2-28.1 Small business regulatory coordinator; contact information; guidance to small businesses; record of comments received; annual report

IC 4-22-2-29 Adoption of rules; adoption of revised version of proposed rule

IC 4-22-2-31 Submission of rules to attorney general for approval

IC 4-22-2-32 Review of rule by attorney general; approval or disapproval

IC 4-22-2-33 Submission of rules to governor for approval

IC 4-22-2-34 Approval or disapproval of rule by governor

IC 4-22-2-35 Submission of rule to publisher for filing

IC 4-22-2-36 Effective date of rules

*(See also page 34 of the Administrative Rules Drafting Manual.)*

4-22-2-37.1 Provisional rules; submission to the governor and publisher; assignment of document control number; effective date; amended provisional rule; objection

IC 4-22-2-37.2 Interim rules; submission to the governor and publisher; notice; amended interim rule; objection

IC 4-22-2-38 Certain nonsubstantive rules; adoption; submission to publisher; document control number; effective date; objections

IC 4-22-2-39 Acceptance of rule for filing by publisher

IC 4-22-2-40 Recall of rule; readoption

IC 4-22-2-41 Withdrawal of rule

IC 4-22-2.6 Expiration and Readoption of Administrative Rules

Rulemakings Outside of IC 4-22-2

The Indiana Code (IC) provides that some agencies have the authority to adopt rules without going through the IC 4-22-2 rulemaking process. For example:

"IC 5-10.5-4-2 Powers

Sec. 2. (a) The board may do any of the following:

(1) Establish and amend rules and regulations:

(A) for the administration and regulation of the fund and the board's affairs; and

(B) to effectuate the powers and purposes of the board;

without adopting a rule under IC 4-22-2...".

These rulemakings are posted on the IR website only when the promulgating agency voluntarily submits a copy of the adopted rule to the publisher.

## ALPHABETICAL LISTING OF STATE AGENCIES

† = Agency's rules are expired, repealed, transferred, or otherwise voided.

| AGENCY NAME  | TITLE NUMBER |
|--|--------------|
| Accountancy, Indiana Board of                                      | 872          |
| Accounts, State Board of   | 20           |
| † Adjutant General   | 270          |
| Administration, Indiana Department of                              | 25           |
| † Administrative Building Council of Indiana                       | 660          |
| Administrative Law Proceedings, Office of                          | 41           |
| † Aeronautics Commission of Indiana                                | 110          |
| Aging, Division of   | 455          |
| † Aging and Community Services, Department on                      | 450          |
| † Agricultural Development Corporation, Indiana                    | 770          |
| † Agricultural Experiment Station                                  | 350          |
| † Agriculture, Commissioner of                                     | 340          |
| Agriculture, Indiana State Department of                           | 375          |
| † Air Pollution Control Board                                      | 325.1        |
| Air Pollution Control Division                                     | 326          |
| † Air Pollution Control Board of the State of Indiana              | 325          |
| Alcohol and Tobacco Commission                                     | 905          |
| † Amusement Device Safety Board, Regulated                         | 685          |
| Animal Health, Indiana State Board of                              | 345          |
| Architects and Landscape Architects, Board of Registration for     | 804          |
| † Athletic Commission, State                                       | 808          |
| Athletic Trainers Board, Indiana                                   | 898          |
| Attorney General for the State, Office of                          | 10           |
| Auctioneer Commission, Indiana                                     | 812          |
| † Barber Examiners, Board of                                       | 816          |
| Behavioral Health and Human Services Licensing Board               | 839          |
| † Boiler and Pressure Vessel Rules Board                           | 680          |
| † Budget Agency  | 85           |
| Chemist of the State of Indiana, State                             | 355          |
| † Children's Health Insurance Program, Office of the               | 407          |
| Child Services, Department of                                      | 465          |
| Chiropractic Examiners, Board of                                   | 846          |
| Civil Rights Commission  | 910          |
| † Clemency Commission, Indiana                                     | 230          |
| Community and Rural Affairs, Office of                             | 17           |
| † Community Residential Facilities Council                         | 431          |
| Consumer Protection Division of the Office of the Attorney General | 11           |
| † Controlled Substances Advisory Committee                         | 858          |
| Coroners Training Board  | 207          |
| Correction, Department of  | 210          |
| Cosmetology and Barber Examiners, State Board of                   | 820          |



|   |   |     |
|---|---|-----|
|   | Creamery Examining Board                                  | 365 |
|   | Criminal Justice Institute, Indiana                       | 205 |
| † | Deaf Board, Indiana School for the                        | 514 |
|   | Dentistry, State Board of                                 | 828 |
| † | Developmental Disabilities Residential Facilities Council | 430 |
| † | Dietitians Certification Board, Indiana                   | 830 |
|   | Disability and Rehabilitative Services, Division of       | 460 |
|   | Economic Development Corporation, Indiana                 | 55  |
| † | Education, Commission on General                          | 510 |
|   | Education, Department of                                  | 512 |
|   | Education, Indiana State Board of                         | 511 |
|   | Education Employment Relations Board, Indiana             | 560 |
|   | Education Savings Authority, Indiana                      | 540 |
|   | Egg Board, State  | 370 |
| † | Election Board, State                                     | 15  |
| † | Election Commission, Indiana                              | 18  |
| † | Elevator Safety Board                                     | 670 |
|   | Emergency Medical Services Commission, Indiana            | 836 |
| † | Employees' Appeals Commission, State                      | 33  |
| † | Employment and Training Services, Department of           | 645 |
|   | Engineers, State Board of Registration for Professional   | 864 |
| † | Enterprise Zone Board                                     | 58  |
|   | Environmental Adjudication, Office of                     | 315 |
|   | Environmental Health Specialists, Board of                | 896 |
|   | Environmental Management, Department of                   | 318 |
| † | Environmental Management Board, Indiana                   | 320 |
|   | Ethics Commission, State                                  | 40  |
|   | Fair Commission, State                                    | 80  |
|   | Family Resources, Division of                             | 470 |
|   | Family and Social Services, Office of the Secretary of    | 405 |
|   | Finance Authority, Indiana                                | 135 |
|   | Financial Institutions, Department of                     | 750 |
| † | Fire Marshal, State                                       | 650 |
|   | Fire Prevention and Building Safety Commission            | 675 |
|   | Firefighting Personnel Standards and Education, Board of  | 655 |
| † | Forensic Sciences, Commission on                          | 415 |
|   | Funeral and Cemetery Service, State Board of              | 832 |
|   | Gaming Commission, Indiana                                | 68  |
|   | Geologists, Indiana Board of Licensure for Professional   | 305 |
|   | Grain Buyers and Warehouse Licensing Agency, Indiana      | 824 |
|   | Grain Indemnity Corporation, Indiana                      | 825 |
| † | Hazardous Waste Facility Site Approval Authority, Indiana | 323 |
|   | Health, Indiana Department of                             | 410 |
|   | Health Facilities Council, Indiana                        | 412 |
|   | Health Facility Administrators, Indiana State Board of    | 840 |
| † | Higher Education of the State of Indiana, Commission for  | 500 |
| † | Highways, Department of                                   | 120 |
|   | Home Inspectors Licensing Board                           | 878 |

|   |  |     |
|---|--|-----|
|   | Homeland Security, Department of   | 290 |
| † | Horse Racing Commission, Indiana   | 70  |
|   | Horse Racing Commission, Indiana   | 71  |
|   | Hospital Council   | 414 |
|   | Housing and Community Development Authority, Indiana                       | 930 |
| † | Human Service Programs, Interdepartmental Board for the<br>Coordination of | 490 |
| † | Industrial Board of Indiana  | 630 |
|   | Inspector General, Office of the   | 42  |
|   | Insurance, Department of   | 760 |
|   | Labor, Department of   | 610 |
|   | Law Enforcement Training Board   | 250 |
|   | Library and Historical Board, Indiana                                      | 590 |
| † | Library Certification Board  | 595 |
| † | Lieutenant Governor, Office of the   | 16  |
|   | Local Government Finance, Department of                                    | 50  |
|   | Lottery Commission, State  | 65  |
|   | Manufactured Home Installer Licensing Board                                | 879 |
|   | Massage Therapy, State Board of  | 847 |
| † | Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana      | 580 |
|   | Medical Licensing Board of Indiana   | 844 |
|   | Mental Health and Addiction, Division of                                   | 440 |
|   | Meridian Street Preservation Commission                                    | 925 |
|   | Motor Vehicles, Bureau of  | 140 |
|   | Museum and Historic Sites Corporation, Indiana State                       | 313 |
| † | Natural Resources, Department of   | 310 |
|   | Natural Resources Commission   | 312 |
|   | Nursing, Indiana State Board of  | 848 |
|   | Occupational Safety Standards Commission                                   | 620 |
| † | Optometric Legend Drug Prescription Advisory Committee, Indiana            | 857 |
|   | Optometry Board, Indiana   | 852 |
|   | Parole Board   | 220 |
| † | Personnel Board, State   | 30  |
|   | Personnel Department, State  | 31  |
|   | Pesticide Review Board, Indiana  | 357 |
|   | Pharmacy, Indiana Board of   | 856 |
|   | Physical Therapy, Indiana Board of   | 842 |
|   | Plumbing Commission, Indiana   | 860 |
|   | Podiatric Medicine, Board of   | 845 |
|   | Police Department, State   | 240 |
|   | Political Subdivision Risk Management Commission, Indiana                  | 762 |
|   | Ports of Indiana   | 130 |
| † | Preparedness and Training, Division of                                     | 280 |
|   | Private Detectives Licensing Board   | 862 |
|   | Private Investigator and Security Guard Licensing Board                    | 874 |
|   | Professional Licensing Agency, Indiana                                     | 810 |
|   | Professional Standards, Advisory Board of the Division of                  | 515 |
|   | Professional Surveyors, State Board of Registration for                    | 865 |

|   |   |       |
|---|---|-------|
| † | Proprietary Education, Indiana Commission on                      | 570   |
|   | Psychology Board, State   | 868   |
|   | Public Access Counselor, Office of the                            | 62    |
|   | Public Retirement System, Board of Trustees of the Indiana        | 35    |
|   | Public Records, Oversight Committee on                            | 60    |
|   | Real Estate Appraiser Licensure and Certification Board           | 877   |
|   | Real Estate Commission, Indiana                                   | 876   |
| † | Reciprocity Commission of Indiana                                 | 145   |
|   | Revenue, Department of State                                      | 45    |
|   | Safety Review, Board of   | 615   |
|   | School Bus Committee, State                                       | 575   |
|   | Seclusion and Restraint in Schools, Commission on                 | 513   |
|   | Secretary of State  | 75    |
|   | Securities Division   | 710   |
|   | Seed Commissioner, State  | 360   |
|   | Sexual Assault Victim Advocate Standards and Certification Board  | 201   |
| † | Soil and Water Conservation Committee, State                      | 311   |
|   | Soil Scientists, Indiana Board of Registration for                | 307   |
| † | Solid Waste Management Board                                      | 320.1 |
|   | Solid Waste Management Division                                   | 329   |
|   | Speech-Language Pathology and Audiology Board                     | 880   |
| † | Standardbred Board of Regulations, Indiana                        | 341   |
| † | Stream Pollution Control Board of the State of Indiana            | 330   |
| † | Student Assistance Commission, State                              | 585   |
|   | Tax Review, Indiana Board of                                      | 52    |
| † | Teacher Training and Licensing, Commission on                     | 530   |
| † | Teachers' Retirement Fund, Board of Trustees of the Indiana State | 550   |
|   | Technology, Office of   | 28    |
| † | Television and Radio Service Examiners, Board of                  | 884   |
| † | Textbook Adoptions, Commission on                                 | 520   |
|   | Toxicology, State Department of                                   | 260   |
| † | Traffic Safety, Office of   | 150   |
| † | Transportation, Department of                                     | 100   |
|   | Transportation, Indiana Department of                             | 105   |
|   | Underground Storage Tank Financial Assurance Board                | 328   |
| † | Unemployment Insurance Board, Indiana                             | 640   |
|   | Utility Regulatory Commission, Indiana                            | 170   |
| † | Vehicle Inspection, Department of                                 | 160   |
|   | Veterans' Affairs Commission, Indiana                             | 915   |
|   | Veterans' Affairs, Indiana Department of                          | 914   |
|   | Veterinary Medical Examiners, Indiana Board of                    | 888   |
|   | Victim Services Division  | 203   |
| † | Violent Crime Compensation Division                               | 480   |
| † | Vocational and Technical Education, Indiana Commission on         | 572   |
| † | Wage Adjustment Board   | 635   |
|   | War Memorials Commission, Indiana                                 | 920   |
| † | Watch Repairing, Indiana State Board of Examiners in              | 892   |
|   | Water Pollution Control Division                                  | 327   |

|   |  |       |
|---|--|-------|
| † | Water Pollution Control Board                          | 330.1 |
|   | White River State Park Development Commission, Indiana | 935   |
|   | Worker's Compensation Board of Indiana                 | 631   |
|   | Workforce Development, Department of                   | 646   |

## LISTING OF STATE AGENCIES BY TITLE NUMBER

### ***GENERAL GOVERNMENT***

|   |    |  |
|---|----|--|
|   | 10 | Office of Attorney General for the State                           |
|   | 11 | Consumer Protection Division of the Office of the Attorney General |
| † | 15 | State Election Board   |
| † | 16 | Office of the Lieutenant Governor                                  |
|   | 17 | Office of Community and Rural Affairs                              |
| † | 18 | Indiana Election Commission  |
|   | 20 | State Board of Accounts  |
|   | 25 | Indiana Department of Administration                               |
|   | 28 | Office of Technology   |
| † | 30 | State Personnel Board  |
|   | 31 | State Personnel Department   |
| † | 33 | State Employees' Appeals Commission                                |
|   | 35 | Board of Trustees of the Indiana Public Retirement System          |
|   | 40 | State Ethics Commission  |
|   | 41 | Office of Administrative Law Proceedings                           |
|   | 42 | Office of the Inspector General                                    |
|   | 45 | Department of State Revenue  |
|   | 50 | Department of Local Government Finance                             |
|   | 52 | Indiana Board of Tax Review  |
|   | 55 | Indiana Economic Development Corporation                           |
| † | 58 | Enterprise Zone Board  |
|   | 60 | Oversight Committee on Public Records                              |
|   | 62 | Office of the Public Access Counselor                              |
|   | 65 | State Lottery Commission   |
|   | 68 | Indiana Gaming Commission  |
| † | 70 | Indiana Horse Racing Commission                                    |
|   | 71 | Indiana Horse Racing Commission                                    |
|   | 75 | Secretary of State   |
|   | 80 | State Fair Commission  |
| † | 85 | Budget Agency  |

### ***TRANSPORTATION AND PUBLIC UTILITIES***

|   |     |                                       |
|---|-----|---------------------------------------|
| † | 100 | Department of Transportation          |
|   | 105 | Indiana Department of Transportation  |
| † | 110 | Aeronautics Commission of Indiana     |
| † | 120 | Department of Highways                |
|   | 130 | Ports of Indiana                      |
|   | 135 | Indiana Finance Authority             |
|   | 140 | Bureau of Motor Vehicles              |
| † | 145 | Reciprocity Commission of Indiana     |
| † | 150 | Office of Traffic Safety              |
| † | 160 | Department of Vehicle Inspection      |
|   | 170 | Indiana Utility Regulatory Commission |

### ***CORRECTIONS, POLICE, AND MILITARY***

|   |     |  |
|---|-----|--|
|   | 201 | Sexual Assault Victim Advocate Standards and Certification Board |
|   | 203 | Victim Services Division   |
|   | 205 | Indiana Criminal Justice Institute                               |
|   | 207 | Coroners Training Board  |
|   | 210 | Department of Correction   |
|   | 220 | Parole Board   |
| † | 230 | Indiana Clemency Commission                                      |
|   | 240 | State Police Department  |
|   | 250 | Law Enforcement Training Board                                   |
|   | 260 | State Department of Toxicology                                   |
| † | 270 | Adjutant General   |
| † | 280 | Division of Preparedness and Training                            |
|   | 290 | Department of Homeland Security                                  |

### ***NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE***

|   |       |  |
|---|-------|--|
|   | 305   | Indiana Board of Licensure for Professional Geologists   |
|   | 307   | Indiana Board of Registration for Soil Scientists        |
| † | 310   | Department of Natural Resources                          |
| † | 311   | State Soil and Water Conservation Committee              |
|   | 312   | Natural Resources Commission                             |
|   | 313   | Indiana State Museum and Historic Sites Corporation      |
|   | 315   | Office of Environmental Adjudication                     |
|   | 318   | Department of Environmental Management                   |
| † | 320   | Indiana Environmental Management Board                   |
| † | 320.1 | Solid Waste Management Board                             |
| † | 323   | Indiana Hazardous Waste Facility Site Approval Authority |
| † | 325   | Air Pollution Control Board of the State of Indiana      |
| † | 325.1 | Air Pollution Control Board                              |
|   | 326   | Air Pollution Control Division                           |
|   | 327   | Water Pollution Control Division                         |
|   | 328   | Underground Storage Tank Financial Assurance Board       |
|   | 329   | Solid Waste Management Division                          |
| † | 330   | Stream Pollution Control Board of the State of Indiana   |
| † | 330.1 | Water Pollution Control Board                            |
| † | 340   | Commissioner of Agriculture                              |
| † | 341   | Indiana Standardbred Board of Regulations                |
|   | 345   | Indiana State Board of Animal Health                     |
| † | 350   | Agricultural Experiment Station                          |
|   | 355   | State Chemist of the State of Indiana                    |
|   | 357   | Indiana Pesticide Review Board                           |
|   | 360   | State Seed Commissioner                                  |
|   | 365   | Creamery Examining Board                                 |
|   | 370   | State Egg Board  |
|   | 375   | Indiana State Department of Agriculture                  |

## ***HUMAN SERVICES***

- 405 Office of the Secretary of Family and Social Services
- † 407 Office of the Children's Health Insurance Program
- 410 Indiana Department of Health
- 412 Indiana Health Facilities Council
- 414 Hospital Council
- † 415 Commission on Forensic Sciences
- † 430 Developmental Disabilities Residential Facilities Council
- † 431 Community Residential Facilities Council
- 440 Division of Mental Health and Addiction
- † 450 Department on Aging and Community Services
- 455 Division of Aging
- 460 Division of Disability and Rehabilitative Services
- 465 Department of Child Services
- 470 Division of Family Resources
- † 480 Violent Crime Compensation Division
- † 490 Interdepartmental Board for the Coordination of Human Service Programs

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- 512 Department of Education
- 513 Commission on Seclusion and Restraint in Schools
- † 514 Indiana School for the Deaf Board
- 515 Advisory Board of the Division of Professional Standards
- † 520 Commission on Textbook Adoptions
- † 530 Commission on Teacher Training and Licensing
- 540 Indiana Education Savings Authority
- † 550 Board of Trustees of the Indiana State Teachers' Retirement Fund
- 560 Indiana Education Employment Relations Board
- † 570 Indiana Commission on Proprietary Education
- † 572 Indiana Commission on Vocational and Technical Education
- 575 State School Bus Committee
- † 580 Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
- † 585 State Student Assistance Commission
- 590 Indiana Library and Historical Board
- † 595 Library Certification Board

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- † 630 Industrial Board of Indiana
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- † 640 Indiana Unemployment Insurance Board

- † 645 Department of Employment and Training Services
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- † 650 State Fire Marshal
- 655 Board of Firefighting Personnel Standards and Education
- † 660 Administrative Building Council of Indiana
- † 670 Elevator Safety Board
- 675 Fire Prevention and Building Safety Commission
- † 680 Boiler and Pressure Vessel Rules Board
- † 685 Regulated Amusement Device Safety Board

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- 915 Indiana Veterans' Affairs Commission
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- 925 Meridian Street Preservation Commission
- 930 Indiana Housing and Community Development Authority
- 935 Indiana White River State Park Development Commission

† = Agency's rules are expired, repealed, transferred, or otherwise voided.

# INDEX FOR THE ADMINISTRATIVE RULES DRAFTING MANUAL

NOTE: This index was prepared for use with the Administrative Rules Drafting Manual at:  
<http://iac.iga.in.gov/iac/IACDrftMan.pdf>

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# SIGNATURE PAGES FOR DOCUMENTS FILED WITH THE PUBLISHER

## SAMPLE FOR USE WITH FINAL RULES

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### RULE SIGNATURE PAGE

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Rule #: \_\_\_\_\_ LSA Document # \_\_\_\_\_  
Agency: \_\_\_\_\_  
Subject: \_\_\_\_\_

ADOPTED:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name  
Title  
Agency

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Attorney General, State of Indiana

APPROVED:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Governor, State of Indiana

ACCEPTED FOR FILING:

By: Indiana Register  
Legislative Services Agency

**SAMPLE FOR USE WITH AGENCY CORRECTIONS, PROVISIONAL RULES, INTERIM RULES  
AND READOPTED FINAL RULES**

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**SIGNATURE PAGE**

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Rule #:            LSA Document #  
Agency:  
Subject:

ADOPTED:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name  
Title  
Agency

ACCEPTED FOR FILING:

By:    Indiana Register  
      Legislative Services Agency



# GOVERNOR APPROVAL AND OMB AND SBA REVIEW

## REGULATORY ANALYSIS BACKGROUND

Formal rulemaking requires written approval from the Office of Management and Budget (OMB) and State Budget Agency (SBA) of the proposed rule and regulatory analysis before an agency can proceed. This statutory requirement was added in 2023 and replaced the regulatory moratorium established by Executive Order 13-03 and the cost-benefit analysis required by Executive Order 2-89. Financial Management Circular 5.1 (FMC 5.1) describes the process for requesting OMB and SBA approval and the information that needs to be submitted. Financial Management Circular 5.2 (FMC 5.2) describes the requirements for the regulatory analysis which must be provided along with the proposed rule. Requests for approval should be submitted to OMB via [sbarules@sba.in.gov](mailto:sbarules@sba.in.gov).

### Governor's Approval Background

Both provisional rulemaking and interim rulemaking require written approval from the Governor before an agency can proceed. Financial Management Circular 5.3 (FMC 5.3) describes the process for requesting Governor's approval for provisional rulemaking and the information that needs to be submitted. Financial Management Circular 5.4 (FMC 5.4) describes the process for requesting Governor's approval for interim rulemaking and the information that needs to be submitted. Rulemaking requests must be approved before beginning the interim or provisional rulemaking process. Requests for approval should be submitted to OMB via [sbarules@sba.in.gov](mailto:sbarules@sba.in.gov).

### Helpful Resources

- OMB website: "<https://www.in.gov/omb/rule-approval-process/>
  - [Financial Management Circular 5.1](#)
  - [Financial Management Circular 5.2](#)
  - [Financial Management Circular 5.3](#)
  - [Financial Management Circular 5.4](#)

# ATTORNEY GENERAL REVIEW OF ADMINISTRATIVE RULES

## MEMORANDUM – REVISED DECEMBER 8, 2023

The purpose of this document is to clarify what must be included when a Final Rule is submitted to the office of the attorney general for review.

IC 4-22-2-31 provides:

“After an agency has complied with section 29 of this chapter, or adopted the rule in conformity with IC 13-14-9, as applicable, the agency shall submit its rule to the attorney general for approval. The agency shall submit the following to the attorney general:

- (1) The rule in the form required by section 20 of this chapter.
- (2) The documents required by section 21 of this chapter.
- (3) Written authorization to proceed issued by the publisher under sections 23 and 24 of this chapter or IC 13-14-9-4, IC 13-14-9-5, or IC 13-14-9-14, as applicable.
- (4) Any other documents specified by the attorney general.

The attorney general may require the agency to submit any supporting documentation that the attorney general considers necessary for the attorney general's review under section 32 of this chapter. The agency may submit any additional supporting documentation the agency considers necessary.”

Following the adoption of the rule, the agency compiles the following materials into one (1) solid colored folder or binder for submission to the office of the attorney general:

- (1) A rule signature page in the plastic sleeve containing the rule CD-ROM, signed by the appropriate authority, body, or both, along with one (1) rule CD-ROM (with the rule in Word or WordPerfect format) contained in a 3-hole punched plastic sleeve, followed by a divider. The copy of the Final Rule included on the CD-ROM will be published on the Indiana Register.
- (2) One (1) copy of all supporting documentation, followed by another divider.
- (3) A copy of any materials incorporated by reference (electronic or hard copy). (See IC 4-22-2-21).

Supporting documentation in the rule folder or binder should include the following:

- (1) Executive summary (required by governor but may be submitted at this time).
- (2) Printed from the Indiana Register (IR):
  - (A) Regulatory Analysis;
  - (B) Notice of First Public Comment Period;
  - (C) Notice of Public Hearing;
  - (D) Notice of Second Public Comment Period, if applicable;
  - (E) Notice of Second Public Hearing, if applicable; and
  - (F) 250<sup>th</sup> Day Notice, if applicable.
- (3) Cover emails for the transmittal of the Regulatory Analysis to State Budget Agency (SBA) and Office of Management and Budget (OMB).
- (4) Authorization for the commencement of the public comment period from SBA and OMB.

- (5) Authorization to Proceed from Legislative Services Agency (LSA).
- (6) Record of Public Hearing.
- (7) Record of action by any board, commission, or other body that must adopt or approve the rule. The record should include minutes, transcripts, or a statement signed by the chair or other authorized representative.
- (8) Copy of comments received during the public comment period(s) and at the public hearing(s).
- (9) Copy of the agency's response to the public comments.
- (10) If the rule imposes costs or requirements on small businesses (see IC 4-22-2.1-4; IC 4-22-2.1-6; IC 4-22-2-28), the following:
  - (A) Cover letter or other documentation showing that the Proposed Rule was submitted to the small business ombudsman;
  - (B) Comments from the small business ombudsman (comments must also be available on the agency's website and at the public hearing); and
  - (C) Agency response to the small business ombudsman's comments.
- (11) If the Final Rule is not identical to the Proposed Rule, the agency shall submit a description of all changes and the comments from either the public or the small business ombudsman that prompted the change.
- (12) Printout of the most current version of the rulemaking docket (See IC 4-22-2-22.5).
- (13) If the rule will not be signed by the governor within one (1) year of publication of the Notice of First Public Comment Period, a copy of the notice to the Publisher required under IC 4-22-2-25 that was filed before the 250th day following the publication of the Notice of First Public Comment Period.
- (14) Any other notices or documents published in the IR.

Following approval of the office of the attorney general, the rule will be delivered as a courtesy to the agency to the governor's general counsel for final approval. From the governor's office, the rule will be delivered to the Publisher as a courtesy to the agency. Note that statute allows the Publisher up to three (3) days to review, accept, and officially file the rule. This may impact certain statutory deadlines for certain rules, and, if that is the case, the agency needs to ensure that deadlines are appropriately communicated to the Publisher.

Interim Rules, Provisional Rules, and Rule Readoptions do not go through the same approval process as regular rules. Statute still requires these rules to be submitted electronically (Word or WordPerfect format) to the Publisher, and it makes the most sense for them to be delivered in a similar format as regular rules. For further reference, see IC 4-22-2-37.1, IC 4-22-2-37.2, and IC 4-22-2.6. For additional detail of rulemaking requirements and procedures, refer to IC 4-22-2, IC 4-22-2.1, and this guide.

## **APPENDIX A. ATTORNEY GENERAL'S OPINIONS (LIST)**

Click [HERE](#) to view or print, or both, the list of Attorney General's Opinions.

**NOTE:** Attorney General's Opinions preceding #78-7 were not published in the Indiana Register.

## **APPENDIX B. EXECUTIVE ORDERS AND PROCLAMATIONS (LIST)**

Click [HERE](#) to view or print, or both, the list of Executive Orders and Proclamations.

**NOTE:** Executive Orders preceding #78-16 were not published in the Indiana Register.

**NOTE:** Proclamations issued under IC 1-1-3-2 are published in the Indiana Register.

## OAG RULE REVIEW CHECKLIST

### IC 4-22-2-22.7: Regulatory Analysis

- Submitted Regulatory Analysis and Proposed Rule to OMB and SBA.
- Regulatory Analysis was published on the Indiana Register.
- The regulatory analysis included findings and any supporting data, studies, or analyses prepared for a rule that demonstrate compliance with the following:
  - Comply with standards of IC 4-22-2-19.5 including, minimizing expenses to regulated entities, persons, or consumers, in the least restrictive manner with practicable enforcement.
  - If applicable, complies with the requirements for fees, fines, and civil penalties in IC 4-22-2-19.6.
  - The annual economic impact on small businesses statement required under IC 4-22-2.1-5.
  - If applicable, the information required under IC 13-14-9-4.
  - Any requirement under any other law to conduct an analysis of the cost, benefits, economic impact, or fiscal impact of a rule, if applicable.
- The regulatory analysis included a statement justifying any requirement or cost that is:
  - imposed on a regulated entity under the rule; and
  - not expressly required by:
    - the statute authorizing the agency to adopt the rule; or
    - any other state or federal law.
- Authorization from OMB and SBA to commence the public comment periods.

### IC 4-22-2-23: Notice of First Public Comment Period

The following must be submitted by the agency to the Indiana Register **at least thirty (30) days before the public hearing:**

- Date, time, and place at which the hearing will be convened, including information for how to attend the public hearing remotely.
- Full text of Proposed Rule.
- Documents incorporated by reference, if applicable.
- Latest version of the regulatory analysis submitted to the budget agency and OMB.

- Authorization of the budget agency and OMB for the commencement of the public comment periods.
- If the proposed rule adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties, the agenda of the budget committee meeting at which the rule was scheduled for review.
- The actual notice of the first public comment period including:
  - A general description of the subject matter of the proposed rule.
  - Appropriate overview of intent and scope of the rule.
  - Statutory authority for the rule.
  - Latest version of the regulatory analysis submitted to the budget agency and OMB excluding any appendices containing any data, studies, or analyses references. Must include where, when, and how a person may inspect any data, studies, or analyses used referenced in the regulatory analysis.
  - Where, when, and how a person may inspect any documents incorporated in by reference in the proposed rule (IC 4-22-2-21).
  - Where, when, and how a person may submit written comments on the proposed rule, including the name, address, phone number, and email address of the small business regulatory coordinator (IC 4-22-2-28.1).
- Authorization to proceed from the publisher.

#### **IC 4-22-2-24: Second Public Comment Period**

If an agency receives substantive comments during the first public comment period or the public hearing, or the rule establishes a requirement or limitation that is more stringent than an applicable federal requirement or limitation, the agency must conduct a second public comment period (IC 4-22-2-24(a)).

- The agency must comply with all of the publication requirements at least thirty (30) days before the second public hearing was convened.

To publish a notice of the second public comment period, the agency must submit the following to the Indiana Register:

- Full text of the proposed rule.
- The actual notice of the second public comment period including:
  - Date, time, and place at which the hearing will be convened, including information for how to attend the public hearing remotely.

- A general description of the subject matter of the rule.
- Summary of the written comments received by the agency during the first public comment period and a summary of the response of the agency to the written comments.
- Either a statement indicating that no changes in the regulatory analysis have been made from the first public comment period or the latest version of the regulatory analysis excluding any appendices containing data, studies, or analyses.
  - Where, when, and how a person may inspect the regulatory analysis and the data, studies, or analyses referenced in the analysis.
- Explanation of any differences between the text of the proposed rule published in the notice of first public comment period and the text of the proposed rule.
- Where, when, and how a person may inspect any documents incorporated in by reference in the proposed rule (IC 4-22-2-21).
- Where, when, and how a person may submit written comments on the proposed rule.
  - Name, address, phone number, and email address of the small business regulatory coordinator (IC 4-22-2-28.1)
- An indication that the notice is for the second of two (2) thirty (30) day comment periods and that the agency may adopt the rule following the second comment period if the proposed rule is the same or does not substantially differ from the text of the published proposed rule.
- When the public comment period will conclude (at least 30 days after the notice is published).
- Indication that, if the agency does not receive any substantive comments during the 30-day public comment period or public hearing, the agency may adopt a rule that is the same as or does not substantially differ from the text of the published proposed rule.
- Authorization to proceed from the publisher.

**IC 4-22-2-26 and IC 4-22-2-17: Public Hearing and Remote Webcast Hearing**

- Documentation confirming the public hearing occurred on the date and time and place stated in the notice of public hearing.
- Public hearing(s) occurred at least thirty (30) days after the Notice of Public Comment Period and Notice of Second Public Comment Period, if applicable.
- Included an option for remote attendance that allows the public to comment remotely.
- Webcast(s) was archived as public records on the state website (IC 4-22-2-17(c)).



**IC 4-22-2-27 and IC 4-22-2-27.5: Summary of Public Comments and Agency Responses**

- The authorized authority adopting the rule considered the comments submitted during the public comment period(s) and public hearing(s).
- Summary of comments received by the agency during each public comment period and public hearing and a summary of the response of the agency to the comments.

**IC 4-22-2-28: Fiscal Impact of Rules**

- Submitted Proposed Rule to the Small Business Ombudsman.
- Received approval or comments from the Small Business Ombudsman.
- Responded in writing to Ombudsman's comments or suggestions.

**IC 4-22-2-21: Incorporation by Reference**

- No materials incorporated by reference.
- If materials were incorporated by reference, they were fully and exactly described in the rule document. Materials were included separately from the IAC rule text and supporting documentation (in paper or electronic format) if not previously filed with LSA.

**IC 4-22-2-29: Adoption of the Final Rule**

- Rule was properly adopted according to statutory requirements.
  - Was rule adopted in compliance with quorum requirements and minimum number of affirmative votes requirements that may exist for a board?
- Are there differences between the Proposed Rule and Final Rule?
  - If yes, are the changes acceptable under IC 4-22-2-29(b)(1)-(4)?
  - Were the changes explained by the agency and meet the logical outgrowth test?

**IC 4-22-2-25: Limitation on time to adopt a rule**

- There is sufficient time for the Governor to approve the rule within one (1) year after publication of the Notice of First Public Comment Period.

The agency notified the Indiana Register before the 250th day after publication of Notice of First Public Comment Period that the rule would not be approved by the Governor within one year. The notification included:

the reasons why the rule was not adopted and the expected date the rule will be completed; and

the expected date the rule will be approved or deemed approved by the governor.

### **Rule CD Review**

The disk supplied contains the Final Rule to be published by IR.

### **IC 4-22-2-22.5: Agency Rulemaking Docket**

Maintain a rulemaking docket on agency's website.

Rulemaking Docket must include:

the subject matter of the proposed rule;

notices related to the proposed rule or links to the IR where notices may be viewed;

how comments may be made;

the time within which comments may be made;

where comments and the agency's written response to those comments may be inspected;

the date, time, and place where a public hearing will be held;

a description of relevant scientific and technical findings related to the proposed rule, if applicable; and

a reasonable estimate of the timetable for action, updated periodically as circumstances change.

## APPENDIX D. LEGISLATIVE COUNCIL RESOLUTION 14-05

(As Adopted May 14, 2014)

BE IT RESOLVED BY THE INDIANA Legislative Council:

SECTION 1. (a) The following definitions apply throughout this resolution:

- (1) "Executive Director" refers to the Executive Director of the Legislative Services Agency.
- (2) "Public agency" includes the following:
  - (A) The judicial branch of state government.
  - (B) A state agency (as defined in IC 4-13-1-1).
  - (C) A body corporate and politic created by statute.
  - (D) A state educational institution.
- (3) "Report" includes any annual or other report that is subject to IC 5-14-6 that a public agency:
  - (A) voluntarily; or
  - (B) under a statutory directive;
- (4) submits to the entire membership of the General Assembly, the Legislative Services Agency, the Legislative Council, or a committee established under IC 2-5-1.3-4.

SECTION 2. The Legislative Council exercises its authority under IC 5-14-6-4, as amended by SEA 80-2014, SECTION 67, to provide for the Legislative Services Agency to make electronic distribution of reports to:

- (1) the entire membership of the General Assembly;
- (2) the Legislative Services Agency;
- (3) the Legislative Council; or
- (4) a committee established under IC 2-5-1.3-4;

instead of having the public agency submitting the report directly distribute the report to the member's Senate or House of Representatives electronic mail address, as otherwise required by statute.

SECTION 3. The Executive Director is directed to establish an email address or a portal on the Internet to receive reports and post received reports to the Internet Web site for the General Assembly. A public agency shall be treated as complying with a duty imposed under a statutory directive to distribute reports to:

- (1) the entire membership of the General Assembly;
- (2) the Legislative Services Agency;
- (3) the Legislative Council; or
- (4) a committee established under IC 2-5-1.3-4;

when the public agency submits the report in Portable Document Format (PDF) to the email address or Internet portal designated by the Executive Director. The Executive Director may set additional guidelines for the submission of reports.

SECTION 4. The Executive Director shall provide for periodic electronic notification:

- (1) that a report has been received; and
- (2) where it is posted on the Internet;

to the legislators designated to receive the submitted report. The notification may be made to an email address other than the member's Senate or House of Representatives electronic mail address, as otherwise required by statute, if requested by the legislator. The Executive Director may also electronically distribute to a legislator the full text of any report. The Executive Director shall electronically distribute the full text of a report to a legislator if requested by the legislator or as directed by the Personnel Subcommittee of the Legislative Council.

SECTION 5. The Executive Director may receive, post, and distribute any document that is required by a statutory directive to be submitted under or is otherwise subject to IC 5-14-6, regardless of whether the submitting entity qualifies as a public agency or the submitted document qualifies as a report.