

ADMINISTRATIVE RULES DRAFTING MANUAL



Prepared by the Legislative Services Agency
Indiana Register and Administrative Code Division
Under the Direction of
The Indiana Code Revision Commission

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INTRODUCTION

INDIANA ADMINISTRATIVE CODE

The *Indiana Administrative Code* (IAC) is published under the authority of the Legislative Council. The IAC is a compilation of the text of all permanent Indiana administrative rules. The first official edition of the IAC was published in 1979. The IAC was republished in 1984, 1988, 1992, 1996, and 2001 and annually since 2003. Since the posting of the 2007 edition, the IAC has been updated on the Indiana General Assembly's Website (-IR- Database Website) as final rules have become effective. The Indiana Register and Administrative Code Division (IRACD) of the Legislative Services Agency acts as the publishing branch of the Legislative Council for the IAC.

INDIANA REGISTER

The *Indiana Register* (IR) is a serial publication containing the full text of proposed rules, final rules, and other documents, such as notices of public hearing, notices of intent to adopt rules, nonrule policy statements, Executive Orders, and Attorney General's Opinions. The IR was published monthly from July 1, 1978, to July 1, 2006. Beginning July 2, 2006, the IR has been published on the -IR- Database Website only. Final rules published in the IR are later codified in the IAC. The IR can be considered an "advance sheet" of final rules to be codified in the IAC. Other documents, such as notices, nonrule policy statements, Executive Orders, and Attorney General's Opinions that are posted on the -IR- Database Website are not subsequently published in the IAC. The IRACD acts as the publishing branch of the Legislative Council for the IR.

SECTION 1. INTRODUCTION

PART 1-1 – DEFINITIONS USED IN THIS MANUAL

The following definitions apply throughout this manual:

- (1) “IAC” means the *Indiana Administrative Code*.
- (2) “IR” means the *Indiana Register*.
- (3) “IRACD” means the Indiana Register and Administrative Code Division of the LSA.
- (4) “LSA” means the Legislative Services Agency.

PART 1-2 – PURPOSE OF MANUAL

This manual was prepared by the IRACD. This manual was approved by the Indiana Code Revision Commission and the Legislative Council on May 22, 2008, to provide guidelines for drafting rules for the IR and the IAC. Unless otherwise stated in this manual, the rules of English composition apply. This manual reinforces certain practices that are particularly necessary when drafting administrative rule text.

PART 1-3 – PREVIOUS ADMINISTRATIVE RULES DRAFTING MANUAL

This manual replaces the September 10, 1997, Edition of the *Administrative Rules Drafting Manual*.

PART 1-4 – FORM AND STYLE MANUAL FOR LEGISLATIVE MEASURES

The *Administrative Rules Drafting Manual* has similar standards to the standards set forth in the *Form and Style Manual for Legislative Measures* approved by the Legislative Council September 23, 1999. The *Administrative Rules Drafting Manual* differs from the *Form and Style Manual for Legislative Measures* in subjects that are unique to administrative rulemaking.

PART 1-5 – REFERENCE BOOK

The *American Heritage Dictionary of the English Language*, Fourth Edition, is the standard dictionary used for the IR and the IAC. When alternative spellings are listed for a word, use the first or preferred spelling.

SECTION 2. ORGANIZATION AND CODIFICATION

PART 2-1 – IAC TITLE ASSIGNMENT

The IRACD assigns an IAC title number to an agency on the earlier of the:

- (1) date the agency drafts its first rule; or
- (2) effective date or other date specified in an enabling statute that gives the agency authority to adopt a rule by action of the General Assembly.

PART 2-2 – IAC CITATION SCHEME

(a) Rules are codified for purposes of identification and citation by a four (4) level numbering system as follows:

- (1) The number preceding IAC in the citation indicates the title. The title number identifies the agency or other body adopting the rule.

EXAMPLE OF AN IAC TITLE NUMBER:

410 IAC indicates that the rules of the Indiana State Department of Health are codified in Title 410 of the IAC.

- (2) The number following IAC in the citation indicates the article. An article codifies a broad category of rules.

EXAMPLE OF AN IAC ARTICLE NUMBER:

410 IAC 1 indicates where to find the rules of the Indiana State Department of Health on the topic of communicable disease control.

- (3) The penultimate number in the citation occurs after the article level and indicates a rule identifying a specific subject.

EXAMPLE OF AN IAC RULE NUMBER:

410 IAC 1-1 indicates where to find rules of the Indiana State Department of Health concerning the immunization of school children.

- (4) The last number in the citation indicates a specific section of a rule.

EXAMPLE OF AN IAC SECTION NUMBER:

410 IAC 1-1-1 indicates the section of the rule concerning the immunization of school children that specifically deals with immunization requirements.

(b) The following example includes each element in the citation 410 IAC 1-1-1:

ELEMENTS OF AN IAC CITATION:

410 IAC refers to Title 410

410 IAC 1 refers to Title 410, Article 1

410 IAC 1-1 refers to Title 410, Article 1, Rule 1

410 IAC 1-1-1 refers to Title 410, Article 1, Rule 1, Section 1

PART 2-3 – CODIFICATION SYSTEM

A permanent rule is organized into one (1) major grouping referred to as a title.

- Each title contains one (1) or more articles.
- Each article contains one (1) or more rules.
- Each rule contains one (1) or more sections.

PART 2-4 – DIVISION OF SECTIONS

(a) If a section contains more than one (1) paragraph, the section is divided into designated subsections. Similarly:

- (1) a subsection may be divided into subdivisions;
- (2) a subdivision may be divided into clauses;
- (3) a clause may be divided into items; and
- (4) an item may be divided into subitems.

(b) On the following page is an illustration of a section that contains subsections. In the left margin is a description of the different levels of tabulation shown.

SUBSECTION:	Sec. 1. (a) -----:
SUBDIVISION:	(1) -----; and (or)
SUBDIVISION:	(2) -----:
CLAUSE:	(A) -----; and (or)
CLAUSE:	(B) -----:
ITEM:	(i) -----; and (or)
ITEM:	(ii) -----; and (or)
SUBITEM:	(AA) -----; and (or)
SUBITEM:	(BB) -----; and (or)
SUBDIVISION:	(3) ----- -----.
SUBSECTION:	(b) ----- ----- -----.

NOTE: While the use of clauses, items, and subitems is allowed, this complexity can be avoided by dividing a section into several sections. The format for sections, subsections, subdivisions, clauses, items, and subitems is as follows:

- (1) To indent for a section, tab for a paragraph indent.
- (2) To indent for a subsection, tab for a paragraph indent. However, for a section with more than one (1) subsection, the designation for subsection (a) immediately follows the numeral designating the section. For instance, “Sec. 1. (a)...”.
- (3) To indent for a subdivision, use a single indent.
- (4) To indent for a clause, use a double indent.
- (5) To indent for an item, use a triple indent.
- (6) To indent for a subitem, use a quadruple indent.

[See the following page for an example of designations within an IAC section.]

DESIGNATIONS WITHIN AN IAC SECTION:

[NOTE: This IAC section has been altered for illustrative purposes.]

410 IAC 1-4-8 Precautions generally

Authority: IC 16-41-11-9

Affected: IC 16-19; IC 16-41-11

Sec. 8. (a) All covered individuals and health care workers under this rule shall comply with the requirements imposed under the Indiana occupational safety and health administration's bloodborne pathogens standards.

(b) The operator and all covered individuals whose professional duties are performed on behalf of a facility providing services to patients shall also comply with the following requirements:

- (1) All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
- (2) Environmental surfaces not requiring sterilization ~~which~~ **that** have been contaminated by blood or other potentially infectious materials shall be cleaned with an absorbent material ~~prior to~~ **before** disinfection. Disinfectant solutions shall **consist of either of the following:**

(A) ~~be~~ A germicide registered with the U.S. EPA for use as a hospital disinfectant and labeled tuberculocidal or registered germicide with specific inactivation claims against HIV and HBV. ~~or~~

(B) ~~be~~ A sodium solution dated and not used after twenty-four (24) hours as follows:

- (i) A minimum of 1:100 dilution (one-quarter (1/4) cup of five and twenty-five hundredths percent (5.25%) common household bleach in one (1) gallon of water).
- (ii) A 1:10 dilution (one (1) part five and twenty-five hundredths percent (5.25%) common household bleach in nine (9) parts water) shall be used when a blood, culture, or OPIM spill occurs in the laboratory setting.

(Indiana State Department of Health; 410 IAC 1-4-8; filed Oct 6, 1989, 4:20 p.m.: 13 IR 280; filed Nov 22, 1993, 5:00 p.m.: 17 IR 757; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Mar 28, 2006, 12:45 p.m.: 29 IR 2537; errata filed Aug 16, 2006, 2:30 p.m.: 20060830-IR-410050259ACA)

PART 2-5 – UNDESIGNATED SECTIONS

If a section contains only one (1) major paragraph of text, a subsection designation is not required. However, if the subsection contains a subdivision listing, the listing is designated with

numerals. Following is an illustration of a section with one (1) major paragraph and a subdivision listing:

Sec. 1. -----

-----:

SUBDIVISION: (1) -----; and (or)

SUBDIVISION: (2) -----:

CLAUSE: (A) -----; and (or)

CLAUSE: (B) -----;

SUBDIVISION: (3) -----
-----.

PART 2-6 – USE OF NUMERALS

- (a) Numerals are consecutively assigned at the article, rule, and section levels beginning with “1”.
- (b) The numeral zero (0) may not be used as an article, rule, or section number.

PART 2-7 – RESERVED NUMBERS

- (a) An article, a rule, or a section number may not be reserved by:
 - (1) leaving the number unused; or
 - (2) drafting a superfluous statement that nominally uses the number.
- (b) Two (2) or more pending rule documents adding part of a consecutive series to an article, a rule, or a section must be submitted in an order that avoids the reservation of a number. If documents are issued with article, rule, or section numbers out of order, the IRACD reassigns the numbers. Reassignment by the IRACD of numbers is based on the dates the documents are submitted for publication. A document submitted first will be assigned the lowest available article, rule, or section number.

PART 2-8 – DECIMAL NUMBERS

- (a) A decimal number may be used only if:
 - (1) the next higher number has been used in another Proposed Rule or Final Rule; and
 - (2) placement of the rule before another rule at the same article, rule, or section level is more

logical than placing the rule at the end of that level.

(b) A decimal value must be an increment of one-tenth of a numeral, that is, .1 through .9. Decimal values may not exceed .9.

PART 2-9 – REPEALED OR TRANSFERRED NUMBERS

(a) If an entire article, rule, or section is repealed, the repealed number may not be reused.

(b) If text is transferred by the General Assembly from the jurisdiction of one (1) agency to another, the former title, article, rule, or section number may not be reused.

PART 2-10 – REDESIGNATION WITHIN A SECTION

(a) If text is revised in a manner that omits, rearranges, or inserts an element in a series, the series is redesignated by relettering or renumbering.

(b) If text is revised in a manner that eliminates all but one (1) of the elements in a series, the remaining designation is eliminated and its text is run into the other text.

SECTION 3. TECHNIQUES

PART 3-1 – UNIT OF CHANGE

(a) The text of an IAC section or noncode SECTION may be included in a document only if the text is added or amended.

(b) Article headings and rule headings are included only when being added or changed.

(c) When an IAC section or noncode SECTION is amended, the entire IAC section or noncode SECTION is printed in the amending document.

PART 3-2 – NEW TEXT

New text is printed in **boldface** type, including the addition of an entirely new section or new text added to an existing section.

EXAMPLE OF BOLDFACE TYPE:

Sec. 1. The:
(1) county office of family and social services; **and**
(2) local health officer;
shall **jointly** inspect facilities.

PART 3-3 – AMENDMENT TECHNIQUE

Existing text is deleted by striking (~~striking~~). New text to occupy the same location is inserted after the stricken text in boldface type.

[See the following page for an example of striking and bolding text.]

EXAMPLE OF STRIKING AND BOLDING:

Sec. 1. The county office of family and social services and the local health officer shall jointly inspect facilities. **each facility once a month.**

REDESIGNATING WITHIN A SECTION:

Sec. 21. (a) This section applies only to intermediate care facilities.

(b) Recognition of the costs related to total staffing requirements will be limited to ~~4.5~~ **four and seventy-five hundredths (4.75)** hours worked per patient day in skilled nursing facilities.

~~(c) The minimum nursing staffing requirements shall be 2.5 hours worked per patient per day.~~

~~(c)~~ **(c)** Providers of intermediate care facilities services whose allowable costs are less than the MAL shall be allowed to retain a percent of the difference as an incentive for efficient operations.

PART 3-4 – REFERENCE LINES

(a) Reference lines include the following:

- (1) The section heading.
- (2) The section number.
- (3) The authority and affected lines.
- (4) The history line.

(b) Changes in reference lines may be deleted or added without showing stricken or boldface text.

(c) With the exception of the history line, reference lines are not part of a rule.

PART 3-5 – EMERGENCY RULES

(a) An agency with emergency rulemaking authority under IC 4-22-2-37.1 may add a noncode SECTION that revises one (1) or more IAC sections without specifically repealing the affected IAC sections.

(b) Do not amend an existing IAC section by showing canceled text. Use the language “This SECTION supersedes [existing IAC section citation].” to indicate that an IAC section is being temporarily amended and then show the section in all boldface text.

EXAMPLE OF A TEMPORARY AMENDMENT TO AN IAC SECTION:

SECTION 3. (a) This SECTION supersedes 312 IAC 9-6-6.

(b) A person must not take or possess fish at any of the following locations:

(1) From April 1 through June 15 from the following:...

PART 3-6 – EXTENSION OF TIME FOR EMERGENCY RULES

(a) If an extension of time is necessary for an emergency rule, as provided in IC 4-22-2-37.1(g), the Emergency Rule must be republished with a new LSA Document number.

(b) Use this DIGEST for an original Emergency Rule adding new provisions:

DIGEST OF A NONCODE EMERGENCY RULE ADDING NEW PROVISIONS:

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule

LSA Document #07-XX(E)

DIGEST

Temporarily adds provisions to update and clarify the requirements for hunting and fishing. Statutory authority: IC X-XX-X-X. Effective July 1, 2007.

(c) Use this DIGEST for an original Emergency Rule amending existing IAC sections:

DIGEST OF A NONCODE EMERGENCY RULE AMENDING AN EXISTING IAC SECTION:

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule

LSA Document #07-XX(E)

DIGEST

Temporarily amends 312 IAC 1-2-3 concerning hunting and fishing. Statutory authority: IC X-XX-X-X. Effective July 1, 2007.

(d) Use this DIGEST for an extension of an Emergency Rule adding new provisions:

DIGEST OF A NONCODE EMERGENCY RULE EXTENSION ADDING NEW PROVISIONS:

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule

LSA Document #07-YY(E)

DIGEST

Temporarily adds provisions to update and clarify the requirements for hunting and fishing. Statutory authority: IC X-XX-X-X. *NOTE: The original emergency document, LSA Document #07-XX(E), posted at 20070627-IR-3120700XXERA, effective July 1, 2007, expires September 29, 2007. Effective September 30, 2007.*

(e) Use this DIGEST for an extension of an Emergency Rule amending existing IAC sections:

**DIGEST OF A NONCODE EMERGENCY RULE EXTENSION
AMENDING AN EXISTING IAC SECTION:**

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule

LSA Document #07-YY(E)

DIGEST

Temporarily amends 312 IAC 1-2-3 concerning hunting and fishing. Statutory authority: IC X-XX-X-X. *NOTE: The original emergency document, LSA Document #07-XX(E), posted at 20070627-IR-3120700XX, effective July 1, 2007, expires September 29, 2007. Effective September 30, 2007.*

(f) Use this expiration statement with the original Emergency Rule:

NONCODE EMERGENCY RULE EXPIRATION SECTION:

SECTION 2. This document expires September 29, 2007.

(g) Use this expiration statement with the extension of the Emergency Rule:

NONCODE EMERGENCY RULE EXTENSION EXPIRATION SECTION:

SECTION 2. This document expires December 28, 2007.

PART 3-7 – NONCODE RULES

A noncode rule is a rule that, due to its temporary nature, is not included in the IAC but is posted on the -IR- Database Website. Generally, a noncode rule includes provisions that:

- (1) contain a specific termination date that is within five (5) years after the date of adoption of the rule; or
- (2) terminate by implication when their purpose is fulfilled or ceases to exist.

PART 3-8 – SPECIFIC REPEALS

(a) A rule is repealed through the use of a specific repealer.

(b) An entire IAC section may not be repealed by amendment. Completely different subject matter may not be added to an IAC section by striking all of the existing text and inserting new subject matter. Instead:

- (1) the existing IAC section must be specifically repealed; and
- (2) a new section must be added with a new IAC section number.

SPECIFIC SINGLE REPEAL:

SECTION 2. 310 IAC 13 IS REPEALED.

SPECIFIC MULTIPLE REPEAL:

SECTION 2. THE FOLLOWING ARE REPEALED: 470 IAC 5-3-1; 470 IAC 5-3-5; 470 IAC 5-3-6; 470 IAC 5-3-7; 470 IAC 5-6.

PART 3-9 – AMENDING A PROPOSED RULE

(a) If it is necessary to amend a section that is based on an earlier proposed version that has not yet become final, the later amendment must be drafted to reflect changes proposed in the text of the first version.

(b) Text proposed to be canceled (stricken) in the first version is deleted in the later amendment. Text proposed to be added in the first version appears in regular typeface (instead of

boldface) in the later amendment.

PART 3-10 -- REPEAL OF A NONCODE SECTION

A noncode SECTION may be repealed only to:

- (1) terminate the effect of the noncode SECTION before the date it expires; or
- (2) codify part or all of the noncode SECTION by:
 - (A) adopting it as a permanent rule; and
 - (B) terminating the effect of any remaining provisions.

REPEAL OF A NONCODE EMERGENCY RULE SECTION:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 310 DEPARTMENT OF NATURAL RESOURCES

Emergency Rule

LSA Document #07-150(E)

DIGEST

Repeals LSA Document #07-103(E), SECTION 2, posted at 20070627-IR-310070103ERA. Effective July 10, 2007.

SECTION 1. LSA Document #07-103(E), SECTION 2, IS REPEALED.

PART 3-11 – REVIVING A REPEALED RULE

A specific repealer SECTION may not be amended or specifically repealed. To reissue text that has been repealed, the text must be added as a new article, rule, or section.

PART 3-12 – EFFECTIVE DATES; EXPIRATION DATES

(a) IC 4-22-2-36 provides that a rule that has been accepted for filing by the Publisher takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date that is thirty (30) days from the date and time that the rule was accepted for filing by the Publisher.
- (3) The effective date stated by the agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(b) The operation of an effective date or an expiration date may be delayed by amendment only if the amendment takes effect before the effective date or expiration date. Otherwise, an effective date or expiration date may not be amended.

PART 3-13 – USE OF ENTIRE TERM

An entire term, such as a:

- (1) word;
- (2) citation;
- (3) number;
- (4) designation;
- (5) symbol;
- (6) sign;
- (7) mathematical or scientific expression; or
- (8) piece of artwork;

including any punctuation contained within or immediately after the term, must be shown as stricken or bold. If part of a term is revised, the term must be replaced as a unit.

USE:	DO NOT USE:
student students	students
470 IAC 1-5-9 470 IAC 1-5-10	470 IAC 1-5-9 10 or 470 IAC 1-5-9 1-5-10
\$5.50 \$5.25	\$5.50 25 or \$5.50 5.25
nine hundred five (905) twenty-five (925)	nine hundred twenty (920) nine hundred twenty-five (925)

PART 3-14 – MINIMAL CHANGE

(a) An amendment must contain the least number of stricken terms necessary to complete the revision.

(b) A term that is not revised or relocated by an amendment may be stricken and replaced if the term is part of:

- (1) a phrase or other block of text that is more readable when replaced as a whole;
- (2) a table column or other specially formatted line of text where spacing limits the inclusion of both the stricken and new versions of that text; or
- (3) artwork.

The phrase, artwork, or other block of text may be stricken as a unit and reinserted as a unit.

(c) When an IAC section is being extensively amended, it is often advisable to repeal and replace the section by adding a new IAC section with a new IAC section number.

PART 3-15 – CAPITALIZATION; PUNCTUATION; INDENTATION

Capitalization, punctuation, or indentation in a rule may be revised without striking and reinserting in boldface type.

IT IS NOT NECESSARY TO SHOW CHANGES LIKE THIS:

sStudent
Sstudent
student;
student;

PART 3-16 – AMENDING ARTWORK

Artwork may be stricken in a document by covering it with an X.

PART 3-17 – DIFFERENCES BETWEEN PROPOSED RULES AND FINAL RULES

(a) If text is shown as canceled (stricken) in a Proposed Rule and the text is not canceled (stricken) in the Final Rule, reset the text as regular typeface.

(b) If new text is inserted in boldface in a Proposed Rule and not adopted for the Final Rule, delete the boldface text.

SECTION 4. RULE ADOPTION AND PROCEDURES FOR SUBMISSION OF DOCUMENTS

PART 4-1 – NOTICES OF INTENT TO ADOPT A RULE

(a) To publish a Notice of Intent to Adopt a Rule under IC 4-22-2-23, an agency must submit the Notice of Intent to Adopt a Rule to the IRACD electronically (in Word or WordPerfect format or another format acceptable to the Publisher) as an e-mail attachment to register@iga.in.gov. An LSA Document number will be assigned by the IRACD staff once the document has been processed.

(b) The Notice of Intent to Adopt a Rule must include the:

(1) statutory authority for the rulemaking; and

(2) name, address, telephone number, and e-mail address of the agency's designated Small Business Regulatory Coordinator under IC 4-22-2-28.1.

The solicitation of questions or comments is discretionary under IC 4-22-2-23.

(c) An agency must wait at least twenty-eight (28) days after the Notice of Intent to Adopt a Rule has been posted on the -IR- Database Website before submitting the Proposed Rule to the IRACD for publication. NOTE: The agency must have received approval from the Budget Agency before submitting the Proposed Rule to the IRACD for publication (see Executive Order 2-89).

[See the following page for an example of a Notice of Intent to Adopt a Rule.]

NOTICE OF INTENT TO ADOPT A RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Notice of Intent to Adopt a Rule

LSA Document #07-235

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

OVERVIEW: Amends 170 IAC 8.5-1-1 concerning definitions. Questions concerning the proposed rule may be addressed to the following telephone number: (317) 232-2092. Statutory authority: IC 8-1-2-47.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Jane Doe, Assistant General Counsel
Indiana Utility Regulatory Commission
Indiana Government Center-South
302 West Washington Street, Room E306
Indianapolis, IN 46204
(317) 555-1234
jdoe@urc.in.gov

PART 4-2 – PROPOSED RULES

(a) An agency must initially submit a Proposed Rule with its corresponding Economic Impact Statement (IC 4-22-2.1-5) as a separate attachment, but NOT the corresponding Notice of Public Hearing, electronically to register@iga.in.gov. All Proposed Rules must be sent individually. The IRACD will not accept e-mails with multiple attachments except for a Proposed Rule with its corresponding Economic Impact Statement. Two (2) or more Proposed Rules may not be sent as attachments to the same e-mail. The LSA Document number must be included either:

- (1) in the file name of the attachments; or
- (2) as part of the text of the documents themselves.

NOTE: The prohibition of multiple e-mail attachments applies ONLY to Proposed Rules.

(b) Upon receipt of the Proposed Rule and its corresponding Economic Impact Statement, the IRACD will review the rule and reply with an Intended Date of Publication. This Intended Date of Publication will be a Wednesday and is contingent on the IRACD's receiving the Notice of Public Hearing information by the preceding Friday.

PROPOSED RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION

Proposed Rule

LSA Document #06-91

DIGEST

Amends 315 IAC 1-3-2 concerning an address. Adds 315 IAC 1-1-2 regarding the statutory mandate that the director of the Office of Environmental Adjudication may be removed for cause under the Code of Judicial Conduct. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses *[NOTE: This line of text will be hyperlinked on the -IR- Database Website to the Economic Impact Statement for this Proposed Rule.]*

315 IAC 1-1-2; 315 IAC 1-3-2

SECTION 1. 315 IAC 1-1-2 IS ADDED TO READ AS FOLLOWS:

315 IAC 1-1-2 Applicable provisions of the code of judicial conduct

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-7-6

Sec. 2. (a) The following definitions apply throughout this section:

(1) "Code of judicial conduct" refers to the code of judicial conduct adopted by the Indiana supreme court, effective March 1, 1993.

(2) "Environmental law judge" means an environmental law judge for the office of environmental adjudication.

(Office of Environmental Adjudication; 315 IAC 1-1-2)

SECTION 2. 315 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

315 IAC 1-3-2 Initiation of a proceeding for administrative review

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-3-7; IC 4-21.5-3-15; IC 4-21.5-4; IC 13-15-6-1

Sec. 2. (a) A proceeding before the **agency office** is initiated for...

**ECONOMIC IMPACT STATEMENT
(EXPLAINING COSTS OR REQUIREMENTS):**

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION

Economic Impact Statement

LSA Document #06-10

Estimated Number of Small Businesses Subject to this Rule:

The Commission estimates that 32 small businesses will be impacted by this rule. The rule adds a certification program for emergency medical dispatch agencies as required under IC 16-31-3.5. The Commission estimates that the number of small businesses impacted would be 32 statewide.

Estimated Average Annual Administrative Costs That Small Businesses Will Incur:

The Commission estimates that the 32 small businesses affected by certification requirements will incur some moderate additional administrative expenses resulting from the certification requirements. These small businesses will have to apply for, and receive, the emergency medical dispatch agency certification.

Estimated Total Annual Economic Impact on Small Businesses:

The Commission estimates that there will be approximately \$1,600 total fiscal impact on small businesses as a result of compliance with this rule.

Supporting Data, Studies, and Analyses:

The Commission reviewed professional journals publishing articles on emergency medical services issues and the U.S. National Highway Traffic Safety Administration's publications on emergency medical dispatch training.

Regulatory Flexibility Analysis of Alternative Methods:

The Commission has given the regulated community almost four years of preparatory time to ensure that their dispatchers trained. To the extent that one or more small businesses have chosen to pay for such training, the preparatory time has given those small businesses the opportunity to budget for the cost of such training.

Explanation of Preliminary Determination:

The Commission did not make a determination that the rule was necessary because the promulgation of such rule by the Commission is mandated under IC 16-31-3.5.

**ECONOMIC IMPACT STATEMENT
(STATING THERE ARE NO COSTS OR REQUIREMENTS):**

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 240 STATE POLICE DEPARTMENT

Economic Impact Statement

LSA Document #06-418

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

The proposed rule will not impose requirements or costs on small businesses under IC 4-22-2.1-5.

PART 4-3 – NOTICES OF PUBLIC HEARING

(a) After a Proposed Rule and its corresponding Economic Impact Statement have been submitted to the IRACD for publication, an Intended Date of Publication will be sent to the agency by the IRACD. When the agency receives, via e-mail, the Intended Date of Publication, the agency may then schedule the public hearing based on this Intended Date of Publication. The public hearing must be at least twenty-one (21) days after the date of publication of the Proposed Rule, Economic Impact Statement, and Notice of Public Hearing.

(b) The agency must then send ONLY the Notice of Public Hearing (NOT the Proposed Rule or Economic Impact Statement again) to 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 justification of requirements or costs on regulated entities under IC 4-22-2-24(d)(3) (except for Indiana Department of Environmental Management boards). When there are no additional requirements or costs, the notice of hearing must include an affirmative statement indicating so.
- (3) A reference to the subject matter.
- (4) A declaration that a copy of the Proposed Rule is on file and may be examined in the office of the agency proposing the rule.

(c) As referenced in Part 4-2(a), Notices of Public Hearing must be sent individually. The IRACD will not accept multiple attachments with e-mails except for a Proposed Rule and its corresponding Economic Impact Statement. The Notice of Public Hearing must reference the LSA Document number, either as part of the:

- (1) file name; or
- (2) text document.

NOTE: If the Notice of Public Hearing information is not received by the Friday before the following

Wednesday's postings, the Proposed Rule 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 IRACD within the time frame referenced above.

(d) Upon receipt of the Notice of Public Hearing, the IRACD will reply to the e-mail with an Authorization to Proceed (AP) with the public hearing. Upon receipt of this AP, the agency may contract with a newspaper of general circulation in Marion County to publish the Notice of Public Hearing (including the justification statement referenced in (b)(2) above) in the newspaper. In addition, the AP must be included in the final packet that is submitted to the Attorney General's office for approval. NOTE: The newspaper Notice of Public Hearing must be published at least 21 days before the public hearing is held.

**NOTICE OF PUBLIC HEARING
(WITH JUSTIFICATION LANGUAGE FOR COSTS OR REQUIREMENTS):**

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 760 DEPARTMENT OF INSURANCE

**Notice of Public Hearing
LSA Document #06-69**

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 9, 2007, at 10:00 a.m. at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Department of Insurance will hold a public hearing on proposed rules to provide operational requirements.

The proposed rule requires each PEO to maintain a minimum net worth of \$50,000 or a bond with a market value of at least \$50,000.

Copies of these rules are available on the Department of Insurance's website at www.in.gov/idoi.

Copies of these rules are now on file at the Department of Insurance, 311 West Washington Street, Suite 300 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

John Doe
Commissioner
Department of Insurance

NOTE: The inclusion of an agency's website address is discretionary.

**NOTICE OF PUBLIC HEARING
(WITH JUSTIFICATION LANGUAGE
INDICATING THERE ARE NO COSTS OR REQUIREMENTS):**

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 312 NATURAL RESOURCES COMMISSION

Notice of Public Hearing
LSA Document #07-23

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 15, 2007, at 6:00 p.m., in the Patio Building, Miami County Fairgrounds, 1029 West 200 North, Peru, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to allow handguns to be carried on DNR properties.

The proposed rule amendments would not impose requirements or costs under IC 4-22-2-24(d)(3).

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

John Doe
Chairman
Natural Resources Commission

PART 4-4 – NOTICES OF ADDITIONAL PUBLIC HEARINGS

An agency may not convene more than one (1) public hearing on a Proposed Rule unless the agency publishes notice of the additional hearings by submitting to the IRACD a notice stating the date, time, and location of each additional public hearing.

NOTICE OF PUBLIC HEARING WITH MORE THAN ONE HEARING SCHEDULED:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 312 NATURAL RESOURCES COMMISSION

Notice of Public Hearing
LSA Document #07-23

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on May 15, 2007, at 6:00 p.m., in the Patio Building, Miami County Fairgrounds, 1029 West 200 North, Peru, Indiana; AND on May 16, 2007, at 6:00 p.m., in the Lakeview Room, Spring Mill State Park, 6666 Hwy 60 East, Mitchell, Indiana, the Natural Resources Commission will hold public hearings on proposed amendments to allow handguns to be carried on DNR properties.

The proposed rule amendments would not impose requirements or costs under IC 4-22-2-24(d)(3).

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

John Doe
Chairman
Natural Resources Commission

PART 4-5 – CHANGES IN NOTICES OF PUBLIC HEARING

(a) In order to ensure that the IRACD does not receive a Change in Notice of Public Hearing with a date that does not allow enough time for the IRACD staff to process and post the document, the agency must contact the IRACD staff before submitting the Change in Notice of Public Hearing to find out when the Change in Notice of Public Hearing can be posted on the -IR- Database Website. When the date of posting has been determined, the Change in Notice of Public Hearing may be sent to the register@iga.in.gov mailbox with the date of the hearing based on this informal “intended date of publication”.

(b) Only the Change in Notice of Public Hearing will be posted on the -IR- Database Website. The corresponding Proposed Rule will not be reposted.

(c) The Change in Notice of Public Hearing must contain all of the information listed in Part 4-3(b), including the justification language for additional requirements or costs on regulated entities.

(d) Differences from the original Notice of Public Hearing, such as the date, time, or location, must be shown in boldface italic type.

[See the following page for an example of a Change in Notice of Public Hearing.]

CHANGE IN NOTICE OF PUBLIC HEARING:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Change in Notice of Public Hearing

LSA Document #06-429

The Indiana Utility Regulatory Commission gives notice that the date of the public hearing for LSA Document #06-429, posted at 20061122-IR-170060429PRA, has been changed. The changed Notice of Public Hearing appears below:

Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on **April 5, 2007**, at 9:30 a.m. EDT, at the **Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana**, the Indiana Utility Regulatory Commission will hold a public hearing on a proposed rule to require customer notification when a telecommunications service provider communicates with a residential customer about changing from basic to nonbasic telecommunications services.*

No requirement or cost is imposed on a telecommunications service provider under this rule that is not expressly required by the statute authorizing the Indiana Utility Regulatory Commission to adopt this rule.

Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E306 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

John Doe
Commission Chairman
Indiana Utility Regulatory Commission

PART 4-6 – FINAL RULES

(a) A Final Rule must contain text as adopted by the agency. Any changes made after the publication of the Proposed Rule that is the basis for the Final Rule must be integrated into the Final Rule.

(b) Following adoption of the rule (when the rule is ready for final submission), each agency must record a copy of the rule onto a blank CD for electronic submission. The procedure for submission is as follows:

(1) Label the CD accordingly and maintain a copy of the Final Rule.

(2) Compile the following materials into one (1) solid-colored folder or binder:

(A) The one (1) rule CD contained in a three (3) hole-punched plastic sleeve, followed by a divider, then one (1) copy of all the supporting documentation (including a list of all matters incorporated by reference fully and exactly described), followed by another divider, and then finally a copy of any materials incorporated by reference.

(B) Use of a binder as opposed to a less expensive folder will depend on the size of the rule, any accompanying supporting documentation, and the incorporated materials. In some cases, more than one (1) binder may be necessary if the materials incorporated by reference are not available in electronic format. In that case, the agency must label supplementary binders appropriately and attach them to the actual rule.

(3) The last item to be added to the rule folder will be a Rule Signature Page, which will be signed by the appropriate authority or body and inserted into the plastic sleeve along with the rule CD. The agency must ensure that the signature lines reflect the individual, individuals, or entity that has the relevant authority to promulgate and adopt a rule. The subject line must state the general topic or topics on what the rule concerns.

(4) At the time the rule is ready to be submitted to the Office of Attorney General, everything should be contained in one (1) folder or binder except as noted in (b)(2)(B) above. CDs should not be submitted independently because of their size and the possibility of loss or separation from the rest of the included materials.

(5) Only one (1) copy of the:

(A) Final Rule on CD-ROM;

(B) supporting documentation (including a list of the materials incorporated by reference fully and exactly described); and

(C) materials incorporated by reference;

are required to be submitted to the Office of Attorney General upon final adoption.

(6) Where the materials incorporated by reference are available in electronic format, they may also be submitted on a separate CD (contained in a plastic sleeve within the same folder) to save space, time, and paper.

(7) Following approval by the Office of Attorney General, the rule will be delivered, as a courtesy, to the Governor's Office for final approval.

(8) Following approval by the Governor, the Governor's Office, as a courtesy, delivers the

document to the IRACD.

(9) The IRACD has three (3) days to review, accept, and officially file the rule. This may impact statutory deadlines for certain rules, and, if that is the case, the agency needs to ensure that deadlines are appropriately communicated to the IRACD. When the document is accepted for filing, the IRACD will affix a time-stamped label indicating that the document has been filed with the Publisher.

NOTE: Emergency Rules, Agency Corrections, and Readopted Final Rules do not go through the same approval process as do normal rules. However, to the extent feasible, agencies should follow the same procedures for packaging of rules. The only notable difference will be fewer signatures on the Rule Signature Page (only the authorizing person and a line for the filing date and time).

[See the following page for an example of a Final Rule.]

FINAL RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 515 ADVISORY BOARD OF THE DIVISION OF PROFESSIONAL STANDARDS

Final Rule

LSA Document #05-338(F)

DIGEST

Amends 515 IAC 8-1-1 to add a definition to reflect that the responsibility for teacher licensing has been transferred to the Department of Education. Amends 515 IAC 8-1-21 concerning exceptional needs. Effective 30 days after filing with the Publisher.

515 IAC 8-1-1; 515 IAC 8-1-21

SECTION 1. 515 IAC 8-1-1 IS AMENDED TO READ AS FOLLOWS:

515 IAC 8-1-1 Definitions

Authority: IC 20-28-2-6

Affected: IC 20-28-2; IC 20-28-5

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

(b) "Accomplished practitioner license" has the meaning set forth in 515 IAC 1-2-3.

(c) "All schools" means that the license applicant:

(1) has met all developmental standards; and

(2) qualifies for all five (5) school settings as set forth in section 2 of this rule.

(c) **(d)** "Teacher training institution" means a college or university offering a program of teacher education approved by the ~~professional standards board~~ **department**. (*Advisory Board of the Division of Professional Standards; 515 IAC 8-1-1; filed Aug 11, 2003, 3:15 p.m.: 27 IR 166; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3308; filed Jul 18, 2006, 1:29 p.m.: 20060816-IR-515050338FRA*)

SECTION 2. 515 IAC 8-1-21 IS AMENDED TO READ AS FOLLOWS:...

PART 4-7 – AGENCY CORRECTIONS

To correct text of a Final Rule, Emergency Rule, or Readopted Final Rule under IC 4-22-2-38, an agency must submit the document for filing to the IRACD. Agencies should follow the same procedures for packaging of Agency Corrections as for Final Rules. The only notable difference is that there are fewer signatures on the Rule Signature Page (only the authorizing person and a line for the filing date and time). The IRACD will affix a time-stamped label indicating that the document has been filed with the Publisher.

AGENCY CORRECTION:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Agency Correction

LSA Document #05-260(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #05-260(F), posted at 20061025-IR-410050260FRA:

- (1) In 410 IAC 17-10-1(e), after “subsection (c)”, delete "of this rule".
- (2) In 410 IAC 17-10-1(f), delete "commissioner" and insert "director".
- (3) In 410 IAC 17-10-1(h), after “subsection (e)”, delete "of this rule".

PART 4-8 – NOTICES OF RECALL

To recall a rule document, an agency must send the LSA Document number by e-mail to the Register mailbox and request that the document be recalled. It is not necessary to send the completed Notice of Recall document. The Notice of Recall will be generated by the IRACD staff.

NOTICE OF RECALL:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 760 DEPARTMENT OF INSURANCE

Notice of Recall

LSA Document #05-265

Under IC 4-22-2-40, LSA Document #05-265, posted at 20070627-IR-760050265PRA, is recalled.

PART 4-9 – NOTICES OF WITHDRAWAL

To withdraw a rule document, an agency must send the LSA Document number by e-mail to the Register mailbox and request that the document be withdrawn. It is not necessary to send the completed Notice of Withdrawal document. The Notice of Withdrawal will be generated by the IRACD staff.

NOTICE OF WITHDRAWAL:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 329 SOLID WASTE MANAGEMENT BOARD

Notice of Withdrawal
LSA Document #06-182

Under IC 4-22-2-41, LSA Document #06-182, posted at 20061115-IR-329060182PRA, is withdrawn.

PART 4-10 – READOPTIONS UNDER IC 4-22-2.5

The procedure to readopt a rule under IC 4-22-2.5 is as follows:

(1) Submit a Notice of Intent to Readopt to the IRACD electronically (in Word or WordPerfect format or another format acceptable to the Publisher) as an e-mail attachment to register@iga.in.gov. The majority of the document is standard language. (See example on the following page.) The agency should substitute the appropriate information, such as the following:

- (A) The title number and the name of the agency.
- (B) A cites listing with headings.
- (C) The Small Business Regulatory Coordinator information (IC 4-22-2-28.1).
- (D) Statutory authority or authorities.

NOTE: The headings should match the case of the cite being readopted, that is:

- ALL CAPITAL LETTERS FOR ARTICLE HEADINGS
- Initial Capital Letters for Rule Headings
- First word only capitalized for section headings

NOTE: The written comments may be sent to:

- the Small Business Regulatory Coordinator (SBRC) for the rule; or
- a different person designated by the agency to receive the written comments (in addition to the SBRC).

[See the following page for an example of a Notice of Intent to Readopt.]

NOTICE OF INTENT TO READOPT:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

Notice of Intent to Readopt

LSA Document #07-237

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

OVERVIEW: Rules to be readopted without changes are as follows:

105 IAC 1-1	Administrative Adjudication Procedures Related to Aeronautics Programs
105 IAC 2-1	Registration of Aerial Applicators
105 IAC 3	AIRPORTS
105 IAC 5-8-2	Contents of the petition

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to the Small Business Regulatory Coordinator for this rule (see IC 4-22-2-28.1):

Jane Doe, Staff Attorney
Indiana Department of Transportation
Indiana Government Center-North
100 North Senate Avenue, Room N730
Indianapolis, Indiana 46205-2216
jdoe@indot.in.gov
(317) 555-1234

Statutory authority: IC 8-23-2-6.

(2) Once the Notice of Intent to Readopt has posted on the -IR- Database Website (the agency contact person will receive a notification by e-mail after the posting), the agency must wait thirty (30) days for written requests to separate a portion of the document out of the rulemaking (see IC 4-22-2.5-4(b)). It is advisable to wait an additional five (5) extra days for letters postmarked within the thirty (30) day period that are received after the thirty (30) day waiting period has elapsed.

(3) If no written requests are received, the agency creates a Readopted Final Rule. Again, the document is predominantly standard language. (See example on the following page.)

(4) Record the Readopted Final Rule on a blank CD (in Word or WordPerfect format or another format acceptable to the Publisher and in a “read-only” format). Have the authorizing person or body sign a paper signature page and bring the CD and the paper signature page to the Indiana Register office (Indiana Government Center North, Room N201).

Agencies should follow the same procedure as for the packaging of final rules. The only notable difference is that fewer signatures are needed on the Rule Signature Page (only the authorizing person and a line for the filing date and time). The IRACD will affix a time-stamped label indicating that the document has been filed with the Publisher. The agency may also send the document via U.S. mail, a courier, or interoffice mail, time permitting. NOTE: The Readopted Final Rule must be filed in the IRACD office by December 2 in order to be effective by the succeeding January 1.

READOPTED FINAL RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Readopted Final Rule
LSA Document #07-141(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

410 IAC 1-1; 410 IAC 2; 410 IAC 3-1-2

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

410 IAC 1-1	Immunization of School Children
410 IAC 2	TUBERCULOSIS CONTROL
410 IAC 3-1-2	Testing procedures; standards

**PART 4-11 – INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
NOTICES UNDER IC 13-14-9**

(a) The boards of the Indiana Department of Environmental Management are required by IC 13-14-9 to publish various documents, such as First Notices of Comment Period and Second Notices

of Comment Period, before the Proposed Rule stage and instead of a Notice of Intent to Adopt a Rule.

(b) Many of these IC 13-14-9 Notices contain a “Comment Period Deadline”. The procedure for inserting this date is as follows:

(1) When an IC 13-14-9 Notice is submitted to the IRACD for posting on the -IR- Database Website, the rulewriter must insert “[publication date plus xx days]” in the place where the Comment Period Deadline date appears (when applicable).

(2) When the IRACD staff reviews the document, the editor will:

(A) determine when the document can be posted;

(B) calculate the Comment Period Deadline; and

(C) send the date to the rulewriter for confirmation.

(3) The rulewriter must reply to the editor confirming the date.

NOTE: This is a separate procedure from the normal “Intended Date of Publication” involved in the Notice of Public Hearing procedure.

PART 4-12 – JOINT PROMULGATIONS

If two (2) or more agencies issue joint rules, each agency must:

(1) propose its rules in a separate document; and

(2) initiate separate rule proceedings.

(See IC 4-22-2-18.)

PART 4-13 – EMERGENCY RULES

(a) Certain agencies may adopt Emergency Rules under IC 4-22-2-37.1. An Emergency Rule adopted under the emergency rulemaking statute is exempt from certain requirements for public notice of rulemaking. In most cases, an emergency rule is a temporary rule.

(b) The following format should be used in drafting Emergency Rule documents:

(1) Include the following:

(A) The title heading.

(B) LSA Document # _____.

[NOTE: The LSA Document number is assigned when the Emergency Rule is filed with the Publisher.]

(C) The DIGEST paragraph.

(D) The final sentence in the DIGEST is the effective date provision, for example:

Effective July 1, 2007.

If the agency intends to have the filing date as the effective date, the final sentence in the DIGEST should be shown as:

Effective _____.

(2) The text of the document is arranged into SECTIONS. The components of a SECTION are the same as for an IAC section (See Section 3 of this manual.)

- (3) Make internal references applicable to the emergency document. For example, refer to:
- | | | |
|----------------------------|-----|------------------------|
| this document | NOT | this article |
| this SECTION | NOT | this rule |
| SECTION 2 of this document | NOT | section 2 of this rule |

(4) Agencies should follow the same procedures for packaging of Emergency Rules as are followed for Final Rules. The only notable difference will be fewer signatures on the Rule Signature Page (only the authorizing person and a line for the filing date and time). When the Emergency Rule is delivered to the IRACD and accepted for filing, a document number will be assigned, and the IRACD will affix a time-stamped label indicating that the document has been filed with the Publisher.

(5) Under IC 4-22-2-37.1(f), the effective date of an Emergency Rule is the latest of the following:

- (A) The effective date of the statute delegating authority to the agency to adopt the rule.
- (B) The date and time that the rule is accepted for filing under IC 4-22-2-37.1(e).
- (C) The effective date stated by the adopting agency in the Emergency Rule.
- (D) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the Emergency Rule.

(c) Except for those Emergency Rules noted in IC 4-22-2-37.1(g), an Emergency Rule expires ninety (90) days after filing with the Publisher.

(d) An Emergency Rule may be extended if the agency adopts another Emergency Rule under IC 4-22-2-37.1. With the exceptions noted in IC 4-22-2-37.1(g), an agency may extend using the method only one (1) time. The DIGEST of the new Emergency Rule must refer to the original Emergency Rule. The new Emergency Rule will have a new:

- (1) LSA Document number;
- (2) effective date; and
- (3) expiration date.

The format for the new Emergency Rule will be the same as set forth in subsection (b).

(e) With the exceptions noted in IC 4-22-2-37.1(g), for an Emergency Rule adopted under IC 4-22-2-37.1 to be effective after one (1) extension period, the rule must be adopted under IC 4-22-2-24 through IC 4-22-2-36 (the regular rulemaking process).

(f) Typographical, clerical, or spelling errors may be corrected in an Emergency Rule by an Agency Correction. When an Agency Correction is filed with the Publisher that is correcting an Emergency Rule, the LSA Document number assigned to the Emergency Rule should be used substituting “(AC)” for “(E)” after the LSA Document number.

[See the following page for an example.]

**EXAMPLE OF THE LSA DOCUMENT NUMBER FOR AN
AGENCY CORRECTION TO AN EMERGENCY RULE:**

If the LSA Document number for the Emergency Rule is:

LSA Document #07-145(E)

The LSA Document number for an Agency Correction correcting this Emergency Rule
would be:

LSA Document #07-145(AC)

(Also see Part 4-7 of this manual.)

[See the following page for an example of a noncode Emergency Rule.]

NONCODE EMERGENCY RULE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 312 NATURAL RESOURCES COMMISSION

Emergency Rule

LSA Document #07-XX(E)

DIGEST

Temporarily amends 312 IAC 9-6-1, 312 IAC 9-6-2, 312 IAC 9-6-6, and 312 IAC 9-7-6 to modify standards for fish management and commercial fishing on the Ohio River. Statutory authority: IC 4-22-2-37.1(a)(15). Effective February 1, 2007.

SECTION 1. (a) This SECTION is supplemental to 312 IAC 9-6-1.

(b) "Shovelnose sturgeon" means the species *Scaphirhynchus platyrhynchus*.

SECTION 2. Notwithstanding 312 IAC 9-6-2(a) , the measurement of the fork length of a shovelnose sturgeon must be taken in a straight line from the tip of the snout to the fork of the tail fin.

SECTION 3. (a) This SECTION supersedes 312 IAC 9-6-6.

(b) A person must not take or possess fish at any of the following locations:

(1) From April 1 through June 15 from the following:

(A) The east branch of the Little Calumet River in Porter County from U.S. 12 upstream to U.S. 20, excluding its tributaries.

(B) Trail Creek in LaPorte County from the Franklin Street Bridge in Michigan City upstream to U.S. 35, excluding its tributaries.

(2) Within one hundred (100) feet above or below the Linde Dame (Prax Air) on the East Branch of the Little Calumet River within Porter County (northeast quarter of section 32, township 37 north, range 6 west).

SECTION 4. (a) This SECTION supersedes 312 IAC 9-7-6.

(b) Except as otherwise provided in this SECTION, the aggregate daily bag limit is five (5) black bass.

PART 4-14 – PUBLICATION OF OTHER DOCUMENTS

(a) IC 4-22-7-7 requires an agency to publish a statement of the agency in the Indiana Register that:

- (1) interprets, supplements, or implements a statute or rule that:
 - (A) has not been adopted in compliance with IC 4-22-2;
 - (B) is not intended by its issuing agency to have the effect of law; and
 - (C) may be used in conducting the agency's external affairs; or
- (2) specifies a policy that an agency relies upon to:
 - (A) enforce a statute or rule;
 - (B) conduct an audit or investigation to determine compliance with a statute or rule;or
 - (C) impose a sanction for violation of a statute or rule.

This requirement includes publication of information bulletins, revenue rulings, and other guidelines of an agency.

(b) Whenever an agency adopts a statement described by subsection (a), the agency shall submit:

- (1) an electronic copy of the statement (in Word or WordPerfect format or another format acceptable to the Publisher) to the IRACD for publication in the Indiana Register; and
- (2) the copies required by IC 4-23-7.1-26 to the Indiana Library and Historical Department.

The statements are published by the IRACD as "Other Notices" or "Nonrule Policy Documents". However, if a statement described in subsection (a) is in the form of a manual, book, pamphlet, or reference publication, the IRACD is required to publish only the title of the manual, book, or reference publication.

(c) Every agency that adopts a statement described under subsection (a) is also required to maintain a current list of all agency statements described in subsection (a) that it may use in its external affairs. The agency must update the listing at least every thirty (30) days. The agency shall include on the list the name of the agency and the following information for each statement:

- (1) The title.
- (2) The identification number.
- (3) The date the statement was originally adopted.
- (4) The date of the last revision.
- (5) A reference to all other statements described in subsection (a) that are repealed or amended by the statement.
- (6) A brief description of the subject matter of the statement.

At least quarterly, every agency that maintains a list described in this subsection must distribute two (2) copies of the list to the Indiana Library and Historical Department and the Administrative Rules Oversight Committee.

[See the following page of an example of an Other Notice.]

OTHER NOTICE:

[NOTE: The original document has been altered for illustrative purposes.]

INDIANA PROTECTION AND ADVOCACY SERVICES COMMISSION

The Indiana Protection and Advocacy Services (IPAS) Commission, whose mission is to protect and promote the rights of individuals with disabilities through empowerment and advocacy, will receive comments from interested persons concerning proposed priorities and objectives for 2007-2008, during a public meeting August 11, 2007, at 10 a.m., at the IPAS offices, 4701 North Keystone Avenue, Suite 222, Indianapolis, Indiana 46205. The proposed priorities may be viewed on the IPAS website or may be obtained by contacting IPAS. Persons wishing to attend who require disability accommodations are requested to notify John Doe, Support Services Director, of such needs by August 1, 2007, at 622-4845.

[See the following page for an example of a Nonrule Policy Document.]

NONRULE POLICY DOCUMENT:

[NOTE: The original document has been altered for illustrative purposes.]

DEPARTMENT OF STATE REVENUE

40-20060305.LOF

**Letter of Findings: 06-0305
Utility Receipts Tax
For Tax Year 2005**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Utility Receipts Tax — Bad Debt Deduction

Authority: IC 6-2.3-1-4; IC 6-2.3-5-2

The taxpayer protests the Department's disallowance of a bad debt deduction

STATEMENT OF FACTS

The taxpayer is a telecommunications company. The taxpayer uses an accrual method of accounting. During 2005, the taxpayer deducted certain bad debts and included bad debts previously deducted—but eventually recovered—on its utility receipts tax return. However, the Department determined that the taxpayer did not report recoveries of bad debts previously deducted. The Department assessed additional tax, interest, and penalty, which the taxpayer protested.

DISCUSSION

I. Utility Receipts Tax — Bad Debt Deduction

The taxpayer asserts that it reported the proper amount of bad debts on its utility receipts tax return. Under IC 6-2.3-5-2 "[e]ach taxable year, a taxpayer that reports the taxpayer's gross receipts on an accrual basis is entitled to deduct bad debts from the taxpayer's gross receipts in the same manner provided in IC 6-2.5-6-9." Bad debts previously deducted by a taxpayer are considered gross receipts of a taxpayer under IC 6-2.3-1-4. The taxpayer has provided sufficient information to conclude that the figures it reported as a bad debt deduction and as bad debt recoveries on its original return were proper.

FINDING

The taxpayer's protest is sustained.

PART 4-15 – ADMINISTRATIVE RULES OVERSIGHT COMMITTEE (AROC) NOTICES

(a) Under IC 4-22-2-19(c), an agency shall begin a rulemaking process authorized by statute within sixty (60) days after the effective date of the statute that authorizes the rule. If an agency cannot comply with this requirement, the agency shall provide:

- (1) written notification to the Administrative Rules Oversight Committee; and
- (2) an electronic notice to the Publisher.

*[See the following page for an example of an
IC 4-22-2-19 Administrative Rules Oversight Committee Notice.]*

IC 4-22-2-19 ADMINISTRATIVE RULES OVERSIGHT COMMITTEE NOTICE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

**Administrative Rules Oversight Committee Notice
60 Day Requirement (IC 4-22-2-19)
LSA Document #05-92**

September 14, 2006

Representative Scott Pelath, Chair
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Allen Morford

Re: LSA Document #05-92 – Proposed Rule Regarding Office Based Procedures

Dear Representative Pelath:

On behalf of the Medical Licensing Board of Indiana (Board), Indiana Professional Licensing Agency, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-19, which requires an agency to begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule.

The Board will file a Notice of Intent in the next few months since the time period for completing the promulgation process for LSA Document #05-92 will expire October 1, 2006.

Your understanding of these circumstances is greatly appreciated. If you need additional information, please do not hesitate to contact me at 234-2011.

Sincerely,
John Doe, Director
Medical Licensing Board of Indiana

(b) An agency has one (1) year from the date of publication of the Notice of Intent to Adopt a Rule to obtain approval or deemed approval from the Governor for the rule. If an agency determines that a rule will not be approved within this time frame, before the two hundred fiftieth day following the publication of the Notice of Intent to Adopt a Rule, the agency shall:

(1) notify the Chairperson of the Administrative Rules Oversight Committee in writing of the:

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

(B) expected date the rule will be approved or deemed approved by the Governor; and

(2) provide an electronic copy of the Administrative Rules Oversight Committee Notice to the Publisher.

*[See the following page for an example of an
IC 4-22-2-25 Administrative Rules Oversight Committee Notice.]*

IC 4-22-2-25 ADMINISTRATIVE RULES OVERSIGHT COMMITTEE NOTICE:

[NOTE: The original document has been altered for illustrative purposes.]

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

**Administrative Rules Oversight Committee Notice
One Year Requirement (IC 4-22-2-25)
LSA Document #06-425**

May 17, 2007

Representative Scott Pelath, Chairperson
Administrative Rules Oversight Committee
c/o Allen Morford, Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789

RE: LSA Document #06-425 – Flu death reporting requirements

Dear Representative Pelath,

On behalf of the Indiana State Department of Health (Department), I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the Department has determined that the promulgation of the captioned rule may not be completed within one year after publication of the Notice of Intent to Adopt a Rule....

Following the public hearing, the agency must...The agency expects that the rule can be approved by the Governor by October 4, 2008.

This notice setting forth the expected date of approval of LSA Document #06-425 as October 4, 2008, is being submitted in a timely manner. June 10, 2007, is the two hundred fiftieth day after publication of the Notice of Intent to Adopt a Rule.

Sincerely,

Jane Doe, RN, Esq.
Deputy State Health Commissioner

SECTION 5. PUBLISHING PROCEDURES

PART 5-1 – CONTENTS OF A RULE DOCUMENT

A rule document submitted for publication must contain the following information:

- (1) The title number and the name of the agency.
- (2) If the document submitted is a Proposed Rule, Final Rule, or Readopted Final Rule, the LSA Document number. (The IRACD will assign the LSA Document number to the rule document when the “Notice of Intent to Adopt a Rule” or “Notice of Intent to Readopt” is submitted for publication.)
- (3) A DIGEST.
- (4) A list of IAC citations affected.
- (5) The rule text.

PART 5-2 – PAGINATION

Each electronic document submitted for publishing must be paginated.

PART 5-3 – FORMAT OF ELECTRONIC DOCUMENTS

A document submitted for publication must be formatted for Microsoft Word or WordPerfect or another format acceptable to the Publisher.

PART 5-4 – FONT (TYPEFACE)

Italics, underlines, and brackets are reserved for the use of the Publisher.

PART 5-5 – IR AND IAC COPIES

An agency may obtain from the IRACD an electronic version of the agency’s title of the IAC to provide an electronic version of sections to be amended by the agency. If sections of proposed rules published in the IR are to be amended, the agency may request a copy of the electronic version from IRACD. The agency may then:

- (1) make changes to the electronic version of the text using stricken text and bold codes; and
- (2) submit the electronic amendments to the IRACD.

PART 5-6 – ARTWORK AND TABLES

(a) Artwork and tables may be modified or reformatted by the Publisher when preparing the document for publication.

(b) Artwork, tables, examples, or mathematical or scientific expressions must be designated within an IAC section or noncode SECTION.

SECTION 6. COMPONENTS OF A RULE DOCUMENT

PART 6-1 – HEADING

Each rule document must have a heading consisting of the following:

- (1) The IAC title number and the agency name.
- (2) The LSA Document number with the following qualifications:
 - (A) Notices of Intent to Adopt a Rule, Notices of Intent to Readopt, Emergency Rules, and Agency Corrections correcting the IAC, instead of an LSA Document, are assigned an LSA Document number by the IRACD when the document is submitted to or filed with the IRACD.
 - (B) The Final Rule document number will appear with an “(F)” after the number, for example:

LSA Document #07-14(F)

In the above example, LSA Document #07-14 is the number that was assigned when the Notice of Intent to Adopt a Rule was submitted for publication.

(C) An Agency Correction to an LSA Document will appear with an “(AC)” after the number, for example:

LSA Document #07-222(AC)

In the above example, LSA Document #07-222 is the number that was assigned when the Notice of Intent to Adopt a Rule, Notice of Intent to Readopt, or Emergency Rule was submitted to or filed with the IRACD.

PART 6-2 – IAC TITLE NUMBER AND AGENCY NAME

The IAC title number and agency name consist of the following:

- (1) The IAC title number in the general form, “TITLE ____.”
- (2) The official name of the agency that is given by the General Assembly.

EXAMPLE OF A TITLE NUMBER AND AGENCY NAME:

TITLE 240 STATE POLICE DEPARTMENT

PART 6-3 – LSA DOCUMENT NUMBERS

(a) The IRACD assigns an LSA Document number to each Notice of Intent to Adopt a Rule, Emergency Rule, and Notice of Intent to Readopt at the time the document is submitted to the IRACD.

(b) For certain documents, an LSA Document number is followed by a letter suffix indicating the type of action as follows:

- (1) Final rule (F).

- (2) Emergency rule (E).
- (3) Agency correction (AC).
- (4) Publisher's correction (PC).

(c) The LSA Document number must be included in any subsequent action on the Notice of Intent to Adopt a Rule, including the following:

- (1) The Proposed Rule document.
- (2) A Change in Notice of Public Hearing for the document.
- (3) A Notice of Recall of the rule document.
- (4) A Notice of Withdrawal of the rule document.
- (5) The Final Rule document.
- (6) An Agency Correction correcting the Final Rule document.

(d) If it is necessary for an agency to adopt sections in a rule document at different times, a numeral must be inserted after the letter suffix to indicate the order in which the agency has issued each document. For example, the initial final adoption of the partial rule document is shown as:

LSA Document #07-209(F)

A later adopted part of the rule document is shown as:

LSA Document #07-209(F)(2)

PART 6-4 – DIGESTS

(a) Proposed Rules, Final Rules, and code Emergency Rules must have a DIGEST consisting of the following:

- (1) A narrative paragraph.
- (2) A listing of IAC citations, separated by semicolons, affected by the document.

TYPICAL DIGEST:

DIGEST

Amends 515 IAC 8-1-1 to add a definition to reflect that the responsibility for teacher licensing has been transferred to the Department of Education. Adds 515 IAC 8-1-21 concerning exceptional needs. Repeals 515 IAC 8-2-9. Effective 30 days after filing with the Publisher.

515 IAC 8-1-1; 515 IAC 8-1-21; 515 IAC 8-2-9

NOTE: Noncode Emergency Rules will have only a narrative paragraph for the DIGEST. There will be no listing of IAC citations.

- (b) A narrative paragraph describes each major addition, amendment, or repeal in a

document. The narrative paragraph describes the effect of the addition of or amendment to a rule. Each sentence must begin with “adds”, “amends”, “repeals”, or “makes” and end with a brief description of the change made or the subject matter affected. Repealer statements need list only the cite or cites being repealed. Sentences in the narrative paragraph are organized in the following order:

- (1) A description of the following:
 - (A) Codified additions or codified amendments.
 - (B) Noncode additions or noncode amendments.
 - (C) Repealers.
 - (2) The effective date or dates. (See Part 3-12 of this manual.)
- (c) Citations to be amended or added must be arranged in consecutive order.

(d) Incidental, numerous, and scattered nonsubstantive style changes may be summarized by using the general form:

“Makes numerous technical changes.”.

(e) Incidental, numerous, and scattered substantive changes may be summarized in a sentence in the general form:

“Makes numerous other changes in the rules concerning ____.”.

(f) If the SECTIONS of a document take effect on different dates, the effective date portion of the digest must be prepared using the general form:

“Partially effective ____ and partially effective ____.”.

(g) The effective date portion of the digest is followed by a listing of each IAC section that is added, amended, or repealed. However, if an entire IAC rule, IAC article, or IAC title is added, the entire rule, article, or title is cited. Citations are arranged in consecutive order.

PART 6-5 – LEAD-IN LINES; ORGANIZATION INTO SECTIONS

(a) A Proposed Rule or Final Rule document is organized into SECTIONS. Each IAC section or noncode SECTION that is added or amended is arranged in consecutive order as a separate SECTION of the document.

(b) If a new IAC title, article, or rule is being added, the entire title, article, or rule is arranged in one (1) SECTION. To add a new IAC title, article, rule, or section, use the following examples:

(1) To add a new title use the following lead-in line:

SECTION 1. 70 IAC IS ADDED TO READ AS FOLLOWS:

TITLE 70 _____

ARTICLE 1. _____

Rule 1. _____

70 IAC 1-1-1 _____

- (2) To add a new article use the following lead-in line:
SECTION 1. 70 IAC 2 IS ADDED TO READ AS FOLLOWS:
ARTICLE 2. _____
Rule 1. _____
70 IAC 1-1-1 _____
- (3) To add a new rule use the following lead-in line:
SECTION 1. 70 IAC 2-1 IS ADDED TO READ AS FOLLOWS:
Rule 1. _____
70 IAC 1-1-1 _____
- (4) To add a new section use the following lead-in line:
SECTION 1. 70 IAC 2-1-5 IS ADDED TO READ AS FOLLOWS:
70 IAC 2-1-5 _____

(c) The following are examples of when additional lead-in line language is necessary:

- (1) To add a new section to a rule that has not yet been posted in the IAC:

“SECTION 1. 470 IAC 1-1, AS ADDED AT [Document Identification Number], SECTION 1, IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS:”

- (2) To add a new rule to an article that has not yet been posted in the IAC:

“SECTION 1. 470 IAC 5, AS ADDED AT [Document Identification Number], SECTION 1, IS AMENDED BY ADDING A NEW RULE TO READ AS FOLLOWS:”

- (3) To add a new article to a title that has not yet been posted in the IAC:

“SECTION 1. 470 IAC, AS ADDED AT [Document Identification Number], SECTION 1, IS AMENDED BY ADDING A NEW ARTICLE TO READ AS FOLLOWS:”

- (4) To amend a section that has been added in a previous Final Rule that has not yet been posted in the IAC:

“SECTION 1. 470 IAC 1-1-45, AS ADDED AT [Document Identification Number], SECTION 1, IS AMENDED TO READ AS FOLLOWS:”

- (5) To amend a section that has been amended in a previous Final Rule that has not yet been posted in the IAC:

“SECTION 1. 470 IAC 1-1-23, AS AMENDED AT [Document Identification Number], SECTION 10, IS AMENDED TO READ AS FOLLOWS:”

(6) To amend a section that has been proposed to be added or amended in a previous document that has not yet become final:

“SECTION 1. 470 IAC 1-1-16, PROPOSED TO BE ADDED/AMENDED AT [Document Identification Number], SECTION 3, IS AMENDED TO READ AS FOLLOWS:”

PART 6-6 – REFERENCE LINES

(a) Each IAC section that is added or amended by a document contains the following reference lines:

- (1) A section heading.
- (2) An authority line.
- (3) An affected line.
- (4) An IAC section number.
- (5) A history line.

REFERENCE LINES IN AN IAC SECTION:

Section heading:	312 IAC 1-1-3 "Animal" defined
Authority line:	Authority: IC 14-10-2-4
Affected line:	Affected: IC 14; IC 25
IAC section number:	Sec. 3. "Animal" includes all: (1) mammals; (2) birds; and (3) reptiles.
History line:	<i>(Natural Resources Commission; 312 IAC 1-1-3; filed Dec 1, 1995, 10:00 a.m.: 19 IR 656; readopted filed May 8, 2001, 3:51 p.m.: 24 IR 2895)</i>

(b) A SECTION that:
(1) repeals codified text; or
(2) adds or amends noncode text;
is not annotated with reference lines.

PART 6-7 – REPEALERS

- (a) A SECTION may repeal any of the following:
- (1) A section.
 - (2) A rule.
 - (3) An article.
 - (4) A title.

- (5) A noncode SECTION.
- (6) A noncode Emergency Rule document.

(b) SECTIONS containing repealers are placed after codified provisions and before noncode provisions. All repealers that take effect on the same date are arranged in consecutive order in a single SECTION.

PART 6-8 – SECTION ORDER

The SECTIONS in a document are arranged in the following order:

- (1) SECTIONS containing added or amended codified sections arranged in order of consecutive IAC citation.
- (2) SECTIONS containing repealers.
- (3) SECTIONS containing effective date provisions.
- (4) SECTIONS containing expiration provisions.
- (5) SECTIONS containing noncode provisions.

PART 6-9 – EFFECTIVE DATE SECTIONS

(a) If a document takes effect thirty (30) days after filing with the Publisher, no effective date SECTION is necessary.

(b) If a document or parts of the document take effect later than thirty (30) after filing with the Publisher, the effective date provisions are arranged in a SECTION, or SECTIONS if there are different effective dates for different SECTIONS of the document, at the end of the rule document. Each effective date is listed once.

EFFECTIVE DATE SECTIONS:

SECTION 5. SECTIONS 1 through 3 of this document take effect January 1, 2007.

SECTION 6. SECTION 4 of this document takes effect July 1, 2007.

PART 6-10 – CITATION ORDER

SECTIONS that add or amend IAC sections are arranged in consecutive IAC citation order.

PART 6-11 – SECTION NUMBERING

(a) The SECTIONS in a document are arranged in consecutive order, beginning with “SECTION 1”.

- (b) If a SECTION:
- (1) appears in a Proposed Rule and is either rearranged or omitted in a Final Rule; or
 - (2) does not appear in a Proposed Rule and is inserted into a Final Rule;
- the SECTIONS in the Final Rule must be renumbered in consecutive order, beginning with “SECTION 1”.

PART 6-12 – AUTHORITY LINES

(a) The authority line must give the citation of each Indiana statute (enabling statute) that expressly delegates rulemaking power to the agency to issue a rule on the subject matter of the accompanying rule. If an agency has multiple sources of rulemaking power, the citation for each source must be included.

(b) If the General Assembly has not expressly delegated authority to issue a rule, the authority line must give the citation of each statute that grants rulemaking power to the agency by implication.

PART 6-13 – CITATIONS AFFECTED LINES

(a) The citations affected line must give the citation of each Indiana statute that:

- (1) is cited in the rule text;
- (2) directly relates to the subject matter; or
- (3) is a savings clause or other provision that affects the validity;

of the accompanying rule. Citations affected may be within the enabling statute of the agency issuing the rule or in another statute.

(b) An authority citation may not be repeated in the citations affected line and a citation affected that is included in the citations affected line may not be repeated in the authority line. However, if the only citations affected are also authority citations, the same citations may be cited in both the authority line and the citations affected line.

PART 6-14 – MULTIPLE CITATIONS

An authority or citations affected line must give the citation for each Indiana Code section and noncode SECTION. However, if more than two (2):

- (1) sections in an Indiana Code chapter are included, the citation for the chapter is used; or
- (2) chapters in an Indiana Code article are included, the citation for the article is used.

PART 6-15 – HISTORY LINES

- (a) Each section of the IAC has an italicized history line that:
- (1) follows the last line of text of an IAC section; and
 - (2) is part of the section.

When an agency submits a rule document to the IRACD, the rule document must include a history

line for each section amended or added.

(b) The components of the history line are as follows:

(1) The official name of the agency.

(2) The citation assigned to the text on the date the agency originally added the text. This citation may be the:

(A) IAC citation; or

(B) unofficial agency citation if the agency adopted the text before the IAC was published.

(3) Chronologically arranged references to the following:

(A) The filing date and time.

(B) The publication citation of each document that:

(i) added;

(ii) amended; or

(iii) readopted;

the substance of the IAC section.

(C) The effective date if the effective date is later than thirty (30) days after filing with the Publisher.

TYPICAL HISTORY LINE:

(Division of Family Resources; 470 IAC 3.1-1-4; filed Jan 29, 1996, 5:15 p.m.: 19 IR 1328; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; filed Feb 28, 2007, 9:45 a.m.: 20070305-IR-470070068FRA, eff Jul 1, 2007)

(c) If the last line of text of a section is part of special text, such as:

(1) a vertical list;

(2) a mathematical or scientific expression;

(3) an exhibit;

(4) a footnote;

(5) an illustration; or

(6) a table;

the history line begins at the left margin of the first line following the special text.

PART 6-16 – AGENCY CORRECTIONS; ERRATA

(a) Agency Corrections and Publisher’s Corrections are published as “Errata”.

(b) Only one (1) document may be corrected in each Agency Correction document.

(c) The components of the text of an Agency Correction are as follows:

- (1) An introductory paragraph.
- (2) One (1) or more correction statements.

(d) A correction statement begins with a phrase indicating the location of the correction followed by an explanation of what correction is being made.

(e) If a document that is corrected has been published in the IR, the published version must be corrected.

(f) If a document that is corrected has:

- (1) not been posted on the -IR- Database Website; and
- (2) been filed with the Publisher;

the filed version must be corrected.

SECTION 7. GENERAL STANDARDS

PART 7-1 – CITATIONS; INDIANA CODE

The *Indiana Code* numbering system, like the IAC numbering system, uses numerals separated by hyphens.

INDIANA CODE NUMBERING SYSTEM:

IC 4 refers to Title 4
IC 4-3 refers to Title 4, Article 3
IC 4-3-2 refers to Title 4, Article 3, Chapter 2
IC 4-3-2-1 refers to Title 4, Article 3, Chapter 2, Section 1

The letters “IC” must always precede a citation to the *Indiana Code*.

PART 7-2 – CITATIONS; NONCODE INDIANA STATUTES

(a) Cite to a noncode Indiana statute by citing to the Public Law number for the Act. Beginning with acts enacted during the 1982 Special Session, the proper form is as follows:

CITATION TO A NONCODE INDIANA STATUTE:

P.L.106-1996, SECTION 10

(b) To indicate a special session of the Indiana General Assembly, use the designation “(ss)” after the year.

CITATION TO A SPECIAL SESSION NONCODE INDIANA STATUTE:

P.L.3-1996(ss), SECTION 5

PART 7-3 – CITATIONS; PRE-IAC RULES

If a rule was originally published as a Final Rule on or before May 8, 1978, in the *Amendments and Additions to Rules and Regulations* published by the Secretary of State, cite to the year and the printed page where the subject matter of the rule begins.

CITATION TO A PRE-INDIANA REGISTER FINAL RULE:

Rules and Regs. 1970, p. 100

PART 7-4 – CITATIONS IN THE *INDIANA REGISTER*

(a) To cite to IR documents published before July 2, 2006, use a citation form containing the designation “IR” following the volume number of the publication. The page number of the publication follows the IR designation.

CITATION TO PRE-JULY 2, 2006, INDIANA REGISTER DOCUMENTS:

19 IR 895 refers to Volume 19, Page 895.

(b) To cite to IR documents published after July 1, 2006, use the Document Identification Number (DIN).

[See the following page for an explanation of the Document Identification Number.]

TYPICAL DOCUMENT IDENTIFICATION NUMBER (DIN):

20060726-IR-317050065FRA

Where:	2006	=	Year of posting on the -IR- Database Website
	07	=	Month of posting on the -IR- Database Website
	26	=	Day of posting on the -IR- Database Website
	-IR-	=	Indiana Register database
	317	=	Entity identifier (either IAC Title number or a 3-letter designation)
	050065	=	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 IRACD for publishing throughout that calendar year. NOTE: Leading zeros are always included in the year and, when necessary, in the sequential number when referring to the “LSA Document #” in a Document Identification Number.
	FR	=	Type of document (Final Rule in the above example)
	A	=	Wild card. Most Document Identification Numbers will end in “A”. However, if a second (or subsequent) document with the identical LSA Document number and document type is posted on the -IR- Database Website on the same day as the first document, the IRACD would proceed through the alphabet to distinguish the second, third, etc., with the wild cards “B”, “C”, etc.

PART 7-5 – CITATIONS TO NONCODE INDIANA RULES

- (a) Give the citation for a noncode rule by citing to the following:
- (1) The LSA Document number for the rule.
 - (2) The SECTION number for the document.
 - (3) Any of the following:
 - (A) For documents published before July 2, 2006, the IR volume number, page number, and year of publication for the first page where the cited matter is printed.

CITATION TO A PRE-JULY 2, 2006, NONCODE RULE:

LSA Document #96-40(E), SECTION 1, 19 IR 12 (1996)

(B) For documents published after July 1, 2006, the Document Identification Number (DIN):

CITATION TO A POST-JULY 1, 2006, NONCODE RULE:

LSA Document #07-29(E), SECTION 1, 20070718-IR-065070029ERA

(b) If a noncode rule has been amended, cite to the original rule and the amendment.

PART 7-6 – CONSECUTIVE SECTIONS

(a) To give the citation for two (2) consecutive:

(1) IC sections that include less than an entire IC title, IC article, or IC chapter; or

(2) IAC sections that include less than an entire IAC title, IAC article, or IAC rule;

separate a citation to the first and second provision in the series with “and”.

CITATIONS TO CONSECUTIVE SECTIONS:

IC 4-22-2-14 and IC 4-22-2-15
310 IAC 6-1-3 and 310 IAC 6-1-4

(b) To give the citation for three (3) or more consecutive:

(1) IC sections that include less than an entire IC title, IC article, or IC chapter; or

(2) IAC sections that include less than an entire IAC title, IAC article, or IAC rule;

separate a citation to the first and the last provision in the series with “through.”

CITATIONS TO THREE (3) OR MORE CONSECUTIVE SECTIONS:

IC 4-22-2-14 through IC 4-22-2-44
310 IAC 6-1-3 through 310 IAC 6-1-13

NOTE: When citing to consecutive sections, make sure any decimal sections included in the reference are intended to be included in the citation.

PART 7-7 – CROSS-REFERENCES

(a) If one (1) IAC provision makes reference to another IAC provision, the IAC citation scheme specified in Part 2-2 is used, except as follows:

- (1) To cite to the title in which the reference occurs, use “this title”.
- (2) To cite to the article in which the reference occurs, use “this article”.
- (3) To cite to the rule in which the reference occurs, use “this rule”.
- (4) To cite to the section in which the reference occurs, use “this section”.
- (5) To cite to the subsection, subdivision, clause, item, or subitem in which the reference occurs, use “this subsection”, “this subdivision”, “this clause”, “this item”, or “this subitem”.
- (6) To cite to another section or sections in the same rule, use, for example, “section 5 of this rule” or “sections 9 through 11 of this rule”.
- (7) To cite to a subsection in the same rule but not in the same section, use, for example, “section 5(b) of this rule”.
- (8) To cite to a specific subsection in the same section, use, for example, “subsection (a)”.
- (9) To cite to a specific subdivision in the same subsection, use, for example, “subdivision (1)”.
- (10) To cite to a specific clause in the same subdivision, use, for example, “clause (A)”.
- (11) To cite to a specific item in the same clause, use, for example, “item (ii)”.
- (12) To cite to a specific subitem in the same item, use, for example, “subitem (AA)”.

[See the following page for examples of internal references.]

INTERNAL REFERENCES:

NOTE: The following references are based on the assumption that the references are made in 470 IAC 1-1-70:

A Reference To:

article 4 of this title
sections 1 and 2 of rule 6
rules 6 and 7 of article 12
470 IAC 1-2-7(c) or (d)

sections 9, 10, and 11
470 IAC 1-1-5, 470 IAC 1-1-6, 470 IAC 1-1-7
470 IAC 1-1-75(c)
470 IAC 1-1-5(a)(1) or (2)

470 IAC 1-1-8(a)(2), (b), and (c)

470 IAC 1-1-20(b) and 470 IAC 1-1-27(a)

470 IAC 1-1-36, Table I
sections 68, 69, and 70

sections 65 through 158 of this rule

sections 70 through 158 of this rule

Should Be Expressed As:

470 IAC 4
470 IAC 1-6-1 and 470 IAC 1-6-2
470 IAC 12-6 and 470 IAC 12-7
470 IAC 1-2-7(c) or 470 IAC 1-2-7(d)
sections 9 through 11 of this rule
sections 5 through 7 of this rule
section 75(c) of this rule
section 5(a)(1) or 5(a)(2) of this rule
section 8(a)(2), 8(b), and 8(c) of this rule
sections 20(b) and 27(a) of this rule
Table I of section 36 of this rule
sections 68 and 69 of this rule and this section
sections 65 through 69 of this rule, this section, and sections 71 through 158 of this rule
this section and sections 71 through 158 of this rule

The following references are based on the assumption that the references are made in 470 IAC 1-1-70(b):

A Reference To:

470 IAC 1-1-70(d)(2) and (d)(3)
(a)(3) above
470 IAC 1-1-70(b)(1)(A)

Should Be Expressed As:

subsection (d)(2) and (d)(3)
subsection (a)(3)
subdivision (1)(A)

(b) Unless the context requires reference to a specific subsection or subdivision, refer to the section as a whole. References to subparts below the subdivision level should be avoided.

PART 7-8 – OTHER EFFECTIVE DATES

If rule text is added or amended that will take effect on a date later than the effective date for the SECTION adding or amending the text, the agency may insert the effective date into the text.

EXAMPLE OF AN EFFECTIVE DATE INCLUDED IN THE TEXT OF A RULE:

(a) Beginning January 1, 2001, an applicant must submit an application on a form prescribed by the state department of health.

(b) After June 30, 2007, an applicant must complete twelve (12) hours of continuing education each year the applicant remains licensed.

PART 7-9 – UNITED STATES CODE

(a) To cite to a federal statute, use the United States Code reference.

CITATIONS TO THE UNITED STATES CODE:

16 U.S.C. 201 refers to Title 16, Section 201 of the United States Code

33 U.S.C. 1251 as effective [insert date of U.S.C. effectiveness]

16 U.S.C. 202, in effect on [insert date of Indiana rule adoption]

42 U.S.C.A. 604

(b) Convert federal Public Law numbers and references to the Statutes at Large to U.S.C. references. If there is no U.S.C. citation, use the Public Law designation with the designation from the Statutes at Large.

CITATION TO THE FEDERAL PUBLIC LAW NUMBER AND THE STATUTES AT LARGE:

P.L.85-864 (64 Stat. 514)

(c) Cite to the edition in which a federal statute is printed.

PART 7-10 – CODE OF FEDERAL REGULATIONS

(a) To cite to a federal regulation, use the Code of Federal Regulations reference.

CITATIONS TO THE CODE OF FEDERAL REGULATIONS:

24 CFR 201 refers to Title 24, Section 201 of the Code of Federal Regulations
40 CFR 51, Subpart T
40 CFR 61*, [* = to illustrate a footnote]

(b) Cite to the edition in which a federal rule is printed. If there is no CFR citation, use the Federal Register designation.

CITATIONS TO THE *FEDERAL REGISTER*:

58 FR 27196, July 1, 1994
58 FR 528 through 58 FR 535, July 3, 1994

(c) Additional federal reference examples are as follows:

- (1) 45 U.S.C. 1251, as effective [insert date of U.S.C. effectiveness].
- (2) 16 U.S.C. 202, in effect on [insert date of Indiana rule adoption].
- (3) 42 U.S.C.A. 604.
- (4) Section 7704 of the Internal Revenue Code.
- (5) U.S. Department of the Treasury.
- (6) United States District Court.

PART 7-11 – PERCENTAGES, DOLLAR AMOUNTS, INTEGERS, AND FRACTIONS IN TEXT

(a) Percentages, dollar amounts, integers, and fractions are expressed in words followed by figures in parentheses.

(b) Use the word “and” between the part of a written number that represents:

- (1) a whole number; and
- (2) the decimal or fractional number.

EXPRESSING A DECIMAL NUMBER:

eleven and six-tenths (11.6) milliliters

(c) A comma is used to separate hundreds and thousands in a numeral.

USE OF COMMAS IN NUMBERS:

(1,000) **NOT** (1000)

PART 7-12 – NUMBERS EXPRESSED IN WORDS

Numbers used in text are expressed in words followed by figures in parentheses.

NUMBERS EXPRESSED IN WORDS:

twenty-four (24)
one hundred ten (110)
eight hundred ninety-eight (898)
one thousand six hundred fifty (1,650)
eighty-four thousand (84,000)

NOTE: Do not use “and” between whole numbers.

NUMBERS EXPRESSED IN WORDS - USE OF “AND”:

one hundred ten (110) **NOT** one hundred and ten (110)

PART 7-13 – NUMBERS EXPRESSED IN WORDS; EXCEPTIONS

Numbers are expressed in figures for the following:

- (1) Ratios.
- (2) Grade point averages.
- (3) pH values.
- (4) Type sizes.
- (5) School grade levels.
- (6) Gauge and shot sizes.
- (7) Voltage.
- (8) Any other number if length would prohibit expressing it in both words and figures, primarily in tables.

[See the following page for examples of expressing numbers without words.]

NUMBERS EXPRESSED WITHOUT WORDS:

1':7"
3.5 grade point average
1.5 pH
12-point type
grades 9 through 12
20 gauge shotgun
shot of size 4
12-volt battery

PART 7-14 – FRACTIONS

(a) Percentages are preferred to fractions whenever practicable.

USING PERCENTAGES VS. DECIMALS:

fifty percent (50%) **NOT** one-half ($\frac{1}{2}$)
seventy-five percent (75%) **NOT** three-fourths ($\frac{3}{4}$)

(b) Compound fractions should be expressed as follows:

EXPRESSING COMPOUND FRACTIONS:

three and one-half ($3\frac{1}{2}$)
four and three-eighths ($4\frac{3}{8}$)

(c) Connect the numerator and denominator with a hyphen. If either the numerator or denominator is hyphenated, a hyphen is not used between them.

EXPRESSING FRACTIONS:

one-hundredth (0.01)
five-hundredths (0.05)
twenty-six hundredths (0.26)
one-thousandth (0.001)
one hundred fifty ten-thousandths (0.0150)
five and forty-hundredths (5.40)
three sixty-fourths ($\frac{3}{64}$)

PART 7-15 – PERCENTAGES

Decimals are preferred whenever practicable.

DECIMALS AND PERCENTAGES:

one-tenth of one percent (0.1%)
sixty-two and one-half percent (62.5%)

PART 7-16 – ORDINALS

Express ordinals in words only.

ORDINAL NUMBERS:

first **NOT** 1st
twenty-second **NOT** 22nd

PART 7-17 – MONEY

(a) Monetary amounts should be expressed as written words followed by a dollar sign with figures in parentheses. Dollar amounts that are whole do not have decimal points and zeroes.

EXPRESSING WHOLE DOLLAR AMOUNTS:

one dollar (\$1)
ninety-seven dollars (\$97)
two hundred dollars (\$200)
three thousand five hundred dollars (\$3,500)

(b) When using dollars and cents, use the word “and” and a decimal point to separate dollars from cents.

EXPRESSING DOLLARS AND CENTS:

eighty-five cents (\$0.85)
five hundred twenty-five dollars and fifty cents (\$525.50)

PART 7-18 – DATES

When a date includes the month, day, and year, the year is set off by a comma. When the date includes only the month and year, a comma is not used.

EXPRESSING DATES:

October 30, 1978
June 1984

PART 7-19 – TIME

(a) Time is expressed in figures.

EXPRESSING TIME:

6 a.m.
4:30 p.m.
midnight (NOT 12:00 midnight)
noon (NOT 12:00 noon)

(b) Avoid using terms such as “local time” and “prevailing local time”.

(c) It is not necessary to use “midnight” as the expiration time for a term or license since these will automatically expire at midnight unless some other time is specified.

PART 7-20 – TEMPERATURE

Do not use the degree symbol. Identify Fahrenheit or Celsius measures by spelling these terms out.

EXPRESSING TEMPERATURE:

one hundred sixty (160) degrees Fahrenheit
ninety (90) degrees Celsius

PART 7-21 – USE OF “ONE”

(a) When “one” is used as a pronoun, it is not followed by a numeral in parentheses.

THE USE OF “ONE” AS A PRONOUN:

The chairperson was the only one to attend the meeting.

(b) However, when “one” is used as a number, it is followed by a numeral in parentheses.

THE USE OF “ONE” AS A NUMBER:

The precinct shall nominate one (1) delegate.

PART 7-22 – TABULATION; DESIGNATED BLOCKS OF TEXT

(a) There are two (2) basic types of tabulation:

- (1) listing; and
- (2) sentence.

(b) No matter which type is used, the introductory language preceding the tabulated material must apply to all of the elements in the tabulation because those elements are a part of the whole thought.

(c) Often it is possible to use either style of tabulation. In such an instance, a listing is preferred because, if it is later necessary to add an element, it is not necessary to do the following:

- (1) Change punctuation.
- (2) Strike and add a conjunction.

(d) Avoid beginning a new sentence after a tabulation. If the sentence is not a part of the tabulated series, it is better practice to draft it as a separate subsection or section.

PART 7-23 – TABULATION; LISTING STYLE

(a) The first style of tabulation is known as a listing. As the name implies, each element:

- (1) is listed after the introductory clause;
- (2) begins with a capital letter; and
- (3) ends with a period.

When a listing is used, the introductory language must include the words “as follows” or “the following”.

(b) The following examples illustrate the difference between a long sentence and the clarity provided when the sentence is tabulated:

LISTING STYLE TABULATED SENTENCE (EXAMPLE 1):

The application must include the applicant's name, the name of the sponsoring agency, and the name of the city in which the event is to take place.

Is clearer if written as follows:

The application must include the following information:

- (1) The applicant's name.
- (2) The name of the following:
 - (A) The sponsoring agency.
 - (B) The city in which the event is to take place.

NOTE: Each listed element may have subelements, but each element must still end with a period.

LISTING STYLE TABULATED SENTENCE (EXAMPLE 2):

An employer may provide group insurance programs for its employees by purchasing policies of group insurance or by establishing self-insurance programs, or by doing both.

Is clearer if written as follows:

An employer may provide group insurance programs for its employees through one (1) or both of the following methods:

- (1) Purchasing policies of group insurance.
- (2) Establishing self-insurance programs.

PART 7-24 – TABULATION; SENTENCE STYLE

(a) The second style of tabulation is known as sentence style. This style is best envisioned by thinking of a sentence with a series of elements in which:

- (1) each element:
 - (A) is given a line of its own; and
 - (B) has some type of designation before it; and
- (2) the commas are replaced with semicolons.

[See the following page for an example of a sentence style tabulated sentence.]

SENTENCE STYLE TABULATED SENTENCE:

To be entitled to vote, a person must be a resident of Indiana, at least eighteen (18) years of age, and registered with the county election board.

When this sentence is tabulated, the reader can more quickly identify the three (3) qualifying elements as follows:

- To be entitled to vote, a person must be:
- (1) a resident of Indiana;
 - (2) at least eighteen (18) years of age; and
 - (3) registered with the county election board.

Note that the conjunction always follows the next to last element in the tabulation and that the only permissible conjunctions are “and” and “or.” The conjunction, however, applies to each element in the tabulation and not just to the last two (2) elements.

- (b) This style of tabulation may be expanded with each of the elements having subelements.

PART 7-25 – LISTINGS WITHOUT NUMBERING OR LETTERING

The numbering or lettering of a listing of elements when using listing style is not required when:

- (1) the elements may be listed in order, such as:
 - (A) alphabetical order;
 - (B) numerical order; or
 - (C) IAC citation order;
- (2) it is likely that the listing will be frequently modified; and
- (3) there is no need to cite to a particular element within the listing.

ALPHABETICAL TABULATION:

Sec. 2. The following drugs are controlled substances:

Acetylmethadol
Allylprodine
Alphacetylmethadol.

SECTION 8. FORM RECOMMENDATIONS

PART 8-1 – INTRODUCTION

- (a) The essentials of good rule drafting are the following:
 - (1) Accuracy.
 - (2) Brevity.
 - (3) Clarity.
 - (4) Simplicity.

The purpose and effect of a rule should be evident from its language.

- (b) Choose words that are plain and commonly understood.

PART 8-2 – ORGANIZATION AND ORDER OF A RULE DOCUMENT

The following is suggested as the order of provisions in a document that adds a new article or rule:

- (1) Applicability, including the following:
 - (A) Scope.
 - (B) Exceptions.
 - (C) Exclusions.
- (2) Definitions.
- (3) The creation of an entity.
- (4) Administrative and procedural provisions.
- (5) Substance. State requirements in order of:
 - (A) time;
 - (B) importance; or
 - (C) another logical sequence.
- (6) Prohibitions and penalties.

PART 8-3 – DEFINITIONS IN GENERAL

- (a) Use definitions only:
 - (1) when a word is used in:
 - (A) the sense of one (1) of several dictionary meanings; or
 - (B) a technical manner;
 - (2) to avoid repetition of a lengthy phrase; or
 - (3) to limit or extend the meaning of a word for the provisions of the rule.
- (b) Do not:
 - (1) write substantive or applicability provisions into definitions;
 - (2) use a word in a sense foreign to a dictionary meaning; or
 - (3) develop and use an artificial concept.

- (c) Use quotation marks and the following style when defining a term:
(1) Use “means” to indicate that there is an exact equivalency between the defined term and the description.

THE USE OF “MEANS” IN A DEFINITION:

Sec. 1. “Executive” means the mayor of a city.

- (2) Use “includes” to indicate items that are marginally included within a nonexhaustive definition.

THE USE OF “INCLUDES” IN A DEFINITION:

Sec. 2. “License” includes permit.

- (3) Use “refers to” when adopting a shortened version of a term for use throughout a rule.

THE USE OF “REFERS TO” IN A DEFINITION:

Sec. 3. “Population” refers to the population according to the most recent federal special or decennial census.

- (4) Use “has the meaning set forth in ___ IAC ___” to reference an existing definition in the IAC.

REFERENCING ANOTHER IAC DEFINITION:

Sec. 5. “Products” has the meaning set forth in 500 IAC 6-1-3.

- (5) Use “has the meaning set forth in IC -----” to reference an existing definition in the *Indiana Code*.

REFERENCING AN INDIANA CODE DEFINITION:

Sec. 5. “Products” has the meaning set forth in IC 1-2-3-4.

The elements of a definition may be tabulated. (See Parts 7-22 through 7-25 of this manual.)

PART 8-4 – DEFINITIONS IN A NEW ARTICLE

(a) When adding a new article, put the definitions for that article in one (1) rule with each definition in a separate section in alphabetical order. Establish the first section in the definitions rule as an applicability section.

EXAMPLE OF AN APPLICABILITY SECTION FOR AN ARTICLE:

Sec. 1. The definitions in this rule apply throughout this article.

(b) Begin each definition section with the defined term.

EXAMPLE OF DEFINITION STYLE:

Sec. 2. “Incorporated entity” means a ...

PART 8-5 – DEFINITIONS IN A NEW RULE

(a) When adding a new rule, put the definitions for that rule at the beginning of the rule and each definition in a separate section in alphabetical order. Establish the first section in the rule as an applicability section.

EXAMPLE OF AN APPLICABILITY SECTION FOR A RULE:

Sec. 1. The definitions in this rule apply throughout this rule.

(b) Begin the definition sections with the defined term.

EXAMPLE OF DEFINITION STYLE:

Sec. 2. “Incorporated entity” means a ...

PART 8-6 – ADDING DEFINITIONS TO EXISTING ARTICLES AND RULES

When it is necessary to add a new definition to an existing article or rule, use the same style that is used in the article or rule.

PART 8-7 – INCORPORATIONS BY REFERENCE

(a) In addition to fully and exactly identifying a matter incorporated by reference, include the

following information at least once:

- (1) The publication date and edition, if more than one (1) edition has been published, of the incorporated matter.
- (2) That the matter incorporated by reference does not include any later amendments or editions.
- (3) Where copies of the matter incorporated by reference are available:
 - (A) at cost from the issuing agency; and
 - (B) from the entity originally issuing the matter.

(b) If a rule that incorporated matter by reference is amended, the rule may be amended without refiling the incorporated matter.

PART 8-8 – SEVERABILITY AND NONSEVERABILITY

An agency's intent to sever valid rules from invalid rules is usually presumed. (For an analogy to the statutory provision, see IC 1-1-1-8(b).)

SECTION 9. STYLE RECOMMENDATIONS

PART 9-1 – ABBREVIATIONS

Spell out all words unless text is used in a quote or if the text is a preprinted form or notice.

PART 9-2 – ACRONYMS

(a) If not defined, in each IAC section the initial reference to a term or phrase with an acronym should be spelled out in lowercase letters followed by the acronym in capital letters and parentheses. Any following reference in that IAC section must be the acronym.

THE USE OF ACRONYMS:

First use of term:	Indiana Department of Environmental Management (IDEM)
Subsequent uses:	IDEM

(b) If defined, the acronym may be used in any text covered by the definition. Use only the acronym outside the definition.

(c) The term “et seq.” may be used with federal references, but not with state references.

(d) When defining a term and its corresponding acronym, place the term and its acronym in individual sets of quotation marks in the section heading.

SECTION HEADING WHEN ACRONYM DEFINED:

410 IAC 20.3-1-16 "Intermediate care facility" or "ICF" defined
NOT
410 IAC 20.3-1-16 "Intermediate care facility (ICF)" defined

(e) Show only the words in the section heading unless the acronym is also being defined. If the acronym will be used throughout the article, define the acronym. If the acronym is included in the text before “means”, add the acronym to the section heading.

- (f) Acronyms for:
- (1) job titles;
 - (2) names of organizations;
 - (3) centers;
 - (4) buildings;

(5) forms; and
(6) tests;
are generally spelled without periods.

EXPRESSING ACRONYMS:

CEO (chief executive officer)
TOEFL (test of English as a foreign language)
GRE (Graduate Record Examination)

(g) Make acronyms plural without using an apostrophe. The pluralizing “s” should be lowercase.

PLURALIZING ACRONYMS:

CEOs
DVDs

PART 9-3 – AND; OR; AND/OR

(a) “And” usually stands for the conjunctive, connective, or additive. “Or” usually stands for the disjunctive or alternative. An ambiguity occurs where it is not clear whether the inclusive “or” (A or B, or both) or the exclusive “or” (A or B, but not both) is intended. It is also not always clear whether the several “and” (A and B, jointly or severally) or the joint “and” (A and B, jointly but not severally) is intended. To avoid this ambiguity say the following as appropriate:

- (1) “A or B” where the exclusive is intended.
- (2) “A or B, or both” where the inclusive is intended or where jointly or severally is intended.
- (3) “A and B” where the conjunctive, connective, or additive is intended.

(b) Never use “and/or”.

PART 9-4 – APOSTROPHES

(a) The possessive case of a singular or plural noun not ending in “s” is formed by adding an apostrophe and “s”.

[See the following page for examples of the use of apostrophes.]

THE USE OF APOSTROPHES:

attorney's fees
children's hospital
man's; woman's
worker's compensation

(b) Although the possessive case of a singular noun ending in "s" or with an "s" sound is formed by adding an apostrophe and "s", this situation should be avoided by redrafting the language.

AVOIDING THE USE OF APOSTROPHES:

tires of the bus **NOT** bus's tires

(c) The possessive case of a plural noun ending in "s" or with an "s" sound is formed by adding an apostrophe.

THE USE OF APOSTROPHES WITH PLURAL NOUNS:

public employees' retirement fund

(d) An apostrophe should not be used after:

- (1) the names of countries and other organized bodies ending in "s"; or
- (2) words more descriptive than possessive.

EXAMPLES OF WHEN APOSTROPHES ARE NOT USED:

department of veterans affairs
prosecuting attorneys council

(e) In compound nouns, the " 's " or " s' " is added to the element nearest the object possessed.

THE USE OF APOSTROPHES IN COMPOUND NOUNS:

attorney general's opinions
physical therapists assistant's diploma

PART 9-5 – BRACKETS

Do not use brackets as punctuation.

PART 9-6 – BREVITY

- (a) Omit unnecessary words.
- (b) If a word has the same meaning as a phrase, use the word.
- (c) Use the shortest sentence that conveys the intended meaning.

PART 9-7 – CAPITALIZATION

- (a) As a general rule, capitalization should be used sparingly.
- (b) Do capitalize the following:
 - (1) The first word in the following:
 - (A) A sentence.
 - (B) Tabulated items in the listing style.
 - (2) Geographic names.

CAPITALIZATION OF GEOGRAPHIC NAMES:

Ohio River
Hoosier National Forest
Lake County (but, Lake and Porter counties)

- (3) Months and days of the week.
- (4) Names of streets, roads, parks, and buildings.

CAPITALIZATION OF STREETS, PARKS, AND BUILDINGS:

U.S. Route 50
Garfield Park
the White House

- (5) Names of nationalities and languages.

CAPITALIZATION OF NATIONALITIES AND LANGUAGES:

Spanish-speaking people
English language

(6) Political parties and religious denominations.

CAPITALIZATION OF POLITICAL PARTIES AND CHURCHES:

the Democratic party
the Republican party
the Methodist church (but, First Methodist Church)

(7) Official titles of organizations and institutions.

CAPITALIZATION OF ORGANIZATIONS AND INSTITUTIONS:

Associated Press
Indiana University
Indiana State Medical Association

(8) Federal and international entities. Always use the correct name of an entity, and do not use acronyms as abbreviations.

CAPITALIZATION OF FEDERAL AND INTERNATIONAL ENTITIES:

United States Department of the Interior
United States House of Representatives
United States Senate
Federal Bureau of Investigation
World Bank
United Nations

Exception: U.S. EPA

(9) Titles of specific acts, federal laws, and other official documents.

CAPITALIZATION OF ACTS AND LAWS:

Equal Rights Amendment
Internal Revenue Code
Social Security Act
the Constitution of the United States
the Constitution of the State of Indiana
Rules of Trial Procedure

(10) References to the IAC and the *Indiana Code*.

(11) Titles of honor and respect, when preceding the name.

CAPITALIZATION OF TITLES OF HONOR AND RESPECT:

Governor John Q. Public
State Senator Jane Q. Public
State Representative John Q. Public
U.S. Senator Jane Q. Public (but, senator of Indiana)
Queen Elizabeth (but, queen of England)

(12) Holidays, religious days, and historic events.

CAPITALIZATION OF HOLIDAYS:

Fourth of July
Thanksgiving Day
Passover

(13) Titles of books, magazines, newspapers, and periodicals.

CAPITALIZATION OF PUBLICATIONS:

The Indianapolis Star
the Indiana Register

(14) “Class” when referring to a:

(A) criminal penalty; or

(B) type of infraction;

such as a Class B felony.

(15) The second word of hyphenated titles, such as Pull-Tab Games.

(c) Do not capitalize the following:

(1) Words such as “city”, “county”, or “state” when alone or with the word “of” preceding a specific name.

EXPRESSING “CITY”, “COUNTY”, AND “STATE”:

city of Indianapolis
second class city
the county (but, Lake County)
state of Indiana

(2) Directional parts of states and counties (except in surveyors’ reports and similar documents).

EXPRESSING DIRECTIONAL PARTS OF COUNTIES AND STATES:

northern Indiana
central Tippecanoe County
midwestern states

(3) General designations of buildings.

EXPRESSING GENERAL DESIGNATIONS OF BUILDING:

library in Fort Wayne (but, the Fort Wayne Library)
the county courthouse
the Indianapolis post offices

(4) The words “government” or “federal” (except when “federal” is a part of the name of the agency or statute). However, use “United States” instead of “federal” when referring to a specific entity that does not have “federal” in the name. Always use the correct name of an agency.

EXPRESSING FEDERAL ENTITIES:

United States government
federal agencies (but, Federal Bureau of Investigation)
United States Department of Health and Human Services
United States Social Security Administration

(5) Names of legislative, judicial, and administrative bodies and government departments, unless the name refers to a federal body, department, etc.

EXPRESSING GOVERNMENTAL BODIES:

Indiana general assembly
Indiana senate
department of state revenue
Congress of the United States
Supreme Court of the United States

(6) Official titles of state, county, or municipal offices, agencies, commissions, committees, or funds.

EXPRESSING GOVERNMENTAL TITLES:

clerk of the circuit court
board of county commissioners
public employees' retirement fund
commission on the aging and aged
state department of health
Indiana state register of historic sites and structures

(7) Official titles when used without a proper name.

EXPRESSING OFFICIAL TITLES:

the governor
the commissioner
the speaker of the house

(8) References to laws on a particular subject.

EXPRESSING LAWS ON A PARTICULAR SUBJECT:

motor vehicle laws
federal election laws
federal tax laws (but, Internal Revenue Code)

(9) Names of seasons of the year.

EXPRESSING SEASONS OF THE YEAR:

spring
summer session

PART 9-8 – INITIAL CAPITAL LETTERS (HEADINGS)

When using initial capital letters, such as in a rule heading, capitalize as follows:

- (1) Always capitalize:
 - (A) the first word; and
 - (B) the last word.
- (2) Do not capitalize:
 - (A) a, an, the;
 - (B) prepositions under six (6) letters; and
 - (C) conjunctions under six (6) letters;unless they are the first or last word.

THE USE OF INITIAL CAPITAL LETTERS:

Short and Long Term Disability Benefits for State Employees

PART 9-9 – COLONS

- (a) Use a colon to introduce a series.

COLON INTRODUCING A SERIES:

SECTION 12. THE FOLLOWING ARE REPEALED: 500 IAC 17; 500 IAC 18.

- (b) Use a colon to introduce a long quotation.

PART 9-10 – COMMANDING, AUTHORIZING, FORBIDDING, AND NEGATING

- (a) To create a right, say “is entitled to”.
- (b) To create discretionary authority, say “may”.
- (c) To create a duty, say “shall”.
- (d) To create a condition precedent, say “must”.

(e) To negate a right, say “is not entitled to”.

(f) To negate discretionary authority, say “may not”.

(g) To negate a duty or a mere condition precedent, say “is not required to”.

(h) To create a duty not to act, say “shall not”.

(i) Avoid false imperatives. Avoid using hortatory qualifiers such as “will”, “should”, and “ought” in the text of a rule.

PART 9-11 – COMMAS

(a) If a sentence consists of two (2) independent clauses, each with a subject and a predicate, use a comma before the conjunction.

INDEPENDENT CLAUSES SEPARATED BY A COMMA:

The commission shall submit a report, and the governor shall review the report.

(b) If a sentence has a compound predicate, a comma is unnecessary unless required for clarity.

SENTENCE WITH A COMPOUND PREDICATE:

The treasurer shall file the report before June 30 and shall submit copies of the report to each member of the commission.

But, it would be better to tabulate the sentence as follows:

The treasurer shall:

- (1) file the report before June 30; and
- (2) submit copies of the report to each member of the commission.

(c) A comma is used to set off a nonrestrictive adjective clause (or relative clause).

NONRESTRICTIVE ADJECTIVE CLAUSE:

The director, who may not have other employment, is entitled to receive a salary.

(d) A comma is not used to set off a restrictive clause.

RESTRICTIVE CLAUSE:

The registrar shall assign a student identification number to each student who enters Purdue University.

(e) Enclose a parenthetical phrase or clause with two (2) commas.

PARENTHETICAL PHRASE:

The treasurer shall, before June 30 of each fiscal year, submit copies of the report to each member of the commission.

(f) Words, phrases, or clauses in a series are separated by commas, including a comma before the conjunction connecting the last two (2) members of a series.

[See following page for an example.]

COMMA'S USE IN A SERIES:

The report shall be filed with the auditor of state, the treasurer of state, and the department of local government finance. The report must contain all debits, credits, and profits of the corporation.

NOTE: This would be easier to read if tabulated as follows:

The report:

- (1) shall be filed with the:
 - (A) auditor of state;
 - (B) treasurer of state; and
 - (C) department of local government finance; and
 - (2) must contain all:
 - (A) debits;
 - (B) credits; and
 - (C) profits;
- of the corporation.

(g) Adverbial phrases, introductory participial phrases, and introductory, long subordinate clauses should be set off by commas.

INTRODUCTORY PARTICIPIAL PHRASE:

Because of the need for a more effective welfare program, the chairperson ordered an extensive study of the present program. Until further notice is given, the present rules remain in effect.

PART 9-12 – CONSISTENCY

(a) Be consistent in the use of language throughout a rule. Do not use the following:

- (1) The same word or phrase to convey different meanings.
- (2) Different language to convey the same meaning.

(b) Be consistent in the arrangement of comparable provisions. Arrange sections containing similar material in the same way.

PART 9-13 – GENDER

To the extent possible, avoid words importing gender.

PART 9-14 – HYPHENS

Avoid hyphens. Many words that once were hyphenated are now written as one (1) word or as two (2) words without a hyphen.

EXAMPLES OF WORDS THAT ARE NO LONGER HYPHENATED:

attorney general
bipartisan
cooperate
lieutenant governor
online
reelect
statewide
vice president

PART 9-15 – LIMITATIONS, EXCEPTIONS, AND CONDITIONS

(a) Describe limitations or exceptions to the coverage of a rule or conditions placed on its application in the first part of the rule. If they are numerous:

- (1) give notice of their existence in the first part of the rule; and
- (2) state them separately later in the rule.

(b) If a provision is limited in its application or is subject to an exception or condition, it generally promotes clarity to begin the provision with a:

- (1) statement of the limitation, exception, or condition; or
- (2) notice of its existence.

Avoid using “notwithstanding” to express a limitation of a general provision of the same rule.

LIMITATIONS OF GENERAL PROVISIONS:

DON'T SAY:	Sec. 1. (a) Notwithstanding subsection (b), ...
SAY:	Sec. 1. (a) Except as provided in subsection (b), ...

(c) “If”, “when”, and “whenever” are expressions of limitation or condition. The following illustrate forms of condition:

- (1) If the condition is limited by a single occurrence that may never occur, use “if” to introduce the condition.

EXAMPLE OF AN “IF” CONDITION:

If the mayor resigns from office, the deputy mayor assumes the duties of the office.

- (2) If the condition will occur more than once, introduce the condition with “whenever”.

EXAMPLE OF A “WHENEVER” CONDITION:

Whenever the operator answers a call, the operator shall ...

- (3) If the condition is certain to occur, use “when”.

EXAMPLE OF A “WHEN” CONDITION:

When the statute takes effect, the governor shall ...

(d) Do not use “provided that”, “provided however that”, or similar proviso language. Use “but” instead of “except that”.

PART 9-16 – MOOD

Use the indicative mood.

INDICATIVE MOOD:

DON'T SAY:	The report shall include ... A person shall be entitled ...
SAY:	The report must include ... A person is entitled ...

PART 9-17 – NUMBER; SINGULAR/PLURAL

Use the singular instead of the plural, since singular words apply to several persons or things as well as to one (1) person or thing.

PART 9-18 – NUMBERS

(a) Exceptions to spelling out a number are as follows:

- (1) Date.
- (2) Time.
- (3) Grade point average.
- (4) pH value.
- (5) Ratios.
- (6) Type sizes.
- (7) School grade levels.
- (8) Gauge and shot sizes.
- (9) Voltage.

(b) In the DIGEST:

- (1) spell out whole numbers under 10; and
- (2) use Arabic numerals for 10 and above.

(c) Other special number treatments are as follows:

- (1) One foot in seven inches (1':7").
- (2) Two inches in twelve inches (2:12").

PART 9-19 – PARENTHESES

(a) Avoid the use of parentheses except when they are more reliable than commas in setting off a phrase where there is possible uncertainty as to how the ideas that follow the phrase are linked to the ideas that precede it.

[See the following page for an example of the use of parentheses.]

THE USE OF PARENTHESES:

When it is necessary to order individuals to active duty (other than for training) without their consent, ...

(b) Parentheses may also be used if necessary to make clear a reference to another provision by indicating the nature of the referenced provision.

THE USE OF PARENTHESES REFERENCING A PROVISION:

410 IAC 16-2 (Residential Care Facilities)

PART 9-20 – QUOTATION MARKS

Use quotation marks to enclose defined words or phrases. Commas, periods, and question marks should be placed outside the quotation marks unless the punctuation is included as part of the quoted material. Commas are also placed outside quotation marks when in the middle of a sentence.

QUOTATION MARKS IN DEFINITIONS:

As used in this section, “ad valorem tax” means ...
“Revenue bonds”, as used in this subsection, refers to bonds issued under IC 36-9-31-10.

PART 9-21 – REPETITIOUS LANGUAGE

When possible, avoid repetitious language unless required for clarity.

PART 9-22 – SEMICOLONS

Generally, only use semicolons in the sentence style of tabulation.

THE USE OF SEMICOLONS IN A TABULATION:

A school corporation may grant a teacher, on written request, a sabbatical for improvement of professional skills through:

- (1) advanced study;
- (2) work experience; or
- (3) teacher exchange programs.

PART 9-23 – SENTENCE STRUCTURE

Use short, simple sentences. Avoid excessive use of the following:

- (1) Dependent clauses.
- (2) Parallel clauses.
- (3) Compound sentences.
- (4) Other complex sentence structures.

PART 9-24 – SUBJECT OF SENTENCE

Unless it is clear from the context, use as the subject of each sentence the person or entity:

- (1) to whom a:
 - (A) power;
 - (B) right; or
 - (C) privilege;is granted; or

- (2) upon whom:
 - (A) a duty;
 - (B) an obligation; or
 - (C) a prohibition;is imposed.

PART 9-25 – SUCH; SAID

(a) Use the articles “a”, “an”, and “the” instead of the words “such” or “said”. It is appropriate to use “such” to express an example.

APPROPRIATE USE OF “SUCH”:

The commission may take steps to provide compliance, such as ordering the applicant to submit a verified statement.

- (b) Do not use:
 - (1) “any”;
 - (2) “each”;
 - (3) “every”;
 - (4) “all”; or
 - (5) “some”;if “a”, “an”, or “the” can be used with the same result.

PART 9-26 – TENSE

(a) Use the present tense. However, when it is necessary to express a time relationship (such as when there is a condition precedent to the operation of the law), state the facts:

- (1) that are concurrent with the operation of the law as present facts; and
- (2) precedent to its operation as past facts.

EXPRESSING A TIME RELATIONSHIP:

If a person has completed the training, the person may ...

(b) When the future tense is appropriate, use “will”.

THE USE OF “WILL”:

If the director determines that the computer system will cause problems, the director shall ...

PART 9-27 – VOICE

(a) Use the active voice whenever possible.

(b) In rare instances, the passive voice may be used, such as when the subject of the sentence is the focus of some action to be implicitly taken by another person who is not mentioned in the sentence.

DON'T SAY:	All the complaints shall be reviewed by the director.
SAY:	The director shall review all the complaints.

PART 9-28 – WHICH; THAT

(a) Use “which” set off by commas to introduce a nonrestrictive clause. A nonrestrictive clause is a clause that is not needed to clarify the meaning of the word that it modifies.

“WHICH” (NONRESTRICTIVE CLAUSE):

The application, which need not be verified, must be signed by the applicant.

(b) Use “that” to introduce a restrictive clause modifying the nearest antecedent. A restrictive clause is a clause that is needed to make clear the meaning of the word that it modifies.

“THAT” (RESTRICTIVE CLAUSE):

An application to renew a license that has been revoked must be signed by the applicant.
