

**OVERVIEW OF CHANGES MADE TO DRAFT PROPOSED RULE**  
**LSA Document #20-626**

The following is a list of modifications that were required to be made to the draft proposed rule in order to obtain an exception to the Regulator Moratorium and to comply with the Legislative Services Agency's drafting guidelines. In order to proceed with this rulemaking action, the following modifications, as identified below and incorporated in the modified draft proposed rule attached to this document, must be incorporated into the Commission's proposed rule.

- 1. Change:** Deleted language in 675 IAC 12-5-4(b) concerning who may submit an application and the manner in which it must be submitted.  
**Reason:** This was done upon request of the Office of Management and Budget as the regulations concerning submission of a document by an applicant's representative were already included in 675 IAC 12-5-5(c)(1), (13), and (14) of the draft proposed rule and the manner in which the application must be submitted was contained in IC 22-13-2-11(b). These modifications were required as IC 4-22-19.5(a)(3) requests that an agency drafting rules avoid duplicating standards.
- 2. Change:** Deleted the requirement in 675 IAC 12-5-5(c)(11) requiring any other reasonable data and information that the department or commission may require to make an informed decision on the request for a variance from being a requirement of submission of a completed application.  
**Reason:** This was done upon request of the Office of Management and Budget as this was determined to be an unworkable standard (too vague) for determining what is required for a completed application. However, removing this requirement for a completed application does not mean that the Department or the Commission cannot request additional information be submitted in order to make an informed decision.
- 3. Change:** Deleted 675 IAC 12-5-5.1(b) which required local fire and building officials to maintain up to date contact information with the Department for purposes of receiving notices of variance requests and modified the requirement in 675 IAC 12-5-5.1(d) to remove the requirement of *immediate* notification to the Department if discrepancies in local building or fire official contact information is found.  
**Reason:** This was done upon request of the Office of Management and Budget to soften the requirements placed on local jurisdictions for keeping up to date contact information with the Department. However, it is noted that the Department has already posted a list of local building official and fire official contact information and the requirement to provide this information is no longer necessary, only the requirement to update the information is, which still remains.
- 4. Change:** Modified 675 IAC 12-5-5.2 to add a subsection (c) to specifically permit written comments to include nonrequired information.  
**Reason:** This was done upon request of the Office of Management and Budget to explicitly state that the information required by subsection (b) was not the only information that could be submitted in a written comment.
- 5. Change:** Eliminated the modification to 675 IAC 12-3-13, which eliminated the fee brought over to 675 IAC 12-3-4(b) from the boiler and pressure vessel fee section.

**Reason:** This was done upon request of the Office of the Indiana Attorney General and the Legislative Services Agency as 675 IAC 12-3-13 was also being modified in the boiler and pressure vessel rules modification and to simplify the rulemaking process the modifications to 675 IAC 12-3-13 should only be made in one rulemaking action.

6. **Change:** Eliminated the repeal of 675 IAC 30-2, which eliminated the boiler and pressure vessel specific variance rules.

**Reason:** This was done upon request of the Legislative Services Agency as 675 IAC 30-2 was also being repealed in the boiler and pressure vessel rules modification and to simplify the rulemaking process the repeal of 675 IAC 30-2 should only be made in one rulemaking action.

7. **Change:** Made style changes and grammar corrections throughout the draft proposed rule.

**Reason:** This was done upon request of the Legislative Services Agency as rules are required to comply with their style guidelines.