

Indiana Register

Volume 28, Number 5
Pages 1447-1674

February 1,
2005

Retain this issue
as a
supplement to the
Indiana Administrative
Code (See p. 1448)

The Indiana Register is on
the Internet at:
www.in.gov/legislative/

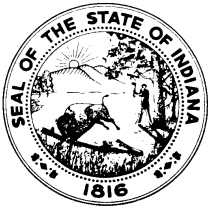
Published By
Legislative Services Agency
317/232-9557



This issue contains documents
officially filed through 4:45 p.m.,
January 10, 2005

IN THIS ISSUE

State Agencies	1450
Final Rules	
Department of Local Government Finance	1452
Natural Resources Commission	1459
Air Pollution Control Board	1471
Indiana State Board of Animal Health	1473
Professional Standards Board	1475
Department of Insurance	1480
Alcohol and Tobacco Commission	1484
Errata	
Solid Waste Management Board	1485
Indiana State Department of Health	1485
Notice of Withdrawal	
Solid Waste Management Board	1486
Alcohol and Tobacco Commission	1486
Emergency Rules	
Indiana Board of Tax Review	1487
State Lottery Commission	1488
Notice of Rule Adoption	
Office of the Secretary of Family and Social Services	1497
Division of Mental Health and Addiction	1497
Division of Disability, Aging, and Rehabilitative Services	1497
Change in Notice of Public Hearing	
State Information Technology Oversight Commission	1498
Office of Environmental Adjudication	1498
Fire Prevention and Building Safety Commission	1498
Notice of Intent to Adopt a Rule	
Department of State Revenue	1499
Department of Insurance	1499
Indiana State Board of Nursing	1499
Proposed Rules	
Department of State Revenue	1500
Indiana Utility Regulatory Commission	1518
Natural Resources Commission	1520
Fire Prevention and Building Safety Commission	1529
Indiana Real Estate Commission	1547
Manufactured Home Installer Licensing Board	1549
Readopted Rules	1559
AROC Notices	
Home Inspectors Licensing Board	1560
Indiana State Department of Health	1560
Alcohol and Tobacco Commission	1561
Executive Orders/Proclamations	1564
Nonrule Policy Documents	1575
Rules Affected by Volume 28	1640
Index	1656



INDIANA REGISTER

is published monthly by the Indiana Legislative Council, Room 302 State House, Indianapolis, Indiana 46204-2789. An order form is on the back of this issue. Subscription price is \$60 for Volume 28, in advance.

Indiana Register
Legislative Services Agency
200 West Washington Street, Suite 302
Indianapolis, IN 46204-2789

Indiana Legislative Council

Senator Robert D. Garton, Chairman
Representative Brian Bosma, Vice Chairman

Senator James W. Merritt
Senator Richard Young, Jr.
Senator James Lewis
Vacant
Vacant
Vacant
Vacant

Representative William Friend
Representative Kathy Richardson
Representative P. Eric Turner
Representative Timothy Brown
Representative B. Patrick Bauer
Representative F. Dale Grubb
Vacant

Philip J. Sachtleben, Executive Director

Indiana Code Revision Commission

Senator Luke Kenley, Chairman

Senator Rose Ann Antich-Carr
Senator Anita Bowser
Senator Sue Landske
Representative Robert Behning
Representative Ralph Foley
Representative Robert Kuzman
Vacant

Chief Judge James S. Kirsch
Jon Laramore
Dave Remondini
Heather Willis
Jennifer Thuma
Prof. Thomas B. Allington
Joe Champion

Stephen G. Barnes, Managing Editor

Kimbra K. Salt, Editorial Assistant

Becky Walker, Data Processing Manager

RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The Indiana Register is an official monthly publication of the state of Indiana. The Indiana Legislative Council publishes the full text of proposed rules, final rules, and other documents, such as executive orders and attorney general's opinions, in the Indiana Register in the order in which the Indiana Legislative Council receives the documents.

The Indiana Administrative Code is an official annual publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The Indiana Register acts as a source of information about the rules being proposed by state agencies and acts as an "advance sheet" to the Indiana Administrative Code. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the Indiana Register. Although a rule becomes effective without publication in the Indiana Register, an agency must file an adopted and approved rule with the Indiana Legislative Council. The Council publishes these final rules in the Indiana Register.

RETENTION SCHEDULE

A person must consult the following publications to find the current rules of state agencies:

- (1) 2005 Indiana Administrative Code (CD-ROM version).
- (2) Volume 28 of the Indiana Register (CD-ROM version).

The Indiana Administrative Code and Indiana Register are distributed in CD-ROM format only. Both are also accessible at www.in.gov/legislative/ic_iac/.

The 2004 Edition of the Indiana Administrative Code and other volumes of the Indiana Register may be discarded. (Please consider recycling.)

JUDICIAL NOTICE AND CITATION FORM

IC 4-22-9 provides for the judicial notice of rules published in the Indiana Register or the Indiana Administrative Code. Subject to any errata notice that may affect a rule, the latest published version of a final rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by Indiana Administrative Code citation, regardless of whether it has been published in a supplement to the Indiana Administrative Code. For example, cite the entire current contents of title 312 as "Title 312 of the Indiana Administrative Code," cite the entire current contents of the third article in title 312 as "312 IAC 3," cite the entire current contents of the fourth rule in article three as "312 IAC 3-4," and cite part or all of the current contents of the second section in rule four as "312 IAC 3-4-2." IC 4-22-9-6 provides that a citation in this form contains later adopted amendments. Cite a noncodified rule provision by LSA document number, SECTION number, and Indiana Register citation to the page at which the cited text begins. If a reference to a particular version of a rule or a page in the Indiana Register is appropriate, cite the volume, page, and year of publication as "25 Ind. Reg. 120 (2002)." A shorter Indiana Register citation form is "25 IR 120."

PRINTING CODE

This style type is used to indicate that substantive text is being inserted by amendment into a rule, and **this style type** is used to indicate that substantive text is being eliminated by amendment from a rule. **This style type** is replaced by a single large "X" to show the elimination of a form or other piece of artwork. **This style type** is used to indicate a rule is being added. *This style type* and **this style type** also are used to highlight nonsubstantive annotations to a rule and to indicate that an entry in a reference table or the index concerns a final rule.

REFERENCE TABLES AND INDEX

The page location of rules and other documents printed in the Indiana Register may be found by using the tables and index published in the Indiana Register. A citation listing of the general and permanent rules affected in a volume and a cumulative index are published in each issue. Cumulative tables that cite executive orders, attorney general's opinions, and other nonrule policy documents printed in a calendar year are published quarterly.

FILING AND PUBLISHING SCHEDULE

NOTICE AND PUBLICATION SCHEDULE. The Legislative Services Agency publishes documents filed by 4:45 p.m. on the tenth day of a month (no later than the twelfth day of a month, excluding holidays or weekends) in the following month's Indiana Register according to the schedule below:

PUBLICATION SCHEDULE

Closing Dates:	Publication Dates:	Closing Dates:	Publication Dates:
January 10, 2005	February 1, 2005	August 10, 2005	September 1, 2005
February 10, 2005	March 1, 2005	September 9, 2005	October 1, 2005
March 10, 2005	April 1, 2005	October 10, 2005	November 1, 2005
April 11, 2005	May 1, 2005	November 10, 2005	December 1, 2005
May 10, 2005	June 1, 2005	December 9, 2005	January 1, 2006
June 10, 2005	July 1, 2005	January 10, 2006	February 1, 2006
July 11, 2005	August 1, 2005	February 10, 2006	March 1, 2006

Documents will be accepted for filing on any business day from 8:00 a.m. to 4:45 p.m.

AROC NOTICES: Under IC 2-5-18-4, the Administrative Rules Oversight Committee is established to oversee the rules of any agency not listed in IC 4-21.5-2-4. As a result, certain notices to the AROC are required and are printed in the Indiana Register.

CORRECTIONS: IC 4-22-2-38 authorizes an agency to correct typographical, clerical, or spelling errors in a final rule without initiating a new rulemaking procedure. Correction notices are printed on errata pages in the Indiana Register.

EFFECTIVE DATE: IC 4-22-2-36 provides that, unless a later date is specified in the rule, a rule becomes effective thirty (30) days after filing with the Secretary of State.

EMERGENCY RULES: IC 4-22-2-37.1 provides summary rulemaking procedures for certain specified categories of rules.

INCORPORATION BY REFERENCE: IC 4-22-2-21 requires that a copy of matters that are incorporated by reference into a rule must be filed with the Attorney General, the Governor, and the Secretary of State along with the text of the incorporating final rule.

NONRULE POLICY DOCUMENTS: IC 4-22-7-7 requires that any nonrule document that interprets, supplements, or implements a statute and that the issuing agency may use in conducting its external affairs must be filed with the Legislative Services Agency and published in the Indiana Register.

NOTICE OF INTENT TO ADOPT A RULE: IC 4-22-2-23 requires an agency to publish a Notice of Intent to Adopt a Rule at least thirty (30) days before publication of the proposed rule.

PROMULGATION PERIOD: In order to be effective, the final version of an adopted rule must be approved by the Attorney General and the Governor within one (1) year after the date that the notice of intent is published. The final rule must then be filed with the Secretary of State.

PUBLIC HEARINGS: IC 4-22-2-24 requires that the public hearing on a proposed rule be scheduled at least twenty-one (21) days after a notice of the hearing is published in the Indiana Register and in a newspaper of general circulation in Marion County.

RULES READoption: IC 4-22-2.5 provides that a 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.

State Agencies

ALPHABETICAL LIST		TITLE NUMBER	
AGENCY	TITLE NUMBER	AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	†Industrial Board of Indiana	630
Accounts, State Board of	20	Information Technology Oversight Commission, State	28
Adjutant General	270	Insurance, Department of	760
Administration, Indiana Department of	25	Labor, Department of	610
†Administrative Building Council of Indiana	660	Land Surveyors, State Board of Registration for	865
†Aeronautics Commission of Indiana	110	Law Enforcement Training Board	250
†Aging and Community Services, Department on	450	Library and Historical Board, Indiana	590
Agricultural Development Corporation, Indiana	770	Library Certification Board	595
Agricultural Experiment Station	350	Local Government Finance, Department of	50
†Agriculture, Commissioner of	340	Lottery Commission, State	65
Agriculture, Commissioner of	375	Manufactured Home Installer Licensing Board	879
†Air Pollution Control Board	325.1	Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
Air Pollution Control Board	326	Medical Licensing Board of Indiana	844
†Air Pollution Control Board of the State of Indiana	325	Mental Health and Addiction, Division of	440
Alcohol and Tobacco Commission	905	Meridian Street Preservation Commission	925
Amusement Device Safety Board, Regulated	685	Motor Vehicles, Bureau of	140
Animal Health, Indiana State Board of	345	†Natural Resources, Department of	310
Architects and Landscape Architects, Board of Registration for	804	Natural Resources Commission	312
Athletic Trainers Board, Indiana	898	Nursing, Indiana State Board of	848
Attorney General for the State, Office of	10	Occupational Safety Standards Commission	620
Auctioneer Commission, Indiana	812	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Barber Examiners, Board of	816	Optometry Board, Indiana	852
Boiler and Pressure Vessel Rules Board	680	Parole Board	220
Boxing Commission, State	808	†Personnel Board, State	30
Budget Agency	85	Personnel Department, State	31
Chemist of the State of Indiana, State	355	Pesticide Review Board, Indiana	357
Children's Health Insurance Program, Office of the	407	Pharmacy, Indiana Board of	856
Chiropractic Examiners, Board of	846	Plumbing Commission, Indiana	860
Civil Rights Commission	910	Podiatric Medicine, Board of	845
†Clemency Commission, Indiana	230	Police Department, State	240
Commerce, Department of	55	Political Subdivision Risk Management Commission, Indiana	762
Community Residential Facilities Council	431	Port Commission, Indiana	130
Consumer Protection Division of the Office of the Attorney General	11	Private Detectives Licensing Board	862
Controlled Substances Advisory Committee	858	Professional Standards Board	515
Coroners Training Board	207	Proprietary Education, Indiana Commission on	570
Correction, Department of	210	Psychology Board, State	868
Cosmetology Examiners, State Board of	820	Public Access Counselor, Office of the	62
Creamery Examining Board	365	Public Employees' Retirement Fund, Board of Trustees of the	35
Criminal Justice Institute, Indiana	205	Public Records, Oversight Committee on	60
Deaf Board, Indiana School for the	514	Public Safety Training Institute	280
Dentistry, State Board of	828	Real Estate Commission, Indiana	876
Developmental Disabilities Residential Facilities Council	430	Reciprocity Commission of Indiana	145
Dietitians Certification Board, Indiana	830	Revenue, Department of State	45
Disability, Aging, and Rehabilitative Services, Division of	460	Safety Review, Board of	615
†Education, Commission on General	510	School Bus Committee, State	575
Education, Indiana State Board of	511	Secretary of State	75
Education Employment Relations Board, Indiana	560	Securities Division	710
Education Savings Authority, Indiana	540	Seed Commissioner, State	360
Egg Board, State	370	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board	839
†Election Board, State	15	†Soil and Water Conservation Committee, State	311
Election Commission, Indiana	18	Soil Scientists, Indiana Board of Registration for	307
†Elevator Safety Board	670	†Solid Waste Management Board	320.1
Emergency Management Agency, State	290	Solid Waste Management Board	329
Emergency Medical Services Commission, Indiana	836	Speech-Language Pathology and Audiology Board	880
Employees' Appeals Commission, State	33	Standardbred Board of Regulations, Indiana	341
†Employment and Training Services, Department of	645	†Stream Pollution Control Board of the State of Indiana	330
Engineers, State Board of Registration for Professional	864	Student Assistance Commission, State	585
Enterprise Zone Board	58	Tax Review, Indiana Board of	52
Environmental Adjudication, Office of	315	†Teacher Training and Licensing, Commission on	530
Environmental Health Specialists, Board of	896	Teachers' Retirement Fund, Board of Trustees of the Indiana State	550
†Environmental Management Board, Indiana	320	Television and Radio Service Examiners, Board of	884
Ethics Commission, State	40	†Textbook Adoptions, Commission on	520
Fair Commission, State	80	Toxicology, State Department of	260
Family and Children, Division of	470	†Traffic Safety, Office of	150
Family and Social Services, Office of the Secretary of	405	†Transportation, Department of	100
Financial Institutions, Department of	750	Transportation, Indiana Department of	105
Fire Marshal, State	650	Transportation Finance Authority, Indiana	135
Fire Prevention and Building Safety Commission	675	Underground Storage Tank Financial Assurance Board	328
Firefighting Personnel Standards and Education, Board of	655	†Unemployment Insurance Board, Indiana	640
Forensic Sciences, Commission on	415	Utility Regulatory Commission, Indiana	170
Funeral and Cemetery Service, State Board of	832	†Vehicle Inspection, Department of	160
Gaming Commission, Indiana	68	Veterans' Affairs Commission	915
Geologists, Indiana Board of Licensure for Professional	305	Veterinary Medical Examiners, Indiana Board of	888
Grain Buyers and Warehouse Licensing Agency, Indiana	824	Victim Services Division	203
Grain Indemnity Corporation, Indiana	825	Violent Crime Compensation Division	480
Hazardous Waste Facility Site Approval Authority, Indiana	323	†Vocational and Technical Education, Indiana Commission on	572
Health, Indiana State Department of	410	†Wage Adjustment Board	635
Health Facilities Council, Indiana	412	War Memorials Commission, Indiana	920
Health Facility Administrators, Indiana State Board of	840	†Watch Repairing, Indiana State Board of Examiners in	892
†Highways, Department of	120	Water Pollution Control Board	327
Home Inspectors Licensing Board	878	†Water Pollution Control Board	330.1
†Horse Racing Commission, Indiana	70	Worker's Compensation Board of Indiana	631
Horse Racing Commission, Indiana	71	Workforce Development, Department of	646
Hospital Council	414		
Housing Finance Authority, Indiana	930		
Human Service Programs, Interdepartmental Board for the Coordination of	490		

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

State Agencies

NUMERICAL LIST

TITLE NUMBER

GENERAL GOVERNMENT

10	Office of Attorney General for the State
11	Consumer Protection Division of the Office of the Attorney General
†15	State Election Board
18	Indiana Election Commission
20	State Board of Accounts
25	Indiana Department of Administration
28	State Information Technology Oversight Commission
†30	State Personnel Board
31	State Personnel Department
33	State Employees' Appeals Commission
35	Board of Trustees of the Public Employees' Retirement Fund
40	State Ethics Commission
45	Department of State Revenue
50	Department of Local Government Finance
52	Indiana Board of Tax Review
55	Department of Commerce
58	Enterprise Zone Board
60	Oversight Committee on Public Records
62	Office of the Public Access Counselor
65	State Lottery Commission
68	Indiana Gaming Commission
†70	Indiana Horse Racing Commission
71	Indiana Horse Racing Commission
75	Secretary of State
80	State Fair Commission
85	Budget Agency

TRANSPORTATION AND PUBLIC UTILITIES

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

CORRECTIONS, POLICE, AND MILITARY

203	Victim Services Division
205	Indiana Criminal Justice Institute
207	Coroners Training Board
210	Department of Correction
220	Parole Board
†230	Indiana Clemency Commission
240	State Police Department
250	Law Enforcement Training Board
260	State Department of Toxicology
270	Adjutant General
280	Public Safety Training Institute
290	State Emergency Management Agency

NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE

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

HUMAN SERVICES

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

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

TITLE NUMBER

EDUCATION AND LIBRARIES

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

LABOR AND INDUSTRIAL SAFETY

610	Department of Labor
615	Board of Safety Review
620	Occupational Safety Standards Commission
†630	Industrial Board of Indiana
631	Worker's Compensation Board of Indiana
†635	Wage Adjustment Board
†640	Indiana Unemployment Insurance Board
†645	Department of Employment and Training Services
646	Department of Workforce Development
650	State Fire Marshal
655	Board of Firefighting Personnel Standards and Education
†660	Administrative Building Council of Indiana
†670	Elevator Safety Board
675	Fire Prevention and Building Safety Commission
680	Boiler and Pressure Vessel Rules Board
685	Regulated Amusement Device Safety Board

BUSINESS, FINANCE, AND INSURANCE

710	Securities Division
750	Department of Financial Institutions
760	Department of Insurance
762	Indiana Political Subdivision Risk Management Commission
770	Indiana Agricultural Development Corporation

OCCUPATIONS AND PROFESSIONS

804	Board of Registration for Architects and Landscape Architects
808	State Boxing Commission
812	Indiana Auctioneer Commission
816	Board of Barber Examiners
820	State Board of Cosmetology Examiners
824	Indiana Grain Buyers and Warehouse Licensing Agency
825	Indiana Grain Indemnity Corporation
828	State Board of Dentistry
830	Indiana Dietitians Certification Board
832	State Board of Funeral and Cemetery Service
836	Indiana Emergency Medical Services Commission
839	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board
840	Indiana State Board of Health Facility Administrators
844	Medical Licensing Board of Indiana
845	Board of Podiatric Medicine
846	Board of Chiropractic Examiners
848	Indiana State Board of Nursing
852	Indiana Optometry Board
856	Indiana Board of Pharmacy
857	Indiana Optometric Legend Drug Prescription Advisory Committee
858	Controlled Substances Advisory Committee
860	Indiana Plumbing Commission
862	Private Detectives Licensing Board
864	State Board of Registration for Professional Engineers
865	State Board of Registration for Land Surveyors
868	State Psychology Board
872	Indiana Board of Accountancy
876	Indiana Real Estate Commission
878	Home Inspectors Licensing Board
879	Manufactured Home Installer Licensing Board
880	Speech-Language Pathology and Audiology Board
884	Board of Television and Radio Service Examiners
888	Indiana Board of Veterinary Medical Examiners
†892	Indiana State Board of Examiners in Watch Repairing
896	Board of Environmental Health Specialists
898	Indiana Athletic Trainers Board

MISCELLANEOUS

905	Alcohol and Tobacco Commission
910	Civil Rights Commission
915	Veterans' Affairs Commission
920	Indiana War Memorials Commission
925	Meridian Street Preservation Commission
930	Indiana Housing Finance Authority

**TITLE 50 DEPARTMENT OF LOCAL
GOVERNMENT FINANCE**

LSA Document #02-297(F)

DIGEST

Adds 50 IAC 21 to establish standards for annually adjusting the assessed value of real property between reassessments. Effective 30 days after filing with the secretary of state.

50 IAC 21

SECTION 1. 50 IAC 21 IS ADDED TO READ AS FOLLOWS:

ARTICLE 21. ANNUAL ADJUSTMENTS**Rule 1. Purpose and Applicability****50 IAC 21-1-1 Purpose**

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 1. The purpose of this article is to establish procedures to govern local assessing officials and the department of local government finance in the annual adjustment of assessed valuations of real property under IC 6-1.1-4-4.5. The procedures, procedural requirements, and standards established by this article will ensure that the annual assessed valuations are reflective of current market value in use conditions. (*Department of Local Government Finance; 50 IAC 21-1-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1452*)

50 IAC 21-1-2 Applicability

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 2. This rule applies to local assessing officials and the department of local government finance exercising authority under IC 6-1.1-4-4.5 in making annual adjustments in assessed valuations of real property within and across classifications. (*Department of Local Government Finance; 50 IAC 21-1-2; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1452*)

Rule 2. Definitions**50 IAC 21-2-1 Applicability**

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 1. The definitions in this rule and 50 IAC 2.3-1-2(c), referring to the 2002 Real Property Assessment Manual and Guidelines 'Version A', apply throughout this article. (*Department of Local Government Finance; 50 IAC 21-2-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1452*)

50 IAC 21-2-2 "Contract" defined

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4; IC 6-1.1-31.7

Sec. 2. The word contract refers to an agreement under IC 6-1.1-4-17 to 19.5 [IC 6-1.1-4-17 through IC 6-1.1-4-19.5] between a township assessor or county assessor and an appraiser under IC 6-1.1-31.7 to perform services related to the requirements under this article. (*Department of Local Government Finance; 50 IAC 21-2-2; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1452*)

50 IAC 21-2-3 "IAAO standard" defined

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 3. "IAAO standard" refers to the 1999 International Association of Assessing Officers (IAAO) Standards on Ratio Studies, which is hereby incorporated by reference in this article. Copies of the 1999 IAAO Standard on Ratio Studies are available for purchase from the International Association of Assessing Officers, 130 East Randolph, Suite 850, Chicago, Illinois 60601-6217. Unless otherwise indicated, the definitions in the glossary section of the IAAO standard apply to all terms defined in the IAAO standard that are used in this article. (*Department of Local Government Finance; 50 IAC 21-2-3; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1452*)

50 IAC 21-2-4 "Local assessing official" defined

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 4. "Local assessing official" means the:

- (1) county assessor;
- (2) township assessor; or
- (3) township trustee assessor;

who is responsible for performing the task identified in this rule. (*Department of Local Government Finance; 50 IAC 21-2-4; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1452*)

50 IAC 21-2-5 "Property tax assessment board of appeals" or "PTABOA" defined

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5; IC 6-1.1-28-1

Sec. 5. The "property tax assessment board of appeals" or "PTABOA" means the board authorized by IC 6-1.1-28-1. (*Department of Local Government Finance; 50 IAC 21-2-5; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1452*)

50 IAC 21-2-6 "Stratification" defined

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 6. "Stratification" means the process by which properties are broken down into uniform groups by criterion such as location, age, or class. (*Department of Local Government Finance; 50 IAC 21-2-6; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1452*)

50 IAC 21-2-7 "Work plan" defined

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 7. "Work plan" includes information such as:

- (1) staffing requirements;
- (2) proposed budget; and
- (3) duration of project.

(Department of Local Government Finance; 50 IAC 21-2-7; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1452)

Rule 3. Ratio Studies and Sales Verification

50 IAC 21-3-1 Ratio studies

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 1. Local assessing officials shall perform all ratio studies using the methods or combination of methods acceptable under the Standard on Ratio Studies published by the International Association of Assessing Officers (IAAO standard) or other acceptable appraisal methods approved by the department. *(Department of Local Government Finance; 50 IAC 21-3-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1453)*

50 IAC 21-3-2 Verification requirements

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5; IC 6-1.1-5-5-3

Sec. 2. (a) The township assessor shall retain and properly verify all sales disclosure forms forwarded to the assessing official under IC 6-1.1-5.5-3. In conjunction with IAAO standards, the township assessor shall utilize the sales verified to determine whether an adjustment factor shall be applied. If the township assessor does not perform the verification of sales under this section and the county assessor determines that the process is essential for purposes of this article, the county assessor shall verify the sales to be used in the determination of adjustment factors.

(b) Each township assessor shall complete sales verification by the January 15 preceding the assessment date or submit a work plan to the county assessor by January 15 providing for completion of verification by the March 1 assessment date. By January 31, the county assessor must determine whether the sales verification process can be performed in a timely manner under the work plan submitted by the township. If the county assessor determines that the sales verification will not be completed in a timely manner, the county assessor shall convene a meeting with the township assessing official or officials to remedy the work plan in an attempt to meet the time requirements of this article. If the parties are unable to remedy the work plan, the county assessor shall verify the remaining sales. The county assessor shall notify the department, the county PTABOA, and the county council should a township official fail to timely complete the sales verification function. *(Department of Local Government Finance; 50 IAC 21-3-2; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1453)*

50 IAC 21-3-3 Valuation date and time adjustment

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 3. (a) The local assessing official shall use sales of properties occurring between January 1, 2003, and December 31, 2004, in performing sales ratio studies for the March 1, 2005, assessment date. For assessment years occurring March 1, 2006, and thereafter, the local assessing official shall use sales of properties occurring the two (2) calendar years preceding the relevant assessment date.

(b) The valuation date is January 1 of the year preceding the year of the assessment date. Sales occurring before or after that date shall be trended if appropriate, in accordance with the IAAO standard. The time adjusted sale price shall become the basis for all ensuing analysis undertaken under this article.

(c) If the sales data available is insufficient to satisfy the IAAO standard, the local assessing official may use sales from earlier or more recent time periods, or both, by adjusting and time trending the sales data as described in the IAAO standard. If the local assessing official wishes to use a method for adjusting sales data that is not permitted by the IAAO standard, the county assessor shall obtain prior written approval from the director of the assessment division of the department of local government finance for that alternative method for adjusting more recent sales data.

(d) If, after expanding the sales window, the local assessing official determines that insufficient data is available to perform a statistically valid study of sales data, the county assessor shall explain in writing to the director of the assessment division of the department of local government finance the reasons for using other data. County assessors shall not use performance audits in determining annual adjustment factors. *(Department of Local Government Finance; 50 IAC 21-3-3; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1453)*

Rule 4. Review of Neighborhood Delineations and Land Values

50 IAC 21-4-1 Review of neighborhood delineations

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 1. (a) The township assessor shall review the residential neighborhood delineations established for the 2002 general reassessment to determine if the delineations used adequately placed like property into homogeneous geographic groups. For purposes of this rule, the local assessing official shall modify neighborhood boundaries if their neighborhood review identifies inadequacies in the original delineations; this may include the development of new neighborhood delineations. The township assessors shall base new delineations on geographical areas exhibit-

ing a high degree of similarity in:

- (1) amenities;
- (2) use;
- (3) economic trends; and
- (4) building characteristics, such as:
 - (A) improvement quality;
 - (B) age; and
 - (C) physical characteristics.

(b) If the local assessing official determines through review, ratio studies, or appeals from previous assessments years that the neighborhood delineations need to be modified, the local assessing official shall notify the PTABOA in the county the neighborhood is located and ask to be placed on the next agenda for PTABOA approval.

(c) In areas where values are erratic and geographic neighborhood delineations are not sufficiently homogeneous, it is appropriate either to reassess the properties in that area or to further stratify properties by property characteristics, developing separate factors for various property strata. For example, if older homes in a specific neighborhood are appreciating or depreciating at a more rapid rate than new homes, the two (2) groups should be stratified and analyzed separately with a factor determined for each property type within the specific neighborhood.

(d) It may not be sufficient to merely stratify properties and sales according to their classification, that is, residential and commercial, and develop one (1) neighborhood and one (1) annual adjustment factor for the entire class of property. Properties throughout any given municipality or area, even though they have the same classification, may vary considerably in quality, style, age, location, and amenities and, therefore, may change in value at differing rates. Sales used to develop annual adjustment factors must be comparable to the properties for which the factors are being developed. In other words, the assessor should endeavor to ensure that the factors are developed from a sample of sales that is representative to the population of parcels to which the factor(s) will ultimately be applied.

(e) The assessing official may also determine that it is inappropriate to apply an annual adjustment factor on all parts of a property. For example, the assessing official may determine to apply the annual adjustment factor only to the land, or the assessing official may determine to apply the annual adjustment factor to the dwelling and one (1) outbuilding or garage, and not on other outbuildings, recent additions, or other improvements. In that case, the assessing official shall document the reasons for application of the annual adjustment factor to some, but not all, of the improvements and submit the evidence to the PTABOA. The assessing official must be able to demonstrate that the factor was calculated based upon a sales analysis including the same subset of parcel data; that is, if the trend factor was

developed based upon an analysis of the values of all improvements, then the factor must be applied to all improvements and not merely a subset of the improvements. Before a separate adjustment factor is applied, the local assessing official must confirm that separate factors can be accommodated in the computer-assisted mass appraisal system in the county.

(f) The assessing official shall also delineate commercial, utility, and industrial properties into market areas or otherwise stratify for purposes of applying annual adjustment factors. Assessors shall base market areas on geographic delineations of areas exhibiting a high degree of similarity in:

- (1) amenities;
- (2) general use groupings;
- (3) economic trends;
- (4) desirability; and
- (5) property characteristics, such as:
 - (A) improvement quality;
 - (B) age; and
 - (C) physical characteristics.

(Department of Local Government Finance; 50 IAC 21-4-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1453)

50 IAC 21-4-2 Review of land values

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 2. (a) The township assessor shall review land values established for the 2002 general reassessment to determine if the evidence used to calculate the base rates adequately reflect current market data value adjustments. If upon review it is determined that modifications need to be made in order to promote uniform and equal assessments, the local assessing official shall update the data to achieve the most accurate factor to adjust valuations.

(b) The township assessor's proposal of modification of land values must be uniform and consistent with regard to the valuation date of the base unit land values. That is, if the local assessing official is not revising all base unit land values to reflect the valuation date, then the township assessor must make time value adjustments consistent with the other market areas.

(c) If the township assessor determines through review, ratio studies, or appeals from previous assessments years that the land base rate units in fact need to be modified, the local assessing official shall notify the PTABOA in the county in which the property is located and ask to be placed on the next agenda for PTABOA approval.

(d) The local assessing official shall provide all supporting documentation to the PTABOA, upon request, including sales ratio studies and electronic data concerning all sales in the affected neighborhood. *(Department of Local*

Government Finance; 50 IAC 21-4-2; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1454)

50 IAC 21-4-3 Review of property tax assessment board of appeals

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-4-4.5

Sec. 3. After hearing and consideration, the PTABOA shall enter an order that adopts final annual adjustment factors and approves, modifies, or denies changes to neighborhood delineations, market areas, and land values. (*Department of Local Government Finance; 50 IAC 21-4-3; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1455*)

Rule 5. Analysis; Application of Factor; Stratification

50 IAC 21-5-1 Preliminary analysis

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-4-4.5

Sec. 1. (a) Ratio studies shall be generated annually for each township and property class group. The local assessing official will review the statistics for the sales occurring during the two (2) years preceding the assessment date.

(b) The coefficient of dispersion (COD) should be examined for equity of current assessments. If the ratio study conducted reflects a coefficient of dispersion outside what the IAAO Standards require, further stratification or a reassessment of that particular property group may be the only reasonable alternatives for restoring uniformity to the assessments.

- (1) When the COD is less than or equal to 10.0, the local assessing official shall proceed under the premise that applying an annual adjustment factor to the classification will be sufficient to meet the requirements of this article.
- (2) When the COD is greater than 10.0, the assessor must review neighborhood delineations and stratifications and may consider reviewing land values.

(c) Price related differential (PRD) measures assessment progressivity or regressivity. Stratifications with PRDs greater than 1.03 or less than .98 requires the same remedy as 50 IAC 21-11-1. (*Department of Local Government Finance; 50 IAC 21-5-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1455*)

50 IAC 21-5-2 Application of factor

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 5-14-1.5; IC 6-1.1-4-4.5

Sec. 2. (a) If, upon review of the ratio studies, the local assessing official determines that a factor must be applied to the specified property group, the local assessing official shall contact the PTABOA in the county the property is located and request to be placed on the next agenda for PTABOA approval.

(1) The PTABOA shall review the proposed changes and annual adjustment factors in a public hearing, with notice to the public in accordance with IC 5-14-1.5.

(2) The PTABOA may subpoena additional information or perform additional studies, including an independent ratio study, to determine whether to approve or reject modifications to the neighborhood delineations, land values, and annual adjustment factors.

(3) Any taxpayer may appear at the public hearing and submit additional evidence supporting or countering the proposed modifications and annual adjustment factors.

(b) If assessing officials determine that there are insufficient sales of commercial or industrial improved property in a township or county to determine a annual adjustment factor, the county shall use one (1) or more of the following to derive annual adjustment factors or modify the values of commercial and industrial property:

- (1) Marshall and Swift cost and depreciation tables from the first quarter of the calendar year preceding the assessment date.
- (2) Income data, rental data, market value appraisals, and other relevant evidence derived from appeals of the 2002 reassessment and adjusted, as applicable, to the January 1 of the year preceding the assessment date.
- (3) Commercial real estate reports.
- (4) Governmental studies.
- (5) Census data.
- (6) Multiple listing service (MLS) data.
- (7) The independent study performed by the Indiana Fiscal Policy Institute.

(*Department of Local Government Finance; 50 IAC 21-5-2; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1455*)

50 IAC 21-5-3 Stratification

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-4-4.5; IC 6-1.1-4-39

Sec. 3. (a) If, upon review of ratio studies, neighborhood delineations, and land values, the local assessing official determines that further categorization of property types is necessary to promote uniform and equal assessments, the local assessing official shall attempt stratification before commencing a reassessment to adjust real property market valuations.

(b) The local assessing official will first need to identify similar groups of property, by property class within a neighborhood, based on criteria such as location and age. This breaking down of property or layering of property classifications is stratification. The ratio studies are generated for various strata until the assessor determines the properties that are causing CODs or PRDs, or both, that are outside the requirements of this rule. Refinements are then made to the valuation of all similarly situated properties so that the assessment statistics will fall within the requirements. For example, an examination of the outlier sales

indicates that properties on large acreage tracks are undervalued causing the COD to be out of line. Grouping by land size shows an acceptable COD within the group but the median ratio for the larger tracks is lower than the smaller tracks. The assessor might then adjust the excess acreage rate so that the median of the large acreage comes to the same level as the remaining parcels. After this is accomplished in accordance with 50 IAC 21-4-2, the application of an overall adjustment factor shall be applied based on the revised sales ratio.

(c) In accordance with IC 6-1.1-4-39, stratification, if appropriate, and annual adjustment of real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more and that has more than four (4) rental units shall take into account that the valuation of such property is to be determined by applying the least of the following appraisal approaches:

- (1) The cost approach.
- (2) The sales comparison approach.
- (3) The income capitalization approach.

(d) In accordance with IC 6-1.1-4-39(b), stratification, if appropriate, and annual adjustment of real property that has at least one (1) and not more than four (4) rental units shall take into account that the gross rent multiplier method is the preferred method of valuing such property. (*Department of Local Government Finance; 50 IAC 21-5-3; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1455*)

Rule 6. Agricultural Property

50 IAC 21-6-1 Agricultural property

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-4-4.5

Sec. 1. (a) Land used for agricultural purposes shall be adjusted consistent with the guideline methodology developed for the 2002 general reassessment agricultural land value. The department will issue annually, before January 1, the base rate to be applied for the following March 1 assessment date.

(b) Those portions of agricultural parcels that include land and buildings not used agriculturally, such as homes, homesites, and excess land and commercial or industrial land and buildings, shall be adjusted by the factor or factors developed for other similar property within the geographic stratification. The residence portion of agricultural properties will be adjusted by the factors applied to similar residential properties. (*Department of Local Government Finance; 50 IAC 21-6-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1456*)

Rule 7. Time

50 IAC 21-7-1 Time

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-4-4.5; IC 6-1.1-4-22; IC 6-1.1-13-7; IC 6-1.1-33.5

Sec. 1. (a) Assessing officials shall perform annual adjustments compliant with this article before tax rates are set by the department of local government finance based on values generated by any form of annual adjustment performed under this rule. Assessing officials shall execute the adjustment and subsequent finalization of values without interruption. If the department for whatever reason determines that further review of a counties [*sic., county's*] assessed values is warranted, the department will notify the county in accordance with 50 IAC 21-10, 50 IAC 21-11, or IC 6-1.1-33.5.

(b) If any annual adjustment factor is applied, notice of valuation shall be sent to the taxpayer (Form 11) pursuant to IC 6-1.1-4-22(a). (*Department of Local Government Finance; 50 IAC 21-7-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1456*)

Rule 8. Mandatory Analysis

50 IAC 21-8-1 Mandatory analysis

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-4-4.5

Sec. 1. (a) After the application of annual adjustment factors, the county assessor shall calculate an assessment ratio for each of the following classes of property in each township:

- (1) Improved residential.
- (2) Unimproved residential.
- (3) Improved commercial.
- (4) Unimproved commercial.
- (5) Improved industrial.
- (6) Unimproved industrial.

(b) If any of the classes of property listed in subsection (a) consists of fewer than twenty-five (25) parcels in a township, the assessing official shall combine or otherwise stratify similar classes or subclasses of property in order to determine assessment ratio statistics.

(c) In calculating assessment ratios, each county assessor shall disregard distributable utility property. The county assessor shall classify locally assessed utility real property according to its use, for example, commercial or industrial, for purposes of calculating assessment ratios. (*Department of Local Government Finance; 50 IAC 21-8-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1456*)

Rule 9. Transfer of Data to the Department of Local Government Finance

50 IAC 21-9-1 Transfer of data

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12
Affected: IC 6-1.1-4-4.5; IC 6-1.1-4-25; IC 6-1.1-5-14; IC 6-1.1-33.5-3

Sec. 1. (a) On or before March 1 of each assessment year, the county assessors must submit to the department all sales disclosure data in the formats specified by the department in electronic form. The data format must include all sales disclosure data on all sales occurring in the county for the preceding calendar year. For the 2005 assessment year, the county assessor must provide sales data for both the 2003 and 2004 assessment year [sic., years] by the March 1 deadline.

(b) The county assessor must submit to the department all parcel data in the specified formats as required by IC 6-1.1-4-25 to be utilized by the department in accordance with IC 6-1.1-33.5-3. The data may be submitted upon certification of values by the assessor to the auditor on July 1 as required by IC 6-1.1-5-14 or thereafter, but in no event later than October 1.

(c) Upon request, the county assessor or any person that the county or township assessor has contracted to perform any studies associated with this annual adjustment rule shall provide, at no cost to the department, any further information that the department determines is necessary or proper to the department's determination of compliance with the requirements of IC 6-1.1-4-4.5, this rule, or the IAAO standard. (*Department of Local Government Finance; 50 IAC 21-9-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1456*)

50 IAC 21-9-2 Computer assisted mass appraisal systems

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 2. (a) The local assessing official shall be responsible for ensuring the sales data is included in the database used in the property valuation software employed by the assessors. The local assessor may also capture this data in other analytical or data capture software systems, but all transfers with a stated consideration must be included in the primary valuation software.

(b) This article is not intended to require assessors to utilize particular computer assisted mass appraisal (CAMA) system fields to annually adjust the values. The intent of annual adjustments is to reach current market value in use and if that is more easily accommodated within the county's system by application of modifying the neighborhood factor or some other field than by applying a separate annual adjustment factor that is acceptable. (*Department of Local Government Finance; 50 IAC 21-9-2; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1457*)

Rule 10. Mandatory Application of Factor

50 IAC 21-10-1 Provision of information to department of local government finance

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 1. (a) If the median ratio calculated for any class in a township, as verified by the department, falls outside the range specified in the IAAO standard, the county assessor shall apply the factor required to bring the median ratio to one (1.0).

(b) If the county assessor believes that reasons exist why no factor, or a factor other than that required to bring the median ratio to one (1.0), should be applied in a particular township, the county assessor shall immediately notify the commissioner of the department of local government finance in writing of those reasons and request permission to take action other than that mandated in the preceding subsection [subsection (a)] or to take no action.

(c) The commissioner shall act on the request within thirty (30) days of receiving the request. In response to a county assessor's request for permission to take action other than that mandated in subsection (a), the commissioner may:

- (1) require the county assessor to take the action mandated in subsection (a);
- (2) permit the action requested by the county assessor; or
- (3) require the county assessor to take other action short of that required in subsection (a).

(*Department of Local Government Finance; 50 IAC 21-10-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1457*)

Rule 11. Reassessment

50 IAC 21-11-1 Reassessment

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5

Sec. 1. (a) If the coefficient of dispersion for any class in a township, as verified by the department, falls outside the range specified in the IAAO standard (fifteen (15.0) for residential improved property; twenty (20.0) for all other classes), the county assessor shall direct the township assessor to reassess the class in that township.

(b) If the county assessor believes that reasons exist not to reassess a class in a particular township under subsection (a), the county assessor shall immediately notify the commissioner of the department of local government finance in writing of those reasons and request permission to take action other than that mandated in the preceding subsection [subsection (a)] or to take no action.

(c) The commissioner shall act on the request within thirty (30) days of receiving the request. In response to a county assessor's request for permission to take action other than mandated in subsection (a), the commissioner may:

- (1) require the county assessor to take the action mandated in subsection (a);
- (2) permit the action requested by the county assessor; or
- (3) require the county assessor to take other action short of that required in subsection (a).

Final Rules

(Department of Local Government Finance; 50 IAC 21-11-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1457)

Rule 12. Action by Department of Local Government Finance

50 IAC 21-12-1 Action

Authority: IC 6-1.1-31-1; IC 6-1.1-31-12

Affected: IC 6-1.1-4-4.5; IC 6-1.1-14-4; IC 6-1.1-14-9

Sec. 1. (a) In the event that a county fails to perform the actions required by this rule, by the deadlines set in this article, the department of local government finance shall perform those actions. In doing so, the department of local government finance shall use data in its possession, obtained from:

- (1) the county assessor; or
- (2) any of the sources listed in this rule.

(b) Using the data described in subsection (a), the department of local government finance shall propose to apply different annual adjustment factors in any county, within a county, between counties, or in the state as a whole, in any one (1) or more of the classes of property listed in 50 IAC 21-8-1. The department of local government finance shall issue notice and provide opportunity for hearing in accordance with IC 6-1.1-14-4 and IC 6-1.1-14-9, as applicable, before issuing final annual adjustment factors. *(Department of Local Government Finance; 50 IAC 21-12-1; filed Dec 30, 2004, 5:28 p.m.: 28 IR 1458)*

LSA Document #02-297(F)

Notice of Intent Published: November 1, 2002; 26 IR 417

Proposed Rule Published: September 1, 2004; 27 IR 4050

Hearing Held: September 30, 2004

Approved by Attorney General: December 30, 2004

Approved by Governor: December 30, 2004

Filed with Secretary of State: December 30, 2004, 5:28 p.m.
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE

LSA Document #04-174(F)

DIGEST

Adds 50 IAC 20 to provide uniform procedures necessary to prescribe both a mileage and per diem allowance for attendance of initial training sessions and continuing education sessions under IC 6-1.1-35.2. Effective 30 days after filing with the secretary of state.

50 IAC 20

SECTION 1. 50 IAC 20 IS ADDED TO READ AS FOLLOWS:

ARTICLE 20. REMUNERATION FOR INITIAL TRAINING AND CONTINUING EDUCATION SESSIONS

Rule 1. Purpose

50 IAC 20-1-1 Scope

Authority: IC 6-1.1-35.2

Affected: IC 6-1.1-1-1.5; IC 6-1.1-35.2-2; IC 6-1.1-35.2-3

Sec. 1. The purpose of this article is to establish procedures for reimbursement of assessing officials as defined under IC 6-1.1-1-1.5 for attending an initial training session under IC 6-1.1-35.2-2 or a continuing education session under IC 6-1.1-35.2-3. *(Department of Local Government Finance; 50 IAC 20-1-1; filed Dec 13, 2004, 8:25 a.m.: 28 IR 1458)*

Rule 2. Definitions

50 IAC 20-2-1 Applicability

Authority: IC 6-1.1-35.2

Affected: IC 6-1.1-1-1.5; IC 6-1.1-1-22; IC 6-1.1-35

Sec. 1. Unless otherwise indicated, the definitions in IC 6-1.1-1 and this rule apply throughout this article. *(Department of Local Government Finance; 50 IAC 20-2-1; filed Dec 13, 2004, 8:25 a.m.: 28 IR 1458)*

50 IAC 20-2-2 "Lodging per diem" defined

Authority: IC 6-1.1-35.2-2

Affected: IC 6-1.1-1-1.5; IC 6-1.1-1-22; IC 6-1.1-35

Sec. 2. "Lodging per diem" means the expense incurred for overnight lodging. *(Department of Local Government Finance; 50 IAC 20-2-2; filed Dec 13, 2004, 8:25 a.m.: 28 IR 1458)*

50 IAC 20-2-3 "Meal per diem" defined

Authority: IC 6-1.1-35.2-2

Affected: IC 6-1.1-1-1.5; IC 6-1.1-1-22; IC 6-1.1-35

Sec. 3. "Meal per diem" means the expenses incurred for subsistence. *(Department of Local Government Finance; 50 IAC 20-2-3; filed Dec 13, 2004, 8:25 a.m.: 28 IR 1458)*

Rule 3. Per Diem Allowance

50 IAC 20-3-1 Mileage for attending the initial training sessions and the continuing education sessions

Authority: IC 6-1.1-35.2-2; IC 6-1.1-35.2-3

Affected: IC 6-1.1-35.2-2; IC 6-1.1-35.2-3

Sec. 1. All assessing officials shall be entitled to a mileage per diem for attending new official training and continuing education classes. The county fiscal body shall designate a

mileage per diem. If the county fiscal body fails to designate a mileage per diem, the assessing official is entitled to reimbursement as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the Indiana state budget agency. (*Department of Local Government Finance; 50 IAC 20-3-1; filed Dec 13, 2004, 8:25 a.m.: 28 IR 1458*)

50 IAC 20-3-2 Meal per diem for attending the initial training sessions and the continuing education sessions

Authority: IC 6-1.1-35.2-2; IC 6-1.1-35.2-3
Affected: IC 6-1.1-35.2-2; IC 6-1.1-35.2-3

Sec. 2. All assessing officials shall be entitled to a meal per diem for attending new official training and continuing education sessions. The county fiscal body shall designate a meal per diem. If the county fiscal body fails to designate a meal per diem, the assessing official is entitled to reimbursement as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the Indiana state budget agency. (*Department of Local Government Finance; 50 IAC 20-3-2; filed Dec 13, 2004, 8:25 a.m.: 28 IR 1459*)

50 IAC 20-3-3 Lodging per diem for attending the initial training sessions and the continuing education sessions

Authority: IC 6-1.1-35.2-2; IC 6-1.1-35.2-3
Affected: IC 6-1.1-35-3

Sec. 3. All assessing officials shall be entitled to a lodging per diem for attending new official training and continuing education sessions. The county fiscal body shall designate a lodging per diem. If the county fiscal body fails to designate a lodging per diem, the assessing official is entitled to reimbursement as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the Indiana state budget agency. (*Department of Local Government Finance; 50 IAC 20-3-3; filed Dec 13, 2004, 8:25 a.m.: 28 IR 1459*)

Rule 4. Payment

50 IAC 20-4-1 Payment by county

Authority: IC 6-1.1-35.2-3
Affected: IC 5-11-14-1; IC 6-1.1-35.2-5

Sec. 1. A county making a payment to an assessing official under this section must make the payment regardless of an appropriation. The payment may be made from the county's cumulative reassessment fund or the county's general fund. (*Department of Local Government Finance; 50 IAC 20-4-1; filed Dec 13, 2004, 8:25 a.m.: 28 IR 1459*)

LSA Document #04-174(F)

Notice of Intent Published: July 1, 2004; 27 IR 3097
Proposed Rule Published: August 1, 2004; 27 IR 3603
Hearing Held: August 27, 2004
Approved by Attorney General: December 2, 2004
Approved by Governor: December 7, 2004
Filed with Secretary of State: December 13, 2004, 8:25 a.m.
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-66(F)

DIGEST

Adds 312 IAC 6.2, concerning management of the Great Lakes basin, to identify the department of natural resources, division of water, as the entity to coordinate state functions pertaining to IC 14-25-1-11 and 42 U.S.C. 1962d-20 ("Water Resources Development Act") and water diversions from the Great Lakes drainage basin and to provide that the director of the department issues orders appropriate to implementation of the article. Effective 30 days after filing with the secretary of state.

312 IAC 6.2

SECTION 1. 312 IAC 6.2 IS ADDED TO READ AS FOLLOWS:

ARTICLE 6.2. GREAT LAKES BASIN WATER MANAGEMENT

Rule 1. Administration

312 IAC 6.2-1-1 Purposes

Authority: IC 14-10-2-4; IC 14-25-1-11
Affected: IC 14-25-1

Sec. 1. The purposes of this article are to assist with each of the following:

- (1) Implementation and administration of IC 14-25-1-11.
- (2) Execution of the state's responsibilities under subsection (d) of 42 U.S.C. 1962d-20 (the "Water Resources Development Act").
- (3) Evaluation of water diversions from the Great Lakes drainage basin.

(*Natural Resources Commission; 312 IAC 6.2-1-1; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1459*)

312 IAC 6.2-1-2 "Division" defined

Authority: IC 14-10-2-4; IC 14-25-1-11
Affected: IC 14-25-1

Sec. 2. As used in this article, "division" means the division of water of the department. (*Natural Resources*

Final Rules

Commission; 312 IAC 6.2-1-2; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1459)

312 IAC 6.2-1-3 Administration by the department's division of water

Authority: IC 14-10-2-4; IC 14-25-1-11

Affected: IC 14-10-2-3; IC 14-25-1

Sec. 3. (a) The division shall serve as the point of contact and shall coordinate the administrative, professional, and technical functions of this article.

(b) Subject to IC 14-10-2-3, the department director shall issue any order appropriate to the implementation of this article. *(Natural Resources Commission; 312 IAC 6.2-1-3; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1460)*

LSA Document #04-66(F)

Notice of Intent Published: April 1, 2004; 27 IR 2301

Proposed Rule Published: July 1, 2004; 27 IR 3118

Hearing Held: July 26, 2004

Approved by Attorney General: December 30, 2004

Approved by Governor: January 3, 2005

Filed with Secretary of State: January 5, 2005, 9:45 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: 42 U.S.C. 1962d-20

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-67(F)

DIGEST

Amends 312 IAC 2-4-12, which governs fishing tournaments at lakes administered by the department of natural resources, division of state parks and reservoirs, to reauthorize fishing tournaments, which had been suspended while repairs were underway for the dam that forms the lake, on Mississinewa Lake. Effective 30 days after filing with the secretary of state.

312 IAC 2-4-12

SECTION 1. 312 IAC 2-4-12 IS AMENDED TO READ AS FOLLOWS:

312 IAC 2-4-12 Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 5-14-3; IC 14

Sec. 12. (a) This section governs fishing tournaments at lakes administered by the division of state parks and reservoirs.

(b) The number of watercraft that may participate in a fishing tournament must not, on any date, exceed the following:

	Monroe	Salamonie	Mississinewa	Huntington	Brookville	Hardy	Patoka	Lieber	Raccoon
March	100	75	0 75	18	100	30	178	50	100
April	175	75	0 75	18	100	30	178	50	60
May	175	75	0 64	30	100	20	178	28	50
June	175	30	0 30	30	75	20	125	28	50
July	175	30	0 30	30	75	20	125	28	50
August	175	30	0 30	30	75	20	125	28	50
September	175	75	0 75	30	100	20	178	28	60
October	175	75	0 75	18	100	30	178	50	100
November	100	0	0	0	100	30	178	0	0

(c) A watercraft used to administer a tournament is excluded in determining the number of participating watercraft.

(d) The director may authorize a license for a fishing tournament under this section where the participants are not provided advance notice of the location. The name of the lake may be omitted from the license application, but the department must be provided with the name of the lake at least ten (10) days before the tournament. A license issued under this subsection does not authorize a fishing tournament that conflicts with another license issued under this section. Subject to IC 5-14-3, the department will not publish the location of a fishing tournament issued under this subsection.

(e) Notwithstanding section 7(a) of this rule, the department's division of state parks and reservoirs ~~will~~ **shall** conduct an organizational meeting between October 1 and December 15 to establish dates for the following two (2) years on which fishing tournaments or other organized activities can be conducted.

(f) Notwithstanding subsection (b), no more than one hundred (100) watercraft may participate in a fishing tournament on Monroe Lake on any date after October 15.

(g) At least thirty (30) days before the scheduled event, a license holder ~~shall~~ **must** file a certificate of insurance or an insurance binder with the department. The certificate of insurance or insurance binder shall name the license holder and the department as insureds and shall demonstrate the license holder has obtained an irrevocable general liability insurance policy with a limitation for each of the following of not less than:

(1) One hundred thousand dollars (\$100,000) for all damages to property for a single occurrence.

(2) One hundred thousand dollars (\$100,000) for injury or death of one (1) person in a single occurrence.

(3) Three hundred thousand dollars (\$300,000) for injury to or death of multiple persons in a single occurrence.

(h) At least fourteen (14) days before the scheduled event, a

license holder must deliver each of the following to the department:

- (1) A cash bond or other security approved by the department in the amount of one hundred fifty dollars (\$150) to compensate the department for expenses incurred to:
 - (A) restore the mooring, judge's, or spectators' area; and
 - (B) reimburse the department for the costs of supervision, maintenance, and labor.
- (2) A user fee equal to the number of individual contestants in a fishing tournament or other organized activity at a rate of one dollar (\$1) per contestant or participant.

(i) The director may require insurance in addition to what is set forth in subsection (a) if the director determines a fishing tournament poses an unusual risk of liability to the department.

(j) A license holder shall indemnify, defend, exculpate, and hold harmless the department and its officials, employees, and agents from liability due to loss, damage, injury, or other casualty to the person or property of anyone arising directly or indirectly from the activity. (*Natural Resources Commission; 312 IAC 2-4-12; filed Aug 3, 2001, 10:54 a.m.: 24 IR 3932, eff Jan 1, 2002; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; filed May 27, 2003, 12:35 p.m.: 26 IR 3320, eff Oct 1, 2003; filed Jan 5, 2005, 11:00 a.m.: 28 IR 1460*)

LSA Document #04-67(F)

Notice of Intent Published: April 1, 2004; 27 IR 2301

Proposed Rule Published: August 1, 2004; 27 IR 3604

Hearing Held: August 23, 2004

Approved by Attorney General: December 30, 2004

Approved by Governor: January 3, 2005

Filed with Secretary of State: January 5, 2005, 11:00 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-155(F)

DIGEST

Amends 312 IAC 5-14 governing the inspection, maintenance, and operation of watercraft carrying passengers for hire. Makes numerous substantive and technical changes. Repeals 312 IAC 5-14-5, 312 IAC 5-14-6, and 312 IAC 5-14-26. Effective 30 days after filing with the secretary of state.

312 IAC 5-14-1	312 IAC 5-14-6.1
312 IAC 5-14-2	312 IAC 5-14-7
312 IAC 5-14-4	312 IAC 5-14-8
312 IAC 5-14-5	312 IAC 5-14-9
312 IAC 5-14-5.1	312 IAC 5-14-11
312 IAC 5-14-6	312 IAC 5-14-15

312 IAC 5-14-16
312 IAC 5-14-17
312 IAC 5-14-18
312 IAC 5-14-19
312 IAC 5-14-20
312 IAC 5-14-21

312 IAC 5-14-22
312 IAC 5-14-24
312 IAC 5-14-25
312 IAC 5-14-26
312 IAC 5-14-27

SECTION 1. 312 IAC 5-14-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-1 Watercraft carrying passengers for hire; application; delegation; exemptions; maintenance of equipment in a good and serviceable condition

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14-15

Sec. 1. (a) This rule governs the inspection, maintenance, and operation of watercraft carrying passengers for hire **upon public water**.

(b) Except as provided in subsection (c), a person must not operate a watercraft carrying passengers for hire unless the person complies with IC 14-15 and this rule. These requirements apply to the operator and the owner, regardless of whether an operator or owner is onboard.

(c) A person who presents valid and current documentation to evidence a watercraft is regulated and inspected by the United States Coast Guard, and who is in conformance with the regulation and inspection, is exempted from this rule.

~~(b)~~ **(d)** The division director may authorize a qualified person, other than an employee of the department, to conduct an inspection or other function of the department under this rule.

~~(c)~~ **(e)** An owner must maintain all equipment associated with a watercraft carrying passengers for hire in a good and serviceable condition as determined by a marine inspector.

~~(d)~~ ~~At~~ **(f)** Operations relating to a watercraft carrying passengers for hire must be performed by or on behalf of the owner according to good marine practice and standards. (*Natural Resources Commission; 312 IAC 5-14-1; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2389, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1461*)

SECTION 2. 312 IAC 5-14-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-2 Inspections of watercraft carrying passengers for hire

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14-15-6-3

Sec. 2. (a) ~~Every~~ **An owner must annually apply to the department for an inspection of any watercraft carrying**

passengers for hire. ~~and its equipment shall be inspected by~~ **The application must be accompanied by a nonrefundable fee according to the schedule established by IC 14-15-6-3.**

(b) Upon receipt of the application, the department shall inspect the watercraft (and its equipment) to determine whether the watercraft conforms to good marine practice and standards, IC 14-15-6, and to determine the watercraft otherwise conforms with this rule. An inspection shall be conducted at least as frequently as follows:

- (1) One (1) dockside inspection every year.
- (2) One (1) drydock inspection every sixty (60) months.

(c) A watercraft must not be operated until an owner receives approval of the application.

~~(b)~~ **(d)** The department may inspect a watercraft carrying passengers for hire at any other reasonable time. (*Natural Resources Commission; 312 IAC 5-14-2; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2389, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1461*)

SECTION 3. 312 IAC 5-14-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-4 Main and auxiliary engines

Authority: IC 14-11-2-1; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 4. (a) A watercraft designed for inboard or inboard/outboard (stern drive) main engines ~~shall~~ **must** be fitted with the appropriate number of engines.

(b) The main ~~engine shall~~ **engines must** be an appropriate type and ~~design designed~~ for the propulsion requirements of the hull in which the ~~engine is~~ **engines are** installed and ~~shall~~ **must** be capable of operating at a constant marine load without exceeding design limitations.

~~(c) The head, block, and exhaust manifold of the main engine shall be water-jacketed and cooled by water from a pump. This subsection does not apply to a drystack exhaust system.~~

(c) If a pump is used to supply raw water for cooling an engine and its systems, a self-priming pump that operates whenever the engine is running shall be used.

(d) If a main engine is fitted with an updraft or sidedraft carburetor, the carburetor ~~shall~~ **must** have integral or properly connected drip collectors of adequate capacity for the return of all drip and overflow to the engine intake manifold.

(e) The exhaust pipe system of a main engine ~~shall~~ **must** be as follows:

- (1) Gastight to the hull interior.
- (2) Designed and installed to prevent water from returning to an engine.

(3) Accessible for complete inspection and repair. ~~and~~

(4) Supported to prevent undue stress.

A hanger, bracket, or other support ~~shall~~ **must** be made of fireproof material and installed to prevent heat from being transmitted to a combustible material. A water jacket, lag, shield, or another suitable guard ~~shall~~ **must** be provided to protect an individual or a combustible material from contact with any hot surface.

(f) After consulting with the state boating law administrator, a boating inspector may establish special requirements ~~which~~ **that** conform to good marine practice and standards to inspect and evaluate a main engine that uses **any of the following**:

- (1) Steam.
- (2) Electricity.
- (3) A gas turbine.
- (4) An air screw.
- (5) A hydraulic jet. ~~or~~
- (6) Another unusual mechanism.

(g) Any auxiliary engine must be installed on a watercraft according to good marine practice and standards. (*Natural Resources Commission; 312 IAC 5-14-4; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2390, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1462*)

SECTION 4. 312 IAC 5-14-5.1 IS ADDED TO READ AS FOLLOWS:

312 IAC 5-14-5.1 Gasoline engines; ventilation

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 5.1. (a) A watercraft that uses gasoline for electrical generation, mechanical power, or propulsion must be equipped with a ventilation system. Each system must meet the standards of 33 CFR Part 183, Subpart K (Ventilation), and as follows:

(1) A natural ventilation system must provide for a supply opening (duct or cowl) that is located:

- (A) on the exterior surface of the watercraft;**
- (B) in a ventilated compartment; or**
- (C) in a compartment that is open to the atmosphere.**

(2) A natural ventilation system must be provided for each compartment in a watercraft that:

- (A) contains a permanently installed gasoline engine;**
- (B) has openings between it and a compartment that requires ventilation;**
- (C) contains a permanently installed fuel tank and an electrical component that is not ignition-protected;**
- (D) contains a fuel tank that vents into that compartment (including a portable tank); or**
- (E) contains a nonmetallic fuel tank.**

(3) An exhaust opening or exhaust duct must originate in the lower one-third (1/3) of the compartment. Each supply opening or supply duct and each exhaust opening or duct in a compartment must be above the normal

accumulation of bilge water.

(4) A powered ventilation system, as follows, must be provided for each compartment in a watercraft that has a permanently installed gasoline engine with a cranking motor for remote starting:

(A) A powered ventilation system consists of one (1) or more exhaust blowers.

(B) Each intake duct for an exhaust blower must be in the lower one-third ($\frac{1}{3}$) of the compartment and above the normal accumulation of bilge water.

(b) A watercraft that is required to have an exhaust blower must have a label that is located as close as practicable to each ignition switch, is in plain view of the operator, and has at least the following information: **WARNING—GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE, OPERATE BLOWER FOR 4 MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS.**

(c) The ventilation system must be kept in good operating condition. Openings must be free of obstructions. Ducts must not be blocked or torn. Blowers must operate properly. Worn components must be replaced with equivalent marine-type equipment. (*Natural Resources Commission; 312 IAC 5-14-5.1; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1462*)

SECTION 5. 312 IAC 5-14-6.1 IS ADDED TO READ AS FOLLOWS:

312 IAC 5-14-6.1 Diesel engines; ventilation

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 6.1. Power or natural ventilation is not required for a watercraft equipped with diesel engines but may be used to control compartment temperature. Power ventilation may be used in the machinery space for odor control or for personnel comfort while servicing equipment. (*Natural Resources Commission; 312 IAC 5-14-6.1; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1463*)

SECTION 6. 312 IAC 5-14-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-7 Fixed fuel tanks

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 7. (a) A fixed fuel tank on a watercraft must be installed as follows:

- (1) To permit examination with a minimum disturbance to the hull structure.
- (2) With adequate support and bracing to prevent movement. The support and braces shall be insulated from contact with the tank surfaces with a nonabrasive and nonabsorbent material.
- (3) With openings for fill and vent pipes and for fuel level

gauges, where used, on the topmost surfaces of the tank. The tank shall not have openings in the bottom, sides, or ends, except that an opening fitted with a threaded plug or cap may be used for cleaning the tank.

(b) Fixed fuel tank piping must be installed as follows:

(1) Fuel supply lines to the engine shall be tubing of copper, nickel-copper, steel, or United States Coast Guard approved Type A flexible fuel line and shall run as directly as practicable from the tank to the engine.

Fuel supply lines shall have suitable support, and a readily accessible manually operated, in-line shutoff valve installed as close to the fuel tank as practicable. Fuel supply lines shall have and suitable protection from mechanical injury at supports and where passing through bulkheads and structural members.

(2) Metal fuel supply lines shall be fitted with flexible vibration hose placed as closely as practicable to the engine.

(b) Each metallic fuel line connecting the fuel tank with the fuel inlet connection on the engine must be as follows:

(1) Be made of seamless annealed copper, nickel copper, or copper-nickel.

(2) Except for corrugated flexible fuel line, have a wall thickness of at least twenty-nine thousandths (0.029) inch.

(3) (c) A filling pipe shall must be fitted to the highest point of the fuel tank, and shall have an inside diameter of at least one and one-fourth ($1\frac{1}{4}$) inches.

(4) (d) A fuel tank shall must be fitted with a marine-type fuel gauge or a sounding pipe if sounding cannot be accomplished through the filling pipe.

(5) A filling or sounding pipe shall must not permit overflow of liquid or vapor to escape to the inside of a watercraft.

(6) (e) A vent pipe shall must be connected to the top of the fuel tank and shall be as follows:

(A) (1) Installed to prevent accidental water contamination of the fuel

(B) Fitted with a removable flame screen at the point of termination; arrester that can be cleaned unless the vent is itself a flame arrester.

(C) Having (2) Have an inside diameter of at least seven-sixteenths ($\frac{7}{16}$) of an inch.

(D) Terminating (3) Terminate on the hull exterior as far as practicable from hull openings and below the deck spaces.

(7) No (f) A device shall must not allow fuel to be drawn below the decks.

(8) (g) Accessories in a fuel line shall must be properly supported.

(c) The owner or operator of (h) A watercraft equipped with a fixed fuel system shall must not be used to transport fuel onboard the watercraft outside the fixed fuel system unless the fuel is transported in conjunction with an auxiliary outboard

engine. Fuel may be transported only in portable fuel tanks provided by a manufacturer of outboard engines and shall be safely secured outside the engine or living compartment.

~~(d)~~ (i) During a fueling operation, a person must not smoke onboard ~~a watercraft~~.

~~(e) During a fueling operation, the operator of a watercraft must not allow passengers and no passenger may be allowed onboard.~~

~~(f)~~ (j) A fixed fuel system ~~shall~~ **must** be grounded by an electrical connection to a common ground, by welding or bolting to a metal bulkhead of a metal hull vessel or by electrical connection to the rudder, struts, or metal grounding plate. If flexible vibration hose is installed, metal grounding straps or wires ~~shall~~ **must** maintain ground continuity. (*Natural Resources Commission; 312 IAC 5-14-7; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2391, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1463*)

SECTION 7. 312 IAC 5-14-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-8 Portable fuel tanks

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 8. (a) ~~The operator of~~ A watercraft with a portable fuel tank system must **not** carry fuel onboard **unless the fuel is carried** in an approved fuel tank.

(b) A portable fuel tank must be secured to prevent shifting while under way.

~~(c) A portable fuel tank must be connected to an approved flexible fuel line that is long enough to fill the tank without removal from its secured location. (Natural Resources Commission; 312 IAC 5-14-8; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2392, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1464)~~

SECTION 8. 312 IAC 5-14-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-9 Electrical systems

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 9. (a) An electrical system must:

- (1) be properly grounded and safe for any anticipated usage; and
- (2) satisfy 33 CFR 183, Subpart I.

(b) Electrical wiring ~~shall~~ **must** be placed as follows:

- (1) As high as practicable above the ~~bilges~~ **bilge water level and other areas where water may accumulate. If wiring must be routed in the bilge or other areas where water**

may accumulate, the connections shall be watertight.

(2) Supported with fasteners that will not damage the wiring or structural members of the watercraft. **Supported by wiring throughout its length or secured at least every eighteen (18) inches.**

(3) Protected against chafing where passing through bulkheads or other structural members.

(4) Have wiring routed as far away as practicable from exhaust pipes and other heat sources.

(5) Connected with crimp-type or another appropriate set-screw pressure type. Twist-on (wire nut) type connectors must not be used.

(6) Have the proper size of stranded copper with insulation having an appropriate size and color.

(c) An electrical storage battery must be as follows:

(1) Compatible with the electrical system.

(2) Located so gas generated in charging the battery is properly ventilated.

(3) Easily accessible.

(4) Suitably supported and secured against shifting with the motion of the watercraft.

(5) Located in a tray or box ~~which~~ **that** is liquid tight and large enough to retain normal spillage or boilover of the electrolyte. The tray or box shall be protected by noncorrosive material.

(6) Covered or otherwise suitably protected against an accidental short-circuiting of battery terminals.

(*Natural Resources Commission; 312 IAC 5-14-9; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2392, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1464*)

SECTION 9. 312 IAC 5-14-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-11 Bilge pumps and bailout devices

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 11. (a) A watercraft constructed with bilges or enclosed spaces below the decks must be fitted with ~~at least two (2) electrical~~ **an adequate number and proper size of** bilge pumps ~~so that excess bilge water can be removed from the bilges at static floating position, and at maximum conditions created by the boat's motion, heel, and trim.~~ Bilge areas must be accessible by a bilge pump.

(b) A bilge pump **with automatic controls** must be ~~equipped with an indicator light or an alarm system. At least one (1) of the bilge pumps must provided with a readily accessible manual switch to activate automatically if excessive water accumulates in the bilges.~~ **pump.**

(c) A ~~bilge pump indicator light with automatic controls~~ must be located at the ~~helm position used most often and as close provided with a visual indication that power is being supplied to the bilge pump.~~ **switch as practicable.**

(d) A watercraft must be equipped with a bailing device that is manually operated. **A bucket is not a manually operated bailing device for purposes of this section.** (*Natural Resources Commission; 312 IAC 5-14-11; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2393, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1464*)

SECTION 10. 312 IAC 5-14-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-15 Main engine gauges

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 15. (a) On a watercraft designed for inboard or inboard/outboard (stern drive) main engines, the following gauges **shall must** be readable from each helm position:

- (1) A gauge to indicate the main engine cooling water temperature for each main engine.
- (2) A gauge to indicate **the** main engine lubrication oil pressure for each main engine.

(b) **An engine and transmission for inboard propulsion manufactured after August 1, 1997, must be equipped with an indicator at any helm position to show the following:**

- (1) Engine rpm as indicated by a tachometer.
- (2) Temperature, indicating the approach of unsatisfactorily high temperature of the liquid cooling system.
- (3) For an air-cooled engine, the approach of unsatisfactorily high engine or exhaust duct temperature.
- (4) Oil pressure, indicating insufficient lubricating oil pressure for an engine having a pressure lubricating system.
- (5) Battery charging system, indicating failure of the charging system to operate properly.

(*Natural Resources Commission; 312 IAC 5-14-15; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2394, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1465*)

SECTION 11. 312 IAC 5-14-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-16 Personal flotation devices (life preservers or life jackets)

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 16. (a) If a marine inspector determines a personal flotation device (**life preserver or life jacket**) carried onboard a watercraft is not in good and serviceable condition, the marine inspector shall write on the personal flotation device that the device is no longer serviceable. The owner of a watercraft must immediately replace any nonserviceable personal flotation device or must reduce the number of passengers ~~carried on-board the watercraft~~ so as not to exceed the number of serviceable personal flotation devices. ~~carried.~~

(b) Each personal flotation device must be carried in a suitable location that is readily accessible to passengers.

(c) A container for personal flotation devices must be clearly marked "Life Preservers" **or "Life Jackets"** and must set forth the number of serviceable devices. Letters and numbers must be at least one (1) inch high and must be a color contrasting with the color of the container. The container shall indicate the size of the devices. Differing sizes must be separately stored.

(d) A personal flotation device on a documented watercraft must be marked with the name or documentation number of the watercraft in characters at least one (1) inch high ~~which that~~ contrast with the color of the device.

(e) A personal flotation device on an undocumented watercraft must be marked with the name or registration number of the watercraft in characters at least one (1) inch high ~~which that~~ contrast with the color of the device. (*Natural Resources Commission; 312 IAC 5-14-16; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2394, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1465*)

SECTION 12. 312 IAC 5-14-17 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-17 Fire extinguishers

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 17. (a) A watercraft must be equipped with at least the minimum number of portable fire extinguishers located as follows:

Compartmented Watercraft Length	Class	Minimum Number of Extinguishers	
		No fixed systems	Locations With approved fixed system
Less than 26 feet	B+	≥ 1 B-I	Helmsman's position and cabin 0
26 feet to less than 40 feet	B+	≥ 2 B-I or 1 B-II	Accessible to the engine compartment, helmsman's position, and galley 1 B-I
40 feet or over to less than 65 feet	B+	≥ 3 B-I or 1 B-II and 1 B-I	Accessible to the engine compartment, helmsman's position, crew quarters, and galley 2 B-I or 1 B-II
65 feet to less than 90 feet		4 B-I or 2 B-II	3 B-I or 2 B-II
90 feet to less than 125 feet		5 B-I or 3 B-II and 1 B-I	4 B-I or 3 B-II
Over 125 feet		6 B-I or 4 B-II and 1 B-I	5 B-I or 4 B-II

Final Rules

(b) Where at least three (3) B1 units are required, the extinguishing capacity may consist of a small number of B2 units if each location is protected with a readily accessible extinguisher.

(c) The owner of a watercraft shall regularly examine all fire extinguishers for tampering, corrosion, and other damage.

(d) A foam extinguisher must be annually discharged, cleaned, inspected for mechanical defects or corrosion, and recharged.

(e) A dry chemical extinguisher must maintain the specified chemical weight. The cartridge must be reweighed annually. A cartridge that weighs less than specified must be replaced with a full cartridge or recharged. An extinguisher with a gauge must be recharged if the pressure falls below the prescribed operating limits.

(f) A carbon dioxide extinguisher must be reweighed annually. A cylinder must be recharged which weighs less than the weight indicated on the name-plate.

(b) A fire extinguisher must have the U.S. Coast Guard approval 162.028 or have an Underwriters Laboratory Marine listing.

(c) A portable fire extinguisher without a gauge must be inspected at least every six (6) months and must have an inspection card attached.

(d) A pressure-filled fire extinguisher must be hydrostatically pressure tested at least every five (5) years.

~~(g)~~ (e) The maintenance required under subsections (c) ~~through (e)~~ shall and (d) must be performed by a qualified firefighting equipment repair service. (*Natural Resources Commission; 312 IAC 5-14-17; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2394, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1465*)

SECTION 13. 312 IAC 5-14-18 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-18 First aid equipment; emergency procedures

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 18. (a) The owner shall maintain on-board a watercraft At least one (1) standard sixteen (16) unit first aid kit **must be maintained onboard. Included in the kit are the following:**

- (1) Adhesive bandages.
- (2) Fingertip and knuckle bandages.
- (3) Nonstick pads.
- (4) 36" × 36" bandage that can also be used as a sling.
- (5) Antibiotic ointment.
- (6) Cold compress.
- (7) Examination gloves.
- (8) Ibuprofen tablets.
- (9) Cleansing wipes.

(10) First aid tape.

(11) Finger splints.

(12) Scissors.

(13) Tweezers.

(14) Conforming gauze.

(15) Sterile eye pads.

(16) American Medical Association first aid guidebook.

(b) The owner must post, in a conspicuous location on-board the watercraft, An emergency procedures list **to include must be maintained in a conspicuous location onboard that includes** the following:

- (1) The following for **marine VHF radio telephone** distress:
 - (A) Switch to channel 16 (United States Coast Guard).
 - (B) Signal "MAYDAY" three (3) times.
 - (C) Give the boat name, type, and color.
 - (D) Give the position.
 - (E) Describe the emergency.
 - (2) The following for a person overboard:
 - (A) Post a lookout.
 - (B) Throw over a flotation device or the water light.
 - (C) Do not jump into the water unless the person is a small child, elderly, or handicapped.
 - (D) Maneuver to return for pickup.
 - (E) Use additional markers.
 - (F) Get victim onboard.
 - (G) Call for help if necessary.
 - (3) The following for an explosion:
 - (A) Be ready to go overboard with personal flotation device (life ~~preserver~~: **jacket**).
 - (B) When clear of danger, account for all passengers and assist.
 - (C) Stay together.
 - (4) The following for a fire:
 - (A) If possible, use a fire extinguisher.
 - (B) If practicable, jettison burning materials.
 - (C) Reduce air supply.
 - (D) Assemble at opposite end of boat.
 - (E) Prepare to abandon ship. Put on life ~~preserver~~ **jacket** and signal for help by radio or any means available.
 - (5) The following for leaks or damage control:
 - (A) Put on life ~~preserver~~: **jacket**.
 - (B) Check bilge pump operation.
 - (C) Pull up all decks and floorboards to search for leaks.
 - (D) Slow or stop boat as needed. You may need to stay on plane to keep hole above water if appropriate.
 - (E) Stop engine, close sea cock for engine cooling, disconnect hose, and place end in bilge. Start engine to act as bilge pump.
 - (F) Cover large hole from outside of boat with mattress or similar device.
 - (G) Use radio to call for help: channel 16 (United States Coast Guard).
- (*Natural Resources Commission; 312 IAC 5-14-18; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2395, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1466*)

SECTION 14. 312 IAC 5-14-19 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-19 Cooking, heating, and lighting

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14-15-2-9

Sec. 19. (a) ~~While carrying passengers, galley stoves shall be operated only by the owner, the operator, or a crew member. None of the following may be carried onboard a watercraft by a person:~~

- (1) Gas.
- (2) Liquefied gas.
- (3) Another flammable liquid capable of being used for cooking, heating, or lighting.

(b) Notwithstanding IC 14-15-2-9, a galley stove that is designed for gas or liquified gas may be retained onboard. However, electricity must be used as the exclusive source to power any appliance or equipment used for heating, cooking, or lighting. The owner, the operator, or a crew member ~~shall must~~ be present in the galley if the galley when an electric stove is being operated: **in operation.**

~~(b)~~ (c) Heating and cooking appliances must be each of the following:

- ~~(1)~~ (1) Electrically powered.
- ~~(2)~~ (1) Commonly manufactured for use onboard a watercraft.
- ~~(3)~~ (2) Installed in adequately ventilated areas.
- ~~(4)~~ (3) Securely fastened to the watercraft.

~~(c)~~ (d) Woodwork and other combustible materials immediately surrounding heating appliances must be effectively insulated with noncombustible material. *(Natural Resources Commission; 312 IAC 5-14-19; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2395, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1467)*

SECTION 15. 312 IAC 5-14-20 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-20 Portable battery operated light (flashlight)

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 20. (a) The owner of a watercraft which operates on navigable waters shall have on-board the watercraft at least one ~~(1)~~ option from the following Coast Guard-approved visual distress signals:

Option	Number Required	Type	Accepted
(1)	3	Hand-held red flare with manufactured date of October 1, 1980, or later	Day and night
(2)	3	Hand-held, rocket-propelled parachute red flare	Day and night

- | | | | |
|-----|---|---|---------------------------|
| (3) | 1 | Orange flag distress signal for boats and electric distress light for boats | Day only
Night only |
| (4) | 3 | Floating or hand-held orange smoke and electric distress light for boats | Day only
Night only |
| (5) | 3 | Floating or hand-held orange smoke and option (1) or option (2) | Day only
Day and night |
| (6) | 1 | Orange distress flag for boats and option (1) or option (2) | Day only
Day and night |

~~(b)~~ A person must not display a visual distress signal on the waters of the state except in an emergency.

~~(c)~~ A Coast Guard-approved electric distress light for boats that activates automatically upon contact with the water and flashes a high intensity light (CG 161.010) meets the nighttime requirements of this section.

~~(d)~~ The owner must have on-board the A watercraft **must have onboard** at least one (1) portable battery operated light (flashlight) that is powered by D cells or larger size batteries. *(Natural Resources Commission; 312 IAC 5-14-20; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2395, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1467)*

SECTION 16. 312 IAC 5-14-21 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-21 Certificate of inspection; issuance; posting; revocation

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 4-21.5-3-8; IC 4-21.5-4; IC 14-15

Sec. 21. (a) Upon satisfactory completion of the required drydock and annual dockside inspections, the department shall issue a certificate of inspection to expire ~~on May 31 of the following one (1) year after the date on which the watercraft was inspected.~~ The department may extend the expiration date for a period not to exceed thirty (30) days if ~~an conditions exist that would prevent the inspection is incomplete on May 31: of the watercraft before the first anniversary of the previous inspection.~~

~~(b)~~ The owner shall frame **Except as provided in this subsection, the certificate of inspection must be placed** under transparent material and ~~post the certificate posted~~ conspicuously on the watercraft. ~~However,~~ If posting is impracticable, the certificate ~~shall must~~ be kept onboard and shown on demand.

~~(c)~~ The department shall issue stickers ~~shall be issued~~ with each certificate. ~~and The stickers must be~~ affixed conspicuously to the port and starboard sides of the watercraft.

(d) The department may, under IC 4-21.5-3-8 or IC 4-21.5-4, revoke a certificate issued under this section for any of the following reasons:

- (1) Changes occur to a watercraft after the issuance of the certificate so that the watercraft no longer meets the minimum standards for certification.
- (2) The owner, the captain, or a crew member violates IC 14-15 or this rule.
- (3) Information significant to the issuance of the certificate has been falsified or concealed.

(Natural Resources Commission; 312 IAC 5-14-21; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2396, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1467)

SECTION 17. 312 IAC 5-14-22 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-22 Pilot's license on waters of concurrent jurisdiction

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14

Sec. 22. (a) **A pilot's license is required to operate a watercraft on waters of concurrent jurisdiction.**

(b) **Except as provided in this subsection, the pilot's license of a pilot operating a watercraft carrying passengers for hire shall must be framed under transparent material and posted conspicuously on the watercraft. If display is impracticable, the pilot's license shall must be carried onboard and shown on demand. A pilot's license is not required for a watercraft operating solely on inland waters.** *(Natural Resources Commission; 312 IAC 5-14-22; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2396, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1468)*

SECTION 18. 312 IAC 5-14-24 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-24 Watercraft carrying six or fewer passengers for hire on waters of concurrent jurisdiction

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14-15-2-7; IC 14-15-2-8

Sec. 24. (a) This section establishes requirements for watercraft carrying six (6) or fewer passengers for hire ~~other than sailboats, which on waters of concurrent jurisdiction~~ **that** are supplemental to the other requirements of this rule.

(b) The requirements for ~~a deck rails rail~~ are as follows:

- (1) A watercraft must have ~~a deck rails rail~~ or an equivalent protection at the periphery of ~~a weather decks, deck,~~ including the cockpit, ~~that are is~~ accessible to the passengers and crew. The top rail course of ~~the a deck rails shall rail must be~~ at least ~~twenty-six (26) twenty-four (24)~~ inches above the deck. However, this subdivision does not apply to an open

boat. ~~operating exclusively on rivers.~~

(2) ~~A deck rails rail must consist of have evenly spaced horizontal courses. The spacing between courses must not be greater than thirteen (13) inches. Rail courses are not required if the space between the top rail course and the deck is fitted with a bulwark, chain link fencing, wire mesh, or an equivalent protection.~~

(3) A watercraft with a flying bridge must have suitable deck rails or an equivalent protection at the periphery of the flying bridge deck.

(4) An open boat ~~that operates exclusively on rivers~~ must have suitable deck rails or an equivalent protection.

(5) A deck rail may be removed or modified while a watercraft is anchored and passengers are engaged in a diving operation.

(c) ~~The requirements for personal flotation devices and water lights are as follows: A watercraft must have the following onboard:~~

(1) ~~The owner of a watercraft, except an open boat operating exclusively on inland waters, must carry onboard One (1) Type I personal flotation device of proper size for each passenger and crew member. Each device shall be inspected during the dockside inspection.~~

(2) ~~The owner of a watercraft shall affix in a suitable manner, Suitably affixed, to both the outside and the inside of each Type I personal flotation device, two hundred (200) square centimeters (approximately thirty-one and one-half (31.5) square inches) of Coast Guard-approved retroreflective material.~~

(3) ~~The owner of a watercraft operating on navigable waters or inland lakes must have onboard the watercraft A ring life buoy at least twenty (20) inches in diameter. The ring life buoy must be properly marked, readily accessible, and suitably attached to at least fifty (50) sixty (60) feet of floating line that is resistant to deterioration from ultraviolet light.~~

(4) ~~The owner of a watercraft, except an open boat operating exclusively on inland waters, must provide A Coast Guard-approved water light that is self-activating upon contact with the water. The light shall must be stored in a readily accessible location near the ring life buoy. If the light is attached to a ring life buoy, the attachment line must be at least one (1) foot three (3) feet long, but not more than six (6) feet long.~~
(5) ~~The owner of an open boat operating exclusively on inland waters must provide one (1) Type I personal flotation device, Type II personal flotation device, or Type III personal flotation device of proper size for each passenger or crew member. One (1) unicellular plastic foam Type IV throwable device must also be carried. Each device shall be inspected at the dockside inspection.~~

(d) ~~The owner of A watercraft that operates on Lake Michigan must have onboard, in good working condition, a marine VHF radio telephone and a properly compensated marine compass. The owner must maintain a current Federal Communication~~

Commission operator's license for the marine radio-telephone.

(e) A watercraft, except an open boat or other watercraft where suitable privacy enclosures are not practicable, must be equipped with at least one (1) toilet ~~which that~~ complies with IC 14-15-2-7 and IC 14-15-2-8. ~~No bypass shall be attached to a system line or hose which will allow wastewater to be discharged into the waters of this state.~~

(f) The requirements for anchors and anchor lines are as follows:

- (1) A watercraft must be equipped with an anchor of a suitable size and type.
- (2) A line must be attached to the anchor by eye splice, thimble, and shackle.
- (3) The anchor ~~and~~ line must be readily available onboard the watercraft **for quick deployment** and must have a minimum length as follows:
 - (A) ~~At least thirty (30) feet for a watercraft that operates exclusively on rivers.~~
 - (B) (A) At least ~~seventy-five (75)~~ **one hundred (100)** feet for a watercraft that operates ~~exclusively on rivers and lakes~~ other than on Lake Michigan.
 - (C) (B) At least ~~seventy-five (75)~~ feet attached to a sea anchor and at least ~~one hundred fifty (150)~~ **two hundred (200)** feet attached to ground tackle for a watercraft that operates on Lake Michigan.

(g) A watercraft must have onboard at least one (1) of the following Coast Guard-approved visual distress signals:

Number		Type	Accepted
Option	Required		
(1)	3	Hand-held red flare	Day and night
(2)	3	Hand-held, rocket-propelled parachute red flare	Day and night
(3)	1	Orange flag distress signal	Day only
	1	for boats and electric distress light for boats	Night only
(4)	3	Floating or hand-held orange smoke and electric distress light for boats	Day only
	1		Night only
(5)	3	Floating or hand-held orange smoke and option (1) or option (2)	Day only
			Day and night
(6)	1	Orange distress flag for boats and option (1) or option (2)	Day only
			Day and night

- (1) A person must not display a visual distress signal except in an emergency.
- (2) A Coast Guard-approved electric distress light meeting the standards of 46 CFR 161.013, that automatically flashes the international SOS signal (...---...), meets the nighttime requirements of this subsection.
- (3) An orange flag that conforms to 46 CFR 160.072 meets

the daytime requirements of this subsection.

(4) Pyrotechnics required by this section must be:

- (A) readily accessible; and
- (B) in serviceable condition.

If indicated by a date marked on the signal, the service life of the signal must not be expired.

(h) The following additional requirements apply to a sailboat:

- (1) The standing rigging and spars shall be inspected during the drydock inspection. Any mast must be unstepped to allow for close inspection of the components, fittings, and systems.
- (2) The running rigging shall be inspected during the dockside inspection, but a mast is not required to be unstepped.
- (3) A sailboat with wheel steering must have an emergency tiller that can be deployed if the wheel steering fails.

(Natural Resources Commission; 312 IAC 5-14-24; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2396, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1468)

SECTION 19. 312 IAC 5-14-25 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-25 Watercraft carrying more than six passengers for hire

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5
Affected: IC 14-15-2-7; IC 14-15-2-8

Sec. 25. (a) This section establishes requirements for watercraft carrying more than six (6) passengers for hire ~~other than sailboats~~, that are supplemental to the other requirements of this rule.

(b) ~~Except on an open boat~~, a deck rail or a life line on a passenger deck must be at least ~~thirty-six (36)~~ **twenty-four (24)** inches high. ~~The space between the top rail course and the deck must be fitted with a bulwark, chain link fencing, wire mesh, or an equivalent protection. A deck rails rail may be removed or modified while a boat is anchored and passengers are engaged in a diving operation.~~

(c) Fixed or portable seats must be placed so that aisles not more than fifteen (15) feet long are at least twenty-four (24) inches wide and aisles more than fifteen (15) feet long are at least thirty (30) inches wide. If seats are in rows, the distance from seat front to seat front must be at least thirty (30) inches. Seat spacing must provide for ready escape during a fire or another emergency.

(d) A watercraft that carries vehicles must have suitable chains, cable, or other barriers at the end of a vehicle runway. Suitable gates, rails, or other devices must also be installed as a continuation of the regularly required rails.

(e) ~~The requirements for personal flotation devices and water~~

Final Rules

lights are as follows A watercraft must have the following onboard:

- (1) The owner of a watercraft must carry onboard One (1) Type I personal flotation device, Type II personal flotation device, or Type III personal flotation device of proper size for each passenger and crew member. Each device shall be inspected at the dockside inspection.
- (2) The owner of a watercraft shall affix in a suitable manner, to both the outside and the inside of each personal flotation device, two hundred (200) square centimeters (approximately thirty-one and one-half (31.5) square inches) of Coast Guard-approved retroreflective material.
- (3) The owner of a watercraft must have onboard the watercraft (2) Except as provided in this subdivision for an open boat, a ring life buoy at least twenty (20) inches in diameter. The ring life buoy must be properly marked, readily accessible, and suitably attached to at least ~~fifty (50)~~ sixty (60) feet of floating line that is resistant to deterioration from ultraviolet light. An open boat must have a Type IV personal flotation device.
- (4) The owner of a watercraft, except a watercraft operating exclusively on rivers, must provide a Coast Guard-approved water light that is self-activating upon contact with the water. The light shall be stored in a readily accessible location near the ring life buoy. If the light is attached to a ring life buoy, the attachment line must be at least one (1) foot long.

(f) Unless impracticable, a watercraft must be equipped with at least one (1) toilet that complies with IC 14-15-2-7 and IC 14-15-2-8. No bypass shall be attached to a system line or hose which that will allow wastewater to be discharged into the waters of this state.

(g) Firefighting equipment must be provided as follows:

(1) In addition to the fire extinguishers required by section 17 of this rule, a power driven fire pump system shall be carried on-board a watercraft which is authorized to carry more than forty-nine (49) passengers. The power driven fire pump system shall be self-priming and large enough to discharge an effective stream from a hose connected to the highest outlet of the pump. The power driven fire pump may be driven by a propulsion engine or another source of power. The pump may also be connected by the bilge system to serve either as a fire pump or a bilge pump.

(2) The power driven fire pump system shall be adequate to allow any part of the watercraft to be reached with an effective stream of water from one (1) length of hose.

(3) At least one (1) length of fire hose shall be attached to each power driven fire pump or hydrant. Fire hose may be commercial hose or an equivalent which is not more than one and one-half (1½) inches in diameter or garden hose not less than five-eighths (5/8) inch nominal inside diameter. A fire hose shall be in one (1) piece and between twenty-five (25) and fifty (50) feet long. Garden hose must be a good commercial grade that includes each of the following:

(A) An inner tube:

(B) Plies made with braided cotton reinforcement.

(C) An outer cover made with rubber or an equivalent material.

(D) A commercial garden hose nozzle made with brass or an equivalent material.

(g) A watercraft that has a fixed fire extinguishing system must satisfy 46 CFR 76.05-20.

(h) The requirements for anchors and anchor lines are as follows:

(1) A watercraft must be equipped with an anchor of a suitable size and type.

(2) A line must be attached to the anchor by eye splice, thimble, and shackle. The anchor line must be readily available onboard the watercraft for quick deployment and must have a minimum length as follows:

(A) At least ~~thirty (30)~~ fifty (50) feet for a watercraft that operates exclusively on rivers.

(B) At least ~~seventy-five (75)~~ one hundred (100) feet for a any other watercraft that operates exclusively on rivers and lakes other than Lake Michigan.

(i) The following additional requirements apply to a sailboat:

(1) The standing rigging and spars shall be inspected during the drydock inspection. Any mast must be unstepped to allow for close inspection of the components, fittings, and systems.

(2) The running rigging shall be inspected during the dockside inspection, but a mast is not required to be unstepped.

(3) A sailboat with wheel steering must have an emergency tiller that can be deployed if the wheel steering fails.

(Natural Resources Commission; 312 IAC 5-14-25; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2397, eff Jan 1, 2002; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1469)

SECTION 20. 312 IAC 5-14-27 IS ADDED TO READ AS FOLLOWS:

312 IAC 5-14-27 Reciprocity for a Michigan certification

Authority: IC 14-10-2-4; IC 14-15-7

Affected: IC 14-15-2-7; IC 14-15-2-8

Sec. 27. As an alternative to certification under this rule, the department grants reciprocity to a certification, issued under Michigan Administrative Code 281.3101 through 281.3506, for a watercraft carrying passengers for hire. *(Natural Resources Commission; 312 IAC 5-14-27; filed Jan 5, 2005, 11:05 a.m.: 28 IR 1470)*

SECTION 21. THE FOLLOWING ARE REPEALED: 312 IAC 5-14-5; 312 IAC 5-14-6; 312 IAC 5-14-26.

LSA Document #04-155(F)

Notice of Intent Published: July 1, 2004; 27 IR 3097

Proposed Rule Published: September 1, 2004; 27 IR 4100
Hearing Held: September 27, 2004
Approved by Attorney General: December 30, 2004
Approved by Governor: January 3, 2005
Filed with Secretary of State: January 5, 2005, 11:05 a.m.
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: 33 CFR, Part 183, Subpart I (revised as of July 1, 2004); 33 CFR, Part 183, Subpart K (revised as of July 1, 2004); 46 CFR, Part 76, Subpart 76.05 (revised as of October 1, 2003); 46 CFR, Part 160, Subpart 160.72 (revised as of October 1, 2003); Michigan Administrative Code 281.3101 through 281.3506

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #03-228(F)

DIGEST

Adds 326 IAC 1-2-52.2, 326 IAC 1-2-52.4, and 326 IAC 1-2-82.5 and amends 326 IAC 1-2-52 and 326 IAC 1-3-4 concerning particulate matter definitions and standards. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period: September 1, 2003, Indiana Register (26 IR 3961).
 Second Notice of Comment Period: January 1, 2004, Indiana Register (27 IR 1301).
 Change of Notice of First Hearing: February 1, 2004, Indiana Register (27 IR 1613).
 Change of Notice of First Hearing: March 1, 2004, Indiana Register (27 IR 1936).
 Date of First Hearing: May 5, 2004.
 Opened and Continuation of First Hearing: June 2, 2004.
 Change of Notice of First Hearing: June 1, 2004, Indiana Register (27 IR 1301).
 Proposed Rule and Notice of Second Hearing: July 1, 2004 (27 IR 3119).
 Third Comment Period: July 1, 2004 (27 IR 3122).
 Date of Second Hearing: September 1, 2004.

326 IAC 1-2-52 **326 IAC 1-2-82.5**
326 IAC 1-2-52.2 **326 IAC 1-3-4**
326 IAC 1-2-52.4

SECTION 1. 326 IAC 1-2-52 IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-2-52 “Particulate matter” defined

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 52. “**Particulate matter**” means any airborne finely divided solid or liquid material, excluding uncombined water, with an aerodynamic diameter smaller than one hundred (100) micrometers (µm).

(1) **PM₁₀**: Any particulate matter with an aerodynamic

diameter less than or equal to a nominal ten (10) micrometers (µm) as measured by an applicable reference method specified in 40 CFR Part 50 or by an equivalent or alternative method approved by the commissioner.

(2) **Total suspended particulate (TSP)**: Any particulate matter as measured by the method described in Appendix B of 40 CFR Part 50.

(Air Pollution Control Board; 326 IAC 1-2-52; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2374; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471)

SECTION 2. 326 IAC 1-2-52.2 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-52.2 “PM_{2.5}” defined

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 52.2. “**PM_{2.5}**” means particulate matter with an aerodynamic diameter less than or equal to a nominal two and five-tenths (2.5) micrometers (µm). (Air Pollution Control Board; 326 IAC 1-2-52.2; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471)

SECTION 3. 326 IAC 1-2-52.4 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-52.4 “PM₁₀” defined

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 52.4. “**PM₁₀**” means any particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (µm) as measured by an applicable reference method specified in 40 CFR Part 50 or by an equivalent or alternative method approved by the commissioner. (Air Pollution Control Board; 326 IAC 1-2-52.4; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471)

SECTION 4. 326 IAC 1-2-82.5 IS ADDED TO READ AS FOLLOWS:

326 IAC 1-2-82.5 “Total suspended particulate” or “TSP” defined

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 82.5. “**Total suspended particulate**” or “**TSP**” means any particulate matter as measured by the method described in Appendix B of 40 CFR Part 50. (Air Pollution Control Board; 326 IAC 1-2-82.5; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471)

SECTION 5. 326 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

326 IAC 1-3-4 Ambient air quality standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 4. (a) ~~The following ambient~~ **All measurements of air quality that are expressed as mass per unit volume, micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), other than for the particulate matter (PM_{10} and $\text{PM}_{2.5}$) standards, shall be corrected to a reference temperature of twenty-five (25) degrees Celsius and to a reference pressure of seven hundred sixty (760) millimeters of mercury (one thousand thirteen and two-tenths (1,013.2) millibars), as micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). Measurements of PM_{10} and $\text{PM}_{2.5}$, for purposes of the standards contained in subsection (b)(7) and (b)(8), shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.**

(b) Ambient air quality standards are as follows:

(1) Sulfur oxides as sulfur dioxide (SO_2) requirements are as follows:

(A) For primary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Eighty (80) $\mu\text{g}/\text{m}^3$ (three-hundredths (0.03) parts per million (ppm)) annual arithmetic mean **not to be exceeded in a calendar year.**

(ii) Three hundred sixty-five (365) $\mu\text{g}/\text{m}^3$ (fourteen-hundredths (0.14) ppm) maximum twenty-four (24) hour average concentration not to be exceeded more than ~~one~~ **(+) day once per calendar year. The twenty-four (24) hour averages shall be determined from successive nonoverlapping three (3) hour blocks starting at midnight each calendar day.**

(B) For secondary standards, the following value shall represent the maximum permissible ambient air quality levels: one thousand three hundred (1,300) $\mu\text{g}/\text{m}^3$ (five-tenths (0.5) ppm) maximum three (3) hour concentration not to be exceeded more than once per year. **The three (3) hour averages shall be determined from successive nonoverlapping three (3) hour blocks starting at midnight each calendar day.**

(C) SO_2 values may be converted to ppm using the conversion factor two thousand six hundred twenty (2,620) $\mu\text{g}/\text{m}^3$ = one (1) ppm.

(2) Total suspended particulates (TSP) requirements are as follows:

(A) For primary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Seventy-five (75) $\mu\text{g}/\text{m}^3$ annual geometric mean.

(ii) Two hundred sixty (260) $\mu\text{g}/\text{m}^3$ maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

(B) For secondary standards, the following value shall represent maximum permissible ambient air quality levels: one hundred fifty (150) $\mu\text{g}/\text{m}^3$ maximum twenty-four (24) hour average concentration not to be exceeded more than one (1) day per year.

(3) Carbon monoxide (CO) requirements are as follows:

(A) For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(i) Ten (10) milligrams per cubic meter (mg/m^3) (ten thousand (10,000) $\mu\text{g}/\text{m}^3$) (nine (9) ppm) maximum eight (8) hour average concentration not to be exceeded more than once per year.

(ii) Forty (40) mg/m^3 (forty thousand (40,000) $\mu\text{g}/\text{m}^3$) (thirty-five (35) ppm) maximum one (1) hour average concentration not to be exceeded more than once per year.

(B) CO values may be converted to ppm using the conversion factor one thousand one hundred forty-five (1,145) $\mu\text{g}/\text{m}^3$ = one (1) ppm.

(4) Ozone (O_3) requirements ~~shall be~~ **are** as follows:

(A) For the one (1) hour ozone standards, the level of the one (1) hour primary and secondary ambient air quality standards for ozone measured by a reference method based on 40 CFR 50, Appendix D* and designated in accordance with 40 CFR 53* is twelve-hundredths (0.12) ppm (two hundred thirty-five (235) $\mu\text{g}/\text{m}^3$). The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above twelve-hundredths (0.12) ppm (two hundred thirty-five (235) $\mu\text{g}/\text{m}^3$) is equal to or less than one (1) as determined by 40 CFR 50, Appendix H*.

(B) For the eight (8) hour ozone standards, the:

(i) level of the eight (8) hour primary and secondary ambient air quality standards for ozone, measured by a reference method based on 40 CFR 50, Appendix D* and designated in accordance with 40 CFR 53*, is eight-hundredths (0.08) ppm, daily maximum eight (8) hour average; and

(ii) eight (8) hour primary and secondary ozone ambient air quality standards are met at an ambient air quality monitoring site when the average of the annual fourth highest daily maximum eight (8) hour average ozone concentration is less than or equal to eight-hundredths (0.08) ppm as determined in accordance with 40 CFR 50, Appendix I*.

(C) O_3 values may be converted to ppm using the conversion factor one thousand nine hundred sixty-five (1,965) $\mu\text{g}/\text{m}^3$ = 1.0 ppm.

(5) Nitrogen dioxide (NO_2) requirements ~~shall be~~ **are** as follows:

(A) For primary and secondary standards, the following value shall represent the maximum permissible ambient air quality level: one hundred (100) $\mu\text{g}/\text{m}^3$ (five-hundredths ~~(0.05)~~ **(0.053)** [sic.] ppm) annual arithmetic mean **concentration in a calendar year.**

(B) NO_2 values may be converted to ppm using the conversion factor one thousand eight hundred eighty (1,880) $\mu\text{g}/\text{m}^3$ = one (1) ppm.

(6) Lead (Pb): For primary and secondary standards, the following value shall represent the maximum permissible

ambient air quality level: one and five-tenths (1.5) micrograms lead per cubic meter of air (μg of Pb/m^3), averaged over a calendar quarter and measured as elemental lead.

(7) PM_{10} : For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(A) Fifty (50) $\mu\text{g}/\text{m}^3$ annual arithmetic mean. The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 CFR 50, Appendix K*, is less than or equal to fifty (50) $\mu\text{g}/\text{m}^3$.

(B) One hundred fifty (150) $\mu\text{g}/\text{m}^3$ maximum twenty-four (24) hour average concentration. The standards are attained when the expected number of days per calendar year with a twenty-four (24) hour average concentration above one hundred fifty (150) $\mu\text{g}/\text{m}^3$, as determined in accordance with 40 CFR 50, Appendix K*, is equal to or less than one (1).

(8) $\text{PM}_{2.5}$: For primary and secondary standards, the following values shall represent the maximum permissible ambient air quality levels:

(A) Fifteen (15) micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) annual arithmetic mean concentration. The standards are attained when the annual arithmetic mean concentration is less than or equal to fifteen (15) $\mu\text{g}/\text{m}^3$, as determined in accordance with 40 CFR 50, Appendix N* and measured in the ambient air as $\text{PM}_{2.5}$ by either:

- (i) a reference method based on 40 CFR 50, Appendix L*, and designated in accordance with 40 CFR 53*; or**
- (ii) an equivalent method designated in accordance with 40 CFR 53*.**

(B) Sixty-five (65) $\mu\text{g}/\text{m}^3$ twenty-four (24) hour average concentration. The standards are attained when the ninety-eighth percentile twenty-four (24) hour concentration is less than or equal to sixty-five (65) micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), as determined in accordance with 40 CFR 50, Appendix N and measured in the ambient air as $\text{PM}_{2.5}$ by either:

- (i) a reference method based on 40 CFR 50, Appendix L*, and designated in accordance of 40 CFR 53*; or**
- (ii) an equivalent method designated in accordance with 40 CFR 53*.**

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board*; 326 IAC 1-3-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2378; filed Apr 13, 1988, 3:35 p.m.: 11 IR 3020; readopted filed Jan 10, 2001, 3:20 p.m.: 24 IR 1477; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Mar 9, 2004, 3:45 p.m.: 27 IR 2224; filed Dec 20, 2004, 2:15 p.m.: 28 IR 1471)

LSA Document #03-228(F)

Proposed Rule Published: July 1, 2004; 27 IR 3119

Hearing Held: September 1, 2004

Approved by Attorney General: December 3, 2004

Approved by Governor: December 15, 2004

Filed with Secretary of State: December 20, 2004, 2:15 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #04-135(F)

DIGEST

Amends 345 IAC 4-4-1 to update the National Poultry Improvement Plan incorporated by reference. Adds 345 IAC 10-2-5 to require that establishments slaughter poultry within 24 hours after delivery and that certain cages be cleaned and disinfected after each use. Amends 345 IAC 10-2.1-1 to update poultry slaughter and processing requirements incorporated by reference and to prohibit the slaughter of poultry under the retail exemption. Makes other changes in the law of poultry slaughter and processing. Effective 30 days after filing with the secretary of state.

345 IAC 4-4-1

345 IAC 10-2-5

345 IAC 10-2.1-1

SECTION 1. 345 IAC 4-4-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 4-4-1 National Poultry Improvement Plan; adoption by reference

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-19

Sec. 1. The board adopts and incorporates by reference as rules of the board the United States Department of Agriculture National Poultry Improvement Plan in 9 CFR Part 145 and the auxiliary provisions in 9 CFR Part 147, that are in effect on January 1, 2000; 2004, and the amendments thereto in 65 FR 8014 69 FR 7679 through 65 FR 8023; 69 FR 7680. But, 9 CFR Part 147, Subpart E and any amendments thereto are not incorporated by reference. (*Indiana State Board of Animal Health*; 345 IAC 4-4-1; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; filed Dec 18, 2000, 9:57 a.m.: 24 IR 1341; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1473)

SECTION 2. 345 IAC 10-2-5 IS ADDED TO READ AS FOLLOWS:

345 IAC 10-2-5 Delivery and acceptance of poultry for slaughter

Authority: IC 15-2.1-3-13; IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 5. (a) A person accepting poultry for slaughter, including inspected establishments and establishments slaughtering under an exemption in 9 CFR 381.10, must slaughter delivered poultry within twenty-four (24) hours of the poultry's arrival at the establishment.

(b) An establishment that provides cages for use by its customers to transport poultry to the establishment for slaughter shall clean and disinfect the cages after each use before providing the cages to another customer. The state veterinarian may designate minimum standards for cleaning and disinfecting that will facilitate public health and animal health by reducing the risk of disease transmission. (*Indiana State Board of Animal Health; 345 IAC 10-2-5; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1473*)

SECTION 3. 345 IAC 10-2.1-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-2.1-1 Incorporation by reference; poultry products inspection

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-2; IC 15-2.1-19; IC 15-2.1-24-14

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~2002~~, **2004**, relating to poultry products inspection:

(1) **9 CFR Part 362 with the following amendments and additions:**

(A) 9 CFR 362.4(a)(2), 9 CFR 362.4(b)(2), 9 CFR 362.4(c), 9 CFR 362.4(d), and 9 CFR 362.5 are not incorporated.

(B) Fees for voluntary inspection service shall be charged in accordance with IC 15-2.1-24-14(c).

(C) The state veterinarian may refuse to provide or withdraw voluntary inspection service for administrative reasons, including nonavailability of personnel and failure to pay for service.

(2) 9 CFR 381.1, except the definitions in IC 15-2.1 and 345 IAC 10-1-1 shall control over conflicting definitions in 9 CFR.

~~(2)~~ (3) **9 CFR 381.10 with the following amendments and additions:**

(A) 9 CFR 381.10(d)(2)(i) shall be amended by deleting the word "unless" and the remaining part of the sentence that follows that word.

(B) A person operating a facility engaged in exempt operations described in 9 CFR 381.10(a)(4) through 9 CFR 381.10(a)(7) and 9 CFR 381.10(b) through 9 CFR 381.10(c) shall comply with the registration and record keeping requirements in 9 CFR 381.175 through 9 CFR 381.182.

(4) **9 CFR 381.11** through 9 CFR 381.95, except the following are not incorporated:

(A) 9 CFR 381.36.

(B) 9 CFR 381.37.

(C) 9 CFR 381.38.

(D) 9 CFR 381.39.

(E) 9 CFR 381.45 through 9 CFR 381.61.

~~(5)~~ (5) 9 CFR 381.115 through 9 CFR 381.182, except the following are not incorporated:

(A) 9 CFR 381.132.

(B) 9 CFR 381.133.

~~(4)~~ (6) 9 CFR 381.189 through 9 CFR 381.194.

~~(5)~~ (7) 9 CFR 381.300 through 9 CFR 381.500.

~~(6)~~ (8) 9 CFR 416 through 9 CFR 441.

~~(7)~~ 9 CFR 417.

~~(8)~~ (9) 9 CFR 500, except the following:

(A) References to Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean IC 15-2.1-19 and IC 4-21.5-3.

(B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in ~~IC 15-2.1-24~~. **IC 15-2.1-2.**

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

(1) References to 9 CFR 381.3 through 9 CFR 381.7 refer to the corresponding section in 345 IAC 10-2.

(2) References to:

(A) 9 CFR 381.36 refer to 345 IAC 10-7-1;

(B) 9 CFR 381.37 refer to 345 IAC 10-7-2 and 345 IAC 10-7-3; and

(C) 9 CFR 381.38 and 9 CFR 381.39 refer to 345 IAC 10-7-4.

(3) References to:

(A) 9 CFR 381.96 refer to 345 IAC 10-13-1;

(B) 9 CFR 381.98 refer to 345 IAC 10-13-2;

(C) 9 CFR 381.99 refer to 345 IAC 10-13-3;

(D) 9 CFR 381.100 refer to 345 IAC 10-13-4;

(E) 9 CFR 381.101 refer to 345 IAC 10-13-5;

(F) 9 CFR 381.103 refer to 345 IAC 10-13-6;

(G) 9 CFR 381.110 refer to 345 IAC 10-13-7; and

(H) 9 CFR 381.111 refer to 345 IAC 10-13-8.

(4) References to 9 CFR 381.131, 9 CFR 381.132, and 9 CFR 381.133 refer to 345 IAC 10-14-18 and 345 IAC 10-14-20.

(5) References to:

(A) 9 CFR 381.185 refer to 345 IAC 10-18-1; and

(B) 9 CFR 381.186 refer to 345 IAC 10-18-2.

(6) References to 9 CFR 381.210 through 9 CFR 381.218 refer to the corresponding section of 345 IAC 10-20.

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control. (*Indiana State Board of Animal Health; 345 IAC 10-2.1-1; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 10, 1999, 9:14 a.m.: 23 IR 16; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1541; filed Dec 16, 2004, 1:30 p.m.: 28 IR 1474*)

LSA Document #04-135(F)

Notice of Intent Published: June 1, 2004; 27 IR 2762

Proposed Rule Published: September 1, 2004; 27 IR 4118

Hearing Held: October 7, 2004

Approved by Attorney General: December 2, 2004

Approved by Governor: December 14, 2004

Filed with Secretary of State: December 16, 2004, 1:30 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: United States Department of Agriculture National Poultry Improvement Plan, 9 CFR Part 145, and the auxiliary provisions in 9 CFR Part 147, that are in effect on January 1, 2004, and the amendments thereto in 69 FR 7679 through 69 FR 7680. But, 9 CFR 147, Subpart E and any amendments thereto are not incorporated by reference.

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-320(F)

DIGEST

Amends 515 IAC 1-4-1 and 515 IAC 1-4-2 relating to testing requirements for certain Indiana teaching licenses issued by the professional standards board. Effective 30 days after filing with the secretary of state.

515 IAC 1-4-1

515 IAC 1-4-2

SECTION 1. 515 IAC 1-4-1 IS AMENDED TO READ AS FOLLOWS:

515 IAC 1-4-1 Test requirements and exemptions

Authority: IC 20-1-1.4-7; IC 20-6.1-3-10.1

Affected: IC 20-6.1-3-3

Sec. 1. (a) An applicant for an Indiana initial teaching license must do the following: ~~consistent with 515 IAC 1-2-20:~~

(1) From September 1, 1999, for an applicant who has completed a teacher preparation program during calendar year 2000 or after and who is administered an examination described in IC 20-6.1-3-10.1 on or after September 1, 1999, successfully complete a written examination that demonstrates proficiency in:

- (A) basic reading, writing, and mathematics through the Pre-professional Skills Test (PPST or Praxis I) of the Educational Testing Service;
- (B) pedagogy; and
- (C) knowledge of the areas in which the individual is required to have a license to teach.

(2) Fulfill the academic retention standard established by the institution recommending the applicant.

(b) As an alternative to successfully completing the entire written examination listed under subsection (a), an applicant for an initial license may demonstrate proficiencies in the subject areas required

by the examination in the following circumstances:

(1) An applicant may successfully complete an examination ~~which that~~ is substantially equivalent to the examination required under subsection (a)(1). The board shall determine what constitutes substantial equivalency.

(2) An applicant who has a disability that would affect the applicant's performance on the examination, for which the applicant has taken the examination with reasonable accommodations and for which the applicant has not successfully passed the entire examination, may not be required to have obtained a passing score in all subject areas required by the examination. To obtain a proficiency review under this subsection, an applicant should submit the following to the board and may submit additional material:

(A) A letter in which the applicant requests a review of the applicant's proficiencies in the pertinent subject areas.

(B) Credible documentation of the disability from an appropriate professional.

(C) Documentation ~~which that~~ shows that the applicant has taken the examination with special accommodations.

(D) A written statement from an education professional who has worked with the applicant ~~which that~~ attests to the competency of the applicant as a classroom teacher.

(E) A written statement from a college faculty member who has supervised the applicant's clinical experience ~~which that~~ attests to the applicant's proficiency in classroom performance.

(F) A statement ~~which that~~ outlines any special assistance or accommodations the candidate has had during college.

(G) The applicant's test history.

(H) A transcript copy ~~which that~~ shows evidence of completion of a teacher preparation program, including student teaching and degree posted on the transcript.

(I) Any other relevant documentation required by the board. An applicant with a disability that might affect test performance should notify the testing company of the disability when making application to take the test.

(Professional Standards Board; 515 IAC 1-4-1; filed Nov 26, 1985, 8:20 a.m.: 9 IR 717; filed Jun 11, 1986, 4:00 p.m.: 9 IR 2718; filed May 13, 1987, 9:30 a.m.: 10 IR 2289; filed Dec 15, 1989, 4:45 p.m.: 13 IR 885; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1004; filed Sep 16, 1998, 9:16 a.m.: 22 IR 445; filed Nov 20, 2000, 3:21 p.m.: 24 IR 995; filed Jun 1, 2001, 2:00 p.m.: 24 IR 3030; readopted filed Sep 25, 2001, 9:43 a.m.: 25 IR 529; filed Mar 4, 2003, 4:45 p.m.: 26 IR 2322; filed Dec 30, 2004, 5:23 p.m.: 28 IR 1475) NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-4-1) to the Professional Standards Board (515 IAC 1-4-1) by P.L.46-1992, SECTION 19, effective July 1, 1992.

SECTION 2. 515 IAC 1-4-2 IS AMENDED TO READ AS FOLLOWS:

515 IAC 1-4-2 Minimum acceptable scores

Authority: IC 20-1-1.4-7; IC 20-6.1-3-10.1

Affected: IC 4-22-7-7; IC 20-6.1-3-3

Final Rules

Sec. 2. (a) The following are the minimum acceptable scores for successful completion of the examinations described in section 1(a)(1) of this rule; the number in parentheses is the code number used by the Educational Testing Service for the test:

- (1) Mathematics: 320 on computer based test (0731), or 175 on written test (10730), or 175 on computer based test (5730).
- (2) Reading: 323 on computer based test (0711), or 176 on written test (10710), or 176 on computer based test (5710).
- (3) Writing: 318 on computer based test (0721), or 172 on written test (20720), or 172 on computer based test (5270).

(b) The following are the minimum acceptable scores for successful completion of the various specialty area tests; the number in parentheses is the code number or the last four (4) digits of a code number used by the Educational Testing Service for the test; if two (2) or more tests on the same subject are or may be offered at the same time, the word "replaces" follows the code number of the required test and precedes the code number of the test that is no longer accepted and the effective date of the required test:

National Teachers Examination Specialty Area Tests
or
Praxis II from the Educational Testing Service

Art: Content Knowledge (0133 replaces 10130 after August 1, 2001)	149
Art Education (10130)	510
Biology: Content Knowledge (0235) (Middle and High School) (0235 replaces 10230 after August 1, 2001)	154
Biology and General Science (20030) (Middle School)	560
Biology (10230) (High School)	510
Business Education (10100)	480
Chemistry: Content Knowledge (0245) (0245 replaces 20240 after August 1, 2001)	151
Chemistry (20240)	460
Early Childhood Education (K-3) (10020)	510
Earth Science: Content Knowledge (0571 replaces 20570 after August 1, 2001)	150
Earth/Space Science (20570)	420
Elementary Education: Curriculum, Instruction, and Assessment (10011) (Effective September 1, 2003)	165
Education of Students with Mental Retardation (10320)	560
English Language, Literature, and Composition: Content Knowledge (10041) (Middle and High School)	153
Exceptional Needs: Mild Intervention	156
French (10170) (Middle and High School)	520
French: Content Knowledge (0173)	160
French: Productive Language Skills (0171) (0173 and 0171 replace 10170 after August 1, 2001)	162
General Science (10430) For General Science License	450

For Physical Science License	360
German (20180)	490
German: Content Knowledge (0181) (0181 replaces 20180 after August 1, 2003) (Middle and High School)	147
Health Education (20550)	420
Home Economics Education (10120)	540
Introduction to the Teaching of Reading (10200)	510
Mathematics (10060) (Middle and High School)	530
Mathematics: Content Knowledge (0061) (0061 replaces 10060 after August 1, 2001)	136
Media Specialist (10310) (Library Media Specialist)	530
Middle School English Language Arts (0049)	152
Middle School Mathematics (0069)	156
Middle School Science (0439)	137
Middle School Social Studies (0089)	153
Music: Content Knowledge (0113) (0113 replaces 10110 after August 1, 2001)	140
Music Education (10110)	510
Physical Education (10090)	540
Physical Education: Content Knowledge (0091) (0091 replaces 10090 after August 1, 2001)	150
Physical Science (10430)	360
Physics: Content Knowledge (0265) (0265 replaces 30260 after August 1, 2001)	149
Physics (30260)	400
Prekindergarten Education (20530) (For pre-K/early childhood license)	390
Reading Specialist (0300) (For elementary teaching after July 1, 2001)	370
School Leaders Licensure Assessment (1010)	165
Social Studies: Content Knowledge (10081) (Middle and High School)	147
Spanish (10190) (Middle and High School)	500
Spanish: Content Knowledge (0191)	159
Spanish: Productive Language Skills (0192) (0191 and 0192 replace 10190 after August 1, 2001)	162
Special Education: Knowledge-Based Core Principles (0351)	136
Special Education Core Principles: Content Knowledge (0353)	150
Special Education: Teaching Students with Behavioral Disorders/Emotional Disturbance (0371) (0371 replaces 10370 after August 1, 2001)	139
Special Education: Teaching Students with Learning Disabilities (0381) (0381 replaces 10380 after August 1, 2001)	139
Special Education: Teaching Students with Mental Retardation (0321) (0321 replaces 10320 after August 1, 2001)	144
Speech Communication (10220)	490
Speech-Language Pathology (0330)	600

Teaching Students with Emotional Disturbances (10370)	540
Teaching Students with Learning Disabilities (10380)	430
Technology Education (10050) (Industrial Arts).	590

(c) An applicant for a teaching license in a health occupations specialty area must take the registry or certification examination required by the respective professional association and achieve at least the minimal score accepted by that professional association.

(d) An applicant may repeat any section of an examination on which the applicant does not achieve the minimum score.

(e) If, during the time an applicant for an initial teaching license is enrolled in a teacher preparation program, the applicant achieved the minimum acceptable score required for an examination or test in subsection (b) or (c), the applicant may use that score even if a different score or a different examination or test is required at the time of application for the license. However, an applicant must achieve the minimum acceptable score for any examination or test that has been added as a requirement for an initial teaching license after the applicant completed the preparation program.

(f) In lieu of amending this rule, the professional standards board may publish a "Notice of Test Code Change" policy statement pursuant to under IC 4-22-7-7 in the event that the Educational Testing Service changes the name of or a code for a test but does not change either the content of the test or the scoring scale for the test. Upon publication, the professional standards board must simultaneously distribute the notice to the unit head and licensing advisor of each institution preparing educators.

(g) ~~In addition to 515 IAC 1-2-20 regarding limited licenses,~~ A person who is otherwise eligible for an initial standard license in a content area and who has attempted the required assessment examination as required under subsection (b), but who has not achieved the minimum acceptable score, is eligible for a one (1) year, nonrenewable ~~limited license.~~ **instructional emergency permit as described in 515 IAC 9-1-19(g).**

(h) From February 1, 2003, until December 31, 2004, a candidate for an administrator's license must achieve a minimum score of 158 on the assessment.

(i) Candidates for the original administration and supervision license after January 1, 2003, must successfully complete the assessment unless they hold a currently valid standard, provisional, or professional administration and supervision license in Indiana or the equivalent license in another state and can verify three (3) years of full-time experience in an accredited K-12 school in the appropriate position under that license. (*Professional Standards Board; 515 IAC 1-4-2; filed Nov 26, 1985, 8:20 a.m.: 9 IR 717; filed May 13, 1987, 9:30 a.m.: 10 IR 2289;*

errata filed Jul 17, 1988, 11:00 a.m.: 10 IR 2741; filed Sep 27, 1988, 10:10 a.m.: 12 IR 299; filed Dec 15, 1989, 4:45 p.m.: 13 IR 886; filed Mar 1, 1991, 10:35 a.m.: 14 IR 1436; filed Jan 28, 1992, 5:00 p.m.: 15 IR 1004; filed Apr 26, 1994, 5:00 p.m.: 17 IR 2066; errata filed Jun 7, 1994, 4:00 p.m.: 17 IR 2359; filed May 10, 1999, 12:36 p.m.: 22 IR 2867; filed Nov 20, 2000, 3:21 p.m.: 24 IR 996; filed Jun 1, 2001, 2:00 p.m.: 24 IR 3031; readopted filed Sep 25, 2001, 9:43 a.m.: 25 IR 529; filed Mar 4, 2003, 4:45 p.m.: 26 IR 2323; filed Dec 30, 2004, 5:23 p.m.: 28 IR 1475) NOTE: Transferred from the Indiana State Board of Education (511 IAC 10-4-2) to the Professional Standards Board (515 IAC 1-4-2) by P.L.46-1992, SECTION 19, effective July 1, 1992.

*LSA Document #03-320(F)
Notice of Intent Published: January 1, 2004; 27 IR 1198
Proposed Rule Published: May 1, 2004; 27 IR 2558
Hearing Held: May 26, 2004
Approved by Attorney General: December 30, 2004
Approved by Governor: December 30, 2004
Filed with Secretary of State: December 30, 2004, 5:23 p.m.
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-321(F)

DIGEST

Amends 515 IAC 8-1-23 and 515 IAC 8-1-42 relating to certain requirements for the initial practitioner license issued by the professional standards board. Effective 30 days after filing with the secretary of state.

515 IAC 8-1-23 515 IAC 8-1-42

SECTION 1. 515 IAC 8-1-23 IS AMENDED TO READ AS FOLLOWS:

515 IAC 8-1-23 World language

Authority: IC 20-1-1.4-7
Affected: IC 20-1-1.4; IC 20-6.1

Sec. 23. (a) The applicant for the initial practitioner license in ~~foreign~~ **world** language must meet the following requirements:

- (1) Receive a bachelor's degree or, if already degreed, complete additional course work in a teacher education program from an institution of higher education that is approved by the board to offer such a degree.
- (2) Successfully meet the standards for teachers of ~~"foreign"~~ **world** language adopted by the board as set forth in 515 IAC 11 [*sic.*]. The content area ~~Foreign World~~ **World Language**; [*sic.*] specific language] will appear on the license.

(b) The holder of a license with ~~foreign~~ **world** language is only eligible to teach in the specific language in the school setting listed on the license as set forth in section 2(b) of this rule. (*Professional Standards Board; 515 IAC 8-1-23; filed Aug 11, 2003, 3:15 p.m.: 27 IR 172; filed Dec 30, 2004, 5:20 p.m.: 28 IR 1477*)

SECTION 2. 515 IAC 8-1-42 IS AMENDED TO READ AS FOLLOWS:

515 IAC 8-1-42 District level administrator; director of career and technical education; administrative license

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 42. (a) The applicant for the initial practitioner license as a director of career and technical education must meet the following requirements:

(1) One (1) of the following:

(A) A proficient practitioner instructional license with career and technical education as defined in 515 IAC 1-1-10 through 515 IAC 1-1-15.

(B) A standard license with two (2) years of full-time teaching experience in an accredited school in the grade level and a vocational education content area listed on the license.

(C) A provisional license with two (2) years of full-time teaching experience in an accredited school in the grade level and vocational education content area listed on the license.

(D) A workplace specialist proficient practitioner instructional license as defined in 515 IAC 10 [sic.] with a master's degree or higher.

(E) An Occupational Specialist II or III with a master's degree or higher and two (2) years of full-time teaching experience in an accredited vocational school in the grade level and vocational education content area listed on the license.

(F) A proficient practitioner license as a superintendent or building level administrator.

(G) A proficient practitioner license as a school counselor and any instructional proficient practitioner license.

(H) A standard or provisional superintendent's license with two (2) years of full-time experience as a superintendent or assistant superintendent in an accredited P-12 school district.

(I) A standard or provisional secondary administration and supervision license with two (2) years of full-time experience as a principal or assistant principal in an accredited junior high school, middle school, or high school.

(J) A standard or provisional school counseling license with two (2) years of full-time experience as a school counselor and any standard or provisional teaching license with two (2) years of full-time teaching experience as a teacher in an accredited K-12 school.

(K) A valid proficient practitioner business education or technology education instructional license.

(L) A standard or provisional business education or

industrial technology license with two (2) years of full-time experience as a business education or industrial technology teacher in an accredited junior high school, middle school, or high school.

(2) Successfully meet the standards for the district level administrator adopted by the board as set forth in 515 IAC 11 [sic.].

(3) Successfully meet all developmental standards adopted by the board as set forth in 515 IAC 11 [sic.].

(4) Obtain a master's degree or, if already degreed, completed additional course work in an educational administration program from an institution of higher education that is approved by the board to offer such a degree.

(5) Successfully complete the school leaders licensure assessment requirements as set forth in 515 IAC 1-4-1(h) and 515 IAC 1-4-1(i).

(6) Be recommended by the licensing advisor of the accredited institution where the applicant's approved qualifying program was completed.

(b) The holder of the district level administrator; director of career and technical education license is only eligible to serve as an administrator or supervisor in a career and technical education school. The district level administrator; director of career and technical education licensure applies to all who have the role or responsibility for direct supervision or primary evaluation of other licensed personnel, regardless of title, for example, assistant to, assistant, or deputy.

(c) The holder of a district level administrator; director of career and technical education license may obtain the accomplished practitioner license when he or she has:

(1) completed seven (7) years of experience as a director of career or technical education in any accredited school district subsequent to the issuance of the initial practitioner license;

(2) completed a doctorate in educational administration at an institution approved by the board to offer the appropriate course work; and

(3) been recommended for the accomplished practitioner license by the licensing advisor at the institution where the approved program was completed.

(*Professional Standards Board; 515 IAC 8-1-42; filed Aug 11, 2003, 3:15 p.m.: 27 IR 176; filed Dec 30, 2004, 5:20 p.m.: 28 IR 1478*)

LSA Document #03-321(F)

Notice of Intent Published: January 1, 2004; 27 IR 1198

Proposed Rule Published: April 1, 2004; 27 IR 2330

Hearing Held: April 22, 2004

Approved by Attorney General: December 30, 2004

Approved by Governor: December 30, 2004

Filed with Secretary of State: December 30, 2004, 5:20 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 515 PROFESSIONAL STANDARDS BOARD

LSA Document #03-322(F)

DIGEST

Amends 515 IAC 9-1-22 relating to certain requirements and procedures for the issuance of permits pertaining to the director of career and technical education issued by the professional standards board. Effective 30 days after filing with the secretary of state.

515 IAC 9-1-22

SECTION 1. 515 IAC 9-1-22 IS AMENDED TO READ AS FOLLOWS:

515 IAC 9-1-22 Emergency permits for director of career and technical education

Authority: IC 20-1-1.4-7

Affected: IC 20-1-1.4; IC 20-6.1

Sec. 22. (a) An emergency permit for director of career and technical education issued after July 1, 2004, is valid only for the school year during which it is granted and expires July 31 of the school year for which it is issued.

(b) To qualify for an emergency permit for director of career and technical education, the applicant must submit **the following**:

- (1) An application for an emergency permit for director of career and technical education submitted by an employing school superintendent.
- (2) The established fee for the issuance of the license.
- (3) The license being renewed, if applicable.
- (4) Any required evidence of the applicant's criminal history, including fingerprints and Social Security number.
- (5) All necessary evidence of eligibility.
- (6) Any additional documentation as required by law.
- (7) An official transcript showing successful completion of a baccalaureate degree from an institution approved by the board.
- (8) Verification of one (1) of the following:
 - (A) A valid proficient practitioner career and technical education license instructional license with two (2) years of full-time teaching experience in a career and technical education classroom.
 - (B) A valid proficient practitioner workplace specialist license **and a bachelor's degree or higher.**
 - (C) A valid standard, provisional, or professional teaching license in career and technical education and two (2) years of full-time teaching experience in a career and technical education classroom.
 - ~~(D) An occupational specialist license with two (2) years of full-time teaching experience; or~~
 - ~~(E) (D)~~ (D) A license equivalent to the proficient practitioner career and technical education license in another state with two (2) years of full-time teaching experience in a career and technical education classroom.
 - (E) An occupational specialist II or III with a bachelor's degree or higher and two (2) years of full-time teaching experience in an accredited vocational school in the**

grade level and vocational education content area listed on the license.

(F) A proficient practitioner license as a superintendent or building level administrator.

(G) A proficient practitioner license as a school counselor and any instructional proficient practitioner license.

(H) A standard or provisional superintendent's license with two (2) years of full-time experience as a superintendent or assistant superintendent in an accredited P-12 school district.

(I) A standard or provisional secondary administration and supervision license with two (2) years of full-time experience as a principal or assistant principal in an accredited junior high school, middle school, or high school.

(J) A valid proficient practitioner business education or technology education instructional license.

(K) A standard or provisional school counseling license with two (2) years of full-time experience as a school counselor and any standard or provisional teaching license with two (2) years of full-time teaching experience as a teacher in an accredited K-12 school.

(L) A standard or provisional business education or industrial technology license with two (2) years of full-time experience as a business education or industrial technology teacher in an accredited junior high school, middle school, or high school.

(9) Verification from the employing school superintendent certifying an emergency need for the position of career and technical education director and that the applicant has been assigned a mentor as defined by the school district.

(10) Verification from the licensing advisor where the program will be completed that the candidate has enrolled in an approved program for director of career and technical education and has a plan for completion of the program as verified by the licensing advisor. ~~and~~

(11) An application for an emergency permit for director of career and technical education must be submitted after July 1 of the school year requested, but no later than twelve (12) weeks after the director of career and technical education begins actual service. The emergency permit for director of career and technical education must be submitted no later than April 15 of the school year requested.

(c) The emergency permit for director of career and technical education may be renewed at the request of the employing school superintendent every year upon completion of six (6) semester hours of course work directed toward an administrator license as a director of career and technical education or verification of appropriate progress by the licensing advisor where the applicant is completing an approved program.

(d) The renewal of an emergency permit for director of career and technical education requires the recommendation of the Indiana licensing advisor at the institution where the course work toward a planned program was completed.

(e) The emergency permit for director of career and technical education may be renewed up to two (2) times.

(f) An applicant may earn a one-time nonrenewable emergency permit for continuing education if they can verify that they have not been employed as a ~~full-~~ **full-time** or part-time teacher, administrator, or school services personnel, not including substitute teacher, at any time three (3) years ~~prior to~~ **before** the date of application.

(g) The holder of the emergency permit for director of career and technical education is required to successfully complete all assessments unless they have already been successfully completed.

(h) Upon completion of the requirements, the holder of the emergency permit for director of career and technical education will be issued an initial practitioner administrator license unless the holder has been issued a proficient practitioner administration license in another position. (*Professional Standards Board; 515 IAC 9-1-22; filed Dec 4, 2003, 3:00 p.m.: 27 IR 1178; filed Dec 30, 2004, 4:24 p.m.: 28 IR 1479*)

LSA Document #03-322(F)

Notice of Intent Published: January 1, 2004; 27 IR 1198

Proposed Rule Published: April 1, 2004; 27 IR 2331

Hearing Held: April 22, 2004

Approved by Attorney General: December 30, 2004

Approved by Governor: December 30, 2004

Filed with Secretary of State: December 30, 2004, 4:24 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #04-39(F)

DIGEST

Adds 760 IAC 1-70 regarding a health maintenance organization's plan for covering outstanding claims in the event the health maintenance organization enters receivership. *NOTE: LSA Document #04-39, printed at 27 IR 2560, was resubmitted for publication and reprinted at 28 IR 313. Effective 30 days after filing with the secretary of state.*

760 IAC 1-70

SECTION 1. 760 IAC 1-70 IS ADDED TO READ AS FOLLOWS:

Rule 70. Health Maintenance Organization Plan for Continuation of Benefits in the Event of Receivership

760 IAC 1-70-1 Applicability and scope

Authority: IC 27-13-16-5; IC 27-13-35-1

Affected: IC 27-13-1; IC 27-13-16-1

Sec. 1. This rule is intended to prescribe a form and standards for the plan required of all health maintenance organizations to provide for continuation of benefits in the event a health maintenance organization is placed into

receivership. (*Department of Insurance; 760 IAC 1-70-1; filed Jan 5, 2005, 9:37 a.m.: 28 IR 1480*)

760 IAC 1-70-2 Definitions

Authority: IC 27-13-16-5; IC 27-13-35-1

Affected: IC 27-13-1; IC 27-13-16-1

Sec. 2. The definitions in IC 27-13-1 and the following definitions apply throughout this rule:

(1) “Insurer” means the insurance company that issues an insolvency insurance policy to a health maintenance organization.

(2) “Plan” means the plan for handling receivership required by IC 27-13-16-1.

(3) “Total projected costs” means the amount on line 10 of the form set forth in section 8 of this rule.

(*Department of Insurance; 760 IAC 1-70-2; filed Jan 5, 2005, 9:37 a.m.: 28 IR 1480*)

760 IAC 1-70-3 General requirements

Authority: IC 27-13-16-5; IC 27-13-35-1

Affected: IC 27-13-8-3

Sec. 3. (a) Each health maintenance organization shall maintain a plan acceptable to the commissioner for continuation of benefits in the event of receivership.

(b) The plan must finance the greater of one million dollars (\$1,000,000) or total projected costs in the event of receivership as calculated by the form set forth in section 8 of this rule.

(c) The plan may utilize the following for financing the health maintenance organization's obligation for continuation of benefits in the event of receivership:

(1) Letters of guarantee from a parent company.

(2) Conversion policies.

(3) Insolvency insurance policies.

(4) Additional deposits.

(d) The plan must be filed with the department by March 1 of each year. Any proposed amendment to the plan shall be filed with the department at least thirty (30) days before being adopted.

(e) The form prescribed in section 8 of this rule shall be filed with the department on a quarterly basis with the financial reports required under IC 27-13-8-3(c). (*Department of Insurance; 760 IAC 1-70-3; filed Jan 5, 2005, 9:37 a.m.: 28 IR 1480*)

760 IAC 1-70-4 Projected costs

Authority: IC 27-13-16-5; IC 27-13-35-1

Affected: IC 27-13

Sec. 4. The health maintenance organization shall calculate its total projected costs under Part 2 of the form set forth in section 8 of this rule. (*Department of Insurance; 760 IAC 1-70-4; filed Jan 5, 2005, 9:37 a.m.: 28 IR 1480*)

760 IAC 1-70-5 Parental guarantee

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13

Sec. 5. If a health maintenance organization's plan includes a parental guarantee, the health maintenance organization shall submit to the department the most recent audited financial statements of the parent company. The financial statements shall be filed annually and shall be updated within thirty (30) days of any material change to the financial condition of the parent company. *(Department of Insurance; 760 IAC 1-70-5; filed Jan 5, 2005, 9:37 a.m.: 28 IR 1481)*

760 IAC 1-70-6 Insolvency insurance policy

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13

Sec. 6. An insolvency insurance policy shall contain the following provisions:

- (1) Any grace period for payment of premium shall not exceed thirty (30) days.
- (2) A provision that the department shall be notified in writing within five (5) business days if either of the following occurs:
 - (A) The health maintenance organization fails to pay the required premium on the date premium is due without the benefit of any grace period.
 - (B) The health maintenance organization or the insurer tenders notice to terminate or terminates the policy for any reason.

(3) Coverage under the policy shall include benefits as defined in the evidence of coverage for all eligible enrollees on the date the health maintenance organization is placed into receivership.

(4) The policy shall not contain any deductibles or coinsurance provisions.

(5) The policy must state that it provides insolvency coverage for Indiana members only.

(Department of Insurance; 760 IAC 1-70-6; filed Jan 5, 2005, 9:37 a.m.: 28 IR 1481)

760 IAC 1-70-7 Deposits

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13-13-1

Sec. 7. If a health maintenance organization posts an additional deposit to finance its plan, the deposit shall be in the form required by IC 27-13-13-1. Any such deposit shall be in addition to the amount required by IC 27-13-13-1.

(Department of Insurance; 760 IAC 1-70-7; filed Jan 5, 2005, 9:37 a.m.: 28 IR 1481)

760 IAC 1-70-8 Form for calculating the total projected costs

Authority: IC 27-13-16-5; IC 27-13-35-1
Affected: IC 27-13-13; IC 27-13-16-1

Sec. 8. The form required by sections 3 and 4 of this rule is as follows:

Plan for handling receivership in accordance with IC 27-13-16-1

Company Name: _____ NAIC No. _____

Completed by: _____

For purposes of this calculation, estimated costs will be based on 30 days of continued benefits after an insolvency (IC 27-13-16-1)

Input Required

1. Premium Revenue less Federal Employees Health Benefit Plan less Medicare less Medicaid (If prepared on a quarterly basis, use annualized premium revenue)	Financial Statement, Analysis of Operations by Lines of Business
2. Medical Expense (Total Hospital and Medical Expense less Federal Employees Health Benefit Plan less Medicare less Medicaid less 50% Capitated Medical Expense) (If prepared on a quarterly basis, use annualized medical expense)	Financial Statement, Analysis of Operations by Lines of Business; Summary of Transactions of Providers
3. Administrative Expense less Federal Employees Health Benefit Plan less Medicare less Medicaid (If prepared on a quarterly basis, use annualized administrative expense)	Financial Statement, Analysis of Operations by Lines of Business
Assumptions	
A) Increased medical expense, as a % of premium	10%
B) Admin costs	
Month 1, as a percent of current	70%
Month 2, as a percent of current	50%
Month 3, as a percent of current	40%
C) Costs for Indiana insolvency, legal and consulting	\$400,000
D) Premium Collection percentage	96%

Final Rules

4. Medical Expense Ratio (Medical Expenses/Premium Revenue)	
5. Administrative Expenses Ratio (Administrative Expenses/Premium Revenue)	
6. Assumed Insolvent Medical Expense Ratio (Medical Expense Ratio + Assumption A)	
Calculation for Costs of Continued Benefits	
Medical Expense ((Annualized Premium Revenue * Assumed Insolvent Medical Exp Ratio)/12)	
Less: Premium ((Annualized Premium Revenue * Assumption D)/12)	
7. Net Medical Costs	
Administration	
Month 1 (((Annualized Premium Revenue * Administrative Expense Ratio)/12)*Assumption B)	
Month 2 (((Annualized Premium Revenue * Administrative Expense Ratio)/12)*Assumption B)	
Month 3 (((Annualized Premium Revenue * Administrative Expense Ratio)/12)*Assumption B)	
8. Administrative Costs	
9. Closing Costs (Fixed Costs)	\$400,000
10. Projected Costs (Medical Costs + Administrative Costs + Closing Costs)	
11. Deposits-IC 27-13-13	\$500,000
12. Total Projected Costs (Projected Costs - Deposits)	
13. Amount to be financed – the greater of Total Projected Costs (line 12) or one million dollars (\$1,000,000)	
(Department of Insurance; 760 IAC 1-70-8; filed Jan 5, 2005, 9:37 a.m.: 28 IR 1481)	

LSA Document #04-39(F)

Notice of Intent Published: March 1, 2004; 27 IR 1938

Proposed Rule Published: May 1, 2004; 27 IR 2560; and
October 1, 2004; 28 IR 313

Hearing Held: October 26, 2004

Approved by Attorney General: December 30, 2004

Approved by Governor: January 3, 2005

Filed with Secretary of State: January 5, 2005, 9:37 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents
incorporated by reference: None received by Publisher

Sec. 3. (a) A continuing education credit hour is based on a one (1) hour block of time. Fifty (50) minutes of instruction in a sixty (60) minute period will constitute one (1) continuing education credit hour. Time designated by the provider as break time may not be considered when computing course credit hours.

(b) Continuing education credit hours will be approved in no less than one-half (½) hour increments.

(c) ~~Except as provided in section 4(h) of this rule, two (2)~~
One (1) continuing education credit ~~hours are~~ hour is the minimum number of hours that will be approved for a continuing education course.

(d) Eight (8) hours of classroom instruction per day are the maximum number of hours that will be approved for a continuing education course. (Department of Insurance; 760 IAC 1-50-3; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 573; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1569; filed Jan 5, 2005, 9:33 a.m.: 28 IR 1482)

SECTION 2. 760 IAC 1-50-4 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-4 Application requirements

Authority: IC 27-1-15.7-4; IC 27-1-15.7-7

Affected: IC 27-1-15.7-2

Sec. 4. (a) Any:

(1) individual;

(2) insurance company;

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #04-139(F)

DIGEST

Amends 760 IAC 1-50-3, 760 IAC 1-50-4, and 760 IAC 1-50-5 regarding insurance producer continuing education examinations, credit hours, fees, and documentation. Effective 30 days after filing with the secretary of state.

760 IAC 1-50-3

760 IAC 1-50-5

760 IAC 1-50-4

SECTION 1. 760 IAC 1-50-3 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-3 Continuing education credit hour defined

Authority: IC 27-1-15.7-4; IC 27-1-15.7-7

Affected: IC 27-1-15.7-2

- (3) insurance trade association;
- (4) insurance producer association;
- (5) accredited college; or
- (6) insurance education institution;

may submit continuing education courses for approval by the commissioner.

(b) Course information must be submitted on an application form that may be obtained from the Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787. The application form is adopted by reference.

(c) A completed application form shall be submitted to the Continuing Education Program, c/o Indiana Department of Insurance, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204-2787.

(d) The application form shall be submitted at least sixty (60) days **prior to before** the date of the continuing education course.

(e) A provider may advertise a continuing education course after submission to the department but before its approval; however, the provider must clearly indicate in any advertisement of the course that course approval is pending.

(f) A nonrefundable processing fee in the amount of forty dollars (\$40) per course, or a yearly fee in the amount of five hundred dollars (\$500) for all courses, shall be submitted to the department along with a completed application form.

(g) Videotaped, Internet, and satellite broadcast programs may be approved for continuing education credit.

(h) Each educational segment within a convention program or an association annual meeting shall be submitted individually for continuing education credit. ~~Notwithstanding section 3(b) of this rule, the educational segment may be approved for one (1) hour of credit.~~

(i) Applications for continuing education course approval shall be presented to the advisory council. The advisory council shall review each application and make a recommendation to the commissioner on whether the course should be approved and the number of credit hours to be awarded. The department shall notify the provider in writing when the commissioner approves or disapproves a continuing education course.

(j) Course approval is valid for two (2) years from the date of the commissioner's approval. Thereafter, the course must be resubmitted for approval under this section. (*Department of Insurance; 760 IAC 1-50-4; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1825; filed Nov 4, 1999, 10:12 a.m.: 23 IR 573; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1569; filed Jan 5, 2005, 9:33 a.m.: 28 IR 1482*)

SECTION 3. 760 IAC 1-50-5 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-50-5 Requirements for self-study continuing education courses

Authority: IC 27-1-15.7-4; IC 27-1-15.7-7

Affected: IC 27-1-15.6-12

Sec. 5. (a) In addition to the requirements in section 4 of this rule, self-study courses are subject to the following requirements:

(1) A producer enrolled in a self-study course, including a computer-based course, shall take a written or computer-based examination at the conclusion of the self-study course. The written or computer-based examination must comply with the following requirements:

- (A) Examination questions shall be multiple choice.
- (B) Questions shall be selected at random from a bank of questions.
- (C) At least three (3) different versions of the examination shall be used on a random basis.
- (D) The examination for a course approved for eight (8) hours of credit or less shall consist of at least twenty-five (25) questions.
- (E) The examination for a course approved for greater than eight (8) hours of credit shall consist of at least fifty (50) questions.
- (F) The examination for a course approved for greater than twelve (12) hours of credit shall consist of at least seventy-five (75) questions.**

~~(F)~~ (G) The written examination shall be sealed in an opaque envelope. The testing protocol and affidavit requirements of subdivision (4) shall be written on the outside of the envelope.

~~(G)~~ (H) The examination shall be graded by the provider.

~~(H)~~ (I) A computer-based examination may not include prompts designed to aid the student in answering examination questions.

(2) A producer must correctly answer seventy percent (70%) of the examination questions in order to pass the self-study course.

(3) A producer must pass a self-study examination to receive any continuing education credit hours for the self-study course.

(4) When taking the self-study examination, the producer shall **do all of the following:**

(A) Sign an affidavit, supplied by the provider, that states the producer did not use outside help, such as an open textbook or another individual, in taking the examination.

(B) A second producer must sign the affidavit verifying that the second producer witnessed the first producer's examination and no outside help was used. **A producer who takes the examination at a testing center that administers tests for professional designations may have a representative of the testing center sign the affidavit rather than a licensed producer.**

(C) The signed affidavit must be returned to the provider.

The provider shall retain the original affidavit for four (4) years.

(5) The provider shall grade the examination and mail the results to the producer no later than thirteen (13) days after the date upon which the producer mailed the completed examination to the provider.

(6) A computer-based course that includes a computer-based examination must be designed to prevent the student from skipping the education materials before taking the examination.

(b) Failure to comply with the requirements of this section may result in disciplinary action by the department under IC 27-1-15.6-12. (*Department of Insurance; 760 IAC 1-50-5; filed Feb 23, 1993, 5:00 p.m.: 16 IR 1826; filed Nov 4, 1999, 10:12 a.m.: 23 IR 574; filed Dec 12, 2003, 10:30 a.m.: 27 IR 1569; filed Jan 5, 2005, 9:33 a.m.: 28 IR 1483*)

LSA Document #04-139(F)

Notice of Intent Published: June 1, 2004; 27 IR 2764

Proposed Rule Published: September 1, 2004; 27 IR 4136

Hearing Held: September 28, 2004

Approved by Attorney General: December 30, 2004

Approved by Governor: January 3, 2005

Filed with Secretary of State: January 5, 2005, 9:33 a.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-319(F)

DIGEST

Amends 905 IAC 1-45-2 and 905 IAC 1-45-3 to clarify the information required to be provided and maintained in the course of the retail sales of beer kegs. Effective 30 days after filing with the secretary of state.

905 IAC 1-45-2

905 IAC 1-45-3

SECTION 1. 905 IAC 1-45-2 IS AMENDED TO READ AS FOLLOWS:

905 IAC 1-45-2 Identification markers

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 2. The commission shall prescribe the form of the identification marker required by IC 7.1-3-6.5. The marker must:

- (1) enable the identification and tracking of the seller of the keg;
- (2) be removable or reusable only when the keg is returned to the wholesaler or brewer for refilling;
- (3) contain:
 - (A) the name, address, and commission permit number of the commission wholesale, retail, or dealer permittee who sold the keg;

~~(B) the manufacturer's identification number on the keg itself;~~

~~(C) the name of the clerk making the sale;~~

~~(D) the name, address, and date of birth of the purchaser;~~

~~(E) the type of identification card and identification number used to verify the data required by clause (D); (C); and~~

~~(F) the dated signature of the purchaser;~~

(4) be attached to the keg by a material that once removed by a person cannot be reattached to the keg in a manner that could conceal the prior removal; and

(5) be in a form approved by and purchased from the commission at the amount of the commission's cost for producing it.

(*Alcohol and Tobacco Commission; 905 IAC 1-45-2; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189; filed Dec 30, 2004, 4:17 p.m.: 28 IR 1484*)

SECTION 2. 905 IAC 1-45-3 IS AMENDED TO READ AS FOLLOWS:

905 IAC 1-45-3 Receipt for the keg

Authority: IC 7.1-2-3-7; IC 7.1-3-6.5

Affected: IC 7.1-3-6.5

Sec. 3. A permittee shall require that a person who purchases a keg for consumption at a place other than a commission-licensed premises sign a receipt for the keg. The commission shall prescribe a form for the receipt. The receipt must contain the following information:

(1) The date of the sale of the keg.

~~(2) The size of the keg in gallons;~~

~~(3) The identification number on the keg itself;~~

~~(4) (2) The name, residence current residential address, and date of birth of the purchaser.~~

~~(5) (3) A description of the form of identification presented by the purchaser.~~

(*Alcohol and Tobacco Commission; 905 IAC 1-45-3; filed Aug 29, 2003, 11:15 a.m.: 27 IR 189; filed Dec 30, 2004, 4:17 p.m.: 28 IR 1484*)

LSA Document #03-319(F)

Notice of Intent Published: January 1, 2004; 27 IR 1200

Proposed Rule Published: May 1, 2004; 27 IR 2576

Hearing Held: July 26, 2004

Approved by Attorney General: December 30, 2004

Approved by Governor: December 30, 2004

Filed with Secretary of State: December 30, 2004, 4:17 p.m.

IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

TITLE 329 SOLID WASTE MANAGEMENT BOARD

LSA Document #01-288(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling error in LSA Document #01-288(F), printed at 27 IR 3957:

In 329 IAC 10-9-4(o), in Table 4 on page 13 of the original document (27 IR 3966), in the cell containing the list of analytes for the "Neutral Leaching Method³ or Method 1312 (Synthetic Precipitation Leaching Procedure)" for "Coal Ash or Flue Gas Desulfurization Byproducts" (third cell from the top in the right-hand column), following "fluoride," insert "pH,".

Filed with Secretary of State: January 3, 2005, 10:32 a.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #04-60(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #04-60(F), printed at 28 IR 821:

- (1) In 410 IAC 7-24-106(b)(1), on page 24 of the original document (28 IR 835), delete "is" and insert "are".
- (2) In 410 IAC 7-24-122(c)(2), on page 32 of the original document (28 IR 841), delete "section 121(a)(2)(B)" and insert "section 121(a)(3)(B)".
- (3) In 410 IAC 7-24-131(a)(3), on page 36 of the original document (28 IR 844), delete "172" and insert "128".
- (4) In 410 IAC 7-24-142(c)(1), on page 39 of the original document (28 IR 846), delete "IC 16-41-2" and insert "IC 16-42-2".
- (5) In 410 IAC 7-24-151(b), on page 42 of the original document (28 IR 848), before "section", insert "this".
- (6) In 410 IAC 7-24-152(b)(2)(A), on page 42 of the original document (28 IR 848), delete "175" and insert "146".
- (7) In 410 IAC 7-24-188(d), on page 57 of the original document (28 IR 857), delete "or 187(a)(3)".
- (8) In 410 IAC 7-24-189(c), on page 57 of the original document (28 IR 858), delete "187(a)(3)" and insert "187(a)(2)".
- (9) In 410 IAC 7-24-189(d), on page 57 of the original document (28 IR 858), delete "187(a)(3)" and insert "187(a)(2)".
- (10) In 410 IAC 7-24-191(c)(3), on page 58 of the original document (28 IR 859), before "any", delete "other".
- (11) In 410 IAC 7-24-199(a)(2)(D), on page 62 of the original

document (28 IR 861), delete "187(a)(3)" and insert "187(a)(2)".

(12) In 410 IAC 7-24-201(b), on page 63 of the original document (28 IR 862), delete "Except as specified under section 153(a)(3) of this rule,".

(13) In 410 IAC 7-24-201(b)(1), on page 63 of the original document (28 IR 862), delete "catsup" and insert "ketchup".

(14) In 410 IAC 7-24-246, on page 76 of the original document (28 IR 870), delete "(f) For purposes of this section, a violation of subsection (e) is a critical item."; redesignate (g) as (f); and before "is", delete "or (f)".

(15) In 410 IAC 7-24-421(c), on page 126 of the original document (28 IR 901), after "noncritical", insert "item".

Filed with Secretary of State: December 13, 2004, 8:20 a.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.

Notice of Withdrawal

TITLE 329 SOLID WASTE MANAGEMENT BOARD

#97-8(SWMB)

Under IC 4-22-2-41, #97-8(SWMB), printed at 21 IR 264, is withdrawn.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #03-318

Under IC 4-22-2-41, LSA Document #03-318, printed at 27 IR 1200, is withdrawn.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #04-110

Under IC 4-22-2-41, LSA Document #04-110, printed at 27 IR 3337, is withdrawn.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #04-113

Under IC 4-22-2-41, LSA Document #04-113, printed at 27 IR 2525, is withdrawn.

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #04-114

Under IC 4-22-2-41, LSA Document #04-114, printed at 27 IR 2525, is withdrawn.

TITLE 52 INDIANA BOARD OF TAX REVIEW

LSA Document #04-330(E)

DIGEST

Temporarily adds provisions establishing procedures to govern proceedings before the Indiana board of tax review with respect to appeals for the 2002 assessment year in Lake County. Authority: HEA 1535, P.L.235-2003; IC 4-22-2-37.1; IC 6-1.1-4-34. Effective December 22, 2004.

SECTION 1. The purpose of this document is to establish procedures to govern administrative proceedings before the board arising from appeals of assessments of real property in Lake County for the March 1, 2002, assessment date. The definitive procedures, procedural requirements, and evidentiary controls established by this document are deemed essential to assure that the administrative appeals before the board are conducted in the most uniform and objective manner possible.

SECTION 2. (a) The provisions of this document apply to and govern all proceedings before the board that arise from appeals of assessments:

- (1) of real property located in Lake County;
- (2) completed for the March 1, 2002, assessment date; and
- (3) performed by the department of local government finance or the department's authorized contractor pursuant to IC 6-1.1-4-32.

(b) The procedures set forth in 52 IAC 2 apply to petitions filed under IC 6-1.1-15 and do not reflect the unique process of IC 6-1.1-34 (governing appeals from the Lake county reassessment for 2002). However, many of the general rule provisions of 52 IAC 2 are applicable to matters heard under IC 6-1.1-34. Therefore, the definitions and rules found in 52 IAC 2 that are not inconsistent with this document apply to the appeals described in subsection (a). If there is a conflict, the definitions and rules of this document will control.

(c) The provisions of 52 IAC 2-6-6 do not apply to this document.

SECTION 3. The board shall conduct an impartial review of an appeal from a final assessment decision under IC 6-1.1-4-33(g) issued by the department.

SECTION 4. The following definitions apply throughout this document:

- (1) "Appeal petition" means a petition for review of a final assessment decision issued by the department and filed with the board under IC 6-1.1-4-34 on form 139L or such other form as prescribed by the board.
- (2) "Contractor" means a firm that entered into a contract with the department to assess property in the county

and to conduct informal hearings concerning assessments of real property in the county under IC 6-1.1-4-32 and IC 6-1.1-4-33.

(3) "County" means Lake County, Indiana.

(4) "Department" means the department of local government finance established under IC 6-1.1-30-1.1.

(5) "Final assessment decision" means a final decision issued by the department that serves as notice of a changed reassessment that may be appealed under IC 6-1.1-4-34(c).

(6) "Final order" or "final determination" means any action of the board that is:

- (A) designated as final by the board;
- (B) the final step in the administrative process before resort may be made to the judiciary; or
- (C) subject to appeal to tax court under IC 6-1.1-4-34(m).

(7) "Informal hearing" means the process described in IC 6-1.1-4-33(b).

(8) "Notice of reassessment" means a written notice of the assessed value of real property delivered to the taxpayer by the department pursuant to IC 6-1.1-4-32(f).

(9) "Special master" means a qualified individual designated by the board under IC 6-1.1-4-34(e) to conduct evidentiary hearings and prepare reports in accordance with IC 6-1.1-4-34(g).

SECTION 5. (a) An appeal petition must be filed with the county assessor within thirty (30) days after the department gives notice of the final assessment decision.

(b) There is a rebuttable presumption that the final assessment decision is mailed on the date of the final assessment decision.

SECTION 6. In order to appeal to the board, the taxpayer must:

- (1) request and participate as required in the informal hearing process under IC 6-1.1-4-33 not later than forty-five (45) days after the date of the notice of reassessment;
- (2) receive a final assessment decision from the department; and
- (3) file an appeal petition with the county assessor not later than thirty (30) days after the notice of the final assessment decision is given to the taxpayer.

SECTION 7. The hearing shall be scheduled no earlier than thirty (30) days after receipt of the appeal petition unless otherwise agreed by the parties.

SECTION 8. (a) Hearings will be conducted by a special master or by a member of the board acting as a special master.

(b) All testimony shall be under oath or affirmation.

(c) Hearings will be tape-recorded. The recording will

Emergency Rules

serve as the basis of the official record of the proceeding unless the hearing is transcribed by a court reporter. A party may hire a court reporting service to transcribe the hearing so long as the reporting service is directed to submit an official copy of the transcript to the board at no cost to the board.

(d) The special master may rule on any nonfinal order without the approval of a majority of the board.

(e) In order for a tax representative to participate in the hearing, the tax representative must be certified by the department and follow the rules of 52 IAC 1.

SECTION 9. (a) Hearings held before a special master shall be held in the county or at such other location as the parties and the designated special master agree.

(b) Hearings held by a member of the board acting as a special master may be held in the central office.

SECTION 10. (a) Except as provided in subsection (d), a party participating in the hearing may introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at the informal hearing described in IC 6-1.1-4-33.

(b) No posthearing submissions will be allowed or accepted unless requested by the board.

(c) The parties shall make available to all other parties copies of any documentary evidence and the names and addresses of all witnesses intended to be presented at the hearing at least five (5) days before the hearing. At the commencement of the hearing, the parties shall make available to the presiding special master a copy of all documentary evidence provided to the other parties.

(d) Failure to comply with subsection (c) may serve as grounds to exclude the evidence.

SECTION 11. A hearing may be continued only upon a showing of extraordinary circumstances.

SECTION 12. (a) The board shall conduct a hearing within the time limits set forth in IC 6-1.1-15-4(f) unless the board extends the time under subsection (c).

(b) The board shall make a final determination within the time limits set forth in IC 6-1.1-15-4(h) unless the board extends the time under subsection (c).

(c) If, due to the volume of pending appeals, it becomes impracticable to either conduct a hearing or make a final determination within the time frames established by IC 6-1.1-15-4, the board may extend the time frames as necessary.

SECTION 13. (a) The board shall examine each petition

filed under SECTION 5 of this document to determine whether it meets the jurisdictional requirements of IC 6-1.1-4-34(c). The board may establish procedures for such examinations, and the procedures may include orders to submit additional information, telephone conferences to clarify information provided, or other proceedings involving the parties as necessary to determine the events surrounding the taxpayer's filing.

(b) If a petitioner fails to respond to an order requesting additional information, or if, after the board has completed its examination, it is determined that the petitioner did not meet the jurisdictional requirements set forth in IC 6-1.1-4-34(c), the board shall dismiss the petition.

SECTION 14. The board may establish procedures to govern the participation of a township assessor or county assessor who wishes to attend or participate in a hearing under IC 6-1.1-4-34(j).

SECTION 15. This document readopts the provisions of LSA Document #04-261(E).

LSA Document #04-330(E)

Filed with Secretary of State: December 22, 2004, 2:40 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-326(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 740. Effective December 15, 2004.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 740, Cold Hard Cash".

SECTION 2. Scratch-off tickets in scratch-off game number 740 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 740 shall contain ten (10) play symbols and play symbol captions all concealed under a large spot of latex material. Nine (9) play symbols and play symbol captions shall appear in a matrix of three (3) rows and three (3) columns. One (1) play symbol and play symbol caption shall appear in a box labeled "PRIZE".

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1) A picture of a christmas tree

TREE

(2) A picture of a snowflake

SNFLAKE

(c) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$4.00
FOUR
- (4) \$5.00
FIVE
- (5) \$10.00
TEN
- (6) \$20.00
TWENTY
- (7) \$40.00
FORTY
- (8) \$100
ONE HUN
- (9) \$1,000
ONE THOU

SECTION 4. The holder of a ticket in scratch-off game number 740 shall remove the latex material covering the ten (10) play symbols and play symbol captions. If three (3) play symbols of a "snowflake" are exposed in a row, column, or diagonal, the holder is entitled to the prize in the "PRIZE" area. The prize amounts and number of winners in scratch-off game number 740 are as follows:

Winning Play Prize Play Symbol	Prize Amount	Approximate Number of Winners
\$1.00	\$1	600,000
\$2.00	\$2	400,000
\$4.00	\$4	120,000
\$5.00	\$5	40,000
\$10.00	\$10	60,000
\$20.00	\$20	20,000
\$40.00	\$40	6,000
\$100	\$100	2,100
\$1,000	\$1,000	100

SECTION 5. (a) There shall be approximately six million (6,000,000) scratch-off tickets initially available in scratch-off game number 740.

(b) The odds of winning a prize in scratch-off game number 740 are approximately 1 in 4.81.

(c) All reorders of tickets for scratch-off game number 740 shall have the same:

- (1) prize structure;
 - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
 - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 740 is December 31, 2005.

SECTION 7. This document expires January 31, 2006.

LSA Document #04-326(E)

Filed with Secretary of State: December 15, 2004, 12:20 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-327(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 741. Effective December 15, 2004.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 741, 25 Grand".

SECTION 2. Scratch-off tickets in scratch-off game number 741 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 741 shall contain twenty-two (22) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the area labeled "WINNING NUMBERS". Twenty (20) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS" arranged in pairs representing numbers or pictures and prize amounts.

(b) The play symbols and play symbol captions in scratch-off game number 741, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN

Emergency Rules

- (10) 10
TEN
- (11) 11
ELVN
- (12) 12
TWLV
- (13) 13
THRTN
- (14) 14
FORTN
- (15) 15
FIFTN
- (16) 16
SIXTN
- (17) 17
SVNTN
- (18) 18
EGHTN
- (19) 19
NINTN
- (20) 20
TWTY
- (21) A picture of a bill
WIN
- (22) A picture of a moneybag
WIN ALL

- (c) The play symbols and play symbol captions representing prize amounts in scratch-off game number 741 shall consist of the following possible play symbols and play symbol captions:
- (1) \$1.00
ONE
- (2) \$2.00
TWO
- (3) \$3.00
THREE
- (4) \$4.00
FOUR
- (5) \$5.00
FIVE
- (6) \$7.00
SEVEN
- (7) \$10.00
TEN
- (8) \$15.00
FIFTEEN
- (9) \$20.00
TWENTY
- (10) \$30.00
THIRTY
- (11) \$50.00
FIFTY
- (12) \$100
ONE HUN
- (13) \$500

- FIV HUN
- (14) \$10,000
TEN THOU
- (15) \$25,000
TWY FIV THOU

SECTION 4. The holder of a ticket in scratch-off game number 741 shall remove the latex material covering the twenty-two (22) play symbols and play symbol captions. If one (1) or more of "YOUR NUMBERS" match either of the "WINNING NUMBERS", the holder is entitled to the prize amount paired with the matched number. If the play symbol of a bill with the play symbol caption "WIN" is exposed, the player is automatically entitled to the paired prize amount. If the play symbol of a moneybag with the play symbol caption "WIN ALL" is exposed, the player is automatically entitled to all ten (10) prize amounts. The number of matches, paired prize amount play symbols, total prize amounts, and number of winners in scratch-off game number 741 are as follows:

Number of Matches and Paired Prize Amount Play Symbols	Total Prize Amount	Approximate Number of Winners
1 – \$2.00	\$2	270,000
1 – \$4.00	\$4	225,000
1 – \$2.00 + 1 – \$3.00 with bill	\$5	45,000
1 – \$5.00	\$5	30,000
10 – \$1.00 with moneybag	\$10	15,000
5 – \$2.00	\$10	15,000
1 – \$3.00 + 1 – \$7.00 with bill	\$10	15,000
1 – \$10.00	\$10	15,000
10 – \$2.00 with moneybag	\$20	7,500
10 – \$2.00	\$20	7,500
1 – \$5.00 + 1 – \$15.00	\$20	7,500
1 – \$20	\$20	7,500
10 – \$5.00 with moneybag	\$50	2,500
5 – \$10.00	\$50	2,500
1 – \$50	\$50	1,850
10 – \$10.00 with moneybag	\$100	500
1 – \$50.00 + 1 – \$50.00 with bill	\$100	500
1 – \$10.00 + 1 – \$30.00 + 3 – \$20.00	\$100	500
1 – \$100	\$100	625
4 – \$100	\$400	375
10 – \$100 with moneybag	\$1,000	15
5 – \$100 + 1 – \$500 with bill	\$1,000	15
1 – \$10,000	\$10,000	8
1 – \$25,000	\$25,000	4

SECTION 5. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 741.

(b) The odds of winning a prize in scratch-off game number 741 are approximately 1 in 4.48.

(c) All reorders of tickets for scratch-off game number 741 shall have the same:

- (1) prize structure;
 (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
 (3) odds;
 as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 741 is December 31, 2005.

SECTION 7. This document expires January 31, 2006.

LSA Document #04-327(E)

Filed with Secretary of State: December 15, 2004, 12:20 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-328(E)

DIGEST

Temporarily adds rules concerning scratch-off game number 742. Effective December 15, 2004.

SECTION 1. The name of this scratch-off game is “Scratch-Off Game Number 742, Hands Down Doubler”.

SECTION 2. Scratch-off tickets in scratch-off game number 742 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 742 shall contain fifteen (15) play symbols and play symbol captions arranged among two (2) separate and independent games each concealed under a spot of latex material.

(b) The game on the upper left side of each scratch-off ticket shall be labeled “GAME 1” and shall contain nine (9) play symbols and play symbol captions representing prize amounts arranged in a matrix of three (3) rows and three (3) columns.

(c) The game in the lower left side of each scratch-off ticket shall be labeled “GAME 2” and shall contain five (5) play symbols and play symbol captions representing playing cards and one (1) play symbol and play symbol caption representing a prize amount.

(d) One (1) play symbol and play symbol caption shall be located in the “BONUS” area.

SECTION 4. (a) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$2.00
 TWO
 (2) \$3.00

- THREE
 (3) \$4.00
 FOUR
 (4) \$5.00
 FIVE
 (5) \$10.00
 TEN
 (6) \$15.00
 FIFTEEN
 (7) \$20.00
 TWENTY
 (8) \$25.00
 TWY FIVE
 (9) \$30.00
 THIRTY
 (10) \$40.00
 FORTY
 (11) \$50.00
 FIFTY
 (12) \$60.00
 SIXTY
 (13) \$100
 ONE HUN
 (14) \$500
 FIVE HUN
 (15) \$1,000
 ONE THOU
 (16) \$12,000
 TWL THOU

(b) The play symbols and play symbol captions other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

(1)	2 TWO
(2)	3 THR
(3)	4 FOR
(4)	5 FIV
(5)	6 SIX
(6)	7 SVN
(7)	8 EGT
(8)	9 NIN
(9)	10 TEN
(10)	J JCK
(11)	Q QUN

Emergency Rules

(12)	K KNG
(13)	A ACE

SECTION 5. (a) The holder of a ticket in scratch-off game number 742 shall remove the latex material covering the sixteen (16) play symbols and play symbol captions.

(b) If three (3) matching play symbols and play symbol captions are exposed in "GAME 1", the holder is entitled to the matched prize amount.

(c) If two (2) matching play symbols and play symbol captions are exposed in "GAME 2", the holder is entitled to the associated prize amount.

(d) If the play symbol and play symbol caption of an "Ace" is exposed in the "Bonus" area, the holder is entitled to double the total prizes associated with the ticket.

SECTION 6. The number of winning plays, prize amounts, and approximate number of winners in scratch-off game number 742 are as follows:

Number of Winning Plays and Prize Amount Play Symbols	Prize Amount	Approximate Number of Winners
1 – \$2.00	\$2	270,000
1 – \$2.00 with ace	\$4	225,000
1 – \$4.00	\$4	45,000
1 – \$5.00	\$5	30,000
1 – \$5.00 with ace	\$10	15,000
2 – \$5.00	\$10	15,000
1 – \$2.00 + 1 – \$3.00 with ace	\$10	15,000
1 – \$10.00	\$10	15,000
1 – \$10.00 with ace	\$20	7,500
1 – \$20.00	\$20	7,500
1 – \$5.00 + 1 – \$15.00	\$20	7,500
2 – \$5.00 with ace	\$20	7,500
2 – \$25.00	\$50	2,500
1 – \$30.00 + 1 – \$20.00	\$50	2,500
1 – \$50.00	\$50	1,875
1 – \$50.00 with ace	\$100	1,000
1 – \$60.00 + 1 – \$40.00	\$100	1,000
1 – \$100	\$100	875
2 – \$100 with ace	\$400	500
1 – \$500 with ace	\$1,000	16
1 – \$1,000	\$1,000	16
1 – \$12,000	\$12,000	8

SECTION 7. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 742.

(b) The odds of winning a prize in scratch-off game number 742 are approximately 1 in 4.48.

(c) All reorders of tickets for scratch-off game number 742 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of two hundred twenty thousand (120,000) [*sic.*]; and
- (3) odds;

as contained in the initial order.

SECTION 8. The last day to claim a prize in scratch-off game number 742 is December 31, 2005.

SECTION 9. This document expires January 31, 2006.

LSA Document #04-328(E)

Filed with Secretary of State: December 15, 2004, 12:25 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-329(E)

DIGEST

Adds 65 IAC 4-353 concerning scratch-off game number 743. Effective December 17, 2004.

65 IAC 4-353

SECTION 1. 65 IAC 4-353 IS ADDED TO READ AS FOLLOWS:

Rule 353. Scratch-Off Game 743

65 IAC 4-353-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 1. The name of this scratch-off game is "Scratch-Off Game Number 743, \$250,000 Cash Blast". (*State Lottery Commission; 65 IAC 4-353-1; emergency rule filed Dec 15, 2004, 12:25 p.m.: 28 IR 1492, eff Dec 17, 2004*)

65 IAC 4-353-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 2. Scratch-off tickets for scratch-off game number 743 shall sell for ten dollars (\$10) per ticket. (*State Lottery Commission; 65 IAC 4-353-2; emergency rule filed Dec 15, 2004, 12:25 p.m.: 28 IR 1492, eff Dec 17, 2004*)

65 IAC 4-353-3 Play symbols

Authority: IC 4-30-3-7; IC 4-30-3-9

Affected: IC 4-30

Sec. 3. (a) Each scratch-off ticket in scratch-off game number 743 shall contain forty-six (46) play symbols and play symbol captions in the game play data area all con-

cealed under a large spot of latex material. Six (6) play symbols and play symbol captions shall appear in the area labeled “WINNING NUMBERS”. Forty (40) play symbols and play symbol captions shall appear in the area labeled “YOUR NUMBERS” arranged in pairs representing numbers or pictures and prize amounts.

(b) The play symbols and play symbol captions in scratch-off game number 743, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1
ONE
- (2) 2
TWO
- (3) 3
THR
- (4) 4
FOR
- (5) 5
FIV
- (6) 6
SIX
- (7) 7
SVN
- (8) 8
EGT
- (9) 9
NIN
- (10) 10
TEN
- (11) 11
ELV
- (12) 12
TLV
- (13) 13
TRN
- (14) 14
FRN
- (15) 15
FTN
- (16) 16
SXT
- (17) 17
SVT
- (18) 18
ETN
- (19) 19
NTN
- (20) 20
TWY
- (21) 21
TWN
- (22) 22
TWT
- (23) 23

- TWR
- (24) 24
TWF
- (25) 25
TWV
- (26) 26
TWS
- (27) 27
TSN
- (28) 28
TWE
- (29) 29
TNI
- (30) 30
TTY
- (31) 31
THO
- (32) 32
THT
- (33) 33
TTH
- (34) 34
TTF
- (35) 35
THF
- (36) 36
THS
- (37) 37
TTS
- (38) 38
THE
- (39) 39
THN
- (40) 40
FRY
- (41) 41
FRO
- (42) 42
FRT
- (43) 43
FTH
- (44) 44
FRF
- (45) 45
FRV
- (46) 46
FRS
- (47) 47
FSN
- (48) 48
FRE
- (49) 49
FNI
- (50) 50
FTY
- (51) 51

Emergency Rules

FYO
 (52) 52
 FYT
 (53) 53
 FYH
 (54) 54
 FYF
 (55) 55
 FYV
 (56) 56
 FYS
 (57) 57
 FYN
 (58) 58
 FYE
 (59) 59
 FNN
 (60) 60
 SXY
 (61) A picture of a bill
 DOLLAR

(c) The play symbols and play symbol captions representing prize amounts in scratch-off game number 743 shall consist of the following possible play symbols and play symbol captions:

(1) \$5.00
 FIVE
 (2) \$10.00
 TEN
 (3) \$15.00
 FIFTEEN
 (4) \$20.00
 TWENTY
 (5) \$50.00
 FIFTY
 (6) \$100
 ONE HUN
 (7) \$200
 TWO HUN
 (8) \$500
 FIVE HUN
 (9) \$1,000
 ONE THOU
 (10) \$10,000
 TEN THOU
 (11) \$250,000
 TWHNFY THOU

(State Lottery Commission; 65 IAC 4-353-3; emergency rule filed Dec 15, 2004, 12:25 p.m.: 28 IR 1492, eff Dec 17, 2004)

65 IAC 4-353-4 How to play

Authority: IC 4-30-3-7; IC 4-30-3-9
 Affected: IC 4-30

Sec. 4. The holder of a scratch-off ticket for scratch-off game 743 shall remove the latex material covering the forty-

six (46) play symbols and play symbol captions. If any of "YOUR NUMBERS" match any of the "WINNING NUMBERS", the holder is entitled to the paired prize amount. If the play symbol of a bill with the play symbol caption "DOLLAR" is exposed, the holder is automatically entitled to the paired prize amount. *(State Lottery Commission; 65 IAC 4-353-4; emergency rule filed Dec 15, 2004, 12:25 p.m.: 28 IR 1494, eff Dec 17, 2004)*

65 IAC 4-353-5 Number of prizes

Authority: IC 4-30-3-7; IC 4-30-3-9
 Affected: IC 4-30

Sec. 5. The prize amounts and number of winners in scratch-off game number 743 are as follows:

Number of Matches and Paired Prize Amount Play Symbols	Total Prize Amount	Approximate Number of Winners
1 – \$5.00 + 1 – \$5.00 with dollar	\$10	403,200
1 – \$10.00	\$10	302,400
1 – \$5.00 + 1 – \$10.00 with dollar	\$15	100,800
1 – \$15.00	\$15	100,800
2 – \$5.00 + 1 – \$10.00 with dollar	\$20	201,600
2 – \$10.00	\$20	201,600
1 – \$20.00	\$20	100,800
10 – \$5.00	\$50	10,080
1 – \$50.00 with dollar	\$50	10,080
5 – \$10.00	\$50	10,080
2 – \$20.00 + 1 – \$10.00 with dollar	\$50	10,080
1 – \$50.00	\$50	10,080
20 – \$5.00	\$100	10,500
10 – \$10.00	\$100	10,500
5 – \$20.00	\$100	10,500
1 – \$10.00 with dollar + 2 – \$20.00 + 1 – \$50.00	\$100	10,500
1 – \$100	\$100	10,500
20 – \$10.00	\$200	3,150
10 – \$20.00	\$200	2,940
1 – \$10.00 + 2 – \$20.00 + 1 – \$50.00 + 1 – \$100 with dollar	\$200	2,940
4 – \$50.00	\$200	2,940
1 – \$200	\$200	2,940
10 – \$20.00 + 3 – \$100	\$500	420
10 – \$50.00	\$500	420
6 – \$50.00 + 1 – \$200	\$500	420
5 – \$100	\$500	420
1 – \$500	\$500	420
20 – \$50.00	\$1,000	336
10 – \$50.00 + 1 – \$500 with dollar	\$1,000	210
10 – \$100	\$1,000	210
5 – \$200	\$1,000	210
1 – \$1,000	\$1,000	210

20 – \$500	\$10,000	84
1 – \$10,000	\$10,000	42
1 – \$250,000	\$250,000	10

(State Lottery Commission; 65 IAC 4-353-5; emergency rule filed Dec 15, 2004, 12:25 p.m.: 28 IR 1494, eff Dec 17, 2004)

65 IAC 4-353-6 Number of tickets; odds; reorders

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 6. (a) A total of approximately five million (5,000,000) scratch-off tickets will be initially available for scratch-off game number 743.

(b) The odds of winning a prize with a scratch-off ticket in scratch-off game number 743 are approximately 1 in 3.29.

(c) All reorders of tickets for scratch-off game number 743 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order. *(State Lottery Commission; 65 IAC 4-353-6; emergency rule filed Dec 15, 2004, 12:25 p.m.: 28 IR 1495, eff Dec 17, 2004)*

65 IAC 4-353-7 Last day to claim prizes

Authority: IC 4-30-3-7; IC 4-30-3-9
Affected: IC 4-30

Sec. 7. Players will have up to sixty (60) days from the end of scratch-off game 743 within which to claim their prizes. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll-free customer service number or from any scratch-off ticket retailer. *(State Lottery Commission; 65 IAC 4-353-7; emergency rule filed Dec 15, 2004, 12:25 p.m.: 28 IR 1495, eff Dec 17, 2004)*

SECTION 2. SECTION 1 of this document takes effect December 17, 2004.

LSA Document #04-329(E)

Filed with Secretary of State: December 15, 2004, 12:25 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-331(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 026. Effective December 29, 2004.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 026, Ruby Red 7s".

SECTION 2. Pull-tab tickets for pull-tab game number 026 shall sell for fifty cents (\$0.50) per ticket.

SECTION 3. Pull-tab game number 026 is a criss-cross game.

SECTION 4. A pull-tab ticket in pull-tab game number 026 shall contain fifteen (15) play symbols and play symbol captions arranged in a matrix of five (5) rows and three (3) columns. Each row shall be covered by a tab. The play symbols and play symbol captions in pull-tab game number 026 shall consist of the following possible play symbols:

- (1) A picture of a 7
SEVEN
- (2) A picture of [sic., a] gemstone
RUBY
- (3) A picture of a bell
BELL
- (4) A picture of a lemon
LEMON
- (5) A picture of cherries
CHERRIES
- (6) A picture of a gemstone
DIAMOND
- (7) A picture of an eight ball
EIGHT BALL
- (8) A picture of a horseshoe
HORSESHOE

SECTION 5. A row on a pull-tab ticket in pull-tab game number 026 which contains three (3) matching play symbols or two (2) matching play symbols plus one (1) identified play symbol is not a winning row unless all of the following are true:

- (1) The play symbols and play symbol captions in the row are consistent with those specified in SECTION 4 of this document.
- (2) The three (3) play symbols and play symbol captions in the row are bisected by a blue arrow.
- (3) The prize amount appears on the left side of the row in red ink in a yellow box.

SECTION 6. Subject to SECTION 5 of this document, the holder of a valid pull-tab ticket for pull-tab game number 026 containing three (3) matching sevens or two (2) matching sevens with any of the following play symbols of a ruby, bell, lemon, or cherries in a row, vertically, diagonally, or horizontally, is entitled to a prize amount the approximate number of which are as follows:

Matching Play Symbol in a Winning Row	Prize Amount	Approximate Number of Prizes
2 – Seven + 1 – Cherries	\$0.50	235,752
2 – Seven + 1 – Lemon	\$1	16,074
2 – Seven + 1 – Bell	\$7	5,358
2 – Seven + 1 – Ruby	\$27	2,679
3 – Seven	\$127	2,679

Emergency Rules

SECTION 7. A total of approximately one million eight hundred thousand (1,800,000) pull-tab tickets will be initially available for pull-tab game number 026. The odds of winning a prize in pull-tab game 026 are approximately 1 in 6.86. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game number 026 shall be sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll-free customer service number or from any pull-tab ticket retailer.

LSA Document #04-331(E)

Filed with Secretary of State: December 29, 2004, 2:50 p.m.

TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-332(E)

DIGEST

Temporarily adds rules concerning pull-tab game number 027. Effective December 29, 2004.

SECTION 1. The name of this pull-tab game is "Pull-Tab Game Number 027, Moolah Money".

SECTION 2. Pull-tab tickets for pull-tab game number 027 shall sell for one dollar (\$1) per ticket.

SECTION 3. Pull-tab game number 027 is a complete the character game.

SECTION 4. A pull-tab ticket in pull-tab game number 027 shall contain one (1) play symbol in a matrix of three (3) rows. Each row shall be covered by a tab. The play symbols in pull-tab game number 027 shall consist of the following:

- (1) A picture of a cow's head.
- (2) A picture of a cow's body.
- (3) A picture of a cow's foot.

SECTION 5. A winning combination in pull-tab ticket 027 shall consist of completing a Moo Cow character. A head play symbol will always appear under the top tab, a body play symbol will always appear under the middle tab, and a foot play symbol will always appear under the bottom tab.

SECTION 6. Subject to SECTION 5 of this document, the holder of a valid pull-tab ticket for pull-tab game number 027 containing a complete character of a Mow Cow is entitled to a prize the amount and the approximate number of which are as follows:

Play Symbols	Prize Amount	Approximate Number of Prizes
1 complete Betty Cow	\$1	187,530
1 complete Bandit Cow	\$2	61,617
1 complete Dusty Cow	\$5	26,790
1 complete Money Cow	\$10	5,358
1 complete Cool Cow	\$25	5,358
1 complete Super Cow	\$200	2,679

SECTION 7. A total of approximately one million eight hundred thousand (1,800,000) pull-tab tickets will be initially available for pull-tab game number 027. The odds of winning a prize in pull-tab game 027 are approximately 1 in 6.22. If additional pull-tab tickets are made available for this pull-tab game, the approximate number of each prize shall increase proportionally.

SECTION 8. The last day to claim prizes in pull-tab game number 027 shall be sixty (60) days after the end of the game. Game end dates are available on the commission's Web site at www.hoosierlottery.com or may be obtained through the commission's toll-free customer service number or from any pull-tab retailer.

LSA Document #04-332(E)

Filed with Secretary of State: December 29, 2004, 2:50 p.m.

**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #04-178

Under IC 12-8-3-4.4, LSA Document #04-178, printed at 28 IR 257, was adopted by the Secretary of Family and Social Services Administration on December 8, 2004. This rule amends 405 IAC 1-1-5 and 405 IAC 1-1.5-2 to specify that a hospital has 60 days after the date of an overpayment notice to repay the overpayment or to file an appeal to comply with P.L.78-2004. Amends 405 IAC 5-1-5 to update language regarding coding sources. Amends 405 IAC 5-3-13 to eliminate the prior authorization requirement for certain services and to specify that orthodontic procedures for members under 21 years of age for cases of craniofacial deformity or cleft palate are subject to prior authorization. Amends 405 IAC 5-9-1 to allow Medicaid reimbursement for evaluation and management services for 50 office visits per rolling 12 month period without prior authorization. Amends 405 IAC 5-19-1(h) to allow for reimbursement for medical supplies in quantities greater than a one-month supply if the recipient is a Medicare beneficiary and if Medicare allows reimbursement for that quantity. Amends 405 IAC 5-19-10 to specify that Medicaid reimbursement is available for corrective shoe features. The rule that was adopted is the same version as the proposed rule, which was published in the Indiana Register on October 1, 2004.

**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #04-219

Under IC 12-8-3-4.4, LSA Document #04-219, printed at 28 IR 655, was adopted by the Secretary of Family and Social Services Administration on December 13, 2004. This rule amends 405 IAC 1-5-1 to increase the required time providers must retain medical records. The rule that was adopted is the same version as the proposed rule, which was published in the Indiana Register on November 1, 2004.

**TITLE 440 DIVISION OF MENTAL HEALTH
AND ADDICTION**

LSA Document #04-229

Under IC 12-8-3-4.4, LSA Document #04-229, printed at 28 IR 657, amending the residential rules found at 440 IAC 7.5 was adopted by the director of the division of mental health and addiction on January 6, 2005. The rule that was adopted is a

different version than the proposed rule, which was published in the Indiana Register on November 1, 2004.

**TITLE 460 DIVISION OF DISABILITY, AGING AND
REHABILITATIVE SERVICES**

LSA Document #04-75

Under IC 12-8-3-4.4, LSA Document #04-75, printed at 28 IR 1002, which adds 460 IAC 1-3.4 concerning funding for applicants or recipients of services provided under the residential care assistance program out of the available program appropriation, was adopted by the division of disability, aging, and rehabilitative services on December 29, 2004. The rule is effective 30 days after filing with the secretary of state.

**TITLE 460 DIVISION OF DISABILITY, AGING AND
REHABILITATIVE SERVICES**

LSA Document #04-136

Under IC 12-8-3-4.4, LSA Document #04-136, printed at 28 IR 1004, which adds 460 IAC 1-11 to provide for the posting of notices at housing with services establishments, area agencies on aging, and centers for independent living that advise residents of their rights, and for procedures for residents and their representatives to file complaints concerning violations of filing disclosure requirements, was adopted by the division of disability, aging, and rehabilitative services on January 7, 2005. The rule is effective 30 days after filing with the secretary of state.

**TITLE 460 DIVISION OF DISABILITY, AGING AND
REHABILITATIVE SERVICES**

LSA Document #04-199

Under IC 12-8-3-4.4, LSA Document #04-199, printed at 28 IR 1007, which amends 460 IAC 1-8-3 to add to the list of those who are precluded from providing attendant care services and adds 460 IAC 1-8-11 through 460 IAC 1-8-13 regarding the hire of a fiscal agent by an individual in need of self-directed in-home care who has hired a personal services attendant, including duties, methods of payment for a personal services attendant and fiscal agent, and record keeping requirements, was adopted by the division of disability, aging, and rehabilitative services on December 29, 2004. The rule is effective 30 days after filing with the secretary of state.

Change in Notice of Public Hearing

TITLE 28 STATE INFORMATION TECHNOLOGY OVERSIGHT COMMISSION

LSA Document #04-123

The State Information Technology Oversight Commission gives notice that the date, time, and location of the public hearing for LSA Document #04-123, printed at 28 IR 986, have 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 **February 22, 2005 at 1:00 p.m.**, at the Indiana Government Center-South, 402 West Washington Street, **Training Center Room 5**, Indianapolis, Indiana the State Information Technology Oversight Commission will hold a public hearing on a proposed rule concerning the requirements for accessibility for the disabled in technology procurements and operations of state and local government entities. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N551 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

William D. Pierce
Systems Consultant
State Information Technology Oversight Commission

TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION

LSA Document #04-70

The Office of Environmental Adjudication gives notice that the date of the public hearing for LSA Document #04-70, printed at 28 IR 990, 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 **March 11, 2005 at 9:00 a.m.**, at the Indiana Government Center-North, 100 North Senate Avenue, Room N1049, Indianapolis, Indiana the Office of Environmental Adjudication will hold a public hearing on proposed amendments of 315 IAC 1. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N1049 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Catherine Gibbs
Environmental Law Judge
Office of Environmental Adjudication

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-196

The Fire Prevention and Building Safety Commission gives notice that the dates of the public hearings for LSA Document #04-196, printed at 28 IR 1029, have 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 **March 1, 2005**, at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana; **AND on May 4, 2005**, at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana, the Fire Prevention and Building Safety Commission will hold a public hearing on proposed rules concerning the adoption of NFPA 1126, and licensure of users of regulated explosives, including the adoption of NFPA 495. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Secretary
Fire Prevention and Building Safety Commission

TITLE 45 DEPARTMENT OF STATE REVENUE

LSA Document #05-4

Under IC 4-22-2-23, the Department of State Revenue intends to adopt a rule concerning the following:

OVERVIEW: Amends 45 IAC 2.2 to permanently adopt the temporary regulations adopted by the department to comply with the Streamlined Sales Tax Agreement and to comport with other recent statutory changes to IC 6-2.5. Statutory authority: IC 6-8.1-3-3.

TITLE 760 DEPARTMENT OF INSURANCE

LSA Document #05-5

Under IC 4-22-2-23, the Department of Insurance intends to adopt a rule concerning the following:

OVERVIEW: To amend 760 IAC 3-1 through 760 IAC 3-20 to implement updates to the National Association of Insurance Commissioner model Medicare supplement insurance minimum standards model act. Written comments may be submitted to the Indiana Department of Insurance, Attn: Amy Strati, 311 West Washington Street, Suite 300, Indianapolis, Indiana 46204 or e-mail to astrati@doi.state.in.us. Statutory authority: IC 27-8-13-9; IC 27-8-13-10; IC 27-8-13-10.1.

**TITLE 848 INDIANA STATE BOARD
OF NURSING**

LSA Document #05-2

Under IC 4-22-2-23, the Indiana State Board of Nursing intends to adopt a rule concerning the following:

OVERVIEW: Adds 848 IAC 7 concerning the requirements for a program for the rehabilitation of impaired registered nurses or impaired licensed practical nurses, requirements for participation in a program for the rehabilitation of impaired registered nurses or licensed practical nurses, and concerning alternative programs under the Interstate Nurse Licensure Compact. Effective 30 days after filing with the secretary of state. Questions or comments concerning the proposed rules may be directed to: Indiana State Board of Nursing, ATTENTION: Kristen Kelley, 402 West Washington Street, Room W066, Indianapolis, IN 46204-2700 or by electronic e-mail at krkelley@hpb.in.gov. Statutory authority: IC 25-23-1-7; IC 25-23.2.

TITLE 45 DEPARTMENT OF STATE REVENUE

Proposed Rule
LSA Document #04-292

DIGEST

Adds 45 IAC 20 concerning the conduct of charity gaming activities by qualified organizations licensed by the department of state revenue. Repeals 45 IAC 18. Effective 30 days after filing with the secretary of state.

45 IAC 20

SECTION 1. 45 IAC 20 IS ADDED TO READ AS FOLLOWS:

ARTICLE 20. CHARITY GAMING

Rule 1. Definitions

45 IAC 20-1-1 Applicability

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-6

Sec. 1. The definitions in IC 4-32-6 and this rule apply throughout this article. (*Department of State Revenue; 45 IAC 20-1-1*)

45 IAC 20-1-2 "Affiliate" defined

Authority: IC 4-32-7-3
Affected: IC 4-32-6

Sec. 2. "Affiliate" means any person or entity directly or indirectly controlling, controlled by, or under common control or ownership as the licensee or shares with the licensee a common board, directors, or officer. (*Department of State Revenue; 45 IAC 20-1-2*)

45 IAC 20-1-3 "Bingo" defined

Authority: IC 4-32-7-3
Affected: IC 4-32-6

Sec. 3. "Bingo" means a game conducted in the following manner:

- (1) Each participant receives at least one (1) bingo card or bingo paper.
 - (2) As the caller of the game announces a letter and number combination, each player covers the square corresponding to the announced number, letter, or combination of numbers and letters.
 - (3) The winner of each game is the player who is the first to properly cover a predetermined and announced pattern of squares upon the card used by the player.
- (*Department of State Revenue; 45 IAC 20-1-3*)

45 IAC 20-1-4 "Bingo card" or "bingo paper" defined

Authority: IC 4-32-7-3
Affected: IC 4-32-6

Sec. 4. "Bingo card" or "bingo paper" means permeations of letter and number combinations printed on reusable or nonreusable card or paper stock containing five (5) rows of five (5) squares, each imprinted with randomly placed numbers, one (1) through seventy-five (75), except for the center square that may be a free space, and a set of designators, similarly numbered, that are contained in a selection device. The letters "B-I-N-G-O" in this order must also be imprinted above each of the five (5) columns. A serial number consisting of at least five (5) alpha characters or numeric characters, or both, must be printed on each item manufactured and sold. (*Department of State Revenue; 45 IAC 20-1-4*)

45 IAC 20-1-5 "Bingo equipment" defined

Authority: IC 4-32-7-3
Affected: IC 4-32-6

Sec. 5. "Bingo equipment" means all paraphernalia used to conduct the game, including the following:

- (1) Random number selection equipment.
- (2) Designators, such as bingo balls.
- (3) Designator receptacles.
- (4) Number display boards.
- (5) Dispensing devices.

The term does not include audio or video equipment, which plays no part in the conduct of the game other than communicating the progress of the game, and any computer or other technologic aid. (*Department of State Revenue; 45 IAC 20-1-5*)

45 IAC 20-1-6 "Bingo supplies" defined

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9

Sec. 6. "Bingo supplies" means any of the following:

- (1) Bingo paper.
- (2) Bingo cards.
- (3) Concealed face bingo cards.
- (4) Daubers.
- (5) Other devices designed to cover squares on a bingo card or bingo paper.

(*Department of State Revenue; 45 IAC 20-1-6*)

45 IAC 20-1-7 "Calendar" defined

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9

Sec. 7. "Calendar" means a tabular register of days that:

- (1) does not cover less than one (1) calendar month or more than twelve (12) calendar months; and
- (2) is used for a calendar raffle.

(*Department of State Revenue; 45 IAC 20-1-7*)

45 IAC 20-1-8 "Calendar raffle" defined

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9

Sec. 8. “Calendar raffle” means a raffle in which a drawing is held and a prize awarded on each date specified in a calendar. (*Department of State Revenue; 45 IAC 20-1-8*)

45 IAC 20-1-9 “Charity game night” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-6

Sec. 9. (a) “Charity game night” means an event where wagers are placed upon the following permitted games of chance through the use of imitation money:

- (1) A card game.
- (2) A dice game.
- (3) A roulette wheel.
- (4) A spindle.

(b) The term does not include an event where wagers are placed on any of the following:

- (1) Bookmaking.
- (2) A slot machine.
- (3) A one-ball machine.
- (4) A pinball machine that awards anything other than an immediate and unrecorded right of replay.
- (5) A policy or numbers game.
- (6) A banking or percentage game played with cards or counters, including the acceptance of a fixed share of the stakes in a game.

(*Department of State Revenue; 45 IAC 20-1-9*)

45 IAC 20-1-10 “Computer or other technologic aid” defined

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9

Sec. 10. “Computer or other technologic aid” means either of the following:

- (1) A device that uses electronic or electromagnetic media to assist a player by:
 - (A) projecting the outcome of the game;
 - (B) keeping track of the number and letter combinations called in bingo;
 - (C) analyzing the probability of the occurrence of an event relating to the bingo; or
 - (D) analyzing the strategy for playing bingo.
- (2) A device, such as:
 - (A) a computer;
 - (B) a telephone;
 - (C) cable;
 - (D) television;
 - (E) a satellite;
 - (F) the Internet; or
 - (G) any other device;
 that broadcasts the playing of a game or links gaming events.

(*Department of State Revenue; 45 IAC 20-1-10*)

45 IAC 20-1-11 “Concealed face bingo card” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-9

Sec. 11. “Concealed face bingo card” means a nonreusable bingo card constructed to conceal the card face. This type of card is commonly referred to under trade names, such as the following:

- (1) Tear-Open.
- (2) Bonanza Bingo.
- (3) Bull’s-eye.
- (4) Fortune Cards.

A serial number consisting of at least five (5) alpha characters or numeric characters, or both, must be printed on each item manufactured and sold. (*Department of State Revenue; 45 IAC 20-1-11*)

45 IAC 20-1-12 “Conduct prejudicial to the public confidence in the department” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-1; IC 4-32-9; IC 35-45-5

Sec. 12. “Conduct prejudicial to the public confidence in the department” means conduct that gives the appearance of impropriety, including any of the following:

- (1) Failure to file tax returns.
- (2) Conducting a gaming event without a license.
- (3) Sports betting.
- (4) Operating a gambling device.
- (5) Operating or displaying for use an illegal gambling device, such as a “Cherry Master”, video poker machine, or video slot machine, in any area of a building in which the licensee’s premises is located and to which charity gaming participants have access regardless of whether the licensee or another entity owns the illegal device.
- (6) Any other activity illegal under IC 35-45-5.

(*Department of State Revenue; 45 IAC 20-1-12*)

45 IAC 20-1-13 “Deal” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-9

Sec. 13. “Deal” means each separate package, or series of packages, consisting of one (1) game of pull-tabs or tip boards with the same serial number. (*Department of State Revenue; 45 IAC 20-1-13*)

45 IAC 20-1-14 “Door prize” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-9

Sec. 14. “Door prize” means a prize awarded to a person based solely upon the person’s attendance at an event or the purchase of a ticket to attend an event and is not premised in whole or in part on the placing of a wager. No organization shall award a door prize when the award of a prize is determined, in whole or in part, on a sporting event.

Proposed Rules

(Department of State Revenue; 45 IAC 20-1-14)

45 IAC 20-1-15 “Existence” defined

Authority: IC 4-32-7-3

Affected: IC 4-32-9; IC 6-2.1-3; IC 6-3-2

Sec. 15. “Existence” means the organization’s active demonstrable support of its stated purpose or mission in addition to any actual corporate existence, including the following:

- (1) Maintaining its gross income tax exemption under IC 6-2.1-3.
- (2) Maintaining its adjusted gross income tax exemption under IC 6-3-2.
- (3) Being current in all tax filings.

(Department of State Revenue; 45 IAC 20-1-15)

45 IAC 20-1-16 “Festival” defined

Authority: IC 4-32-7-3

Affected: IC 4-32-9

Sec. 16. “Festival” means an event where a qualified organization is authorized to conduct:

- (1) bingo events;
- (2) charity game nights;
- (3) one (1) raffle event; or
- (4) door prize events;

and sell pull-tabs, punchboards, and tip boards. *(Department of State Revenue; 45 IAC 20-1-16)*

45 IAC 20-1-17 “Flare” defined

Authority: IC 4-32-7-3

Affected: IC 4-32-9

Sec. 17. (a) “Flare” means the card enclosed with each deal of pull-tabs that has the following information:

- (1) The name of the game.
- (2) The manufacturer’s name or distinctive logo.
- (3) The game form number.
- (4) The prize structure for the game, which includes:
 - (A) the number of winning pull-tabs by denomination; and
 - (B) their respective winning symbol or symbols or number or numbers combination.
- (5) The cost per ticket.
- (6) The serial number of the game.
- (7) The winning number or symbol for at least the top three (3) winning tiers set out in a manner that each prize may be marked off as the prize is won and awarded.

(b) Subsection (a)(7) does not apply to games that include the use of a seal card.

(c) All pull-tabs manufactured or distributed for sale in Indiana must meet the “Standards on Pull-Tabs” adopted by the North American Gaming Regulators Association, October 12, 1991, as amended October 20, 1998, which is

incorporated by reference. Copies are available from the North American Gaming Regulators Association, 26 East Exchange Street, Suite 500, St. Paul, MN 55101 or <http://www.nagra.org>. *(Department of State Revenue; 45 IAC 20-1-17)*

45 IAC 20-1-18 “In existence for at least twenty-five (25) years” defined

Authority: IC 4-32-7-3

Affected: IC 4-32-9

Sec. 18. “In existence for at least twenty-five (25) years” means that the nationally recognized charitable organization must have been continuously incorporated or legally authorized to do business for at least twenty-five (25) years as a charitable organization in each of at least three (3) states, including Indiana. *(Department of State Revenue; 45 IAC 20-1-18)*

45 IAC 20-1-19 “In good standing with the department” defined

Authority: IC 4-32-7-3

Affected: IC 4-32-9

Sec. 19. “In good standing with the department” means an individual or organization that has:

- (1) made all required tax filings or any other required filings with the department; and
- (2) no outstanding liabilities with the department.

(Department of State Revenue; 45 IAC 20-1-19)

45 IAC 20-1-20 “Location” defined

Authority: IC 4-32-7-3

Affected: IC 4-32-9

Sec. 20. “Location” means the street address and mailing address and cannot include a post office box. A location shall not be connected by a common roof or wall with another structure where gaming activities occur. *(Department of State Revenue; 45 IAC 20-1-20)*

45 IAC 20-1-21 “Member” defined

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32-9

Sec. 21. (a) “Member” means an individual who is:

- (1) qualified for membership in an organization under its:
 - (A) bylaws;
 - (B) articles of incorporation;
 - (C) charter; or
 - (D) rules;
- (2) entitled to vote in the election of the organization’s officers or board members, or both; and
- (3) eligible to be elected as an officer or board member, or both, and to participate in the determination of the policies of the organization.

The individual must be able to show continuous active

participation in the organization's stated purpose or mission, including, but not limited to, the contribution of time, money, or talent to the organization and must attend regular meetings of the organization.

(b) An auxiliary member may also be considered a member of an organization for the conduct of an allowable event if the following requirements are met:

(1) The auxiliary is:

(A) part of a nationally recognized charitable organization; and

(B) created in the organization's bylaws adopted before the effective date of this section.

(2) The auxiliary member is:

(A) entitled to vote in the election of the auxiliary organization's officers or board members, or both; and
(B) eligible to be elected as an officer or board member, or both, and to participate in the determination of the policies of the auxiliary organization.

(3) The individual must be able to show continuous active participation in the auxiliary organization's stated purpose or mission, including, but not limited to, the contribution of time, money, or talent to the auxiliary organization and must attend regular meetings of the auxiliary organization.

(Department of State Revenue; 45 IAC 20-1-21)

45 IAC 20-1-22 "Nationally recognized charitable organization" defined

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32-9

Sec. 22. "Nationally recognized charitable organization" means an organization that:

(1) possesses a determination letter or a ruling from the Internal Revenue Service stating that the organization is:

(A) currently exempt from taxation under 26 U.S.C. 501; or

(B) listed in Internal Revenue Service Publication 78 (Cumulative List of Organizations);

(2) has current exempt status with the department;

(3) is organized primarily for charitable purposes;

(4) is incorporated or legally authorized to do business in at least three (3) states, including Indiana; and

(5) has a national membership of at least five thousand (5,000) people.

(Department of State Revenue; 45 IAC 20-1-22)

45 IAC 20-1-23 "Operator" defined

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32-9

Sec. 23. (a) "Operator" means the member of a qualified organization responsible for conducting an allowable event and who is:

(1) an Indiana resident; and

(2) in good standing with the department.

(b) The following individuals are also operators:

(1) A bartender licensed with the alcohol and tobacco commission if the bartender sells only pull-tabs, tip boards, or punchboards.

(2) Any person who:

(A) accounts for money received at the charity gaming event;

(B) keeps records of the charity gaming event; or

(C) announces the letter-number combination at a bingo event.

(3) Any person responsible for disbursement of proceeds from an allowable event.

(Department of State Revenue; 45 IAC 20-1-23)

45 IAC 20-1-24 "Premises" defined

Authority: IC 4-32-7-3

Affected: IC 4-32-9

Sec. 24. "Premises" means a building or a distinct portion of a building where charity gaming is conducted. A portion of a building is considered distinct if it has a separate mailing address and is not connected by a common roof or wall with another structure where gaming activities occur.

(Department of State Revenue; 45 IAC 20-1-24)

45 IAC 20-1-25 "Pull-tab" defined

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32-9

Sec. 25. "Pull-tab" means a game conducted in the following manner:

(1) A single folded or banded ticket or a two-ply card with perforated break-open tabs is bought by a player.

(2) The face of each card is initially covered or otherwise hidden from view, concealing a:

(A) number;

(B) letter;

(C) symbol; or

(D) set of letters or symbols.

(3) In each set of tickets or cards, a designated number of tickets or cards have been randomly designated in advance as winners.

(4) Winners or potential winners, if the game includes the use of a seal, are determined by revealing the faces of tickets or cards. The player may be required to sign the player's name on numbered lines provided if a seal is used.

(5) The player with a winning pull-tab ticket or numbered line receives the prize stated on the flare from the qualified organization.

(6) A serial number consisting of at least five (5) alpha characters or numeric characters, or both, must be printed on each item manufactured and sold.

(7) A pull-tab may not be electronically generated.

Proposed Rules

(Department of State Revenue; 45 IAC 20-1-25)

45 IAC 20-1-26 “Punchboard” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-9

Sec. 26. “Punchboard” means a card or board that contains a grid or section that hides the random opportunity to win a prize based on the results of punching a single hole to reveal a symbol or prize amount. A serial number consisting of at least five (5) characters must be printed on each item manufactured and sold. A punchboard may not be electronically generated. (Department of State Revenue; 45 IAC 20-1-26)

45 IAC 20-1-27 “Raffle” defined

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9

Sec. 27. “Raffle” means a game in which one (1) or more persons who have purchased a raffle ticket win the prize or prizes. The winner or winners of the raffle are determined by drawing a ticket stub from a receptacle holding ticket stubs corresponding to all tickets sold for the raffle. The winning of a prize in a raffle cannot be premised in whole or in part on a sporting event. (Department of State Revenue; 45 IAC 20-1-27)

45 IAC 20-1-28 “Revoke” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-9

Sec. 28. “Revoke” means that a qualified organization cannot conduct any gaming events or hold a license for gaming events. The revocation begins:

- (1) at the time the organization receives notice from the department; or
- (2) when the organization exhausts all administrative remedies;

whichever is later. (Department of State Revenue; 45 IAC 20-1-28)

45 IAC 20-1-29 “Seal card” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-9

Sec. 29. “Seal card” means a board or placard used with pull-tabs that contains a seal or seals, which when removed or opened reveal predesignated winning numbers, letters, symbols, or monetary denominations. The seal card serves as the game flare and must contain the information required in section 17 of this rule unless the manufacturer provides an additional flare containing the required information. A seal card may not be electronically generated. (Department of State Revenue; 45 IAC 20-1-29)

45 IAC 20-1-30 “Serves a majority of counties in Indiana” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-9

Sec. 30. “Serves a majority of counties in Indiana” means that a nationally recognized charitable organization must do the following:

- (1) Maintain an office with a mailing address, which is open for business during posted business hours.
- (2) Directly assist selected individuals or conduct other charitable activity.

Both services must be continuously available and ongoing in at least forty-seven (47) Indiana counties. (Department of State Revenue; 45 IAC 20-1-30)

45 IAC 20-1-31 “Suspend” defined

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9

Sec. 31. “Suspend” means that the qualified organization cannot conduct any gaming events or hold a license for a period of time specified by the department. The period of suspension begins:

- (1) at the time the organization receives notice from the department; or
- (2) when the organization exhausts all administrative remedies;

whichever is later. (Department of State Revenue; 45 IAC 20-1-31)

45 IAC 20-1-32 “Tip board” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-9

Sec. 32. “Tip board” means a board, placard, or other device containing a seal that:

- (1) is marked off in a grid or columns, with each section containing a hidden number or other symbol that determines a winner;
- (2) describes the prize and price of each tip;
- (3) conceals the winning number or symbol; and
- (4) serves as the game flare for a tip board game.

(Department of State Revenue; 45 IAC 20-1-32)

45 IAC 20-1-33 “Tip board ticket” defined

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9

Sec. 33. “Tip board ticket” is a single folded or banded ticket, or multi-ply card, the face of which is initially covered or otherwise hidden from view to conceal a number, symbol, or set of symbols, some of which have been designated in advance and at random as prize winners. A tip board ticket may not be electronically generated. (Department of State Revenue; 45 IAC 20-1-33)

45 IAC 20-1-34 “Value” defined

Authority: IC 4-32-7-3
Affected: IC 4-32-6

Sec. 34. “Value”, when used in connection with the word “prize”, means the retail price of the property given as the prize when the prize is other than money. This definition applies whether the property given as the prize is purchased or donated for the event. If the prize given is money, then the value of the prize is the sum of money regardless of any losses by the player. (*Department of State Revenue; 45 IAC 20-1-34*)

45 IAC 20-1-35 “Wager” defined

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9

Sec. 35. “Wager” means risking money or other property for gain, contingent in whole or in part upon chance, but the term does not include participating in a bona fide contest of skill, speed, strength, or endurance in which awards are made only to entrants. (*Department of State Revenue; 45 IAC 20-1-35*)

45 IAC 20-1-36 “Worker” defined

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9; IC 4-32-6-24

Sec. 36. (a) “Worker” means a member of a qualified organization who helps or participates in any manner in preparing for, conducting, assisting in conducting, cleaning up after, or taking any other action in connection with an allowable event under this article and who is:

- (1) an Indiana resident; or
- (2) if an individual is not a resident of Indiana, he or she may be a worker only if the qualified organization ensures that the individual:
 - (A) is in good standing with:
 - (i) the department; and
 - (ii) the taxing authority of the state in which the individual resides; and
 - (B) will provide the department with his or her state tax returns upon request. Failure to provide such returns will result in the worker being precluded from associating with charity gaming in Indiana for a period of not less than one (1) year.

(b) Nothing in this section shall be construed to preclude a qualified organization from employing up to three (3) Indiana law enforcement officers or private detectives properly licensed in Indiana to perform security services during an allowable event. (*Department of State Revenue; 45 IAC 20-1-36*)

Rule 2. Application Procedures for Licensee

45 IAC 20-2-1 Application by qualified organization

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-9-18

Sec. 1. (a) To obtain a license to operate an allowable

event, a qualified organization must submit a written application on a form prescribed by the department.

(b) The application shall include the following information:

- (1) The name and location of the organization.
- (2) The name, address, and Social Security number of each officer of the organization.
- (3) The type of event the organization proposes to conduct.
- (4) The location at which the organization will conduct the event.
- (5) The dates and time for the proposed event.
- (6) Sufficient facts for the department to determine that the organization is a qualified organization, including, but not limited to, the following:

(A) The organization’s Indiana taxpayer identification number.

(B) A letter from the Internal Revenue Service stating that the organization is exempt from taxation under Section 501 of the Internal Revenue Code.

(C) Proof that the organization has been in continuous existence for five (5) or more years consisting of no fewer than:

- (i) three (3) documents per year received from a source outside of the organization, including, but not limited to, banking statements or utility bills; and
- (ii) two (2) documents per year originating from within the organization, including, but not limited to, minutes of meetings. Each document must contain the date in which the document was generated.

(D) A copy of the organization’s bylaws or articles of incorporation.

(E) The name of each proposed operator and sufficient facts to determine that person is qualified to be an operator, including, but not limited to, the proposed operator’s:

- (i) address;
- (ii) date of birth;
- (iii) length of membership; and
- (iv) Social Security number.

(F) A sworn statement by the presiding officer and secretary of the organization attesting to the eligibility of the organization, including the nonprofit character of the organization.

(G) A bona fide civic organization applying for an additional charity game night or festival night under IC 4-32-9-18(c) must have a 501(c)(4) determination by the Internal Revenue Service and be registered as a civic organization with the department by providing copies of the appropriate documents to the department. An organization holding an annual convention and exceeding the two hundred dollar (\$200) rent limitation must submit the following to the department:

- (i) A convention brochure.

- (ii) A newsletter distributed to its membership announcing the annual meeting.
- (iii) Any registration forms for the convention.
- (iv) Minutes of the meetings showing the discussion and planning of the convention.

(H) Proof that the organization is in good standing with the department.

(I) A current copy of the organization's membership roster or other proof of membership of each proposed operator or worker.

(J) A copy of the lease if the organization is renting the premises at which the gaming activity occurs. The lease must be between the organization and the owner of the premises, as determined by the property owner of record on the property tax rolls of the county in which the property is located.

(K) Any other information that the department may require.

(c) A license is not required if the following conditions are met:

- (1) A fee is not charged for the event.
- (2) The value of all prizes awarded does not exceed one thousand dollars (\$1,000) for a single event and no more than three thousand dollars (\$3,000) in a calendar year.

(d) Although a license is not required under subsection (c), a qualified organization is required to obtain an exemption letter from the department before holding such an event. The department may issue the exemption letter on an annual basis if the qualified organization shows that it holds such an event on a continuous basis throughout the year.

(e) If an event meets the conditions required by subsection (c) and an exemption letter is issued under subsection (d), 45 IAC 20-3-2 shall not apply to the conducting of that event. (*Department of State Revenue; 45 IAC 20-2-1*)

45 IAC 20-2-2 Application by a manufacturer or distributor

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32

Sec. 2. (a) An entity is required to be licensed to manufacture, distribute, or sell supplies, devices, or equipment to be used in charity gaming in Indiana. To obtain an annual license, a manufacturer or distributor must submit a written application on a form prescribed by the department.

(b) The manufacturer's application shall include the following information:

- (1) The name and address of:
 - (A) the applicant; and
 - (B) each of its separate locations where items are manufactured.

(2) The name and home address of all the owners of the applicant's business if it is not a corporation and, if it is a corporation, the name and address of:

(A) the officers of the corporation; and

(B) each person owning at least ten percent (10%) of any class of stock of the corporation.

(3) The name, business address, and home address of the registered agent for service in Indiana if the applicant is a corporation not domiciled in Indiana.

(4) Whether the applicant or any person required to be named in the application is an owner, officer, director, or employee of any other entity that would be licensed under this rule.

(5) A full description of the type of gaming supplies or related equipment that will be manufactured.

(6) The name of each state where the applicant has been licensed to manufacture, supply, or distribute gaming supplies or related equipment, the license numbers, the period of time licensed, and whether or not a license has ever been suspended, revoked, or voluntarily forfeited, and the reason for that action.

(c) A distributor must purchase all supplies and equipment to be used in charity gaming in Indiana from a licensed manufacturer or another licensed distributor. The distributor's application shall include the following information:

(1) The full name and address of the applicant.

(2) The name and address of:

(A) each location operated by the distributor from which bingo supplies are stored;

(B) each owner, if the applicant is not a corporate distributor;

(C) shareholder who owns ten percent (10%) or more of any class of stock; and

(D) the registered agent for service in Indiana, if it is a corporation not domiciled in Indiana.

(3) A full description of the type of gaming supplies that will be distributed.

(4) The name of each state where the applicant has been a licensed distributor, the license number, the period of time licensed, and whether or not a license has ever been suspended or revoked, and the reason for that action.

(5) The name and address of every manufacturer from which purchases are made to be distributed in Indiana.

(d) An entity that both manufactures and distributes supplies, devices, or equipment to be used in charity gaming in Indiana must possess a manufacturer's license and a distributor's license.

(e) A qualified organization that holds a current charity gaming license may sell surplus bingo equipment if it meets the following conditions:

- (1) The organization has prior written approval from the

department.

(2) The bingo equipment was used by the organization in gaming events.

(3) The organization has not sold any equipment under this exception in the prior twelve (12) calendar months.

(Department of State Revenue; 45 IAC 20-2-2)

45 IAC 20-2-3 License fees

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32-9; IC 4-32-11-1

Sec. 3. (a) Except for the renewal fee for an annual bingo license, all license fees must be paid at the time the application is submitted to the department. The renewal fee for an annual bingo license must be paid by the tenth day of the month in which the license expires.

(b) The annual license fee for a:

(1) manufacturer is three thousand dollars (\$3,000); and

(2) distributor is two thousand dollars (\$2,000).

(c) The initial fee on each separate license held by a qualified organization is twenty-five dollars (\$25).

(d) The renewal fee on each separate license held by a qualified organization is based on the total gross receipts from allowable events and related activities in the preceding year or, if the qualified organization held a license under IC 4-32-9-6 through IC 4-32-9-10, the total gross receipts from the preceding event and related activities, according to the following schedule:

Gross Receipts

At Least	But Less Than	Renewal Fee
\$0	\$15,000	\$25
\$15,000	\$25,000	\$75
\$25,000	\$50,000	\$200
\$50,000	\$75,000	\$350
\$75,000	\$100,000	\$600
\$100,000	\$150,000	\$900
\$150,000	\$200,000	\$1,200
\$200,000	\$250,000	\$1,500
\$250,000	\$300,000	\$1,800
\$300,000	\$400,000	\$2,500
\$400,000	\$500,000	\$3,250
\$500,000	\$750,000	\$5,000
\$750,000	\$1,000,000	\$6,750
\$1,000,000	\$1,250,000	\$8,500
\$1,250,000	\$1,500,000	\$10,000
\$1,500,000	\$1,750,000	\$12,000
\$1,750,000	\$2,000,000	\$14,000
\$2,000,000	\$2,250,000	\$16,250
\$2,250,000	\$2,500,000	\$18,500
\$2,500,000	\$3,000,000	\$22,500
\$3,000,000		\$25,000

(e) If an organization does not renew its license, but an auxiliary or affiliated group applies for a license, the application shall be considered a renewal and subject to the fees stated in subsection (d).

(f) If an organization held a special license for a single event, the license fee for a subsequent similar event is based on the gross receipts from the preceding allowable event and related activities, even if the subsequent event is held during the same year of operation.

(g) The gross receipts from the sale of pull-tabs, punchboards, and tip boards are included in total gross receipts for purposes of the renewal fee. Sales of other tangible personal property sold specifically at the event will be included in gross receipts as a related activity, for example, the qualified organization sells key chains, hot dogs, and drinks in the same area as the event being held. This would be considered a related activity because the sale took place as a result of the allowable event.

(h) The department may not issue a proposed assessment under IC 4-32-11-1 more than three (3) years after the date the application was filed. However, the department may issue a proposed assessment up to six (6) years after the date the application was filed if the:

(1) applicant fails to pay the entire license fee; and

(2) omission was greater than or equal to twenty-five percent (25%) of the required fee.

(Department of State Revenue; 45 IAC 20-2-3)

45 IAC 20-2-4 Charity gaming licenses

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32

Sec. 4. (a) A readable photocopy of a license is required to be prominently displayed at the facility where the event is being held. The original license must be available for inspection upon request at all times. In addition to the photocopy, a legible sign of adequate dimension of at least eight and one-half (8½) inches by eleven (11) inches must be prominently posted on each wall in such a manner that it can be clearly read by all the players during an event giving:

(1) the name of the qualified organization;

(2) its license number; and

(3) the expiration date of the license.

(b) Application for the following licenses may be made by a qualified organization:

(1) A bingo license that permits the licensee to conduct up to three (3) bingo events per calendar week. This license permits the licensee to conduct door prize drawings and sell:

(A) pull-tabs;

(B) punchboards; and

(C) tip boards;

at the bingo event. An organization cannot have more than one (1) allowable event per day. The bingo license is in effect for one (1) year from the date of issuance.

(2) A special bingo license that permits the licensee to conduct one (1) bingo event at only one (1) time and location. This license can be renewed at the discretion of the department upon reapplication and payment of the license fee based on the preceding event.

(3) A charity game night license that permits the licensee to conduct one (1) charity game night at one (1) location. This license permits the licensee to conduct a:

- (A) card game;
- (B) dice game;
- (C) roulette wheel; and
- (D) spindle.

This license also permits door prize drawings and the sale of pull-tabs, punchboards, and tip boards. An organization is limited to four (4) charity game nights per calendar year.

(4) A raffle license that permits the licensee to conduct a raffle at only one (1) time and location. This license also permits the licensee to conduct door prize drawings and to sell:

- (A) pull-tabs;
- (B) punchboards; and
- (C) tip boards.

However, a license is not required if the total market value of the prizes awarded at the raffle event does not exceed one thousand dollars (\$1,000).

(5) A door prize license that permits the licensee to conduct one (1) door prize event and to sell:

- (A) pull-tabs;
- (B) punchboards; and
- (C) tip boards.

However, a license is not required if the total market value of the prizes awarded at the door prize event does not exceed one thousand dollars (\$1,000).

(6) A festival license that permits the licensee to:

- (A) conduct:
 - (i) bingo events;
 - (ii) charity game nights;
 - (iii) one (1) raffle event; and
 - (iv) door prize events; and
- (B) sell:
 - (i) pull-tabs;
 - (ii) punchboards; and
 - (iii) tip boards;

at the festival. The festival can only be held once a calendar year and cannot exceed four (4) consecutive days. The raffle event conducted at a festival is not subject to any prize limitations. If the organization has a festival, the organization is precluded from conducting any further charity game nights during the year, unless the festival license is issued for less than four (4) days. Also, a festival license will be issued for less than four (4)

days if an organization has previously been granted one (1) or more charity game night licenses.

(c) A qualified organization may hold more than one (1) license at the same time. However, an organization cannot have a bingo event and a raffle at the same event without permission from the department. A bingo event and raffle event may only be held together once a calendar year. (*Department of State Revenue; 45 IAC 20-2-4*)

Rule 3. Charity Gaming

45 IAC 20-3-1 Allowable events

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32

Sec. 1. (a) A qualified organization must hold an allowable event in the county where its principal office is located.

(b) The following events are allowed:

- (1) A bingo event.
- (2) A charity game night.
- (3) A door prize drawing.
- (4) A festival.
- (5) A sale of pull-tabs.
- (6) A sale of punchboards.
- (7) A raffle event.
- (8) A sale of tip boards.

(c) A sale of pull-tabs, punchboards, or tip boards may be conducted by a qualified organization at any allowable event. Also, a qualified organization may sell pull-tabs, punchboards, or tip boards at any time on the premises owned or leased by the organization and regularly used by the organization as long as the organization possesses a valid bingo license. Seal card winners must provide their signature and form of identification, such as driver's license, state identification card, or Social Security number.

(d) No organization shall conduct any allowable event in which the winner of a prize is determined, in whole or in part, on a sporting event. (*Department of State Revenue; 45 IAC 20-3-1*)

45 IAC 20-3-2 Conducting an allowable event

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-8-1; IC 35-45-5-1

Sec. 2. (a) The qualified organization must obtain all bingo supplies, devices, and equipment from an entity licensed by the department to sell, distribute, or manufacture the supplies. Pull-tabs, punchboards, and tip boards must be obtained from a licensed entity, except for those obtained from the Hoosier Lottery.

(b) The purchase of Hoosier Lottery pull-tabs by the qualified organization is permitted, if the qualified organi-

zation is licensed by the Hoosier Lottery to sell the items. The provisions of IC 4-32 do not apply to the purchase and sale of Hoosier Lottery pull-tabs by a qualified organization.

(c) An organization cannot enter into an agreement with another person or entity to conduct the event for the organization.

(d) Only one (1) organization can conduct an event on the same day at the same location. An organization is limited to three (3) allowable events in a calendar week. An organization cannot lease its premises to another qualified organization if this would result in more than three (3) events being held on such premises during a calendar week. Unless otherwise authorized by the department, an organization is limited to one (1) allowable event each day. An event or events must not be held on more than two (2) consecutive days, except for a festival. An event that starts before midnight and continues after midnight is the same event for purposes of applying this article. Except for a festival, an event cannot be scheduled for more than eight (8) consecutive hours. There shall be a six (6) hour break between events, except for the sale of pull-tabs, punchboards, or tip boards. A charity game night cannot be held more than four (4) times in a calendar year.

(e) Rent paid by any entity for leased facilities for a qualified event cannot exceed two hundred dollars (\$200) per day and cannot be based on the revenue generated by the event. Additional moneys shall not be paid for utilities, janitorial expenses, security, setup and tear down expenses, or any other expenses. These expenses must be included in the two hundred dollar (\$200) rent limitation per day. The facility cannot be leased for more than three (3) days in a calendar week. A facility is owned when an organization holds a fee simple estate in the facility. A facility is leased when an organization enters into a written agreement to occupy the facility for a specific period that gives rise to the relationship of lessor/lessee, regardless of the terms of the agreement. The lease of a facility for an allowable event:

(1) must be:

(A) in writing; and

(B) between the owner of the facility and the qualified organization; and

(2) may not be a sublease.

(f) If an organization leases a facility by the year for the express purpose of holding the organization's meetings, conducting the organization's business, and carrying on all of the organization's other functions in addition to any charity gaming events, then the rent limitation of two hundred dollars (\$200) per day is applied to every day in which the organization is housed at the leased facility. The maximum amount of rent an organization can pay when it

is housed in a facility where gaming is conducted is seventy-three thousand dollars (\$73,000) per year. An organization must be able to prove that the leased facility is used for multi-functions by producing sufficient evidence. The necessary evidence to prove multi-functions can include, but is not limited to, the following:

(1) Photographs of the interior and exterior of the facility.

(2) A blueprint or copy of the facility's floor plan.

(3) Calendars of events scheduled in the facility that are not gaming related.

(4) Videotaped activities, such as parties, receptions, and meetings being held in the facility.

(5) One (1) complete year of all incidental charges, if any, associated with the use of the facility in addition to the base rent, such as the following:

(A) Utility bills.

(B) Insurance premiums.

(C) Property taxes.

(D) Maintenance and repairs.

(E) Any other expenses associated with the organization's use of the facility.

(g) Except for a festival, an organization must not pay more than fifty dollars (\$50) in total for personal property that may be used by the organization to conduct the event. This includes the rental of tables, chairs, and related equipment owned and leased by the lessor who is leasing the facility to the qualified organization for an allowable event. The rental of tangible personal property cannot be based on the revenue generated by the event. For a festival event, the fifty dollar (\$50) limitation only applies to the rental of gambling-related equipment and supplies.

(h) A qualified organization may advertise an allowable event. An advertisement in printed media must contain the name and license number, in bold print, of the organization conducting the event. An advertisement in broadcast media must announce, at the end of the advertisement, the name of the organization conducting the event and that qualified organization's license number is on file. A television announcement of the name and license number of the organization conducting the event may be in the form of an audio or a visual, or both. Advertising is the only activity a qualified organization may conduct on the Internet and that activity is limited to the organization's own Internet page.

(i) An organization cannot sell a pull-tab, punchboard, or tip board ticket for more than one dollar (\$1). Pull-tabs cannot be sold in this state unless a flare accompanies the deal.

(j) An organization may not permit a person under eighteen (18) years of age to play or participate in an allowable event. However, a person under eighteen (18) years of age may play or participate in nongambling

Proposed Rules

activities (such as ring toss, fishing, or ball throws) associated with an allowable event. A qualified organization is prohibited from allowing an individual under eighteen (18) years of age to serve food or drinks to participants in the area where the gaming is occurring. Also, an organization cannot pay the operator or workers of an allowable event, including tips from the players. A sign of at least eleven (11) inches by thirteen (13) inches printed with font size legible from a distance of at least ten (10) feet must be prominently posted on each wall during an event stating that the operator and workers are not allowed to accept tips. An operator is the person responsible for conducting an allowable event for the qualified organization. A worker is a person who helps or participates in any manner in conducting an allowable event.

(k) The organization must use operators and workers who are qualified members of the organization. An operator has to have been a member in good standing for at least one (1) year, and a worker has to have been a member in good standing for at least thirty (30) days. If the qualified organization has an auxiliary or affiliated group, and the auxiliary or affiliated group is not a licensed qualified organization, then members of the auxiliary or affiliated group will be considered members of the qualified organization for purposes of operating or working an allowable event.

(l) An organization may employ no more than three (3) nonmember Indiana law enforcement officers or private detectives properly licensed in Indiana to perform security services during the allowable event. An organization may not use more than three (3) security personnel unless the organization has prior written departmental approval.

(m) A person cannot be an operator or a worker if that person has been convicted of a felony in the last ten (10) years. An employee of the department or anyone living in the same household of such employee may not be an operator or a worker. Although the operator and the workers may not receive any payment for conducting or assisting at an allowable event, the organization is permitted to provide meals or a recognition dinner for the operator and the workers. Neither the operator nor a worker is permitted to participate in the allowable event that is being held. An operator is prohibited from being an operator for more than one (1) qualified organization in a calendar month.

(n) The prize limit for:

(1) one (1) bingo game is one thousand dollars (\$1,000); and

(2) a bingo event is six thousand dollars (\$6,000).

However, the department may permit a qualified organization to conduct two (2) bingo events a year where the prize

limit for the event is ten thousand dollars (\$10,000). The value of all door prizes awarded at a bingo event may not exceed one thousand five hundred dollars (\$1,500).

(o) A raffle event that is not conducted at another allowable event is not subject to any prize limitations concerning the raffle. Generally, if the raffle event is conducted at another allowable event, the total prize for the raffle event may not exceed five thousand dollars (\$5,000). However, the department may allow a qualified organization to conduct a raffle event at another allowable event where the total prize for the raffle event may not exceed twenty-five thousand dollars (\$25,000). If the raffle is conducted at a festival, it is not subject to any prize limitations concerning the raffle. The value of all door prizes awarded at a raffle event may not exceed one thousand five hundred dollars (\$1,500).

(p) The total prizes awarded for one (1) pull-tab, punchboard, or tip board game may not exceed five thousand dollars (\$5,000). The total prize, including the prize value of a seal if one is used, for one (1) ticket for a pull-tab, punchboard, or tip board may not exceed five hundred and ninety-nine dollars (\$599).

(q) The value of all door prizes awarded at a door prize event may not exceed five thousand dollars (\$5,000). However, the department may permit a qualified organization to conduct one (1) door prize event a year where the total prize awarded may not exceed twenty thousand dollars (\$20,000).

(r) For the exemptions from normal prize limits provided by subsection (n), (o), or (q), a qualified organization must submit a written application on a form prescribed by the department stating the date, time, and location of the event at least forty-five (45) days prior to the date of the event. The authorization to exceed the normal prize limits must be prominently displayed at the time and location of the event.

(s) All net proceeds from an allowable event must be used for the lawful purpose of the qualified organization.

(t) An organization may only accept United States currency and coin from players when conducting an allowable event and may not extend credit to any player.

(u) An organization may dispose of any unused bingo supplies, punchboards, pull-tabs, or tip boards by shredding or burning them. The organization must then notify the department that items were destroyed and must provide the following information:

- (1) The date the items were destroyed.
- (2) The manner of destruction.
- (3) A description of the items destroyed.
- (4) The quantity of items destroyed.

- (5) The serial numbers of the items destroyed.
- (6) The trade name of the items.

(v) If an organization has lost bingo supplies, through theft, fire, flood, or other disaster, the organization must immediately notify the department in writing of such loss and provide the following information:

- (1) The date the items were lost.
- (2) The manner of loss and a description of the items lost.
- (3) The serial numbers of the items lost.
- (4) The trade name of the items.
- (5) Copies of all insurance forms submitted for the loss.
- (6) Any police department or fire department reports created in connection to the loss.

(w) The department may seize any of the following:

- (1) Bingo supplies.
- (2) Bingo equipment.
- (3) Equipment used for a charity game night.
- (4) Computer or other technologic aid.
- (5) Pull-tabs.
- (6) Punchboards.
- (7) Tip boards.
- (8) Any device under IC 35-45-5-1.
- (9) Any other device, equipment, or implement used in making a wager.

(x) The department may destroy or otherwise dispose of the items in subsection (v) forty-five (45) days after the later of the following:

- (1) The department sends notice to the operators of the gaming event where the items were seized.
- (2) The owner of the items exhausts all administrative appeals under IC 4-32-8-1.

(Department of State Revenue; 45 IAC 20-3-2)

45 IAC 20-3-3 Calendar raffle; sale of tickets, calendars, and drawings for prizes

Authority: IC 4-32-7-3
Affected: IC 4-32

Sec. 3. (a) This section and sections 5 and 6 of this rule apply to calendar raffles.

(b) All calendars should be identical in form and include the following:

- (1) The number of the license issued by the department.
- (2) The name and address of the sponsoring organization.
- (3) The price of the calendar and the discounted price, if any, of multiple calendar purchases.
- (4) Places for the purchaser to enter his or her name and address.
- (5) The dates, time, and place of the drawings.

(c) Each calendar sold by an organization shall include a separate identification number, printed on both the pur-

chaser's and the organization's portion of the calendar, numbered consecutively in relation to the other calendars for the same drawing.

(d) No calendar may exceed ten dollars (\$10) in cost for each month covered by the calendar.

(e) No person may sell a calendar unless authorized by a licensed organization.

(f) Tickets for a calendar raffle may not be offered for sale more than one hundred eighty (180) days before the raffle drawing.

(g) A calendar relating to a specific calendar raffle may not be sold after a drawing has taken place for any date on the calendar.

(h) The calendar shall be printed with the prize amount for each date on which a prize will be awarded.

(i) A calendar may be sold that either designates a prize amount for:

- (1) every day; or
- (2) a smaller number of specifically designated days; in a calendar period.

(j) The calendars sold for a specific calendar raffle shall have identical prize dates printed on all calendars sold.

(k) A licensed organization may not change:

- (1) any date on which a prize will be awarded; or
 - (2) the amount of the designated prize;
- after the organization has begun the sale of calendars.

(l) A licensed organization shall conduct drawings for all designated prize dates and award the prize amount that is printed on the calendar for each date.

(m) The purchaser of a calendar need not be present at the drawing to win a prize.

(n) If a calendar raffle drawing is canceled, the organization shall refund the receipts to the calendar purchasers.

(o) The organization that holds a calendar raffle drawing shall furnish a list of prize winners to each calendar holder who provides the organization with a self-addressed stamped envelope and requests the list.

(p) Organizations conducting daily draws, 50-50's, and game ball raffles, but which do not use a published calendar raffle, will still apply for a calendar raffle license. Unpublished calendar raffles are not required to adhere to the regulations for a calendar raffle. *(Department of State Revenue; 45 IAC 20-3-3)*

45 IAC 20-3-4 Replacement of tickets in the drawing container

Authority: IC 4-32-7-3
Affected: IC 4-32

Sec. 4. A licensed organization shall place a ticket or stub that has been drawn for a specific date back into the container so that the purchaser of that ticket or stub will have a chance to win again on all subsequent drawing dates. *(Department of State Revenue; 45 IAC 20-3-4)*

45 IAC 20-3-5 Refunds

Authority: IC 4-32-7-3
Affected: IC 4-32

Sec. 5. (a) A licensed organization, which has sold a calendar for a specific calendar raffle and subsequently decides not to conduct one (1) or more drawings printed on the calendar, shall refund the complete purchase price to each purchaser.

(b) A licensed organization may not deduct from a refund to a purchaser a handling charge or other amount relating to the expense incurred by the organization in the sale of a calendar. *(Department of State Revenue; 45 IAC 20-3-5)*

45 IAC 20-3-6 Use of proceeds

Authority: IC 4-32-7-3
Affected: IC 4-32-9-16

Sec. 6. (a) In accordance with IC 4-32-9-16, as a condition of receiving a charity gaming license or nonlicense letter issued on or after May 1, 2003, the following minimum percentage of charitable gaming gross receipts shall be used for those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized, or those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes:

- (1) Five percent (5%) for organizations with annual gross receipts less than one hundred fifty thousand dollars (\$150,000).
- (2) Eight percent (8%) for organizations with annual gross receipts between and including one hundred fifty thousand dollars (\$150,000) and five hundred thousand dollars (\$500,000).
- (3) Ten percent (10%) for organizations with annual gross receipts over five hundred thousand dollars (\$500,000).

Unless an organization has derived no gross receipts in the previous fiscal year, the gross receipts of the most recently completed fiscal year shall be used to determine the applicable percentage for the use of proceeds requirement. An organization with no previous charitable gaming activity shall be subject to a five percent (5%) minimum use of

proceeds requirement.

(b) If an organization fails to meet the minimum use of proceeds requirement:

- (1) its license shall be suspended or revoked; and
- (2) no further licensed or unlicensed events may be held.

(c) Except as provided in subsection (b), if an organization is within less than one (1) percentage point of the minimum use of proceeds requirement for a given fiscal year, it may request a one-time approval to make up the deficiency (in dollars) in the following fiscal year. If such approval is granted, the deficiency will be added to the percentage requirement for the following year and the permit shall not be suspended.

(d) Failure to meet the required percentage in the year following such approval shall result in a one (1) year suspension. *(Department of State Revenue; 45 IAC 20-3-6)*

45 IAC 20-3-7 Specific uses of proceeds

Authority: IC 4-32-7-3
Affected: IC 4-32

Sec. 7. (a) All payments by a qualified organization as use of proceeds must be made by check written from the organization's charitable gaming account.

(b) Use of proceeds payments may be made for scholarship funds or the future acquisition, construction, remodeling, or improvement of real property or the acquisition of other equipment or vehicles to be used for religious, charitable, educational, or community purposes. An organization may obtain department approval to establish a special fund account or an irrevocable trust fund for special circumstances. Transfers from a charitable gaming account to a special account or an irrevocable trust fund may be included as a use of proceeds if the payment is authorized by an organization's board of directors.

(c) No payments made to a special fund account shall be withdrawn for any purpose other than the specified purpose unless prior notification is made to the department.

(d) Expenditures of charitable gaming funds for:

- (1) social or recreational activities; or
 - (2) events, activities, or programs that are open primarily to an organization's members and their families;
- shall not qualify as use of proceeds unless substantial benefit to the community is demonstrated.

(e) Expenditures of charitable gaming funds for salaries or honoraria to:

- (1) officers;
- (2) directors;
- (3) members; or

(4) employees;
of the qualified organization shall not qualify as use of proceeds.

(f) Payments made to or on behalf of indigent, sick, or deceased members or their immediate families shall be allowed as use of proceeds up to one percent (1%) of an organization's previous year gross receipts provided they are approved by the board of directors and the specific need is documented. Organizations may obtain prior department approval to exceed the one percent (1%) limit in special cases.

(g) Payments made directly for the benefit of:
(1) an individual member;
(2) a member of his or her family; or
(3) a person residing in his or her household;
shall not be allowed as a use of proceeds unless authorized by law.

(h) Use of proceeds payments by an organization shall not be made for any activity that:
(1) is prohibited by federal, state, or local laws; or
(2) attempts to influence or finance directly or indirectly political parties or committees or the election or reelection of any person who is or has been a candidate for public office.

This subsection does not apply to bona fide political organizations.

(i) Organizations shall provide details of use of proceeds with the annual financial report.

(j) The department may disallow a use of proceeds payment to be counted against the minimum percentage referred to in section 6 of this rule.

(k) If any payment claimed as use of proceeds is subsequently disallowed, an organization may be allowed additional time as specified by the department to meet minimum use of proceeds requirements. (*Department of State Revenue; 45 IAC 20-3-7*)

Rule 4. Record Keeping Requirements

45 IAC 20-4-1 Records of qualified organization

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32

Sec. 1. (a) A qualified organization must maintain adequate records of all financial aspects of a qualified event and report such information to the department on forms prescribed by the department. The organization must set up a separate account to account for all proceeds and expenditures of the qualified event. The records that must be kept include the:

- (1) gross receipts from each type of activity conducted at the allowable event;
- (2) prize payout; and
- (3) net receipts to the organization.

Accountable are any rental costs associated with conducting the allowable event, including, but not limited to, a facility lease and the lease of tangible personal property.

- (b) The reports are due:
- (1) thirty (30) days after the expiration date listed on the annual bingo license; or
 - (2) in the case of a special event license, ten (10) days after the special event is concluded.

(c) A qualified organization shall use Schedule CG-NSR (Charity Gaming Nightly Summary Report).

(d) The department will be granted unrestricted access to all records, including, but not limited to, the following:

- (1) Membership information.
- (2) Financial records.
- (3) Receipts for the purchase of:
 - (A) bingo supplies;
 - (B) punchboards;
 - (C) pull-tabs; and
 - (D) tip boards.

(e) An individual, or an employee, officer, or member of a corporate or partnership licensed entity who has a duty to remit gaming card excise tax to the department:

- (1) holds the tax in trust for the state; and
- (2) is personally liable for the payment of the tax plus any penalties and interest attributable to the tax.

(*Department of State Revenue; 45 IAC 20-4-1*)

45 IAC 20-4-2 Records of manufacturer or distributor

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32-7-4

Sec. 2. (a) An entity licensed as a manufacturer or distributor must keep records satisfactory to the department. The records must include the following:

- (1) A general sales invoice that:
 - (A) is:
 - (i) numbered consecutively; and
 - (ii) prepared in at least two (2) parts, one being issued to the customer and the other retained in an invoice file; and
 - (B) sets out:
 - (i) the date of sale;
 - (ii) the customer name and business address;
 - (iii) a full description of each item sold, including the serial numbers of the products sold;
 - (iv) the quantity and sales price of each item;
 - (v) the manufacturer's or distributor's license number;

- (vi) the customer's license number; and
- (vii) the gaming card excise tax due on the sale.
- (2) Credit memoranda prepared in the same detail as sales invoices.
- (3) A sales journal containing at least the following, by calendar month:
 - (A) The date of sale.
 - (B) The invoice number of the sale.
 - (C) The customer name or account number.
 - (D) The total amount of the invoice.
 - (E) The total amount of the gaming card excise tax due on the sale.
- (4) A complete list of the persons representing the licensee.
- (5) Purchase records documenting that all:
 - (A) bingo supplies;
 - (B) equipment;
 - (C) pull-tabs;
 - (D) punchboards; and
 - (E) tip boards;were purchased from either a licensed manufacturer or another licensed distributor.
- (b) A serial number printed on an item sold must be identifiable with the sales invoice reflecting the sale of the specific item.
- (c) Records are required to be maintained until the later of the following:
 - (1) Six (6) years after the year in which they are created.
 - (2) The end of the audit if such records are under audit.
- (d) Marketing sheets that show the expected gross income, payout, net income, and number of deals in the pull-tab game that have been sold to the qualified organization. "Payout" does not include the cost of the game itself.
- (e) If a licensed manufacturer or distributor destroys, discontinues, or otherwise tenders unusable bingo supplies, punchboards, pull-tabs, or tip boards sold in Indiana, then the manufacturer or distributor must provide the department with a written list of the items destroyed, including:
 - (1) quantity;
 - (2) a description of the items;
 - (3) serial numbers; and
 - (4) the date on which the items were destroyed.
- (f) A licensed manufacturer or distributor must keep the department informed of:
 - (1) its location; and
 - (2) where the records will be stored if the manufacturer ceases business.
- (g) The records referenced in subsections (a) through (f) must be produced upon request by the department or its

representative.

(h) Manufacturers or distributors of supplies, devices, or equipment, as described in IC 4-32-7-4(a), to be used in charity gaming in Indiana must submit monthly reports, as prescribed by the department, detailing their sales of punchboards, pull-tabs, and tip boards to Indiana not-for-profit organizations. (*Department of State Revenue; 45 IAC 20-4-2*)

Rule 5. Taxation

45 IAC 20-5-1 Income and sales taxes

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32; IC 6-2.1; IC 6-2.5; IC 6-3; IC 6-3.5

Sec. 1. (a) Unless otherwise taxable by federal or state law, the income from an allowable event that is used for the lawful purpose of the qualified organization will be considered related income and therefore exempt from the adjusted gross income tax and supplemental net income tax.

(b) Unless otherwise provided by IC 6-2.1, the taxation of receipts from charity gaming activities for gross income tax purposes will depend upon the exempt status of the qualified organization. Generally, a wholly exempt organization would not be taxable on such receipts, and a partially exempt organization would be taxable on such receipts for gross income tax purposes.

(c) If an organization conducts any kind of illegal activity, such as a poker machine, slot machine, or numbers game, the income will be considered unrelated income and subject to the:

- (1) gross income tax;
- (2) adjusted gross income tax; and
- (3) supplemental net income tax;

unless otherwise not taxable under federal or state law.

(d) The fees charged for participating in an allowable event are consideration paid for a chance to win and not a sale of tangible personal property. Therefore, such fees will not be subject to the Indiana sales and use tax.

(e) Local taxes, regardless of type, may not be imposed on the operations or sales authorized by this article. (*Department of State Revenue; 45 IAC 20-5-1*)

45 IAC 20-5-2 Gaming card excise tax

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32-15

Sec. 2. (a) An excise tax is imposed on a licensed distributor or manufacturer in the amount of ten percent (10%) of the price paid by the qualified organization that purchases pull-tabs, punchboards, or tip boards.

(b) Sales of bingo supplies and bingo equipment by manufacturers or distributors are not subject to the gaming card excise tax.

(c) The gaming card excise tax:

- (1) is due twenty (20) days after the end of the calendar month in which the tax is imposed; and
- (2) shall be remitted with the forms prescribed by the department.

(d) All payments must be in the form of a check, a draft, or another financial instrument approved by the department prior to payment.

(e) The department may, at any time, perform an audit of the books of a licensed entity to ensure compliance with IC 4-32-15. (*Department of State Revenue; 45 IAC 20-5-2*)

Rule 6. Penalties

45 IAC 20-6-1 License revocation

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32; IC 6-8.1

Sec. 1. (a) The proposed action of the department to impose a civil penalty under this article is subject to review under IC 6-8.1. However, the licensee has only seventy-two (72) hours from its receipt of the decision, intended decision, or other action to file a written protest. Except as provided in subsection (b), as long as the matter is under protest, the licensee can continue to operate until all administrative appeals have been exhausted.

(b) The department may determine at any time that an emergency exists that requires the immediate termination of a license. Effective with the receipt of the department's decision to terminate its license, a licensee must cease all operations that were previously authorized under the license.

(c) An emergency requiring the immediate termination of a license will be deemed to exist under any of the following circumstances:

- (1) The information provided on the application for license is found to be false or misleading.
- (2) The appropriate fees are not paid.
- (3) An entity other than the qualified organization is conducting the allowable event.
- (4) The qualified organization is exceeding:
 - (A) its allowable expenditures with respect to an allowable event; or
 - (B) the number of days that it can conduct an allowable event.
- (5) The organization has conducted an allowable event at the same place and on the same day as another qualified organization.

(6) Net proceeds are being used for purposes other than the lawful purposes of the organization.

(7) Accurate reports are not being filed with the department in a timely manner.

(8) Receipts and expenditures from an allowable event are not being kept in a separate and segregated account set up for that purpose.

(9) An allowable event is being held in a county other than where the qualified organization's principal office is located.

(10) An operator or worker does not meet the requirements of IC 4-32.

(11) Prizes awarded are exceeding the limitations imposed by IC 4-32.

(12) The qualified organization fails or refuses to:

(A) comply with the record keeping requirement of IC 4-32; or

(B) allow inspection of records kept under IC 4-32.

(13) Any other violation of IC 4-32 or this article considered to be of a serious nature by the department.

(d) If a licensee does not file a formal protest of the department's proposed termination of its license within the time limit imposed by subsection (a), then such inaction may be deemed an admission of the alleged violation and the department may issue an immediate termination of the license.

(e) The license of a manufacturer or distributor shall be terminated if there is a change in ownership and the department determines that an undesirable party is assuming the privileges of the license held by the manufacturer or distributor. (*Department of State Revenue; 45 IAC 20-6-1*)

Rule 7. Restrictions

45 IAC 20-7-1 Restrictions

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32-7-4; IC 4-32-9; IC 6-8.1

Sec. 1. (a) A qualified organization shall not enter into any formal or informal agreement, including, but not limited to:

- (1) hiring or contracting operators and workers; or
 - (2) leasing real or tangible personal property;
- with a person affiliated with that organization. Such affiliations include, but are not limited to, members, officers, directors, or members of their family.

(b) A manufacturer, distributor, or their officers, employees, or agents shall not affiliate with the gaming operation of a qualified organization in any manner other than the sale or lease of gaming supplies.

(c) An applicant for a charity gaming license may not use a post office box instead of an actual street address on any

part of its application, including the listing of addresses for workers and operators.

(d) Any holder of:

- (1) an Indiana charity gaming license;
- (2) a distributor's license; or
- (3) a manufacturer's license;

shall not prohibit the department's employees from entering the licensed premises for inspection of all books and records.

(e) If an organization makes an application for a charity gaming license and has been found to have violated:

- (1) IC 4-32-9-15;
- (2) IC 4-32-9-23;
- (3) IC 4-32-9-25;
- (4) IC 4-32-9-26;
- (5) IC 4-32-9-28; or
- (6) IC 4-32-9-29;

the organization may not reapply for any charity gaming license for a period of one (1) year after the date of the denial by the department, the exhaustion of administrative remedies, or the conclusion of any resulting legal action, whichever is later in time. (*Department of State Revenue; 45 IAC 20-7-1*)

Rule 8. Administrative Procedures

45 IAC 20-8-1 Representation of a qualified organization before the department

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32

Sec. 1. (a) There are no formal qualifications for individuals to represent a qualified organization before the department. Prior to the department releasing any information to any person representing a qualified organization or licensee, or otherwise appearing or communicating with the department on a qualified organization or licensee's behalf, the representative must present a properly executed power of attorney, or, if the person is an attorney at law, then an appearance must be filed. No information will be released to anyone other than an officer or director of the qualified organization, unless a properly executed power of attorney or appearance has been presented. Power of attorney and appearance forms are available from the department.

(b) Casual conversations with a qualified organization or licensee's representative who does not have an appearance on file are permitted. However, specific information will not be disclosed.

(c) The appearance must contain the following information:

- (1) The name, address, and taxpayer identification number of the qualified organization.

(2) The name, address, and telephone number of the qualified organization's representative or representatives. A corporation, law firm, or accounting firm must name at least one (1) individual as the representative.

(3) Any restrictions or limitations placed upon the representative when acting on behalf of the qualified organization.

(4) The appearance must be signed by an officer of the qualified organization or an individual authorized to execute a power of attorney. The department may require that the signature be notarized if the representative is not a licensed attorney or certified public accountant.

(d) If the qualified organization executes an appearance, the department will communicate primarily with the organization's representative. (*Department of State Revenue; 45 IAC 20-8-1*)

45 IAC 20-8-2 Notice

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32

Sec. 2. If the department believes that a qualified organization or licensee has improperly reported a listed tax liability, the department may, within the prescribed statute of limitations period, issue to such qualified organization or licensee a formal notice that the department proposes to assess additional tax. The formal notice shall be based on the best information available to the department. Any written advisement, which informs the qualified organization or licensee of the amount of the proposed assessment for a particular tax period, shall constitute a formal notice. A formal notice shall be sent through the United States mail. (*Department of State Revenue; 45 IAC 20-8-2*)

45 IAC 20-8-3 Protests

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32

Sec. 3. (a) An entity has seventy-two (72) hours, as calculated in section 9 of this rule, from the date the notice of violation or department order is received to protest the department's findings under IC 4-32. The calculation of the seventy-two (72) hours begins at 8 a.m. the day following the receipt of the department's notice.

(b) All protests must be in writing and include the organization's:

- (1) name;
- (2) taxpayer identification number;
- (3) address; and
- (4) basis for objections to the department's findings.

(c) If the organization desires a hearing before the department, the protest shall so state. If an application or reapplication has been denied, the organization may, instead of a hearing, refile its application or pay the civil

finances. Protests should be submitted to the charity gaming hearing officer.

(d) The department may correspond with the entity before the hearing, either in writing or orally, in order to gather information and clarify issues presented in the protest letter. (*Department of State Revenue; 45 IAC 20-8-3*)

45 IAC 20-8-4 Hearings

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32

Sec. 4. (a) A qualified organization receiving a notice from the department shall have a right to protest and have a hearing of the facts and issues before the department makes a final determination.

(b) The department's hearing procedures are as follows:

- (1) Upon receipt of a timely protest requesting a hearing with the department, the organization's protest will be forwarded to the charity gaming hearing officer.
- (2) The charity gaming hearing officer shall set a date for a hearing of the protest, and the qualified organization will be notified of the time and place thereof.
- (3) Once a hearing date has been set, extensions of time, continuances, and adjournments may be granted at the discretion of the department upon a showing of good cause.
- (4) If the qualified organization or its duly authorized representative wishes to file legal memoranda with the department concerning the facts, issues, and arguments of its protest, that material must be submitted at least five (5) days before the date of the hearing.
- (5) If an organization or its representative fails to appear at a hearing without securing a continuance, a default judgment will be issued in favor of the department.
- (6) The hearing will be conducted in an informal manner. The purpose of the hearing is to establish the qualified organization's specific objections and the reason for those objections.
- (7) The burden of proving that the department's findings are incorrect rests with the organization against which the department's findings are made. The department's investigation establishes a prima facie presumption of the validity of the department's findings.
- (8) If an organization fails to appear for a scheduled hearing, the petitioner will be assessed the costs of holding the hearing in their absence. An organization will no longer be in good standing with the department if they fail to pay the costs of conducting the hearing within thirty (30) days.

(*Department of State Revenue; 45 IAC 20-8-4*)

45 IAC 20-8-5 Department's findings

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32

Sec. 5. The protest will not be resolved at the hearing. The department will consider all facts and arguments presented, and a decision will be rendered in writing described as a departmental order. (*Department of State Revenue; 45 IAC 20-8-5*)

45 IAC 20-8-6 Rehearing

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32

Sec. 6. (a) After receipt of the departmental order, the taxpayer may petition for a rehearing. The petition for rehearing must be timely filed according to section 3 of this rule. A rehearing will be granted by the department only under unusual circumstances. The taxpayer must allege that certain material facts or circumstances were not presented or considered in the original proceedings. A rehearing is granted at the discretion of the department.

(b) If a rehearing is granted, the rehearing will not be held de novo unless abuse of discretion is alleged. When such abuse is alleged, the evidence will not be reweighed. Instead, the department will only consider evidence most favorable to the department's position and reverse only if the decision is clearly against the logic and effect of the facts and circumstances. However, if the taxpayer presents new and relevant evidence as grounds for reversal, the new evidence will be weighed in light of all relevant facts and circumstances. (*Department of State Revenue; 45 IAC 20-8-6*)

45 IAC 20-8-7 Statute of limitations and retention of records

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 4-32; IC 6-8.1-5-2

Sec. 7. Except as otherwise provided in IC 6-8.1-5-2, the statute of limitations for the assessment of a listed tax is governed by 45 IAC 15-5-7. There is no statute of limitations imposed upon the department investigating a violation of IC 4-32. A qualified organization must retain its business records in accordance with the following schedule:

- (1) The following must be retained for ten (10) years:
 - (A) IT-35AR & NP-20.
 - (B) ST-103.
 - (C) Nightly game sheets.
 - (D) Federal Form 990.
- (2) The following must be retained for three (3) years:
 - (A) Seal cards.
 - (B) Flare cards.
 - (C) Schedule CG-NSR.
 - (D) All other documents kept in the regular course of conducting charity gaming events.

(*Department of State Revenue; 45 IAC 20-8-7*)

45 IAC 20-8-8 Holidays

Authority: IC 4-32-7-3; IC 4-32-8-3
Affected: IC 1-1-9-1; IC 4-32

Proposed Rules

Sec. 8. Any act that is required to be performed under IC 4-32 may be performed on the succeeding business day if the due date falls on:

- (1) any state holiday listed in IC 1-1-9-1;
- (2) any other national legal holiday;
- (3) a Saturday; or
- (4) a Sunday.

(Department of State Revenue; 45 IAC 20-8-8)

45 IAC 20-8-9 Date of filing

Authority: IC 4-32-7-3; IC 4-32-8-3

Affected: IC 4-32

Sec. 9. (a) If a document that is required to be filed with the department by a prescribed date is mailed through the United States mail, the date displayed on the post office cancellation mark establishes an irrebuttable presumption that the displayed date was the date on which the document was filed. If a document is delivered to the department in any manner other than the United States mail, the department shall stamp the document in such a fashion as to display the date the document is received. This date stamped by the department shall establish an irrebuttable presumption as to the date the document is received.

(b) If a document is sent through the United States mail by registered mail, certified mail, or certificate of mailing, then the date of registration, certification, or certificate shall be conclusive as to the date of filing. The date as authenticated by the United States post office records shall be conclusive even in the case of a conflicting postmark date.

(c) If a document mailed through the United States mail is physically received after the due date without a legibly correct postmark, the person who mailed the document may show the document was mailed on or before the due date by reasonable evidence. Examples of such evidence include, but are not limited to, the following:

- (1) Testimony of the party.
- (2) Testimony of disinterested third parties.
- (3) Evidence or testimony, or both, from the United States post office.
- (4) Any other evidence that tends to establish the date of filing.

(d) If a document is mailed to but never received by the department, the person sending the document may produce reasonable evidence to show that the document was mailed on or before the due date. Such evidence as used to show the correct postmark date in 45 IAC 15-6-3(c) might also be used to establish the mailing of a document. In addition to showing that the document was deposited in the United States mail on or before the due date, the person must file a duplicate document with the department within thirty (30) days from the date the department sends the person

notice that the prescribed documents were not received.
(Department of State Revenue; 45 IAC 20-8-9)

SECTION 2. 45 IAC 18 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 23, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Training Center Room 5, Indianapolis, Indiana the Department of State Revenue will hold a public hearing on proposed rules concerning charity gaming conducted by qualified organizations. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N248 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Thomas F. Obsitnik
Commissioner
Department of State Revenue

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Proposed Rule

LSA Document #04-268

DIGEST

Adds 170 IAC 6-1.1 to create new rules governing distribution system improvement charges (DSIC) allowed for water utilities under IC 8-1-31. Effective 30 days after filing with the secretary of state.

170 IAC 6-1.1

SECTION 1. 170 IAC 6-1.1 IS ADDED TO READ AS FOLLOWS:

Rule 1.1. Distribution System Improvement Charges (DSIC)

170 IAC 6-1.1-1 Definitions

Authority: IC 8-1-1-3; IC 8-1-31

Affected: IC 8-1-2; IC 8-1.5-3-8

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

(b) "Commission" means the Indiana utility regulatory commission.

(c) "Distribution system" means:

- (1) distribution mains;
- (2) valves;

- (3) hydrants;
- (4) service lines;
- (5) meters;
- (6) meter installation; and
- (7) other appurtenances;

necessary to transport treated water from the point it exits the treatment facility to the point at which it is delivered to the customer.

(d) “Distribution system improvement charges” or “DSIC” means a distribution system improvement charge approved under IC 8-1-31.

(e) “DSIC costs” means depreciation expenses and the pretax return associated with eligible distribution system improvements.

(f) “DSIC revenues” means utility revenues produced through a DSIC exclusive of revenues from all other rates and charges.

(g) “Eligible distribution system improvements” means new used and useful water utility plant projects that:

- (1) do not increase revenues by connecting the distribution system to new customers;
- (2) are in service; and
- (3) were not included in the public utility’s rate base in its most recent general rate case.

(h) “Municipally owned utility” includes every utility owned or operated by a municipality.

(i) “Pretax return” means the following:

- (1) For investor-owned utilities, the revenue necessary to:
 - (A) produce net operating income equal to the public utility’s weighted cost of capital multiplied by the original cost of eligible distribution system improvements; and
 - (B) pay any state and federal income taxes applicable to such income.
- (2) For a municipally-owned utility:
 - (A) the average annual debt service associated with the distribution system improvement; or
 - (B) the return on plant under IC 8-1.5-3-8 granted in its most recent rate case computed by multiplying the authorized return times the cost of eligible distribution system improvement.

(j) “Public utility” means every:

- (1) corporation;
- (2) company;
- (3) partnership;
- (4) limited liability company;
- (5) individual; or
- (6) association of individuals;

or their lessees, trustees, or receivers appointed by a court,

that may own, operate, manage, or control any plant or equipment within the state for the production, delivery, or furnishing of water. (*Indiana Utility Regulatory Commission; 170 IAC 6-1.1-1*)

170 IAC 6-1.1-2 Applicability and scope

Authority: IC 8-1-31-8

Affected: IC 8-1-2; IC 8-1-31

Sec. 2. (a) This rule applies to any public utility or municipal utility that may now or hereafter be engaged in providing water service, subject to the jurisdiction of the commission, as defined in section 1 of this rule.

(b) This rule shall in no way prohibit the recovery by a public utility or municipal utility of costs that meet the statutory criteria of IC 8-1-31 et seq., including costs not otherwise included under Accounts 331, 333, 334, or 335 of the National Association of Regulatory Utility Commissioners’ Uniform System of Accounts for Water Utilities, provided that the costs for which recovery is requested were incurred in a project within the utility’s existing distribution system and not in projects that connect to new customers. (*Indiana Utility Regulatory Commission; 170 IAC 6-1.1-2*)

170 IAC 6-1.1-3 Exemption

Authority: IC 8-1-31-8

Affected: IC 8-1-2; IC 8-1-31

Sec. 3. A public utility or municipal utility may not file a petition under this section in the same calendar year in which the public utility has filed a request for a general increase in the basic rates and charges of the public utility. (*Indiana Utility Regulatory Commission; 170 IAC 6-1.1-3*)

170 IAC 6-1.1-4 Filing

Authority: IC 8-1-31-8

Affected: IC 8-1-2; IC 8-1-31

Sec. 4. (a) The public utility or municipal utility shall file with the commission rate schedules establishing a DSIC that will allow the automatic adjustment of the public utility’s basic rates and charges to provide for recovery of DSIC costs. Any petition filed to initiate a DSIC proceeding, which shall be deemed the public utility’s case-in-chief, shall include as attachments any:

- (1) schedules;
- (2) forms;
- (3) testimony;
- (4) exhibits; or
- (5) other required supporting documentation;

as provided in section 5 of this rule.

(b) The public utility or municipal utility shall serve the office of the utility consumer counselor a copy of its filing at the time of its filing with the commission. (*Indiana Utility Regulatory Commission; 170 IAC 6-1.1-4*)

Proposed Rules

170 IAC 6-1.1-5 Required supporting documentation

Authority: IC 8-1-31-8

Affected: IC 8-1-2-49; IC 8-1-31

Sec. 5. (a) The public utility or municipal utility shall submit the following supporting documentation for its petition to the commission:

(1) A description of the DSIC project, an explanation of why the project is needed, the benefits resulting to the utility and its customers upon completion of the project, and the age of the plant that was retired.

(2) A statement that the project is in service and was not included in the public utility's rate base in its most recent general rate case. Provide the cause number and date of the public utility's most recent rate order.

(3) A statement that the project will not result in an increase in revenue resulting from the connection of new customers to the utility's distribution system.

(4) A statement that all necessary local, state, and federal permits, approvals, and authorizations applicable to the DSIC project have been obtained.

(5) A statement regarding whether any affiliate (as defined by IC 8-1-2-49) was directly or indirectly engaged by the public utility in connection with the installation of the infrastructure that is the subject of the proposed DSIC and a copy of any such affiliated interest contract.

(6) A statement regarding whether the utility plans to replace other distribution infrastructure in the next five (5) years and a general outline of any such plans.

(7) A new tariff reflecting the requested DSIC in the same format as the existing tariff on file with the commission, with clear denotations on all schedules where the DSIC rate is applicable.

(8) A statement that the utility:

(A) has invoices and other cost support for every item included in the project cost form; and

(B) is prepared to file such invoices if required by the commission or requested by the office of utility consumer counselor.

(9) An affidavit from an officer of the utility attesting to the veracity of the statements and information submitted under this subdivision.

(b) By submitting documentation in compliance with subsection (a), the public utility makes a prima facie case for the eligibility of the improvements and the reasonableness of the charges. (*Indiana Utility Regulatory Commission; 170 IAC 6-1.1-5*)

170 IAC 6-1.1-6 Response

Authority: IC 8-1-31-8

Affected: IC 8-1-2; IC 8-1-31

Sec. 6. The office of utility consumer counselor or other intervening party may submit a report to the commission indicating its opposition to or support of each portion of the

petition within thirty (30) days after the petition is filed. The office of utility consumer counselor may examine information of the public utility to determine whether:

(1) the system improvements are in accordance with the requirements of section 1(g) of this rule; and

(2) the public utility properly calculated the proposed charges.

(*Indiana Utility Regulatory Commission; 170 IAC 6-1.1-6*)

170 IAC 6-1.1-7 Hearing and order

Authority: IC 8-1-31-9

Affected: IC 8-1-2; IC 8-1-31; IC 8-1.5-3-8

Sec. 7. (a) Except as provided in subsection (b) or for good cause shown, the commission shall hold the hearing and issue its order not later than sixty (60) days after the petition is filed.

(b) If, subsequent to the filing of its petition, the public utility files additional testimony or exhibits to supplement its case-in-chief, or for good cause shown, the commission may reset the sixty (60) day hearing deadline established in subsection (a). (*Indiana Utility Regulatory Commission; 170 IAC 6-1.1-7*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 2, 2005 at 9:30 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E306, Indianapolis, Indiana the Indiana Utility Regulatory Commission will hold a public hearing on a proposed new rule governing distribution system improvement charges (DSIC) allowed for water utilities under IC 8-1-31. 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.

William D. McCarty

Commission Chairman

Indiana Utility Regulatory Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #04-127

DIGEST

Adds 312 IAC 18-3-19 under the article pertaining to entomology and plant pathology to regulate the giant African land snail (*Achatina achatina* (L.), *Achatina fulica* Bowdich, *Achatina marginata*, and other species of the family Achatinidae (Gastropoda)) as a pest or pathogen and to prohibit the posses-

sion, sale, release, or other distribution of these snails in Indiana currently prohibited under LSA Document #04-126(E). Effective 30 days after filing with the secretary of state.

312 IAC 18-3-19

SECTION 1. 312 IAC 18-3-19 IS ADDED TO READ AS FOLLOWS:

312 IAC 18-3-19 Control of the giant African land snail

Authority: IC 14-24-3

Affected: IC 14-24

Sec. 19. (a) The giant African land snail (*Achatina achatina* (L.), *Achatina fulica* Bowdich, *Achatina marginata*, and other species of the family Achatinidae (Gastropoda)) is a pest or pathogen and is regulated under this section.

(b) Except as provided in subsection (c), a person must not:

- (1) possess;**
- (2) offer for sale;**
- (3) sell;**
- (4) give away;**
- (5) barter;**
- (6) exchange; or**
- (7) otherwise distribute or release;**

a giant African land snail, in any life stage, in Indiana.

(c) The state entomologist may issue a permit to a qualified applicant to properly contain a species of giant African land snail for scientific research. (*Natural Resources Commission; 312 IAC 18-3-19*)

Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on February 24, 2005 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on a proposed new rule under the article pertaining to entomology and plant pathology to regulate the giant African land snail (*Achatina achatina* (L.), *Achatina fulica* Bowdich, *Achatina marginata*, and other species of the family Achatinidae (Gastropoda)) as a pest or pathogen and to prohibit the possession, sale, release, or other distribution of these snails in Indiana currently prohibited under LSA Document #04-126(E). Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley
Chairman
Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #04-157

DIGEST

Amends 312 IAC 11-2-5 to define specific seawall types that are recognized as bulkhead seawalls and include criteria for determining when a timber seawall qualifies as a bulkhead seawall. Effective 30 days after filing with the secretary of state.

312 IAC 11-2-5

SECTION 1. 312 IAC 11-2-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 11-2-5 “Bulkhead seawall” defined

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23

Affected: IC 14-26-2

Sec. 5. (a) “Bulkhead seawall” means an impervious, a vertical, or near vertical, ~~shoreline protection~~ solid concrete, steel sheet piling, or vinyl piling structure, which has the purpose of shoreline protection.

(b) A timber wall may be deemed to be a bulkhead wall if the property owner proves to the satisfaction of the division of water that the wall functions as a bulkhead wall by providing evidence in the form of a written assessment from a registered professional engineer, licensed professional geologist, or soil scientist with expertise in shoreline protection or wave dynamics. The written assessment must address and evaluate each of the following items:

- (1) The structural integrity of the wall.**
- (2) The height of the top of the wall above normal lake level.**
- (3) Success of the wall in protecting the shoreline from erosion in the past.**
- (4) The ability of the wall to retain land or prevent land from sliding as evidenced by the lack of sinkholes or depressions behind the wall.**
- (5) Adequacy of existing connections to adjacent shore protection structures or tiebacks at each end of the wall.**
- (6) The timber wall was constructed before January 1, 1991.**

(Natural Resources Commission; 312 IAC 11-2-5; filed Feb 26, 1999, 5:49 p.m.: 22 IR 2220)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 28, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on a proposed amendment to define specific seawall types that are recognized as bulkhead seawalls and include

Proposed Rules

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

Michael Kiley
Chairman
Natural Resources Commission

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #04-253

DIGEST

Amends 312 IAC 9 concerning the sale and possession of endangered species of wild animals, hunting deer by bow and arrows, hunting deer by bow and arrows under an extra deer license, the taking of wild turkeys, the addition of the mole salamander to the list of amphibians native to Indiana, and amendments to modernize the common and scientific names of several reptiles and amphibians. Effective 30 days after filing with the secretary of state.

312 IAC 9-2-14	312 IAC 9-4-11
312 IAC 9-2-15	312 IAC 9-5-4
312 IAC 9-3-4	312 IAC 9-5-7
312 IAC 9-3-5	312 IAC 9-5-9

SECTION 1. 312 IAC 9-2-14 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-2-14 Sale of endangered species

Authority: IC 14-22-34-6; IC 14-22-34-12; IC 14-22-34-13
Affected: IC 14-22-19-1

Sec. 14. (a) Except as provided in subsections (b) and (c), a person must not sell, transport for sale, or offer to sell or transport for sale in Indiana an endangered species or subspecies of wild animal or any part of an endangered species that appears as a wild animal listed as endangered in either of the following:

- (1) 312 IAC 9-3-19, 312 IAC 9-4-14, 312 IAC 9-5-4, or 312 IAC 9-6-9.
- (2) 50 CFR 17.11.

(b) A person who is transporting in interstate commerce a species or subspecies of wild animal, to be sold outside Indiana, is exempted from this section.

(c) A person who possesses a part of an endangered species of wild animal, and who has sufficient documentation to demonstrate the part was obtained lawfully, may sell

the part if one (1) of the following conditions exists:

- (1) The person is:
 - (A) licensed under IC 14-22-19-1; and
 - (B) lawfully engaged in the business of buying furbearing mammals or the untanned hides or furs of furbearing mammals in Indiana.
- (2) The person took the wild animal in another state.
- (3) The person is lawfully engaged in the sale, at retail, of the manufactured products of an endangered species of wild animal.

The documentation shall consist of legible copies of tags, receipts, hunting licenses, trapping licenses, permits, or other appropriate records from the state or country where the part was acquired. (*Natural Resources Commission; 312 IAC 9-2-14*)

SECTION 2. 312 IAC 9-2-15 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-2-15 Possession of endangered species of mammals, nonmigratory birds, reptiles, amphibians, fish, and crayfish

Authority: IC 14-22-34-12; IC 14-22-34-13
Affected: IC 14-22-26-2

Sec. 15. (a) Except as provided in subsections (c) and (d), a person must obtain a permit from the department to possess a wild animal, including its viable eggs, embryos, or gametes, if the animal is listed as an endangered species under 312 IAC 9-3-19, 312 IAC 9-4-14, 312 IAC 9-5-4, or 312 IAC 9-6-9 and is any of the following:

- (1) A mammal.
- (2) A nonmigratory bird.
- (3) A reptile.
- (4) An amphibian.
- (5) A fish.
- (6) A crayfish.

(b) Within sixty (60) days of possessing in Indiana any part of a wild animal listed as an endangered species or subspecies in subsection (a), or before transferring ownership of that part in Indiana, a person must apply for a permit. The application must:

- (1) be completed on a department form; and
- (2) include documentation sufficient to establish that the part was lawfully acquired.

The documentation shall consist of legible copies of tags, receipts, hunting licenses, trapping licenses, permits, or other appropriate records from the state or country where the part was acquired. Upon obtaining the permit, the applicant must permanently mark the part.

(c) A zoological park, as defined in IC 14-22-26-2, is exempted from this section.

(d) A person who demonstrates that the wild animal was

lawfully obtained before July 1, 2005, is exempted from this section. Illustrations of documentation that may be used to demonstrate the wild animal was obtained lawfully before July 1, 2005, include the following:

- (1) Dated photographs.
- (2) Legible copies of tags.
- (3) Receipts.
- (4) Hunting licenses.
- (5) Trapping licenses.
- (6) Similar licenses.

A person may, but is not required to, apply on a department form for a permit to evidence qualification for an exemption under this subsection. (*Natural Resources Commission; 312 IAC 9-2-15*)

SECTION 3. 312 IAC 9-3-4, AS AMENDED AT 28 IR 538, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-4 Hunting deer by bow and arrows

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

Sec. 4. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to hunt deer ~~with~~ **by** bow and arrows under IC 14-22-12-1(14) or IC 14-22-12-1(17) and is supplemental to section 2 of this rule; or
- (2) hunting by the use of ~~a~~ bow and arrows under IC 14-22-11-1.

(b) The season for hunting deer ~~with~~ **by** bow and arrows during the early bow season is from October 1 through the firearms season (set forth in section 3(b) of this rule) and during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(c) The urban deer season is from September 15 through the firearms season (set forth in section 3(b) of this rule) and during the late bow season from the first Saturday after the firearms season through the first Sunday in January.

(d) The seasonal limit for hunting under this section is one (1) deer of either sex. After August 31, 2007, a person must not take an antlered deer by means of a crossbow.

(e) A person must not hunt deer under this section except from one-half (½) hour before sunrise to one-half (½) hour after sunset.

(f) A person must not hunt deer under this section unless that person wears hunter orange. However, this subsection does not apply before the commencement of the firearms season set forth in section 3(b) of this rule and after the muzzle loading gun season set forth in section 3(c) of this rule.

(g) A person must not hunt under this section unless that

person possesses only one (1) bow. A person must not possess a firearm while hunting under this section.

(h) The following requirements apply to the use of archery equipment under this section:

- (1) No person shall use a long bow or compound bow of less than thirty-five (35) pounds pull.
- (2) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
- (3) Poisoned or explosive arrows are unlawful.
- (4) Bows drawn, held, or released other than by hand or hand-held releases are unlawful.
- (5) A long bow or compound bow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.
- (6) No portion of the bow's riser (handle) or any:
 - (A) track;
 - (B) trough;
 - (C) channel;
 - (D) arrow rest; or
 - (E) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(i) Notwithstanding subsection (h), a person may use a crossbow to take ~~antlerless~~ **a deer of either sex** during the late bow season from the first Saturday after the firearms season through the first Sunday in January if the following restrictions are met:

- (1) No person shall use a crossbow:
 - (A) of less than one hundred twenty-five (125) pounds pull; **or**
 - ~~(2) No person shall use a crossbow~~ (B) that does not have a mechanical safety.
- ~~(2)~~ (2) A crossbow may be possessed in the field before and after lawful shooting hours only if the nock of the arrow is not placed on the bow string.

(j) As used in this rule, "crossbow" means a device for propelling an arrow by means of traverse limbs mounted on a stock and a string and having a working safety. The crossbow may be drawn, held, and released by a mechanical device. (*Natural Resources Commission; 312 IAC 9-3-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 5, 1997, 3:25 p.m.: 21 IR 930; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538*)

SECTION 4. 312 IAC 9-3-5 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-5 Hunting deer by bow and arrows by authority of an extra deer license

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-12-1

Proposed Rules

Sec. 5. (a) This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to take an extra deer under IC 14-22-12-1(18) or IC 14-22-12-1(19) by means of **a** bow and arrows; or
- (2) hunting under IC 14-22-11-1 with an extra deer license by means of **a** bow and arrows.

(b) Except as specified in subsection (d), the statewide seasonal limit for hunting under this section is one (1) deer of either sex. **After August 31, 2007**, a person must not take an antlered deer by means of a crossbow.

(c) The restrictions contained in section 4(b) and 4(e) through 4(i) of this rule also apply to a license issued under this section.

(d) The seasonal limit for hunting deer in an urban deer zone is four (4) **antlerless** deer. ~~of which only one (1) may be antlered~~. A person must possess a valid extra deer license for each deer taken. A deer taken under this subsection does not count against a bag limit for deer set elsewhere in this rule.

(e) The following areas have been designated as urban deer zones:

(1) The Indianapolis urban deer zone includes **the following**:

(A) All of Marion County.

(B) That portion of Hendricks County east of State Highway 267.

(C) The southeast portion of Boone County as bounded by **the following**:

(i) State Highway 267.

(ii) Interstate Highway 65.

(iii) State Highway 32. ~~and~~

(D) That portion of Hamilton County south of State Highway 32.

(2) The Fort Wayne urban deer zone includes that portion of Allen County lying within the bounds of Interstate Highway 69 and State Highway 469.

(3) The Evansville urban deer zone includes all of Vanderburgh County.

(4) The Lafayette urban deer zone includes the portion of Tippecanoe County north of State Highway 28.

(5) The Gary urban deer zone includes that portion of Lake County north of U.S. Highway 30.

(6) The Crown Point urban deer zone includes that portion of Lake County within the corporate limits of Crown Point.

(7) The Chesterton urban deer zone includes the portion of Porter County north of U.S. Highway 94.

(8) The Michigan City urban deer zone includes that portion of LaPorte County north of U.S. Highway 94.

(9) The Madison urban deer zone includes that portion of Jefferson County bounded on the **following**:

(A) East by U.S. Highway 421. ~~as well as bounded on the~~

(B) North and west by State Highway 62. ~~and on the~~

(C) South by State Highway 56.

(Natural Resources Commission; 312 IAC 9-3-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2704; filed Nov 5, 1997, 3:25 p.m.: 21 IR 931; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1531; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286)

SECTION 5. 312 IAC 9-4-11, AS AMENDED AT 28 IR 541, SECTION 13, IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-11 Wild turkeys

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 11. (a) Except as provided in subsection (c), the spring season for hunting and possessing wild turkeys is from the first Wednesday after April 20 and continuing for an additional eighteen (18) consecutive days.

(b) The fall season for hunting and possessing wild turkeys with ~~bows~~ **a bow** and arrows is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14 and continues for an additional four (4) consecutive days except as provided in subsection (c).

(c) The spring and fall seasons for hunting and possessing wild turkeys on Camp Atterbury and the Big Oaks National Wildlife Refuge shall be determined by the director on an annual basis.

(d) The limit for taking and possessing is one (1):

- (1) bearded or male wild turkey during the spring season; and
- (2) wild turkey of either sex during the fall season.

(e) A person must not hunt wild turkeys except between one-half (½) hour before sunrise and sunset.

(f) A person must not take a wild turkey except with the use of one (1) of the following:

(1) A shotgun not smaller than 20 gauge and not larger than 10 gauge loaded only with shot of size 4, 5, 6, 7, or 7½.

(2) A muzzle loading shotgun not smaller than 20 gauge and not larger than 10 gauge loaded only with shot of 4, 5, 6, 7, or 7½.

(3) A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(j), with the following restrictions:

(A) A person must not use a long bow or compound bow of less than thirty-five (35) pounds pull.

(B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

(C) A person must not use a:

(i) crossbow of less than one hundred twenty-five (125) pounds pull;

~~(D) A person must not use a~~ (ii) crossbow unless it has a mechanical safety; **or**

~~(E) A person must not use a~~ (iii) poisoned or explosive arrow.

(F) (D) No portion of a bow's riser (handle) or:

- (i) track;
- (ii) trough;
- (iii) channel;
- (iv) arrow rest; or
- (v) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(G) (E) Before or after lawful shooting hours, a person must not possess a:

- (i) long bow;
- (ii) compound bow; or
- (iii) crossbow;

in the field if the nock of the arrow is placed on the bow string.

(g) A person must not hunt wild turkeys in the fall season except in a county the director designates, on an annual basis, by emergency rule **or in the spring season in the following counties:**

- (1) Adams, south of State Road 124.
- (2) Blackford.
- (3) Delaware.
- (4) Grant, east of Interstate 69.
- (5) Hancock, east of State Road 9.
- (6) Henry.
- (7) Huntington, south of State Road 124 and east of Interstate 69.
- (8) Jasper, south of State Highway 114 and west of Interstate 65.
- (9) Jay.
- (10) Newton, south of State Highway 114.
- (11) Randolph, north of State Road 32.
- (12) Rush, north of State Road 44.
- (13) Shelby, east of State Road 9 and north of State Road 44.
- (14) Wells, south of State Road 124.
- (15) Whitley, south of U.S. 30.

(h) The use of a dog, another domesticated animal, a live decoy, a recorded call, an electronically powered or controlled decoy, or bait to take a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from **either of the following:**

- (1) Normal agricultural practices. or
- (2) The use of a:
 - (A) manufactured scent; a
 - (B) lure; or a
 - (C) chemical attractant.

(i) A person must not possess a handgun while hunting wild turkeys.

(j) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt wild turkeys unless possessing a completed and signed license bearing the person's name. The license must be accompanied by a temporary transportation tag bearing the license number and the year of issuance. A person must not hunt with a wild turkey license or tag issued to another person.

(k) The temporary transportation tag described in subsection (j) must, immediately after taking a wild turkey, be notched as to the month and day of the taking and attached to a leg of the turkey directly above the spur. A tag is void if notched more than twice. The temporary transportation tag must be attached to a leg of the wild turkey directly above the spur. A person who takes a turkey must cause delivery of the turkey to an official turkey checking station within forty-eight (48) hours of taking for registration. After the checking station operator records the permanent seal number on the log, the person is provided with that seal. The person must immediately and firmly affix the seal to the leg of the turkey directly above the temporary transportation tag. The seal must remain affixed until processing of the turkey begins. The official turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

(l) Each of the following individuals must tag a turkey carcass immediately after taking with a paper that states the name and address of the individual and the date the turkey was taken:

- (1) A lifetime license holder.
- (2) A youth license holder.
- (3) For a wild turkey taken on a landowner's land, each of the following:
 - (A) The resident landowner.
 - (B) The spouse of the resident landowner.
 - (C) A child of the resident landowner who is living with the landowner.
- (4) For a wild turkey taken on land leased from another person, each of the following:
 - (A) The resident lessee who farms the land.
 - (B) The spouse of the resident lessee.
 - (C) A child of the resident lessee who is living with the lessee.
- (5) An Indiana serviceman or servicewoman hunting under IC 14-22-11-11.

(m) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken. (*Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541*)

SECTION 6. 312 IAC 9-5-4, AS AMENDED AT 28 IR 542,

Proposed Rules

SECTION 15, IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-4 Endangered and threatened species; reptiles and amphibians

Authority: IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-34-12

Sec. 4. The following species of reptiles and amphibians are threatened or endangered and are subject to the protections provided under IC 14-22-34-12:

- (1) Hellbender (*Cryptobranchus alleganiensis*).
 - (2) ~~Northern~~ Red salamander (*Pseudotriton ruber*).
 - (3) Four-toed salamander (*Hemidactylum scutatum*).
 - (4) Green salamander (*Aneides aeneus*).
 - (5) Copperbelly water snake (*Nerodia erythrogaster*).
 - (6) Butler's garter snake (*Thamnophis butleri*).
 - (7) Kirtland's snake (*Clonophis kirtlandii*).
 - (8) Scarlet snake (*Cemophora coccinea*).
 - (9) Smooth green snake (~~*Lioclorophis*~~ (***Lioclorophis*** *vernalis*)).
 - (10) **Southeastern** crowned snake (*Tantilla coronata*).
 - (11) Cottonmouth (*Agkistrodon piscivorus*).
 - (12) Massasauga (*Sistrurus catenatus*).
 - (13) Timber rattlesnake (*Crotalus horridus*).
 - (14) Eastern mud turtle (*Kinosternon subrubrum*).
 - (15) Spotted turtle (*Clemmys guttata*).
 - (16) ~~Heiroglyphic~~ **Heiroglyphic** river cooter (*Pseudemys concinna*).
 - (17) Alligator snapping turtle (~~*Macrochelys*~~ (***Macrochelys*** *temminckii*)).
 - (18) Blanding's turtle (*Emydoidea blandingii*).
 - (19) Crawfish frog (*Rana areolata*).
 - (20) Ornate box turtle (*Terrapene ornata*).
- (Natural Resources Commission; 312 IAC 9-5-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542)

SECTION 7. 312 IAC 9-5-7, AS AMENDED AT 28 IR 543, SECTION 17, IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-7 Sale and transport for sale of reptiles and amphibians native to Indiana

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22; IC 20-1-1-6; IC 20-1-1.6-2

Sec. 7. (a) This section governs the sale, transport for sale, or offer for sale or transport for sale of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 6(g) of this rule, the sale, transport for sale, or offer to sell or transport for sale of a reptile or amphibian native to Indiana is prohibited. A person must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long, except for a valid scientific or educational purpose that is associated

with one (1) of the following:

- (1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.
- (2) A scientific research organization.
- (3) An accredited museum or institution of higher learning.
- (4) An individual working in cooperation with a college, university, or governmental agency.
- (5) A private company under a contract for scientific or educational purposes.

(c) As used in this rule, "reptile or amphibian native to Indiana" means those reptiles and amphibians with the following scientific names, including common names for public convenience, but the scientific names control:

- (1) Hellbender (*Cryptobranchus alleganiensis*).
- (2) **Common** mudpuppy (*Necturus maculosus*).
- (3) Streamside salamander (*Ambystoma barbouri*).
- (4) ~~Jefferson's~~ **Jefferson** salamander (*Ambystoma jeffersonianum*).
- (5) Blue-spotted salamander (*Ambystoma laterale*).
- (6) Spotted salamander (*Ambystoma maculatum*).
- (7) Marbled salamander (*Ambystoma opacum*).
- (8) **Mole salamander** (*Ambystoma talpoideum*).
- (8) (9) Smallmouth salamander (*Ambystoma texanum*).
- (9) (10) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*).
- (10) (11) Eastern newt (*Notophthalmus viridescens*).
- (11) (12) Green salamander (*Aneides aeneus*).
- (12) (13) Northern dusky salamander (*Desmognathus fuscus*).
- (13) (14) **Southern** two-lined salamander (*Eurycea cirrigera*).
- (14) (15) Longtailed salamander (*Eurycea longicauda*).
- (15) (16) Cave salamander (*Eurycea lucifuga*).
- (16) (17) Four-toed salamander (*Hemidactylum scutatum*).
- (17) ~~Redbacked~~ (18) **Northern redback** salamander (*Plethodon cinereus*).
- (18) (19) **Northern** zigzag salamander (*Plethodon dorsalis*).
- (20) **Northern ravine salamander** (*Plethodon electromorphus*).
- (19) (21) **Northern** slimy salamander (*Plethodon glutinosus*).
- (20) (22) **Southern** ravine salamander (*Plethodon richmondi*).
- (21) (23) Red salamander (*Pseudotriton ruber*).
- (22) (24) Lesser siren (*Siren intermedia*).
- (23) (25) Eastern spadefoot toad (*Scaphiopus holbrookii*).
- (24) (26) American toad (*Bufo americanus*).
- (25) (27) Fowler's toad (*Bufo fowleri*).
- (26) (28) Cricket frog (*Acris crepitans*).
- (27) (29) Cope's gray treefrog (*Hyla chrysoscelis*).
- (28) (30) Green treefrog (*Hyla cinerea*).
- (29) (31) Eastern gray treefrog (*Hyla versicolor*).
- (30) (32) Spring peeper (*Pseudacris crucifer*).
- (31) ~~Striped~~ (33) **Western** chorus frog (*Pseudacris triseriata*).
- (32) (34) Crawfish frog (*Rana areolata*).
- (33) (35) Plains leopard frog (*Rana blairi*).

(34) **(36)** Bullfrog (*Rana catesbeiana*).
 (35) **(37)** Green frog (*Rana clamitans*).
 (36) **(38)** Northern leopard frog (*Rana pipiens*).
 (37) **(39)** Pickerel frog (*Rana palustris*).
 (38) **(40)** Southern leopard frog (*Rana utricularia*).
 (39) **(41)** Wood frog (*Rana sylvatica*).
 (40) **(42)** Common snapping turtle (*Chelydra serpentina serpentina*).
 (41) **(43)** Smooth softshell turtle (*Apalone mutica*).
 (42) **(44)** Spiny softshell turtle (*Apalone spinifera*).
 (43) **(45)** Alligator snapping turtle (~~*Macrochelys*~~ **(*Macrochelys* temmincki)**).
 (44) **(46)** Eastern mud turtle (*Kinosternon subrubrum*).
 (45) **(47)** Common musk turtle (*Sternotherus odoratus*).
 (46) **(48)** Midland painted turtle (*Chrysemys picta marginata*).
 (47) **(49)** Western painted turtle (*Chrysemys picta bellii*).
 (48) **(50)** Spotted turtle (*Clemmys guttata*).
 (49) **(51)** Blanding's turtle (*Emydoidea blandingii*).
 (50) **(52)** Common map turtle (*Graptemys geographica*).
 (51) **(53)** False map turtle (*Graptemys pseudogeographica*).
 (52) **(54)** Ouachita map turtle (*Graptemys ouachitensis*).
 (53) ~~Heiroglyphic~~ **(55) Hieroglyphic** river cooter (*Pseudemys concinna*).
 (54) **(56)** Eastern box turtle (*Terrapene carolina*).
 (55) **(57)** Ornate box turtle (*Terrapene ornata*).
 (56) **(58)** Red-eared slider (*Trachemys scripta elegans*).
 (57) **(59)** Eastern fence lizard (*Sceloporus undulatus*).
 (58) **(60)** Slender glass lizard (*Ophisaurus attenuatus*).
 (59) **(61)** Six-lined racerunner (*Cnemidophorus sexlineatus*).
 (60) **(62)** Five-lined skink (*Eumeces fasciatus*).
 (61) ~~Broad-headed~~ **(63) Broadhead** skink (*Eumeces laticeps*).
 (62) **(64)** Ground skink (*Scincella lateralis*).
 (63) **(65)** Eastern worm snake (*Carphophis amoenus*).
 (64) **(66)** Scarlet snake (*Cemophora coccinea*).
 (65) **(67)** Racer (*Coluber constrictor*).
 (66) **(68)** Kirtland's snake (*Clonophis kirtlandii*).
 (67) ~~Northern~~ **(69)** Ringneck snake (*Diadophis punctatus*).
 (68) ~~Black~~ **(70) Midland** rat snake, also known as the **black rat snake** (*Elaphe ~~obsoleta obsoleta~~ spiloides*).
 (69) ~~Gray~~ **(71) Western** rat snake (*Elaphe obsoleta spiloides*).
 (70) **(72)** Western fox snake (*Elaphe vulpina vulpina*).
 (71) **(73)** Mud snake (*Farancia abacura*).
 (72) **(74)** Eastern hognose snake (*Heterodon platirhinos*).
 (73) **(75)** Prairie kingsnake (*Lampropeltis calligaster calligaster*).
 (74) **(76)** Black kingsnake (*Lampropeltis getula nigra*).
 (75) **(77)** Eastern milk snake (*Lampropeltis triangulum triangulum*).
 (76) **(78)** Red milk snake (*Lampropeltis triangulum sypila*).
 (77) ~~Northern~~ **(79)** Copperbelly water snake (*Nerodia erythrogaster*).
 (78) **(80)** Diamondback water snake (*Nerodia rhombifer*).

(79) ~~(81)~~ Northern ~~banded~~ water snake (*Nerodia sipedon*).
 (80) ~~(82)~~ Rough green snake (*Opheodrys aestivus*).
 (81) ~~(83)~~ Smooth green snake (~~*Lioclorophis*~~ **(*Lioclorophis* vernalis)**).
 (82) ~~(84)~~ Bull snake (*Pituophis catenifer sayi*).
 (83) ~~(85)~~ Queen snake (*Regina septemvittata*).
 (84) ~~(86)~~ Brown snake (*Storeria dekayi*).
 (85) ~~Redbelly~~ **(87) Redbelly** snake (*Storeria occipitomaculata*).
 (86) ~~(88)~~ **Southeastern** crowned snake (*Tantilla coronata*).
 (87) ~~(89)~~ Butler's garter snake (*Thamnophis butleri*).
 (88) ~~(90)~~ Western ribbon snake (*Thamnophis proximus*).
 (89) ~~(91)~~ Plains garter snake (*Thamnophis radix*).
 (90) ~~(92)~~ Eastern ribbon snake (*Thamnophis sauritus*).
 (91) ~~(93)~~ Common garter snake (*Thamnophis sirtalis*).
 (92) ~~Western~~ **(94) Smooth** earthsnake (*Virginia valeriae*).
 (93) ~~(95)~~ Northern copperhead (*Agkistrodon contortrix*).
 (94) ~~(96)~~ Cottonmouth moccasin (*Agkistrodon piscivorus*).
 (95) ~~(97)~~ Timber rattlesnake (*Crotalus horridus*).
 (96) ~~(98)~~ Massasauga (*Sistrurus catenatus*).

(d) As used in this section, "sale" means **either of the following**:

- (1) Barter, purchase, trade, or offer to sell, barter, purchase, or trade. ~~or~~
- (2) Serving as part of a meal by a restaurant, a hotel, a boarding house, or the keeper of an eating house. However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:
 - (A) a guest, patron, or boarder; and
 - (B) the family of the guest, patron, or boarder; a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.

(e) As used in this section, "transport" means to move, carry, or ship a wild animal protected by law by any means and for any common or contract carrier knowingly to move, carry, or receive for shipment a wild animal protected by law.

(f) A reptile or amphibian that is not on a state or federal endangered or threatened species list and with a color morphology that is:

- (1) albinistic (an animal lacking brown or black pigment);
- (2) leucistic (a predominately white animal); or
- (3) xanthic (a predominately yellow animal);

is exempted from this section if it was not collected from the wild.

(g) Exempted from this section is an institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.

Proposed Rules

(h) Exempted from this section is a sale made under a reptile captive breeding license governed by section 9 of this rule.

(i) Exempted from this section is the sale to and purchase of reptiles or amphibians by a public school accredited under ~~IC 20-1-1-6(8)~~ **IC 20-1-1-6(a)(5)** or nonpublic school accredited under ~~IC 20-1-1-6(11)~~ **IC 20-1-1-6(a)(9)** and ~~IC 20-1-1-6-2: IC 20-1-1-6.2~~. This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.

(j) Exempted from this section is the sale and purchase of a bullfrog (*Rana catesbeiana*) tadpole or green frog (*Rana clamitans*) tadpole produced by a resident holder of a hauler and supplier permit or an aquaculture permit if the tadpole is a byproduct of a fish production operation. As used in this subsection, a “tadpole” **is means** the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.

(k) A person who is transporting native reptiles and amphibians in interstate commerce, to be sold outside Indiana, is exempted from this section. (*Natural Resources Commission; 312 IAC 9-5-7; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3673; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1535; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543*)

SECTION 8. 312 IAC 9-5-9, AS AMENDED AT 28 IR 545,
SECTION 18, IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-5-9 Reptile captive breeding license

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17
Affected: IC 14-22

Sec. 9. (a) This section establishes the reptile captive breeding license and sets the requirements for a person who wishes to apply for and maintain the license.

(b) The application must be made on a department form.

(c) The annual fee for a license under this section is fifteen dollars (\$15).

(d) An application for a license under this section must be made within thirty (30) days of the effective date of this section for a reptile described in subsection (e) and possessed by the applicant before the effective date of this section. Any subsequent license application must be made within five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.

(e) A reptile captive breeding license authorizes a person who holds the license to possess, breed, and sell the snakes listed in this section. In the following list, where both scientific names and common names are provided, common names are for public convenience, but the scientific names control:

(1) ~~Black~~ **Midland** rat snake, **also known as the black rat**

~~snake (Elaphe obsoleta obsoleta): spiloides).~~

(2) Western fox snake (*Elaphe vulpina*).

(3) Eastern hognose snake (*Heterodon platirhinos*).

(4) Prairie kingsnake (*Lampropeltis calligaster calligaster*).

(5) Black kingsnake (*Lampropeltis getula nigra*).

(6) Eastern milk snake (*Lampropeltis triangulum triangulum*).

(7) Red milk snake (*Lampropeltis triangulum sypila*).

(8) Bull snake (*Pituophis catenifer sayi*).

(9) A snake that is not on a state or federal endangered or threatened species list and with a color morphology that is:

(A) albinistic (an animal lacking brown or black pigment);

(B) leucistic (a predominately white animal); or

(C) xanthic (a predominately yellow animal);

if it was not collected from the wild.

(f) Captive breeding stock other than a reptile described in subsection (e)(9) must be identified with an individually unique passive integrated transponder. A transponder must be implanted in each specimen. The type of transponder shall be approved by the commission. The imbedded transponder's code and other required information concerning the general health and condition of the animal must be provided on a departmental form, and **be** verified by a supervising veterinarian, within fourteen (14) days after obtaining the animal.

(g) A reptile held under this section must be confined in a cage or other enclosure that makes escape of the animal unlikely. Each animal must be provided with ample space and kept in a sanitary and humane manner. Animals and cages must be made available for inspection upon request by a conservation officer.

(h) Each animal possessed under this section must be lawfully acquired. No more than four (4) animals of each species described in subsection (e) may be collected annually from the wild. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition for animals not taken from the wild shall be presented to a conservation officer upon request. A person licensed under this section who collects an animal from the wild must document, on a departmental form, when and where the animal was collected. The animal must be fitted with a passive integrated transponder within fourteen (14) days of taking possession.

(i) A person licensed under this section must not possess an animal larger than the maximum sale length described in this subsection unless the animal is fitted with a transponder as part of the breeding stock of the person. Captive-bred offspring may only be sold before an individual attains the following total length:

(1) Fifteen (15) inches for an eastern hognose snake.

(2) Eighteen (18) inches for ~~a~~ **any of the following:**

(A) A black rat snake.

(B) A western fox snake.

(C) A black kingsnake.

- (D) A prairie kingsnake.
 (E) ~~An~~ eastern milk snake. ~~or~~
 (F) A red milk snake.
 (3) Twenty-eight (28) inches for a bull snake.

(j) A person licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive breed young. The records shall include the species and number of animals captured, received, or sold and the birth dates of captive born animals. In addition, the records shall include the complete name and complete address of the person from whom an animal was purchased or to whom an animal was sold. The records shall be maintained at the place of business of the license holder for at least two (2) years after the end of the license year. Upon request by a conservation officer, the license holder must make the records available for inspection.

(k) A person licensed under this section must not release to the wild a captive breeder or the offspring of a captive breeder. (*Natural Resources Commission; 312 IAC 9-5-9; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3675; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 545*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 1, 2005 at 4:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 2, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning the sale and possession of endangered species of wild animals, hunting deer by bow and arrows, hunting deer by bow and arrows under an extra deer license, the taking of wild turkeys, the addition of the mole salamander to the list of amphibians native to Indiana, and amendments to modernize the common and scientific names of several reptiles and amphibians. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
 Chairman
 Natural Resources Commission

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Proposed Rule
 LSA Document #04-216
 DIGEST

Amends 675 IAC 13-2.4, the 2003 Indiana Building Code, to make substantive and clarifying changes, including amendments for the requirement of sprinklers in places of assembly. Effective 30 days after filing with the secretary of state.

675 IAC 13-2.4-10	675 IAC 13-2.4-121.5
675 IAC 13-2.4-19	675 IAC 13-2.4-122
675 IAC 13-2.4-20	675 IAC 13-2.4-122.5
675 IAC 13-2.4-22	675 IAC 13-2.4-132
675 IAC 13-2.4-24.3	675 IAC 13-2.4-132.3
675 IAC 13-2.4-32.5	675 IAC 13-2.4-132.5
675 IAC 13-2.4-40.5	675 IAC 13-2.4-133.5
675 IAC 13-2.4-40.6	675 IAC 13-2.4-134.5
675 IAC 13-2.4-41.5	675 IAC 13-2.4-143
675 IAC 13-2.4-42.7	675 IAC 13-2.4-180.5
675 IAC 13-2.4-43.2	675 IAC 13-2.4-201.5
675 IAC 13-2.4-43.6	675 IAC 13-2.4-201.7
675 IAC 13-2.4-47	675 IAC 13-2.4-210.3
675 IAC 13-2.4-55	675 IAC 13-2.4-210.5
675 IAC 13-2.4-55.5	675 IAC 13-2.4-213.3
675 IAC 13-2.4-56.5	675 IAC 13-2.4-213.5
675 IAC 13-2.4-96.5	675 IAC 13-2.4-213.7
675 IAC 13-2.4-105.6	675 IAC 13-2.4-214.2
675 IAC 13-2.4-107.3	675 IAC 13-2.4-214.4
675 IAC 13-2.4-107.5	675 IAC 13-2.4-214.6
675 IAC 13-2.4-107.6	675 IAC 13-2.4-214.7
675 IAC 13-2.4-118	675 IAC 13-2.4-228.5
675 IAC 13-2.4-118.4	

SECTION 1. 675 IAC 13-2.4-10 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-10 Section 307.2; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 10. In SECTION 307.2, make the following changes:

(1) Delete, in SECTION 307.2 Definitions, the last paragraph in the definition of HIGHLY TOXIC and substitute to read as follows: Mixtures of these materials with ordinary materials, such as water, might not warrant classification as highly toxic.

(2) **In the definition of PYROPHORIC, change the temperature from “13° F (11° C)” to “130° F (54° C)”.**

(2) (3) Delete, in SECTION 307.2 Definitions, in the definition of UNSTABLE (REACTIVE) MATERIAL Class 1, ~~the word “which”~~ after ~~the word “can”~~.

(*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-10; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2878*)

SECTION 2. 675 IAC 13-2.4-19 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-19 Section 310.1; residential Group R

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Proposed Rules

Sec. 19. Change SECTION 310.1, Residential group R, as follows:

(1) Add to the end of the Group R-3 description a sentence Change “R-2” to read as follows: **Residential occupancies containing dwelling units or a congregate residence where the occupants are primarily permanent in nature, including:**

Apartments

Congregate residences (each accommodating more than 10 persons)

(2) Change “R-3” to read as follows: **Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, I, adult, and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours, or bed and breakfast establishments and congregate residences (each accommodating 10 persons or less).** One and two family dwellings and townhouses not more than three (3) stories in height are regulated by the Indiana Residential Code (675 IAC 14) (See Section 101.2).

(2) (3) Change the last paragraph of the R-4 description to read as follows: Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except for the height and area limitations provided in Section 503 or shall comply with the Indiana Residential Code (675 IAC 14) as a Class 1 structure.

(3) Add to the end of the first paragraph after “24 hours” the words “or bed and breakfast establishment”.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-19; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)

SECTION 3. 675 IAC 13-2.4-20 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-20 Section R310.2; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 20. Add the definition of **BED AND BREAKFAST ESTABLISHMENT** following definitions to Section 310.2 **R310.2** Definitions: before **BOARDING HOUSE**

(1) **BED AND BREAKFAST ESTABLISHMENT** to read as follows: **BED AND BREAKFAST ESTABLISHMENT.** An operator occupied residence that:

1. Provides sleeping accommodations to the public for a fee;
2. Has no more than fourteen (14) guest rooms;
3. Provides breakfast to its guests as part of the fee; and
4. Provides sleeping accommodations for no more than thirty (30) consecutive days to a particular guest. The term does not include hotels, motels, boarding houses, or food service establishments. The operator may reside within the establishment or on contiguous property.

(2) **CONGREGATE RESIDENCE** to read as follows: **CONGREGATE RESIDENCE. Is any building or portion thereof that contains facilities for living, sleeping,**

and sanitation, as required by this code. A congregated residence may be a shelter, convent, monastery, fraternity house, or sorority house, but does not include jails, hospitals, nursing homes, or similar institutional use groups, hotels (including motels), or boarding houses (transient).

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-20; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)

SECTION 4. 675 IAC 13-2.4-22 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-22 Section 311.3; low-hazard storage

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 22. Make the following changes to SECTION 311.3:

(1) Add, to the beginning of the list of occupancies before “Asbestos” in Section 311.3, Low-hazard storage, Group S-2, “Aircraft Hangars”.

(2) In the last sentence, delete “only” and insert “not”.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-22; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2879)

SECTION 5. 675 IAC 13-2.4-24.3 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-24.3 Section 402.6; types of construction

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 24.3. Make the following changes in the first sentence of SECTION 402.6:

(1) Add a comma after “buildings”.

(2) Delete the comma after “construction”.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-24.3)

SECTION 6. 675 IAC 13-2.4-32.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-32.5 Section 412.2.6; fire suppression

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 32.5. SECTION 412.2.6 is amended as follows: **Renumber the current exception as Exception 1 and add Exception 2 as follows:**

2. A fire suppression system shall not be required in aircraft hangars with a fire area of less than 12,000 square feet (1,115 m²) where there is no fueling of aircraft within the hangar.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-32.5)

SECTION 7. 675 IAC 13-2.4-40.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-40.5 Section 506.1; general

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 40.5. In SECTION 506.1, delete “(percent)” from the definition of “I_r”. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-40.5*)

SECTION 8. 675 IAC 13-2.4-40.6 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-40.6 Section 506.2; frontage increase

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 40.6. In SECTION 506.2, delete “(percent)” from the definition of “I_r”. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-40.6*)

SECTION 9. 675 IAC 13-2.4-41.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-41.5 Section 506.3; automatic sprinkler system increase

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 41.5. Make the following changes to SECTION 506.3:
(1) Delete “(I_s = 200 percent)” and insert “(I_s = 200)”
(2) Delete “(I_s = 300 percent)” and insert “(I_s = 300)”
(*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-41.5*)

SECTION 10. 675 IAC 13-2.4-42.7 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-42.7 Section 507.7; Group E buildings

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 42.7. Delete SECTION 507.7 without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-42.7*)

SECTION 11. 675 IAC 13-2.4-43.2 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-43.2 Table 601; fire resistance rating for building elements (hours)

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 43.2. In the last line of the first column, BUILDING ELEMENT, under TYPE IIB, delete the reference to footnote “c”. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-43.2*)

SECTION 12. 675 IAC 13-2.4-43.6 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-43.6 Section 702.1; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 43.6. Add the definition of DWELLING UNIT to read as follows: For the purpose of this chapter, DWELLING UNIT means “a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation”. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-43.6*)

SECTION 13. 675 IAC 13-2.4-47 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-47 Table 719.1(2); rated fire-resistive periods for various walls and partitions

Authority: IC 22-13-2-2; IC 22-13-2-13
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 47. (a) Change TABLE 719.1(2) RATED FIRE-RESISTIVE PERIODS FOR VARIOUS WALLS AND PARTITIONS as follows: (Portions of the Table and footnotes not shown do not change)

TABLE 719.1(2)						
RATED FIRE RESISTANCE PERIODS FOR VARIOUS WALLS AND PARTITIONS ^{a, o, p}						
MATERIAL	ITEM NUMBER	CONSTRUCTION	MINIMUM FINISHED THICKNESS FACE-TO-FACE (inches)			
			4 Hr.	3 Hr.	2 Hr.	1 Hr.
	15-1.6 ^{lm}	2" by 6" fire-retardant-treated wood studs 16" on center, interior face has two layers of 5/8" Type X gypsum with the base layer placed vertically and attached with 6d box nails 12" on center. The face layer is placed horizontally and attached with 8d box nails 8" on center at joints and 12" on center elsewhere. The exterior face has a base layer of 5/8" Type X gypsum sheathing placed vertically with 6d box nails 8" on center at joints and 12" on center elsewhere. An approved building paper is next applied, followed by self-furred exterior lath	—	—	8 1/4	—

Proposed Rules

		attached with 2½", No. 12 gage galvanized roofing nails with a 3/8" diameter head and spaced 6" on center along each stud. Cement plaster consisting of a ½" brown coat is then applied. The scratch coat is mixed in the proportion of 1:3 by weight, cement to sand with 10 pounds of hydrated lime and 3 pounds of approved additives or admixtures per sack of cement. The brown coat is mixed in the proportion of 1:4 by weight, cement to sand with the same amounts of hydrated lime and approved additives or admixtures used in the scratch coat.				
15. Exterior or interior walls	15-1.7 ^{lm}	2" by 6" wood studs 16" on center. The exterior face has a layer of 5/8" Type X gypsum sheathing placed vertically with 6d box nails 8" on center at joints and 12" on center elsewhere. An approved building paper is next applied, followed by 1" by No. 18 gage self-furred exterior lath attached with 8d by 2½" long galvanized roofing nails spaced 6" on center along each stud. Cement plaster consisting of a ½" scratch coat, a bonding agent, and a ½" brown coat and a finish coat is then applied. The scratch coat is mixed in the proportion of 1:3 by weight, cement to sand with 10 pounds of hydrated lime and 3 pounds of approved additives or admixtures per sack of cement. The brown coat is mixed in the proportion of 1:4 by weight, cement to sand with the same amounts of hydrated lime and approved additives or admixtures used in the scratch coat. The interior is covered with 3/8" gypsum lath with 1" hexagonal mesh of 0.035 inch (No. 20 B.W. gage) woven wire lath furred out 5/16" and 1" perlite or vermiculite gypsum plaster. Lath nailed with 1½" by No. 13 gage by 19/64" head plasterboard blued nails spaced 5" on center. Mesh attached by 1¾" by No. 12 gage by 3/8" head nails with 3/8" furrings, spaced 8" on center. The plaster mix shall not exceed 100 pounds of gypsum to 2½ cubic feet of aggregate.	—	—	8 ³ / ₈	—
	15-1.8 ^{lm}	2" by 6" wood studs 15" 16" on center. The exterior face has a layer of 5/8" Type X gypsum sheathing placed vertically with 6d box nails 8" on center at joints and 12" on center elsewhere. An approved building paper is next applied, followed by 1½" by No. 17 gage self-furred exterior lath attached with 8d by 2½" long galvanized roofing nails spaced 6" on center along each stud. Cement plaster consisting of a ½" scratch coat, and ½" brown coat is then applied. The plaster may be placed by machine. The scratch coat is mixed in the proportion of 1:4 by weight, plastic cement to sand. The brown coat is mixed in the proportion of 1:5 by weight, plastic cement to sand. The interior is covered with 3/8" gypsum lath with 1" hexagonal mesh of No. 20 gage woven wire lath furred out 5/16" and 1" perlite or vermiculite gypsum plaster. Lath nailed with 1½" by No. 13 gage by 19/64" and head plasterboard blued nails spaced 5" on center. Mesh attached by 1¾" by No. 12 gage by 3/8" head nails with 3/8" furrings, spaced 8" on center. The plaster mix shall not exceed 100 pounds of gypsum to 2½ cubic feet of aggregate.	—	—	8 ³ / ₈	—
	15-1.12 ^q	2" by 6" wood studs at 16" centers with double top plates, single bottom plate; interior and exterior sides covered with 5/8" Type X gypsum wallboard, 4 feet wide, applied horizontally or vertically with vertical joints over studs, and fastened with 2¼" Type S drywall screws, spaced 12" on center. Cavity filled with 4½" mineral wool insulation.	—	—	—	6¾
	15-1.13 ^q	2" by 5" 6" wood studs at 16" centers with double top plates, single bottom plate; interior and exterior sides covered with 5/8" Type X	—	—	—	6 ³ / ₄

		gypsum wallboard, 4 feet wide, applied horizontally or vertically with vertical joints over studs, and fastened with 2¼" Type S drywall screws, spaced 7" on center.				
	15-1.14 ^a	2" by 4" wood studs at 16" centers with double top plates, single bottom plate; interior and exterior sides covered with ⅝ Type X gypsum wallboard and sheathing, respectively, 4 feet wide, applied horizontally or vertically with vertical joints over studs, and fastened with 2¼" Type S drywall screws, spaced 12" on center. Cavity to be filled with 3½" mineral wool insulation.	—	—	—	4¾

(b) In item 12-1.3 and item 12-1.4, delete the reference to footnote "f".

(c) In footnote "f", delete "item 6" and insert "item 3".

(b) (d) Add footnote ^a to read as follows: ^aThe design stress of studs shall be equal to a maximum of 100 percent of the allowable F_c , calculated in accordance with Section 2306. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-47; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2882*)

SECTION 14. 675 IAC 13-2.4-55 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-55 Section 902; definitions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 55. Change SECTION 902, Definitions, as follows:

(1) Add the definition of DWELLING UNIT after DRY-CHEMICAL EXTINGUISHING AGENT to read as follows: **DWELLING UNIT.** For the purpose of this chapter, Dwelling Unit means "a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(+) (2) Add the definition of Labeled after Listed to read as follows: **LABELED.** Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization engaged in product evaluation, that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner.

(-) (3) Delete the definition of RECORD DRAWINGS.

(*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-55; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2884*)

SECTION 15. 675 IAC 13-2.4-55.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-55.5 Section 903.2.1.3; Group A-3

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 55.5. Renumber the exception to SECTION 903.2.1.3

as Exception 1 and add Exception 2 to read as follows: **2. Fire areas not exceeding 7,000 square feet (650.3 m²) used primarily for worship with or without fixed seating and not used for exhibition or display.** (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-55.5*)

SECTION 16. 675 IAC 13-2.4-56.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-56.5 Section 903.3.1.1; NFPA 13 sprinkler system

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 56.5. Change the text of SECTION 903.3.1.1 to read as follows: Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-55.5*)

SECTION 17. 675 IAC 13-2.4-96.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-96.5 Table 1003.2.2.2; maximum floor area allowances per occupant

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 96.5. Change TABLE 1003.2.2.2 as follows:

(1) In the column entitled "occupancy", on the line containing "Residential", add "Residential Owner Occupied Units" with a corresponding floor area per occupant of "300 gross".

(2) In the column entitled "occupancy", at the bottom of the table, add a line containing "Child care (Daycare)" with a corresponding floor area per occupant of "35 net". (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-96.5*)

SECTION 18. 675 IAC 13-2.4-105.6 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-105.6 Section 1003.3.3; stairways

Proposed Rules

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 105.6. Add an exception to SECTION 1003.3.3 to read as follows: EXCEPTION: Stairs and ladders used to access areas used exclusively for mechanical equipment are exempt from this section. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-105.6*)

SECTION 19. 675 IAC 13-2.4-107.3 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-107.3 Section 1004.3.2.1; construction

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 107.3. Delete Exception 2 to SECTION 1004.3.2.1 without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-107.3*)

SECTION 20. 675 IAC 13-2.4-107.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-107.5 Section 1005.3.2; vertical exit enclosures

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 107.5. Add an exception “9” to SECTION 1005.3.2 to read as follows: 9. In other than occupancy Groups H and I, interior egress stairways serving only the first and second stories of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 are not required to be enclosed, provided at least two means of egress are provided from both floors served by the unenclosed stairways. Such interconnecting stories shall not be open to other stories. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-107.5*)

SECTION 21. 675 IAC 13-2.4-107.6 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-107.6 Section 1005.3.5.1; separation

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 107.6. In the third sentence of the first paragraph of SECTION 1005.3.5.1, delete “with no unprotected openings” without substitution. (*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-107.6*)

SECTION 22. 675 IAC 13-2.4-118 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-118 Table 1505.1; minimum roof covering classification for types of construction

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 118. Make the following changes to TABLE 1505.1:

(1) Delete in TABLE 1505.1 MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION, Footnote a.

(2) Change the reference in footnote c to 1505.7.

(*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-118; filed Apr 21, 2003, 8:30 a.m.; 26 IR 2937*)

SECTION 23. 675 IAC 13-2.4-118.4 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-118.4 Table 1507.2; asphalt shingle application

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 118.4. Make the following changes to TABLE 1507.2:

(1) In item 2 of the exception, delete “1609.5” and insert “1604.5”.

(2) In item 2 of the exception, add “I_w” after “Importance Factor”.

(*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-118.4*)

SECTION 24. 675 IAC 13-2.4-121.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-121.5 Section 1605.4; special seismic load combinations

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 121.5. Make the following changes to SECTION 1605.4:

(1) In the fifth line, delete “due to” and insert “calculated using”.

(2) In the seventh line, add “those calculated using” before “Formula 16-20”.

(*Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-121.5*)

SECTION 25. 675 IAC 13-2.4-122 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-122 Table 1607.1; minimum uniformly distributed live loads and minimum concentrated live loads

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 122. Change Make the following changes in TABLE 1607.1 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND MINIMUM CONCENTRATED LIVE LOADS:

(1) Change footnote “g” to read as follows: g. Where snow loads occur that are in excess of the design conditions, the structure shall be designed to support the loads due to the increased loads increase caused by drift buildup or a greater

snow design determined by the registered design professional or the owner if a registered design professional is not required by the General Administrative Rules (675 IAC 12-6) or the rules for Industrialized Building Systems (675 IAC 15). See Section 1608. For special-purpose roofs, see Section 1607.11.2.2.

(2) In the column OCCUPANCY OR USE, delete “and canopies” from item 24.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-122; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2937)

SECTION 26. 675 IAC 13-2.4-122.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-122.5 Section 1607.4; concentrated loads

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 122.5. In the first sentence of SECTION 1607.4, delete “1607.2” and insert “1607.3”. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-122.5)*

SECTION 27. 675 IAC 13-2.4-132 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-132 Section 1616.2.3; Seismic Use Group III

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 132. Change SECTION 1616.2.3 Seismic Use Group III as follows:

(1) Delete the words “, or as designated by the building official”.

(2) Add an exception to the end of SECTION ~~1616.3~~ **1616.2.3** to read as follows: EXCEPTION: The seismic design category need not exceed Seismic Design Category C for buildings and structures in Seismic Use Groups I and II and Seismic Design Category D for Class 1 buildings and structures in Seismic Use Group III.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-132; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2938)

SECTION 28. 675 IAC 13-2.4-132.3 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-132.3 Section 1617.4.1.1; calculation of seismic response coefficient

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 132.3. In SECTION 1617.4.1.1, at the definition for “S₁” (Equation 16-38), add “mapped” before “maximum”. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-132.3)*

SECTION 29. 675 IAC 13-2.4-132.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-132.5 Table 1617.6; design coefficients and factors for basic seismic-force resisting systems

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 132.5. Make the following changes to TABLE 1617.6:

(1) At the entry for Basic seismic-force-resisting system, section 1 Bearing Wall Systems, line B, in column F^c, delete “160” and insert “100”.

(2) At the entry for Basic seismic-force-resisting system, section 2 Building frame systems, line H, in column A or B, delete “NP” and insert “NL”.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-132.5)

SECTION 30. 675 IAC 13-2.4-133.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-133.5 Section 1621.1; component importance factor

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 133.5. In SECTION 1621.1.6, delete “exempted amounts” from the second listing for I_p, and insert “maximum allowable quantities”. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-133.5)*

SECTION 31. 675 IAC 13-2.4-134.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-134.5 Section 1621.2.1; architectural component forces and displacements

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 134.5. In the seventh line of the exception, delete “swing” and insert “of swinging,” and delete the “,” after “vertical”. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-134.5)*

SECTION 32. 675 IAC 13-2.4-143 IS AMENDED TO READ AS FOLLOWS:

675 IAC 13-2.4-143 Section 1621.3.12.1; mechanical equipment

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 143. Make the following changes to SECTION 1621.3.12.1:

(1) Change the first paragraph of SECTION 1621.3.12.1, Mechanical equipment, to read as follows: Mechanical equipment that is within the scope of Section 101.2 having an I_p greater than 1.0 shall meet the following requirements:

1. For equipment components vulnerable to impact,

Proposed Rules

equipment components constructed of nonductile materials, or in cases where material ductility is reduced (e.g., low temperature applications), seismic impact shall be prevented.

2. The design shall include the effect of loadings imposed on the equipment by attached utility or service lines due to differential motions of points of support from separate structures.

(2) In fourth line, in the second paragraph, delete “exempted amounts” and insert “maximum allowable quantities”.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-143; filed Apr 21, 2003, 8:30 a.m.: 26 IR 2939)

SECTION 33. 675 IAC 13-2.4-180.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-180.5 Table 1904.4.1; maximum chloride ion content for corrosion protection of reinforcement

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 180.5. In the second column of TABLE 1904.4.1, delete “DL” and insert “DI”. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-180.5)*

SECTION 34. 675 IAC 13-2.4-201.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-201.5 Section 2109.5.5.2; additional provisions

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 201.5. In SECTION 2109.5.5.2, delete “1504.2, 1504.3 and 1504.4” and insert “1503.2, 1503.3, and 1503.4”. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-201.5)*

SECTION 35. 675 IAC 13-2.4-201.7 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-201.7 Section 2110.1.1; limitations

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 201.7. In the first sentence of SECTION 2110.1.1, delete “fire separation assemblies” and insert “fire barriers”. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-201.7)*

SECTION 36. 675 IAC 13-2.4-210.3 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-210.3 Table 2304.6.1; minimum thickness of wall sheathing

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 210.3. In TABLE 2304.6.1, in the column “MINIMUM THICKNESS”, change “1½ inch” to “½ inch” for Fiberboard. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-210.3)*

SECTION 37. 675 IAC 13-2.4-210.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-210.5 Table 2304.9.1; fastening schedule

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 210.5. Change TABLE 2304.9.1 as follows: In the column heading, CONNECTION, at item 6, “Sole plate to joist or blocking at braced wall panel”, in the column heading, FASTENING, add the number “4” at the beginning of the last two lines. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-210.5)*

SECTION 38. 675 IAC 13-2.4-213.3 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-213.3 Section 2304.11.9; underfloor ventilation (crawlpace)

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 213.3. In SECTION 2304.11.9, delete “1202.4” and insert “1202.3”. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-213.3)*

SECTION 39. 675 IAC 13-2.4-213.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-213.5 Section 2306.1; allowable stress design

Authority: IC 22-13-2-2; IC 22-1

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 213.5. In SECTION 2306.1, for reference standard for TRUSS PLATE INSTITUTE, INC., delete “TPI 1-1995” and insert “TPI 1”. *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-213.5)*

SECTION 40. 675 IAC 13-2.4-213.7 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-213.7 Table 2306.4.1; allowable shear (pounds per foot) for wood structural panel shear walls with framing for Douglas fir-larch, or southern pine for wind or seismic loading

Authority: IC 22-13-2-2; IC 22-1

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 213.7. Make the following changes to TABLE 2306.4.1:

- (1) At the entry for Structural 1 Sheathing, $\frac{15}{32}$ Nominal Panel Thickness, $\frac{13}{8}$ Fastener Penetration: delete the entry for 10d nails and the associated values.
- (2) At the entry for Structural 1 Sheathing, $\frac{15}{32}$ Nominal Panel Thickness, $\frac{13}{8}$ Fastener Penetration, Panels Applied Direct to Framing, 3 inch edge spacing (550): delete the reference to footnote "f".
- (3) At the entry for Structural 1 Sheathing, $\frac{7}{16}$ Nominal Panel Thickness, $\frac{13}{8}$ Fastener Penetration, Panel Applied over Gypsum Sheathing, 3 inch edge spacing (550): add the reference to footnote "f".
- (4) At the entry for Sheathing, Plywood Siding, $\frac{15}{32}$ Nominal Panel Thickness, $\frac{13}{8}$ Fastener Penetration, Panels Applied Direct to Framing, 3 inch edge spacing (490): delete the reference to footnote "f".
- (5) At the entry for Sheathing, Plywood Siding, $\frac{3}{8}$ Nominal Panel Thickness, $\frac{13}{8}$ Fastener Penetration, Panels Applied Direct to Framing with 8d galvanized "casing" nails, 3 inch edge spacing (310): delete the reference to footnote "f".
- (6) Change footnote "c" to read as follows: $\frac{3}{8}$ inch panel thickness or siding with a span of 16 inches on center is minimum recommended where applied directly to framing as exterior siding.

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-213.7)

SECTION 41. 675 IAC 13-2.4-214.2 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-214.2 Section 2308.2.1; basic wind speed greater than 100 mph (3-second gust)

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 214.2. In SECTION 2308.2.1, delete the comma after "(WFCM)" and insert "For One-and-Two Family Dwellings, SBC High Wind Edition,". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-214.2)*

SECTION 42. 675 IAC 13-2.4-214.4 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-214.4 Table 2308.8(1); floor joist spans for common lumber species

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 214.4. In TABLE 2308.8(1), for 12 inch spacing, under the listing for SPECIES AND GRADE-Southern pine #2; DEAD LOAD = 10 psf; 2X12, delete "18-8" and insert "24-2". *(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-214.4)*

SECTION 43. 675 IAC 13-2.4-214.6 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-214.6 Table 2308.9.5; header and girder spans for exterior walls (maximum header span for Douglas fir-larch, hem-fir, southern pine, and spruce-pine-fir and required jack studs)

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 214.6. In TABLE 2308.9.5, in the column titled "HEADERS SUPPORTING", change the following:

- (1) In the Roof & Ceiling section, change the numbers for 4-2x8 to read across as follows: [9-2], [1], [8-4], [1], [7-8], [1], [8-4], [1], [7-5], [1], [6-8], [1].
- (2) In the Roof, Ceiling and 1 Center-Bearing Floor section, change the numbers for 4-2x8 to read across as follows: [8-1], [1], [7-3], [1], [6-7], [1], [7-5], [1], [6-6], [1], [5-11], [2].
- (3) In the Roof, Ceiling and 1 Clear Span Floor section, change the numbers for 4-2x8 to read across as follows: [7-2], [1], [6-3], [2], [5-7], [2], [7-0], [1], [6-1], [2], [5-6], [2].
- (4) In the Roof, Ceiling and 2 Center-Bearing Floors section, change the numbers for 4-2x8 to read across as follows: [6-10], [1], [6-0], [2], [5-5], [2], [6-8], [1], [5-10], [2], [5-3], [2].
- (5) In the Roof, Ceiling and 2 Clear Span Floors section, change the numbers for 4-2x8 to read across as follows: [5-7], [2], [4-10], [2], [4-4], [2], [5-6], [2], [4-9], [2], [4-3], [2].

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-214.6)

SECTION 44. 675 IAC 13-2.4-214.7 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-214.7 Table 2308.9.6; header and girder spans for exterior walls (maximum header span for Douglas fir-larch, hem-fir, southern pine, and spruce-pine-fir and required jack studs)

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 214.7. Make the following changes to TABLE 2308.9.6:

- (1) In the third line of the heading, after "Maximum" and before "spans", delete "header".
- (2) In the One Floor Only section, change the numbers for 4-2x8 to read across as follows: [9-0], [1], [7-8], [1], [6-9], [1].
- (3) In the Two Floors section, change the numbers for 4-2x8 to read across as follows: [6-1], [1], [5-3], [2], [4-8], [2].

Proposed Rules

(Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-214.7)

SECTION 45. 675 IAC 13-2.4-228.5 IS ADDED TO READ AS FOLLOWS:

675 IAC 13-2.4-228.5 Section 3104.5; fire barriers between pedestrian walkways and buildings

Authority: IC 22-13-2-2; IC 22-13-2-13

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7; IC 36-8

Sec. 228.5. In the first sentence of Condition 1 of the exception to SECTION 3104.5, delete “connected buildings are” and insert “a connected building is”. (Fire Prevention and Building Safety Commission; 675 IAC 13-2.4-228.5)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 19, 2005, at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana; **AND** on June 7, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Fire Prevention and Building Safety Commission will hold a public hearing on proposed amendments to the Indiana Building Code. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Secretary

Fire Prevention and Building Safety Commission

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Proposed Rule

LSA Document #04-275

DIGEST

Adds 675 IAC 27, the Indiana Visitability Rule for One and Two Family Dwellings and Townhouses. Effective 30 days after filing with the secretary of state.

675 IAC 27

SECTION 1. 675 IAC 27 IS ADDED TO READ AS FOLLOWS:

ARTICLE 27. INDIANA VISITABILITY RULE FOR ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES

Rule 1. Indiana Visitability Rule

675 IAC 27-1-1 Scope and enforcement

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 1. This rule applies only to the design and construction of one (1) or more visitability features in one (1) and two (2) family dwellings and Class 1 townhouses. In accordance with IC 22-13-4-7(g), the provisions of this rule are not mandatory unless a person contracts with a designer or a builder for construction of a visitability feature adopted in this rule in the new construction of a dwelling, in which case the designer and builder shall comply with the standards adopted in this rule for the design and construction of the visitability feature. The standards adopted under this rule:

(1) shall be enforced by a political subdivision that enforces the commission’s standards with respect to Class 2 structures; and

(2) may not be enforced by the department of fire and building services.

(Fire Prevention and Building Safety Commission; 675 IAC 27-1-1)

675 IAC 27-1-2 Definitions

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 2. The following definitions apply throughout this rule:

(1) “Accessible” means that a dwelling can be approached and entered by persons with a disability.

(2) “Accessible route” means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a disability using a wheelchair. Interior accessible routes may include corridors, floors, and ramps. Exterior accessible routes may include parking access aisles, curb ramps, walks, and ramps.

(3) “Adaptable dwelling units” means dwelling units that include any features of adaptable design specified in section 3 of this rule.

(4) “Bathroom” means a bathroom, which includes a water closet (toilet), lavatory (sink), and bathtub or shower. The term does not include single-fixture facilities or those with only a water closet and lavatory. The term includes a compartmented bathroom, which is:

(A) one in which the fixtures are distributed among interconnected rooms;

(B) considered a single unit; and

(C) subject to the requirements for bathrooms.

(5) “Building”, for the purpose of this rule, means a structure, facility, or portion thereof that contains or serves a one (1) or two (2) family dwelling or townhouse.

(6) “Building entrance on an accessible route” means an

accessible entrance to a building within the site where the dwelling is located that is connected by an accessible route to public streets or sidewalks.

(7) "Clear" means unobstructed.

(8) "Dwelling unit" means a single unit of residence for a household of one (1) or more persons. Buildings containing dwelling units include the following:

(A) Single-family dwellings.

(B) Duplexes.

(C) Class 1 townhouses.

(9) "Entrance" means any exterior access point to a building or portion of a building used by residents for the purpose of entering. For purposes of this rule, the term does not include a door used primarily as a service entrance, even if residents without disabilities occasionally use that door to enter.

(10) "Environmental controls" means switches or devices that control or regulate:

(A) lights;

(B) temperature;

(C) fuses;

(D) fans;

(E) doors;

(F) security system features; or

(G) other features.

(11) "Loft" means an intermediate level between the floor and ceiling of any story located within a room or rooms of a dwelling that does not contain the only:

(A) bathing facility;

(B) lavatory;

(C) water closet;

(D) living area;

(E) eating area; or

(F) cooking area;

within the dwelling unit.

(12) "Multistory dwelling unit" means a dwelling unit with finished living space located on one (1) floor and the floor or floors immediately above or below it.

(13) "New construction" means the construction of a new dwelling on a vacant lot. The term does not include an addition to or remodeling of an existing building.

(14) "Powder room" means a room with only a water closet (toilet) and lavatory (sink).

(15) "Single-story dwelling unit" means a dwelling unit with all finished living space located on one (1) floor.

(16) "Site" means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

(17) "Townhouse" means a single-family dwelling unit:

(A) constructed in a row of attached units separated by property lines; and

(B) with open space on at least two (2) sides.

A townhouse is regulated by the Indiana Residential Code (675 IAC 14) as a Class 1 structure.

(18) "Visitability feature" means any design feature of a dwelling that allows a person with a mobility impairment

to enter and comfortably stay in a dwelling for a duration of time. The term includes features that allow a person with a mobility impairment to:

(A) get in and out through one (1) exterior door of the dwelling without any steps; and

(B) pass through all main floor interior doors, including a bathroom.

(20) "Visitability" means that a visitability feature is provided to render a portion of a dwelling accessible.

(Fire Prevention and Building Safety Commission; 675 IAC 27-1-2)

675 IAC 27-1-3 Design and construction requirements

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 3. When a person contracts with a designer or builder, or both, for the construction of a dwelling with a visitability feature:

(1) the feature shall be designed and constructed in such a manner that complies with the standard put forth in the section of this rule for that feature; and

(2) the accessible route shall be designed and constructed in such a manner that:

(A) at least one (1) building entrance is on an accessible route;

(B) all doors shall be thirty-six (36) inches (ninety-one and forty-four hundredths (91.44) centimeters) in width; and

(C) all dwelling units shall contain the features of adaptable design, such as:

(i) an accessible route into and through the dwelling unit;

(ii) light switches, electrical receptacle outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in bathroom walls to allow installation of grab bars around the toilet, tub, shower stall, and shower seat, where such facilities are provided;

(iv) kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space; and

(v) all habitable rooms shall have a minimum size of seven (7) feet by ten (10) feet.

(Fire Prevention and Building Safety Commission; 675 IAC 27-1-3)

675 IAC 27-1-4 Entrances

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 4. (a) Each building shall have at least one (1) building entrance on an exterior accessible route.

(b) Only one (1) entrance is required to be accessible to any one (1) ground floor of a building, except in cases where an individual dwelling unit has a separate exterior entrance.

Proposed Rules

In every case, the accessible entrance shall be on an accessible route to the dwelling unit. (*Fire Prevention and Building Safety Commission; 675 IAC 27-1-4*)

675 IAC 27-1-5 Usable doors

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 5. (a) Within the dwelling unit, a door intended for user passage through the unit having a clear opening of at least thirty-four (34) inches (eighty-six and thirty-six hundredths (86.36) centimeters) nominal width when the door is open ninety (90) degrees (one and fifty-seven hundredths (1.57) radians), measured between the face of the door and the stop, will conform to section 3(2)(A) of this rule (see Figure 1(a), 1(b), and 1(c)). Openings more than twenty-four (24) inches (sixty and ninety-six hundredths (60.96) centimeters) in depth are not considered doorways (see Figure 1(d)). Figure 1(a) through 1(d) is as follows:

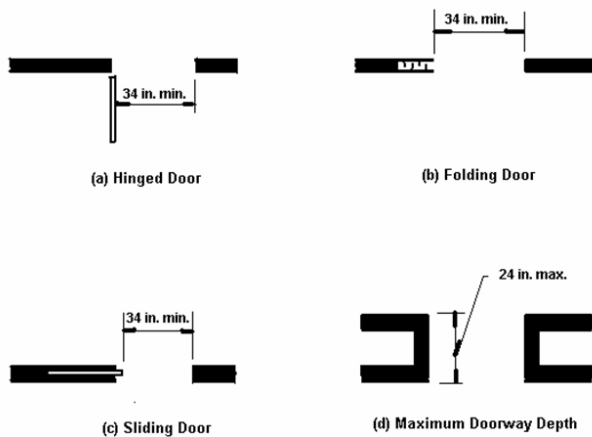


Fig. 1 Clear Doorway Width and Depth

NOTE: A thirty-six (36) inch (ninety-one and forty-four hundredths (91.44) centimeters) door hung in the standard manner shall provide an acceptable, nominal thirty-four (34) inch (eighty-six and thirty-six hundredths (86.36) centimeters) clear opening. This door may be adapted to provide a wider opening by using offset hinges or by removing lower portions of the door stop, or both. Pocket or sliding doors are acceptable doors in dwelling units and have the added advantage of not impinging on clear floor space in small rooms.

(b) Handles, pulls, latches, locks, and other operable parts on accessible doors shall have a shape that is easy to grasp with one (1) hand and does not require tight grasping, pinching, or twisting of the wrist to operate. Such hardware shall be thirty-four (34) inches (eighty-six and thirty-six hundredths (86.36) centimeters) minimum and forty-eight

(48) inches (one hundred twenty-one and ninety-two hundredths (121.92) centimeters) maximum above the floor or ground. Where sliding doors are in the fully open position, operating hardware shall be exposed and usable from both sides. An exception is that locks used only for security purposes and not used for normal operation are permitted in any location. (*Fire Prevention and Building Safety Commission; 675 IAC 27-1-5*)

675 IAC 27-1-6 Maneuvering clearances at doors

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 6. (a) Swinging doors shall have maneuvering clearances complying with TABLE V6.1 as follows:

TABLE V6.1 MANEUVERING CLEARANCES FOR MANUAL SWINGING DOORS

TYPE OF USE		MINIMUM CLEARANCES	
APPROACH DIRECTION	DOOR SIDE	PERPENDICULAR TO DOOR ¹	BEYOND LATCH PARALLEL TO DOOR
From front	Pull	60 inches (1,524 mm)	18 inches (457 mm)
From front	Push	48 inches (1,219 mm)	0 inches (0 mm) ²
From hinge	Pull	60 inches (1,524 mm) 54 inches (1,372 mm) ⁵	36 inches (914 mm) 42 inches (1,067 mm) ⁵
From hinge	Push	42 inches (1,067 mm) ³	54 inches (1,372 mm)
From latch	Pull	48 inches (1,219 mm) ⁴	24 inches (610 mm)
From latch	Push	42 inches (1,067 mm) ⁴	24 inches (610 mm)

¹Maneuvering space shall include full width of doorway.

²Add 12 inches (305 mm) if closer and latch provided.

³Add 6 inches (152 mm) if closer and latch provided.

⁴Add 6 inches (152 mm) if closer provided.

⁵Alternative design.

(b) Sliding doors and folding doors shall have maneuvering clearances complying with Table V6.2 as follows:

TABLE V6.2 MANEUVERING CLEARANCES FOR SLIDING AND FOLDING DOORS

APPROACH DIRECTION	MINIMUM CLEARANCES	
	PERPENDICULAR TO DOOR ¹	PARALLEL TO DOOR
From front	48 inches (1,219 mm)	0 inches (0 mm)
From hinge side	42 inches (1,067 mm)	54 inches (1,372 mm) ²
From latch side	42 inches (1,067 mm)	24 inches (610 mm) ²

¹Maneuvering space shall include full width of doorway.

²From the latch side toward the approach direction.

(c) Floor or ground surface within the maneuvering clearances shall have a slope not greater than 1:48 and shall comply with section 13 of this rule. (*Fire Prevention and*

Building Safety Commission; 675 IAC 27-1-6)

675 IAC 27-1-7 Maneuvering clearances at doorways without doors

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 7. (a) Doorways without doors that are less than thirty-six (36) inches (nine hundred fourteen (914) millimeters) wide shall have maneuvering clearances complying with TABLE V7.1 as follows:

**TABLE V7.1 MANEUVERING CLEARANCES
FOR DOORWAYS WITHOUT DOORS**

APPROACH DIRECTION	MINIMUM CLEARANCES
	PERPENDICULAR TO DOORWAY ¹
From front	48 inches (1,219 mm)
From side	42 inches (1,067 mm)

¹Maneuvering space shall include full width of doorway.

(b) Where the plane of the doorway is recessed more than eight (8) inches (twenty and three-tenths (20.3) centimeters) from the plane of the wall, clearances for front approach shall be provided.

(c) Floor or ground surface within the maneuvering clearances shall have a slope not greater than 1:48 and shall comply with section 13 of this rule. (*Fire Prevention and Building Safety Commission; 675 IAC 27-1-7*)

675 IAC 27-1-8 Accessible route into and through the dwelling unit

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 8. (a) A minimum clear width of thirty-six (36) inches (ninety-one and forty-four hundredths (91.44) centimeters) shall be provided.

(b) In single-story dwelling units, changes in levels within the dwelling unit with heights greater than one-fourth ($\frac{1}{4}$) inch through one-half ($\frac{1}{2}$) inch (greater than six and thirty-five hundredths (6.35) millimeters through twelve and seven-tenths (12.7) millimeters) shall be beveled with a slope no greater than 1:2. Except for design features, such as a loft or an area on a different level within a room, for example, a sunken living room, changes in levels greater than one-half ($\frac{1}{2}$) inch shall be ramped or have other means of access. Where a single-story dwelling unit has special design features, all portions of the single-story unit, except the loft or the sunken or raised area, shall be on an accessible route. Additional requirements are as follows:

- (1) In single-story dwelling units with lofts, all spaces other than the loft shall be on an accessible route.
- (2) Design features, such as sunken or raised functional areas, shall not interrupt the accessible route through the

remainder of the dwelling unit.

(c) Except as provided in subsection (e), thresholds at exterior doors, including sliding door tracks, shall be no higher than three-fourths ($\frac{3}{4}$) inch (nineteen (19) millimeters). Thresholds and changes in level at these locations shall be beveled with a slope no greater than 1:2.

(d) Exterior deck, patio, or balcony surfaces shall not be more than one-half ($\frac{1}{2}$) inch (twelve and seven-tenths (12.7) millimeters) below the floor level of the interior of the dwelling unit unless they are constructed of impervious material such as concrete, brick, or flagstone. In such case, the surface shall not be more than four (4) inches (ten and two-tenths (10.2) centimeters) below the floor level of the interior of the dwelling unit.

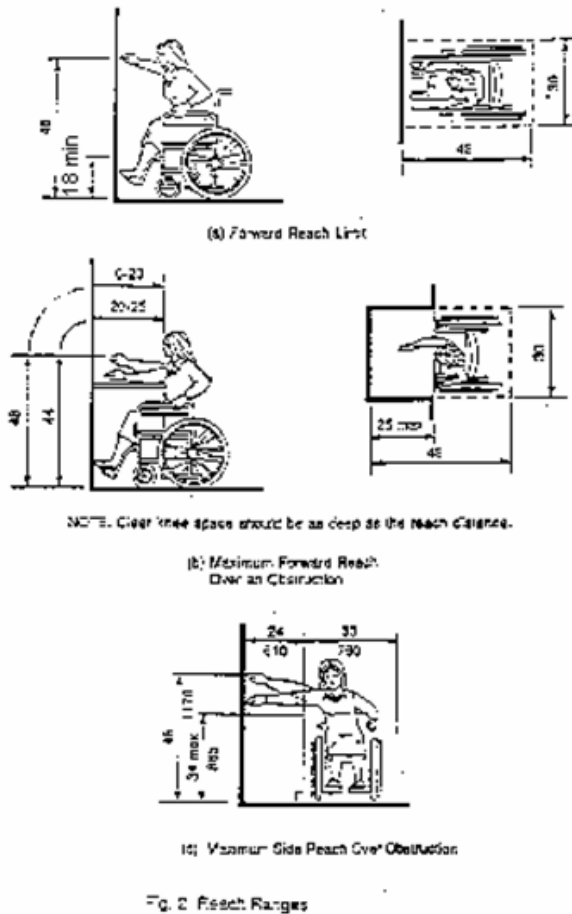
(e) At the primary entry door to the dwelling unit with direct exterior access, outside landing surfaces constructed of impervious materials, such as concrete, brick, or flagstone, shall not be more than one-half ($\frac{1}{2}$) inch (twelve and seven-tenths (12.7) millimeters) below the floor level of the interior of the dwelling unit. The finished surface of this area that is located immediately outside the entry may be sloped, up to one-eighth ($\frac{1}{8}$) inch per foot (ten and forty-two hundredths (10.42) millimeters per meter) for drainage. (*Fire Prevention and Building Safety Commission; 675 IAC 27-1-8*)

675 IAC 27-1-9 Light switches, electrical receptacle outlets, thermostats, and other environmental controls in accessible locations

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 9. Light switches, electrical receptacle outlets, thermostats, and other environmental controls shall be located no higher than forty-eight (48) inches (one hundred twenty-one and nine-tenths (121.9) centimeters) and no lower than eighteen (18) inches (forty-five and seventy-two hundredths (45.72) centimeters) above the floor. If the reach is over an obstruction, for example, an overhanging shelf twenty-four (24) inches (sixty and ninety-six hundredths (60.96) centimeters) in depth, the maximum height is reduced to forty-four (44) inches (one hundred eleven and seventy-six hundredths (111.76) centimeters) for forward approach, or forty-six (46) inches (one hundred sixteen and eighty-four hundredths (116.84) centimeters) for side approach, provided the obstruction, for example, a kitchen base cabinet, is no more than twenty-four (24) inches (sixty and ninety-six hundredths (60.96) centimeters) in depth. The depth of obstructions shall not exceed twenty-five (25) inches (sixty-three and five-tenths (63.5) centimeters) from the wall beneath a control (see Figure 2). Figure 2 is as follows:

Proposed Rules



(Fire Prevention and Building Safety Commission; 675 IAC 27-1-9)

675 IAC 27-1-10 Reinforced walls for grab bars

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 10. (a) Reinforced bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall, and shower seat, where such facilities are provided, shall conform to section 3(2)(B)(iii) of this rule (see Figures 3, 4, and 5). Where the toilet is not placed adjacent to a side wall, the bathroom shall comply if provision is made for installation of floor mounted foldaway or similar alternative grab bars. Where the powder room is the only toilet facility located on an accessible level of a multistory dwelling unit, it shall comply with this requirement for reinforced walls for grab bars. Figures 3, 4, and 5 are as follows:

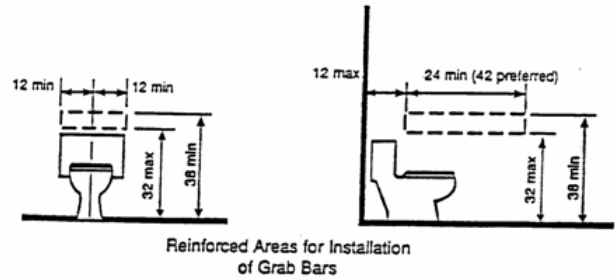


Fig. 3 Water Closets in Adaptable Bathrooms

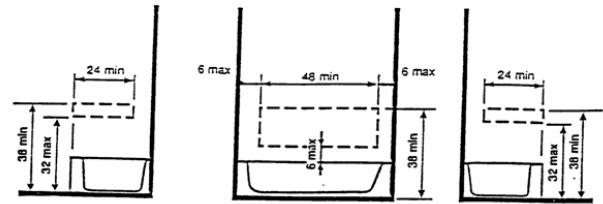


Fig. 4 Location of Grab Bar Reinforcements for Adaptable Bathtubs

NOTE: The areas outlined in dashed lines represent locations for future installation of grab bars for typical fixture configurations.

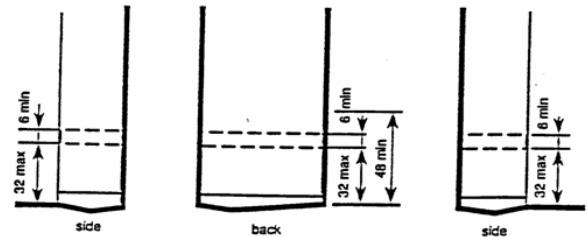


Fig. 5 Location of Grab Bar Reinforcements for Adaptable Showers

NOTE: The areas outlined in dashed lines represent locations for future installation of grab bars.

NOTE: Installation of reinforcement for grab bars for bathtubs or showers is not limited by the illustrative figures. Reinforced areas for floor-mounted grab bars is acceptable.

(b) Reinforcement for grab bars may be provided in a variety of ways, for example, by plywood or wood blocking, so long as the necessary reinforcement is placed to permit later installation of grab bars in appropriate locations. (Fire Prevention and Building Safety Commission; 675 IAC 27-1-10)

675 IAC 27-1-11 Visitable kitchens

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-2-13-4-7

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 11. (a) A clear floor space at least thirty (30) inches by forty-eight (48) inches (seventy-six and two-tenths (76.2) centimeters by one hundred twenty-one and nine-tenths (121.9) centimeters) that allows a parallel approach by a person in a wheelchair shall be provided at the range or cooktop and sink, and either a parallel or forward approach shall be provided at the oven, dishwasher, refrigerator/freezer, or trash compactor (see Figure 6). Figure 6 is as follows:

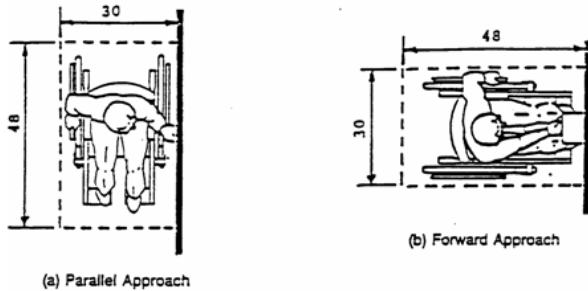


Fig. 6 Minimum Clear Floor Space for Wheelchairs

(b) Clearance between counters and all opposing base cabinets, countertops, appliances, or walls shall be at least forty (40) inches (one hundred one and six-tenths (101.6) centimeters).

(c) In U-shaped kitchens with a sink, range, or cooktop at the base of the "U", a sixty (60) inch (one hundred fifty-two and four-tenths (152.4) centimeters) diameter turning space shall be provided to allow parallel approach, or base cabinets shall be removable at that location to allow knee space for a forward approach. (*Fire Prevention and Building Safety Commission; 675 IAC 27-1-11*)

675 IAC 27-1-12 Visitable bathrooms

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 12. (a) Either all bathrooms in the dwelling unit shall comply with subsection (b) or at least one (1) bathroom in the dwelling unit shall comply with subsection (b) and all other bathrooms and powder rooms within the dwelling unit shall be on an accessible route with usable entry doors in accordance with TABLE V6.1 in section 6(a) of this rule or TABLE V6.2 in section 6(b) of this rule.

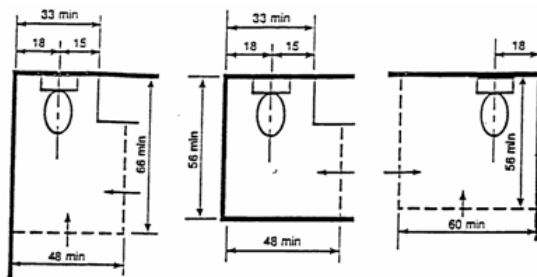
(b) Bathrooms that have reinforced walls for grab bars (see section 10 of this rule) shall conform to section 3(2)(B)(iii) of this rule as follows:

(1) Sufficient maneuvering space shall be provided within the bathroom for a person using a wheelchair or other mobility aid to:

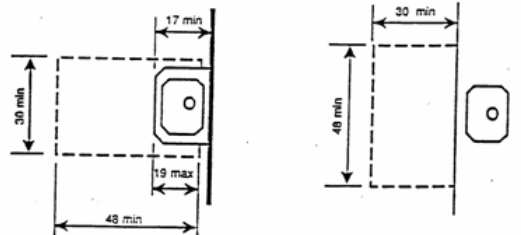
- (A) enter and close the door;
- (B) use the fixtures;
- (C) reopen the door; and
- (D) exit.

Doors may swing into the clear floor space provided at any fixture if the maneuvering space is provided. Maneuvering spaces may include any knee space or toe space available below bathroom fixtures.

(2) Clear floor space shall be provided at fixtures as shown in Figures 7(a), 7(b), 7(c), and 7(d). Clear floor space at fixtures may overlap. Figure 7(a) through 7(d) is as follows:



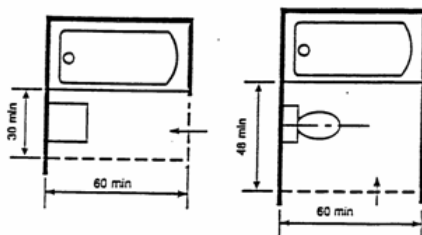
(a) Clear Floor Space for Water Closets



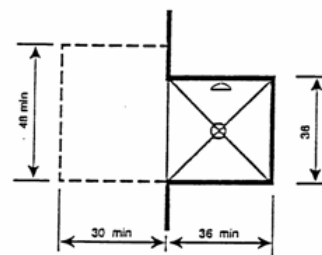
Lavatory With Knee Space

Lavatory Without Knee Space

(c) Clear Floor Space at Lavatories



(b) Clear Floor Space at Bathtubs



(d) Clear Floor Space at Shower

Fig. 7 Clear Floor Space for Adaptable Bathrooms

(3) If the shower stall is the only bathing facility provided in the dwelling unit, the shower stall shall measure at least thirty-six (36) inches by thirty-six (36) inches (ninety-one and forty-four hundredths (91.44) centimeters by ninety-one and forty-four hundredths (91.44) centimeters). Cabinets under lavatories are acceptable provided the bathroom has space to allow a parallel approach by a person in a wheelchair. If a parallel approach is not possible within the space, any cabinets provided shall be removable to afford the necessary knee clearance for forward approach.

(4) Where the door swings into the bathroom, there shall be a clear space approximately thirty (30) inches by forty-eight (48) inches (seventy-six and two-tenths (76.2) centimeters by one hundred twenty-one and ninety-two hundredths (121.92) centimeters) within the room to position a wheelchair or other mobility aid clear of the path of the door as it is closed and to permit use of fixtures. This clear space may include any knee space and toe space available below bathroom fixtures.

(5) Where the door swings out, a clear space shall be provided within the bathroom for a person using a wheelchair or other mobility aid to:

- (A) position the wheelchair such that the person is allowed use of the fixtures; and
- (B) reopen the door to exit.

(6) When:

- (A) both tub and shower fixtures; or
- (B) two (2) or more lavatories;

are provided in a bathroom, at least one (1) shall be made accessible.

(7) Toilets shall be located within bathrooms in a manner that permits a grab bar to be installed on one (1) side of the fixture. In locations where toilets are adjacent to walls or bathtubs, the centerline of the fixture shall be at least eighteen (18) inches (forty-five and seventy-two hundredths (45.72) centimeters) from the wall or bathtub. The other (nongrab bar) side of the toilet fixture shall be at least fifteen (15) inches (thirty-eight and one-tenth (38.1) centimeters) from the finished surface of adjoining walls, vanities, or the edge of a lavatory (see Figure 7(a) in subdivision (2)).

(8) Vanities and lavatories shall be installed with the centerline of the fixture at least fifteen (15) inches (thirty-eight and one-tenth (38.1) centimeters) horizontally from an adjoining wall or fixture. The top of the fixture rim shall not exceed thirty-four (34) inches (eighty-six and thirty-six hundredths (86.36) centimeters) above the finished floor. If knee space is provided below the vanity, the bottom of the apron shall be at least twenty-seven (27) inches (sixty-eight and fifty-eight hundredths (68.58) centimeters) above the floor. If provided, full knee space (for front approach) shall be at least seventeen (17) inches (forty-three and eighteen-hundredths (43.18) centimeters) deep (see Figure 7(c) in subdivision (2)).

(9) For bathtubs and tub/showers located in the bathroom, a clear access aisle adjacent to the bathtub or tub/shower shall be provided that shall be at least thirty (30) inches (seventy-six and two-tenths (76.2) centimeters) wide and extend forty-eight (48) inches (one hundred twenty-one and ninety-two hundredths (121.92) centimeters) (measured from the head of the bathtub or tub/shower) (see Figure 8). Figure 8 is as follows:

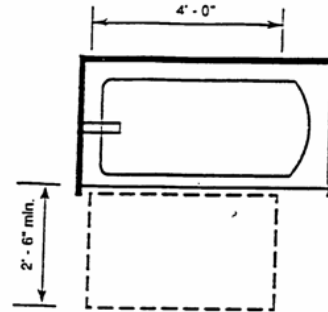


Fig. 8 Alternative Specification – Clear Floor Space at Bathtub

(10) Stall showers in the bathroom may be of any size or configuration. A minimum clear floor space measuring at least thirty (30) inches (seventy-six and two-tenths (76.2) centimeters) by forty-eight (48) inches (one hundred twenty-one and ninety-two hundredths (121.92) centimeters) shall be available outside the stall (see Figure 7(d) in subdivision (2)). If the shower stall is the only bathing facility provided in the dwelling unit, or on the accessible level of a multistory unit, and it measures a nominal thirty-six (36) inches by thirty-six (36) inches (ninety-one and forty-four hundredths (91.44) centimeters by ninety-one and forty-four hundredths (91.44) centimeters) or smaller, the shower stall must have reinforcement to allow for installation of an optional hung bench seat.

(Fire Prevention and Building Safety Commission; 675 IAC 27-1-12)

675 IAC 27-1-13 Floor or ground surfaces

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-23-4-7

Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 13. (a) Floor or ground surfaces shall:

- (1) be stable, firm, and slip-resistant; and
- (2) comply with this section.

(b) Carpet or carpet tile shall:

- (1) be securely attached;
- (2) have a firm cushion, pad, or backing or no cushion or pad; and
- (3) have a level loop, textured loop, level cut pile, or level cut/uncut pile texture.

Pile height shall be one-half (½) inch (twelve and seven-

tenths (12.7) millimeters) maximum. Exposed edges of carpet shall be fastened to floor or ground surfaces and shall have trim along the entire length of the exposed edge. Carpet edge trim shall comply with subsection (d).

(c) Openings in floor or ground surfaces shall be of a size that does not permit the passage of a one-half ($\frac{1}{2}$) inch (twelve and seven-tenths (12.7) millimeters) diameter sphere. Elongated openings shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

(d) The following change in level requirements for floor or ground surfaces are applicable:

- (1) Vertical changes in level of one-fourth ($\frac{1}{4}$) inch (six and thirty-five hundredths (6.35) millimeters) maximum shall be permitted.
- (2) Changes in level greater than one-fourth ($\frac{1}{4}$) inch (six and thirty-five hundredths (6.35) millimeters) through one-half ($\frac{1}{2}$) inch (twelve and seven-tenths (12.7) millimeters) maximum shall be beveled with a slope not greater than 1:2.
- (3) Changes in level greater than one-half ($\frac{1}{2}$) inch (twelve and seven-tenths (12.7) millimeters) shall be ramped and shall comply with section 14(b) of this rule.

(Fire Prevention and Building Safety Commission; 675 IAC 27-1-13)

675 IAC 27-1-14 Exterior accessible routes

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-7
Affected: IC 22-12; IC 22-13; IC 22-14; IC 22-15; IC 36-7

Sec. 14. (a) Exterior accessible routes shall consist of one (1) or more of the following components:

- (1) Walking surfaces with a slope not greater than 1:20.
- (2) Doorways.
- (3) Ramps.
- (4) Curb ramps.
- (5) Elevators.
- (6) Wheelchair (platform) lifts.

(b) All components of an exterior accessible route shall comply with the applicable portions of this rule and as follows:

- (1) Walking surfaces that are a part of an exterior accessible route shall comply with section 13 of this rule.
- (2) Floor or ground surfaces shall comply with section 13 of this rule.
- (3) The running slope of walking surfaces shall not be greater than 1:20. The cross slope of a walking surface shall not be greater than 1:48.
- (4) Changes in level shall comply with section 13 of this rule.
- (5) The clear width of an exterior accessible route shall be thirty-six (36) inches (ninety-one and forty-four hundredths (91.44) centimeters) minimum. Clear width may be reduced to thirty-two (32) inches (eighty-one and twenty-eight hundredths (81.28) centimeters) for a twenty-four (24) inch (six and ninety-six hundredths

(6.96) centimeters) maximum segment, and segments shall be separated by no less than forty-eight (48) inches (one hundred twenty-one and ninety-two hundredths (121.92) centimeters) of thirty-six (36) inch (ninety-one and forty-four hundredths (91.44) centimeters) width (see Figure 9). Figure 9 is as follows:

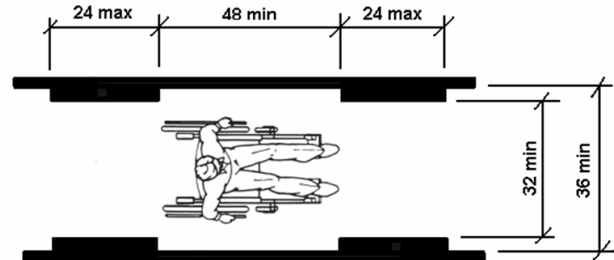
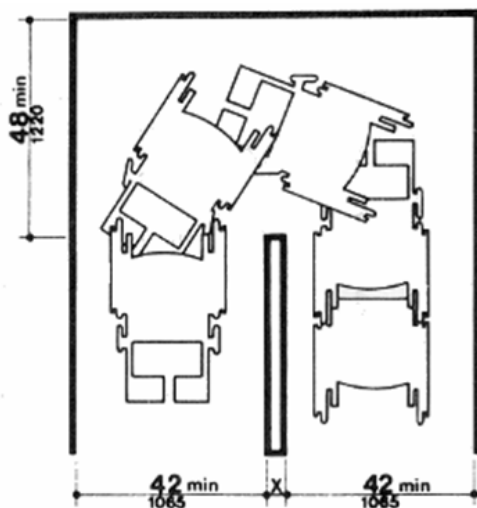


Figure 9
Clear Width of an Accessible Route

(6) Where an exterior accessible route makes a one hundred eighty (180) degree (three and one hundred forty-two thousandths (3.142) radians) turn around an object that is less than forty-eight (48) inches (one hundred twenty-one and ninety-two hundredths (121.92) centimeters) wide, clear widths shall be forty-two (42) inches (one hundred six and sixty-eight hundredths (106.68) centimeters) minimum approaching the turn; forty-eight (48) inches (one hundred twenty-one and ninety-two hundredths (121.92) centimeters) minimum during the turn; and forty-two (42) inches (one hundred six and sixty-eight hundredths (106.68) centimeters) minimum leaving the turn (see Figure 10). Figure 10 is as follows:



NOTE: Dimensions shown apply when x < 48 in (1220 mm).

FIGURE 10
CLEAR WIDTH AT TURN

(c) Walking surfaces on exterior accessible routes with a running slope greater than 1:20 are ramps and shall comply with the following:

- (1) Ramps shall have a running slope not greater than 1:12.
- (2) The cross slope of ramp runs shall not be greater than 1:48.
- (3) Floor or ground surfaces of ramps shall comply with section 13 of this rule.
- (4) The clear width of a ramp shall be thirty-six (36) inches (ninety-one and forty-four hundredths (91.44) centimeters) minimum.
- (5) The rise for any ramp run shall be thirty (30) inches (seventy-six and two-tenths (76.2) centimeters) maximum.

(d) Ramps shall have landings at the bottom and top of each run. Landings shall comply with the following:

- (1) Landings shall have a slope not greater than 1:48 and shall comply with section 13 of this rule.
- (2) The clear width of landings shall be at least as wide as the widest ramp run leading to the landing.
- (3) The landing length shall be sixty (60) inches (one hundred fifty-two and four-tenths (152.4) centimeters) minimum clear.
- (4) Ramps that change direction at landings shall have a sixty (60) inch by sixty (60) inch (one hundred fifty-two and four-tenths (152.4) centimeters by one hundred fifty-two and four-tenths (152.4) centimeters) minimum landing at the change in direction.
- (5) Where doorways are adjacent to a ramp landing, maneuvering clearances required by section 6 of this rule shall be permitted to overlap the landing area.
- (6) Landings with a rise greater than six (6) inches (fifteen and twenty-four hundredths (15.24) centimeters) shall have handrails complying with subsection (f). Handrails shall not reduce the required clearances of a ramp run or landing.
- (7) Edge protection complying with subdivision (9) shall be provided on each side of ramp runs and on each side of ramp landings. Exceptions are as follows:
 - (A) Ramps not required to have handrails where sides complying with subsection (e)(3) are provided.
 - (B) Sides of ramp landings serving an adjoining ramp run or stairway.
 - (C) Sides of ramp landings having a vertical drop-off of one-half ($\frac{1}{2}$) inch (twelve and seven-tenths (12.7) millimeters) maximum within ten (10) inches (twenty-five and four-tenths (25.4) centimeters) horizontally of the minimum landing area.
- (8) The floor or ground surface of the ramp run or landing shall extend a minimum of twelve (12) inches (thirty and forty-eight hundredths (30.48) centimeters) beyond the inside face of a railing complying with subsection (f).
- (9) A curb or barrier shall be provided that prevents the

passage of a four (4) inch (ten and sixteen-hundredths (10.16) centimeters) diameter sphere below a height of four (4) inches (ten and sixteen-hundredths (10.16) centimeters).

(10) Outdoor ramps and approaches to ramps shall be designed so that water will not accumulate on walking surfaces.

(e) Curb ramps shall comply with the following:

- (1) Slopes of curb ramps shall comply with this section.
- (2) Counter slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp or accessible route shall not be greater than 1:20. Transitions from ramps to walks, gutters, or streets shall be at the same level.
- (3) Where pedestrians must walk across a curb ramp, the ramp shall have flared sides. The slope of flares shall not be greater than 1:10. Where the width of the walking surface at the top of the ramp and parallel to the run of the ramp is less than forty-eight (48) inches (one hundred twenty-one and ninety-two hundredths (121.92) centimeters), the flared sides shall have a slope not greater than 1:12. Curb ramps with returned curbs shall be permitted where pedestrians would not normally walk across the ramp.
- (4) Curb ramps shall be thirty-six (36) inches (ninety-one and forty-four hundredths (91.44) centimeters) wide minimum, exclusive of flared sides.
- (5) Floor or ground surfaces of curb ramps shall comply with section 13 of this rule.

(f) Handrails shall be provided on both sides of ramps and shall comply with the following:

- (1) Handrails shall be continuous within the full length of each ramp run. Inside handrails on switchback or dogleg ramps shall be continuous between runs. Other handrails shall comply with subdivision (9).
- (2) The top of gripping surfaces of handrails shall be thirty-four (34) inches (eighty-six and thirty-six hundredths (86.36) centimeters) minimum and thirty-eight (38) inches (ninety-six and fifty-two hundredths (96.52) centimeters) maximum vertically above ramp surfaces. Handrails shall be at a consistent height above ramp surfaces.
- (3) Clear space between the handrail and wall shall be one and one-half ($1\frac{1}{2}$) inches (three and eighty-one hundredths (3.81) centimeters) minimum.
- (4) Gripping surfaces shall be continuous without interruption by newel posts, other construction elements, or obstructions. An exception is that handrail brackets or balusters attached to the bottom surface of the handrail shall not be considered obstructions provided they comply with the following criteria:
 - (A) Not more than twenty percent (20%) of the handrail length is obstructed.

(B) Horizontal projections beyond the sides of the handrail occur two and one-half (2½) inches (six and thirty-five hundredths (6.35) centimeters) minimum below the bottom of the handrail.

(C) Edges have a one-eighth (⅛) inch (three and eighteen-hundredths (3.18) millimeters) minimum radius.

(5) Handrails shall:

(A) have a circular cross section with an outside diameter of one and one-fourth (1¼) inches (thirty-one and seventy-five hundredths (31.75) millimeters) minimum and two (2) inches (fifty and eight-tenths (50.8) millimeters) maximum; or

(B) provide equivalent graspability complying with subdivision (4).

(6) Handrails with other shapes shall be permitted provided:

(A) they have a perimeter dimension of four (4) inches (ten and sixteen-hundredths (10.16) centimeters) minimum and six and one-fourth (6¼) inches (fifteen and eight hundred seventy-five thousandths (15.875) centimeters) maximum; and

(B) their largest cross section dimension is two and one-fourth (2¼) inches (five and seven hundred fifteen-thousandths (5.715) centimeters) maximum.

(7) Handrails, and any wall or other surfaces adjacent to them, shall be free of any sharp or abrasive elements. Edges shall have a one-eighth (⅛) inch (three and eighteen-hundredths (3.18) millimeters) minimum radius.

(8) Handrails shall not rotate within their fittings.

(9) Ramp handrails shall extend horizontally twelve (12) inches (thirty and forty-eight hundredths (30.48) centimeters) minimum beyond the top and bottom of ramp runs. Such extension shall return to a wall, a guard, or the walking surface or shall be continuous to the handrail of an adjacent ramp run. An exception is continuous handrails at the inside turn of ramps.

(Fire Prevention and Building Safety Commission; 675 IAC 27-1-14)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 19, 2005, at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana; AND on June 7, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Fire Prevention and Building Safety Commission will hold a public hearing on the proposed adoption of the Indiana Visitability Rule for One and Two Family Dwellings and Townhouses. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W246 and Legislative Services Agency, One North

Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Secretary

Fire Prevention and Building Safety Commission

TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule

LSA Document #04-225

DIGEST

Amends 876 IAC 3-6-2 to incorporate by reference the 2005 edition of the Uniform Standards of Professional Appraisal Practice (USPAP). Amends 876 IAC 3-6-3 to update the revisions to USPAP based upon the changes in the 2005 edition. Effective 30 days after filing with the secretary of state.

876 IAC 3-6-2

876 IAC 3-6-3

SECTION 1. 876 IAC 3-6-2 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-2 Uniform Standards of Professional Appraisal Practice

Authority: IC 25-34.1-3-8

Affected: IC 4-22-2; IC 25-34.1

Sec. 2. (a) That certain document being titled Uniform Standards of Professional Appraisal Practice, ~~2004~~ **2005** edition, as published by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005, copyright ~~2004~~, **2005**, is hereby incorporated by reference as if fully set out in this rule except for the revisions stated in section 3 of this rule. The Statements on Appraisal Standards are adopted as part of this rule. The Advisory Opinions are not adopted as part of this rule. The Comments are adopted as part of this rule.

(b) No subsequent editions, amendments, supplements, or releases of the Uniform Standards of Professional Appraisal Practice will be in effect in Indiana or adopted by the commission except by following the rulemaking provisions of IC 4-22-2.

(c) As used in this article, "appraiser" refers to the following:

- (1) Indiana licensed trainee appraiser.
- (2) Indiana licensed residential appraiser.
- (3) Indiana certified residential appraiser.
- (4) Indiana certified general appraiser.

(Indiana Real Estate Commission; 876 IAC 3-6-2; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1766; filed May 10, 1999, 12:42 p.m.: 22 IR 2879; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2243; filed

Proposed Rules

May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181; filed May 1, 2003, 12:15 p.m.: 26 IR 3043; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2738)

SECTION 2. 876 IAC 3-6-3 IS AMENDED TO READ AS FOLLOWS:

876 IAC 3-6-3 Deletions from the Uniform Standards of Professional Appraisal Practice

Authority: IC 25-34.1-3-8

Affected: IC 25-1-11-5; IC 25-34.1

Sec. 3. (a) Standards 6 through 10 are deleted.

(b) The references to Standards 6 through 10 of the Uniform Standards of Professional Appraisal Practice are deleted or revised as follows:

(1) In the Comment under the definition of “REPORT”, delete the following:

(A) “personal property”;

(B) “Appraisal Report: a written report prepared under Standards Rule 10-2(a)”;

(C) “or 8-2(a)”;

(D) “or 8-2(b)”;

(E) The comma after 2-2(c) and “8-2(c) or 10-2(b)”.

(2) (1) Under the fourth paragraph of the Preamble, in the sixth bullet point, delete “ten” from the first sentence and the last three (3) sentences.

(3) (2) In the third sentence in the Ethics Rules, delete “Standards 1 through 10” and insert “Standards 1 through 5”.

(4) (3) In the second Comment under the Ethics Rule, delete the comma after “5-3” and “6-8, 8-3, and 10-3” and before “5-3”, insert “and”.

(5) (4) In the second Comment under the Management category of the Ethics Rule, delete the comma after “5-3” and “6-8, 8-3, or 10-3” and before “5-3”, insert “or”.

(6) (5) In the last paragraph of the Comment under the Record Keeping category under the Ethics Rule, delete “STANDARDS 2 and 8” and insert “STANDARD 2”, delete “or an Appraisal Report (for assignments under STANDARD 10),” and delete the comma after “2-2(c)(ix)” and “8-2(c)(ix), and 10-2(b)(ix)”.

(7) (6) In the third to last paragraph of the Comment following the Departure Rule, delete “6-7(p), 82(a)(xi), 8-2(b)(xi), 8-2(c)(xi), 10-2(a)(x), and 10-2(b)(x)” and before “2-2(c)(xi)”, insert “and”.

(8) (7) In the next to last paragraph of the Comment following the Departure Rule, delete the comma after “5-3” and “6-1, 6-3, 6-6, 6-7, 6-8, 7-1, 7-2, 7-5, 7-6, 8-1, 8-2, 8-3, 9-1, 9-2, 9-3, 9-5, 10-1, 10-2, and 10-3” and before “5-3”, insert “and”.

(9) (8) In the Comment under Standards Rule 1-4(g), delete “(See Standard 7)” and “(See Standard 9)”.

(10) (9) In the last paragraph of the Comment under Standard 3, delete the comma after “5-3” and “6-8, 8-3, and 10-3” and before “5-3”, insert “and”.

(11) (10) In two (2) locations that appear in the Comment under Standard 3-1(c), delete “(STANDARD 1, 3, 4, 6, 7, or 9)” and insert “(STANDARD 1, 3, or 4)”.

(12) (11) Delete the last sentence in the Comment under Standard 3-2(d) and insert the following: “However, data and analyses provided by the reviewer to support a different value conclusion must match, at a minimum, the reporting requirements for a Summary Appraisal Report for real property appraisal (SR 2-2(b)) and an appraisal consulting report for real property appraisal consulting (SR 5-2).”.

(13) (12) Any references to Standards 6 through 10 in the Statements on Appraisal Standards are deleted and shall not apply.

(c) In the Definitions, delete the title and text of the Comment under Real Property.

(d) Delete the third paragraph of the Preamble.

(e) Add the following sentences to the end of the text of the Supplemental Standards Rule, “Any such supplemental standard shall not be considered part of this title. However, this does not preclude the possibility of disciplinary sanctions under IC 25-1-11-5(a)(3) where appropriate.”. (*Indiana Real Estate Commission; 876 IAC 3-6-3; filed Sep 24, 1992, 9:00 a.m.: 16 IR 748; filed Dec 8, 1993, 4:00 p.m.: 17 IR 781; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2124; errata filed May 8, 1995, 4:30 p.m.: 18 IR 2262; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1767; filed May 10, 1999, 12:42 p.m.: 22 IR 2880; errata, 22 IR 3420; filed Apr 24, 2000, 12:48 p.m.: 23 IR 2244; filed May 25, 2001, 2:42 p.m.: 24 IR 3068; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed May 13, 2002, 2:05 p.m.: 25 IR 3181; filed May 1, 2003, 12:15 p.m.: 26 IR 3044; filed Apr 8, 2004, 3:25 p.m.: 27 IR 2739*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 24, 2005 at 10:05 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to rules concerning incorporations by reference of the 2005 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) and updates to the revisions to USPAP based upon the changes in the 2005 edition. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Wade Lowhorn
Board Director
Professional Licensing Agency

**TITLE 879 MANUFACTURED HOME INSTALLER
LICENSING BOARD**

Proposed Rule
LSA Document #04-272

DIGEST

Adds 879 IAC to establish definitions, educational and licensing requirements, license renewal requirements, fees, continuing education requirements, standards for the competent performance of home installers, and a code of ethics. Effective 30 days after filing with the secretary of state.

879 IAC

SECTION 1. 879 IAC IS ADDED TO READ AS FOLLOWS:

**TITLE 879 MANUFACTURED HOME INSTALLER
LICENSING BOARD**

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Definitions

879 IAC 1-1-1 Applicability

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 1. The definitions in this rule apply throughout this article. (*Manufactured Home Installer Licensing Board; 879 IAC 1-1-1*)

879 IAC 1-1-2 “Board” defined

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7-3-1

Sec. 2. “Board” means the manufactured home installer licensing board established by IC 25-23.7-3-1. (*Manufactured Home Installer Licensing Board; 879 IAC 1-1-2*)

879 IAC 1-1-3 “Installation” or “install” defined

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 3. “Installation” or “install” means the following:

- (1) The construction, whether temporary or permanent, of a structural support system for a manufactured home.
- (2) The placement or erection of a manufactured home or manufactured home components on a structural support system.
- (3) Supporting, blocking, leveling, securing, anchoring, or adjusting any structural component of a manufactured home.
- (4) The connection of multiple or expandable sections or components of a manufactured home.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-1-3*)

879 IAC 1-1-4 “Installer” defined

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 4. “Installer” means an individual who contracts to install or installs a manufactured home. (*Manufactured Home Installer Licensing Board; 879 IAC 1-1-4*)

879 IAC 1-1-5 “Licensee” defined

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 5. “Licensee” means an individual who installs manufactured homes and is licensed under this article. (*Manufactured Home Installer Licensing Board; 879 IAC 1-1-5*)

879 IAC 1-1-6 “Manufactured home” defined

Authority: IC 25-23.7-3-8
Affected: IC 22-12-1-14; IC 25-23.7

Sec. 6. “Manufactured home” means a structure, transportable in one (1) or more sections, that:

- (1) in the traveling mode, is:
 - (A) eight (8) body feet or more in width; or
 - (B) forty (40) body feet or more in length; or
 - (2) when erected on site, is:
 - (A) three hundred twenty (320) or more square feet; and
 - (B) built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;
- and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term does not include industrialized building systems as defined in IC 22-12-1-14. (*Manufactured Home Installer Licensing Board; 879 IAC 1-1-6*)

Rule 2. Minimum Standards of Competent Practice

879 IAC 1-2-1 Manufactured home installers

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 1. (a) A manufactured home installer’s license entitles its holder to install manufactured homes on a contract or subcontract basis for manufacturers, dealers, or home purchasers. All work must be in compliance with all applicable federal and state statutes, regulations, and standards. Work authorized by the manufactured home installer’s license is limited to the following:

- (1) Transportation of the manufactured home from the dealership to the site.
- (2) Site preparation.
- (3) Physical placement of the manufactured home on the site.
- (4) Physical connection of sections and structural, nonstructural, and mechanical components of the manufactured home.

(5) Installation of the following:

- (A) Foundation system.
- (B) Piers.
- (C) Blocking work.
- (D) Ground anchors.
- (E) Tiedown straps.
- (F) Leveling.
- (G) Vapor barriers.
- (H) Prefabricated steps.

(b) Electric, water, sewer, and gas utilities must not be connected until the manufactured home is properly blocked and leveled.

(c) Installation will not be considered complete until all systems are functioning. (*Manufactured Home Installer Licensing Board; 879 IAC 1-2-1*)

879 IAC 1-2-2 Manufactured home installation requirements

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 2. Manufactured home installers shall do manufactured home installation in compliance with the following:

- (1) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.
- (2) 675 IAC 14-4.2, Indiana residential code, as adopted by the fire prevention and building safety commission.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-2-2*)

879 IAC 1-2-3 Advertising

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 3. Advertising by a manufactured home installer shall not misrepresent facts. (*Manufactured Home Installer Licensing Board; 879 IAC 1-2-3*)

Rule 3. Code of Ethics

879 IAC 1-3-1 Code of ethics

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 1. (a) This rule establishes requirements concerning ethical principles and unprofessional conduct in the practice of installation of manufactured homes.

(b) The ethics to be observed by licensed manufactured home installers shall be as follows:

- (1) Maintain a high standard of professional ethics.
- (2) Maintain a position of truth and integrity in dealing with customers and the public.
- (3) Maintain a policy of civic responsibility and cooperation in the community.
- (4) Maintain an attitude of constant cooperation with an

interest in local, state, and federal laws.

(5) Maintain a policy of prompt and efficient service of all legitimate complaints.

(6) Maintain a policy of complete compliance with all existing laws and regulations governing the business operation.

(7) Maintain a program of constant improvement of the products and the business interests.

(8) Maintain the present and promote the future welfare and best interests of the citizens of Indiana.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-3-1*)

Rule 4. Fees and Licensing Requirements

879 IAC 1-4-1 Fees

Authority: IC 25-1-8-2; IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

(1) For review of an application for licensure and issuance of a license as a manufactured home installer, one hundred fifty dollars (\$150).

(2) For the quadrennial renewal of the license to practice as a manufactured home installer, fifty dollars (\$50) payable before December 31 of every fourth year.

(3) For renewal of an expired license to practice as a manufactured home installer, fifty dollars (\$50), plus the unpaid renewal.

(4) For a duplicate or replacement license to practice as a manufactured home installer, twenty-five dollars (\$25).

(5) For a replacement pocket card to practice as a manufactured home installer, ten dollars (\$10).

(6) For verification of licensure to another state or jurisdiction, ten dollars (\$10).

(*Manufactured Home Installer Licensing Board; 879 IAC 1-4-1*)

879 IAC 1-4-2 Licensing educational requirements; hours of classroom instruction

Authority: IC 25-23.7-3-8
Affected: IC 25-1-11; IC 25-23.7

Sec. 2. (a) A manufactured home installer course shall consist of at least eight (8) hours of classroom instruction in the following:

(1) A minimum of two (2) hours in Indiana law in the following subject areas:

(A) IC 25-23.7, Indiana manufactured home installer's act.

(B) IC 25-1-11, professional licensing standards of practice.

(C) 675 IAC 14-4.2, Indiana residential code, as adopted by the fire prevention and building safety commission.

(D) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of

health.

(E) Applicable federal and Indiana statutes, rules, and regulations governing manufactured home installation.

(2) A minimum of one-half (½) hour in professional ethics.

(3) A minimum of two (2) hours in installation manual in the following subject areas:

(A) Manufacturer's installation manuals and requirements.

(B) Preparation of manufactured housing sites.

(C) Installation of foundation systems.

(4) A minimum of two (2) hours in safety in the following subject areas:

(A) Blocking, perimeter support, and leveling of manufactured homes.

(B) Structural connections of sections and major components.

(C) Installation of anchoring systems and components.

(D) Installation of vapor barriers, curtain walls, access, and ventilation for crawlspace areas.

(5) A minimum of one-half (½) hour in utility connections between sections in the following subject areas:

(A) Electrical connections between sections.

(B) Plumbing connections between sections.

(C) Mechanical equipment connections between sections.

(D) Gas equipment and appliance connections within the home.

(E) Connections of vents, ducts, carpet, and other nonstructural components.

(b) One (1) hour of licensing education must contain sixty (60) minutes of actual instruction.

(c) All attendance shall be in the same course.

(d) A makeup class must be:

(1) completed during a regular class session; and

(2) sponsored by the provider in which the student was enrolled.

(Manufactured Home Installer Licensing Board; 879 IAC 1-4-2)

Rule 5. Insurance and Surety Bond

879 IAC 1-5-1 Insurance and surety bond

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7-5

Sec. 1. (a) In addition to meeting the requirements in IC 25-23.7-5 and 879 IAC 1-4, at the time of making application, an applicant for a manufactured home installer license must submit either of the following:

(1) Proof of insurance issued by an insurance company authorized to transact business in Indiana showing that the applicant, either directly or through the applicant's employer, is covered by a policy of general liability

insurance with products/completed operations coverage in the minimum amount of one hundred thousand dollars (\$100,000) per occurrence, one million dollars (\$1,000,000) aggregate.

(2) Post with the board a surety bond that:

(A) names the applicant as the principal;

(B) obligates the surety in the amount of one hundred thousand dollars (\$100,000) to the board in favor of the state;

(C) requires the principal, if granted a license, to install manufactured homes in conformance with the manufacturer's installation manual and to observe all applicable federal, state, and local statutes and regulations; and

(D) authorizes the board to declare the bond in default and to levy against the surety and the principal under the bond for the payment of actual damages to any person who is harmed as a result of the principal's violation of the requirements described in clause (C).

(b) The applicant shall immediately notify the board of any change in, or termination of, the insurance coverage or surety bond coverage submitted with the application and provide the board with evidence of substitute coverage.

(c) Upon a licensee's failure to comply with this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until the applicant has provided proper proof of insurance to the board. *(Manufactured Home Installer Licensing Board; 879 IAC 1-5-1)*

Rule 6. Licensing Education and Continuing Education Course Providers; General Requirements

879 IAC 1-6-1 Application for licensing education and continuing education course provider approval; content

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 1. (a) Any manufactured home installer licensing education or continuing education course provider seeking approval as a course provider shall:

(1) make written application for approval, on a form provided by the board; and

(2) submit such documents, statements, and forms as:

(A) required by the board; and

(B) may be reasonably necessary to establish whether the course complies with the requirements of this article.

(b) The application shall include the following:

(1) The name and address of the licensing education or continuing education course provider.

(2) A list of each course offered.

(3) The name, address, and telephone number of the

Proposed Rules

contact person for the licensing education or continuing education course provider.

(c) To receive approval of a course, licensing education or continuing education course provider applicants must submit the following:

- (1) A course content outline meeting the requirements of:
 - (A) 879 IAC 1-4-2 for licensing education requirements; or
 - (B) 879 IAC 1-8-3 for continuing education requirements;

describing each subject to be offered during the approval period.

- (2) A clearly expressed course objective.

(3) The name and professional biography of the instructors that shows that the instructors possess special skills or knowledge of the subject being presented and have at least one (1) of the following minimum qualifications:

- (A) An instructor of manufactured home installation teaching at:

- (i) an accredited institution of higher education in the United States; or
 - (ii) a comparable school of a foreign country.

- (B) Have a college degree related to the material that the person is to teach.

- (C) Five (5) years full-time experience in a profession, trade, or technical occupation related to the material being taught.

- (4) The number of hours of licensing education or continuing education to be granted for each course.

- (5) A sample course:

- (A) evaluation form; and
 - (B) completion certificate.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-1)

879 IAC 1-6-2 Certifications of completion

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 2. Licensing education or continuing education course providers shall provide the student who successfully completes an approved licensing education or continuing education course a certification of course completion that must include the following information:

- (1) The name, telephone number, and address of the licensing education or continuing education provider.
- (2) The name and the Indiana license number, if applicable, of the participant.
- (3) The title of the course.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-2)

879 IAC 1-6-3 Course records

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 3. Each approved licensing education or continuing education course provider must maintain records of

students who successfully complete the course of study for a minimum of seven (7) years. The records must include the following:

- (1) Attendance records.
- (2) Course material evaluations.
- (3) Instructor and course evaluations.
- (4) Duplicate copies of completion certificates or the ability to reproduce duplicate completion certificates.

(Manufactured Home Installer Licensing Board; 879 IAC 1-6-3)

879 IAC 1-6-4 Course and instructor evaluations

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 4. (a) Each manufactured home installer licensing education course or continuing education course shall have a written course evaluation consisting of questions to appropriately evaluate the overall course.

(b) Licensing education or continuing education course providers are required to survey their students at the end of each course. The survey shall include information regarding the following:

- (1) The quality of instruction.
- (2) The appropriateness of materials.
- (3) Other information that will properly evaluate the course.

(c) Evaluations must be made available for inspection by the board upon request. *(Manufactured Home Installer Licensing Board; 879 IAC 1-6-4)*

879 IAC 1-6-5 Facilities

Authority: IC 25-23.7-3-8

Affected: IC 25-23.7

Sec. 5. (a) The premises, equipment, and facilities of the approved licensing education or continuing education course provider shall comply with all local, city, county, and state regulations, such as fire, building, and sanitation codes. The premises must also accommodate Americans with disabilities.

(b) Licensing education or continuing education courses shall be taught in a facility with adequate space, seating, equipment, and instructional material to accommodate the number of students enrolled.

(c) Approved licensing education or continuing education course providers shall prohibit the serving or obtaining of alcoholic beverages in the classroom and any other area that the student would have access to during the time class is in session, including breaks, such as the restroom and hallways.

(d) Subsection (c) shall not be interpreted to prohibit the use of facilities, such as hotels, motels, and convention

centers, where alcoholic beverages are sold in separate rooms. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-5*)

879 IAC 1-6-6 Student fees; cancellation of course sessions

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 6. (a) The cost of textbooks, supplemental texts, and required materials shall be included in the course fee. Disclosure of the full cost of the course, including tuition, books, and required materials, must be made to the student before enrollment.

(b) Each approved licensing education or continuing education course provider shall establish a refund policy, which is included in all printed material related to the offering of the course. The refund policy shall be available for review and acceptance by the student at the time of enrollment. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-6*)

879 IAC 1-6-7 Advertising

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 7. No licensing education or continuing education course provider conducting a course of study shall advertise or make any reference in its advertising, promotional material, brochures, and/or registration forms that it is:

- (1) endorsed by;
- (2) recommended by;
- (3) accredited by; or
- (4) affiliated with;

the board. However, the licensing education or continuing education course provider may state that the course being presented has been approved by the board. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-7*)

879 IAC 1-6-8 Licensing education and continuing education course provider prohibitions

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 8. Licensing education or continuing education course providers are prohibited from the following:

- (1) Giving materially inaccurate or misleading information in an application for licensing education or continuing education course provider approval or an annual report.
- (2) Deliberately falsifying or misrepresenting any information supplied to the board or the public.
- (3) Having substantially failed to comply with the provisions of any contract or agreement entered into with a student.
- (4) Failing to allow the board or its designee to inspect the

licensing education or continuing education course or its records or failing to make available such information as required by this article.

(5) Violating IC 25-23.7 or this title.

(6) Failing to notify the board within thirty (30) days of the termination of its relationship with an instructor.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-6-8*)

879 IAC 1-6-9 Instructors prohibitions

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 9. (a) An approved manufactured home installer licensing education or continuing education course provider is prohibited from hiring, or retaining in its employ, an instructor who has:

- (1) had a manufactured home installer license revoked or suspended by any state or federal manufactured home installer licensing agency;
- (2) been convicted of a crime that has a direct bearing on the individual's ability to competently instruct, including, but not necessarily limited to, violations of manufactured home installer laws and abuse of fiduciary responsibilities; or
- (3) falsely certified hours of attendance for any student.

(b) Any instructor whose professional license or certification is under sanction by any state or federal manufactured home installer licensing agency may not instruct in an approved licensing education or continuing education program while the disciplinary sanction is in effect. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-9*)

879 IAC 1-6-10 Notification of changes

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5
Affected: IC 25-23.7

Sec. 10. All approved licensing education or continuing education course providers shall advise the board within thirty (30) days after any significant changes in their operation. Significant changes include, but are not limited to, the following:

- (1) Going out of business.
- (2) A change in the address or phone number of the licensing education or continuing education course provider.
- (3) A change in the name, address, or telephone number of the contact person.
- (4) Adding a new instructor.
- (5) Changes in course outline.
- (6) Any course addition or deletion.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-6-10*)

879 IAC 1-6-11 Review and investigation of approved licensing education or continuing education course providers

Proposed Rules

Authority: IC 25-23.7-3-8
Affected: IC 25-1-11; IC 25-23.7

Sec. 11. (a) An approved licensing education or continuing education course provider may be asked to:

- (1) provide specific information;
- (2) answer questions; or
- (3) appear before the board or its designee;

for the purpose of determining compliance with this article.

(b) The board or its designee may, at any time, review or investigate, or both, any matter concerning any course or applicant for licensing education or continuing education course provider approval to determine compliance with this article.

(c) The method of review shall be determined by the board in each case and will generally consist of the following:

(1) Consideration of information available from applicable:

- (A) federal, state, or local agencies;
- (B) private organizations or agencies; or
- (C) interested persons.

(2) Conferences with:

- (A) the licensing education or continuing education course provider director and other representatives of the licensing education or continuing education course provider involved; or
- (B) former students of the licensing education or continuing education course provider.

(d) The board may require a background check on the licensing education or continuing education provider's personnel, including a criminal history check. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-11*)

879 IAC 1-6-12 Discipline for noncompliance

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5
Affected: IC 25-1-11; IC 25-23.7

Sec. 11. Licensing education or continuing education course providers who are found not to be in compliance with this rule are subject to being disciplined under IC 25-1-11. (*Manufactured Home Installer Licensing Board; 879 IAC 1-6-12*)

Rule 7. Renewal

879 IAC 1-7-1 Renewal of a manufactured home installer license

Authority: IC 25-23.7-3-8
Affected: IC 25-23.7

Sec. 1. (a) A manufactured home installer license issued under this article shall expire January 1 of every fourth year.

(b) To renew a license, an individual must do the following:

- (1) Pay the fee required by 879 IAC 1-4-1.
- (2) Complete an application for renewal on a form provided by the board.
- (3) Satisfactorily complete the continuing education required by 879 IAC 1-8.
- (4) Submit a certification or proof of continuation of the insurance coverage or surety bond required by 879 IAC 1-5.
- (5) Sign a statement under penalty of perjury that:
 - (A) the hours submitted are correct;
 - (B) the licensee attended and completed the courses taken; and
 - (C) to the best of the licensee's knowledge, the courses completed meet the requirements of 879 IAC 1-8.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-7-1*)

879 IAC 1-7-2 Renewal of licensing education or continuing education course providers

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5
Affected: IC 25-23.7

Sec. 2. Licensing education or continuing education course provider approval will expire on December 31 of every year. To obtain renewal of the licensing education or continuing education course provider approval, the provider must submit a letter to the board requesting such renewal by October 31. This letter must detail any changes made in the:

- (1) course topics;
- (2) materials;
- (3) instructors; or
- (4) other information required by 879 IAC 1-6.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-7-2*)

Rule 8. Continuing Education

879 IAC 1-8-1 Continuing education requirements

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5
Affected: IC 25-23.7

Sec. 1. (a) Manufactured home installers must complete twelve (12) hours of continuing education in order to qualify for renewal of an active license.

(b) The number of continuing education hours that a licensee must obtain for the renewal period at the time of issuance of a new license shall be established by section 11 of this rule. (*Manufactured Home Installer Licensing Board; 879 IAC 1-8-1*)

879 IAC 1-8-2 Courses from approved continuing education providers

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5
Affected: IC 25-23.7

Sec. 2. Hours of continuing education will be granted to manufactured home installers who have successfully completed courses offered by manufactured home installer continuing education course providers approved under 879 IAC 1-6. (*Manufactured Home Installer Licensing Board; 879 IAC 1-8-2*)

879 IAC 1-8-3 Continuing education topics

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-1-11; IC 25-23.7

Sec. 3. (a) To qualify for renewal, a manufactured home installer must complete twelve (12) hours of continuing education in any of the following topics:

- (1) IC 25-23.7, Indiana manufactured home installer licensing act.
- (2) IC 25-1-11, professional licensing standards of practice.
- (3) 879 IAC 1-2, competent practice of manufactured home installation.
- (4) 879 IAC 1-3, code of ethics.
- (5) 675 IAC 14-4.2, Indiana residential code, as adopted by the fire prevention and building safety commission.
- (6) 410 IAC 6-6, mobile home park sanitation and safety, as adopted by the Indiana state department of health.
- (7) Applicable federal and Indiana statutes, rules, and regulations governing manufactured home installation.
- (8) Manufacturer's installation manuals and requirements.
- (9) Preparation of manufactured housing sites.
- (10) Installation of foundation systems.
- (11) Blocking, perimeter support, and leveling of manufactured homes.
- (12) Structural connections of section and major components.
- (13) Installation of anchoring systems and components.
- (14) Installation of vapor barriers, curtain walls, access, and ventilation for crawlspace areas.
- (15) Electrical connections between sections.
- (16) Plumbing connections between sections.
- (17) Mechanical equipment connections between sections.
- (18) Gas equipment and appliance connections within the home.
- (19) Connections of vents, ducts, carpet, and other nonstructural components.

(b) The twelve (12) hours of continuing education must include the following:

- (1) Professional ethics.
- (2) Indiana statutes, rules, and regulations governing manufactured home installers.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-8-3*)

879 IAC 1-8-4 Continuing education credit not given

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 4. Continuing education credit will not be given for any of the following:

- (1) Any education obtained prior to licensure.
- (2) Approved licensing education courses under 879 IAC 1-4-2.
- (3) Courses taken for a second or subsequent time during a renewal period.
- (4) Courses or seminars not completed. Partial credit may not be given.
- (5) Courses not completed due to dismissal by the continuing education provider for disruption of the course, such as the following:
 - (A) Reading newspapers.
 - (B) Talking on mobile telephones.
 - (C) Anything other than paying attention during the course.
- (6) Meetings of the manufactured home installer licensing board.
- (7) Training conducted during eating periods.
- (8) Motivational classes or seminars.
- (9) Business, social, or other noneducational meetings of professional groups or subgroups.

(*Manufactured Home Installer Licensing Board; 879 IAC 1-8-4*)

879 IAC 1-8-5 Retention of certificates of completion

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 5. Manufactured home installers shall retain course completion certificates for not less than five (5) years from the date of the course. (*Manufactured Home Installer Licensing Board; 879 IAC 1-8-5*)

879 IAC 1-8-6 Continuing education hours

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 6. (a) Hours of continuing education earned in one (1) renewal period may not be used in a subsequent renewal period.

(b) Any continuing education credit accumulated above the minimum requirement for a four (4) year licensure period may not be carried forward to the next four (4) year licensure period. (*Manufactured Home Installer Licensing Board; 879 IAC 1-8-6*)

879 IAC 1-8-7 Credit for instructors

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 7. A continuing education instructor shall be entitled to continuing education credit for courses the instructor teaches. However, an instructor may not:

- (1) be credited for more than four (4) hours of credit for

instructing in any four (4) year licensure period; or
(2) receive credit for repeated courses.

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-7)

879 IAC 1-8-8 Inactive status

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 8. Manufactured home installers may apply to the board to renew their licenses in an inactive status. No continuing education is required to renew inactive. An inactive manufactured home installer may not practice manufactured home installation while in inactive status.
(Manufactured Home Installer Licensing Board; 879 IAC 1-8-8)

879 IAC 1-8-9 Reactivation of an inactive license

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 9. (a) To reactivate an inactive license, a manufactured home installer must apply to the board for the reactivation on the application form supplied by the board.

(b) Manufactured home installers who have been inactive at the date of the reactivation application is filed must submit proof of completion of twelve (12) hours of continuing education within the four (4) year period immediately before the date the reactivation application is filed.

(c) Continuing education hours obtained by a licensee to reactivate an inactive license cannot be double counted by also using them for credit in the renewal period in progress. The continuing education requirements for the renewal period in progress are stated in section 11 of this rule.
(Manufactured Home Installer Licensing Board; 879 IAC 1-8-9)

879 IAC 1-8-10 Reinstatement of an expired or lapsed license

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 10. (a) An individual whose license has expired or lapsed and wishes to reenter the practice of manufactured home installation must file an application to renew the expired or lapsed license. The application shall be accompanied by the following:

- (1) The payment of the fee required to renew the quadrennial license specified in 879 IAC 1-4-1.
- (2) Evidence of completion of the twelve (12) hours of continuing education hours prior to filing the application.

(b) The continuing education hours required under subdivision (a)(2) must:

- (1) have been obtained no earlier than four (4) years prior to the date the application for reentry is filed; and
- (2) meet the requirements established in this rule.

(c) Continuing education obtained by a licensee to renew an expired or lapsed license under this section cannot be double counted by also using them for credit in the renewal period in progress. The continuing education requirements for the renewal period in progress at the time of reinstatement are stated in section 11 of this rule. *(Manufactured Home Installer Licensing Board; 879 IAC 1-8-10)*

879 IAC 1-8-11 Continuing education required after reactivation or reinstatement

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 11. The following table establishes the number of continuing education hours that a licensee must obtain for the four (4) year licensure period in progress at the time of the issuance, reactivation, or reinstatement of a license under sections 1, 9, and 10 of this rule:

Date of Issuance of License	Hours Required to Renew
January 1 – June 30 of the first year	12
July 1 – December 31 of the first year	10
January 1 – June 30 of the second year	8
July 1 – December 31 of the second year	6
January 1 – June 30 of the third year	4
July 1 – December 31 of the third year	2
January 1 – June 30 of the fourth year	2
July 1 – December 31 of the fourth year	0

(Manufactured Home Installer Licensing Board; 879 IAC 1-8-11)

879 IAC 1-8-12 Waiver of continuing education

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-23.7

Sec. 12. (a) Manufactured home installers who are unable to meet the continuing education requirements because they:

- (1) serve in the armed forces of the United States;
 - (2) have an incapacitating illness or injury that prevented either part-time or full-time employment; or
 - (3) reside outside of the United States of America;
- may petition the board, in writing, to have a reduction or waiver of the continuing education requirements.

(b) Manufactured home installers who receive a reduction in the continuing education hours under subsection (a) must make up those hours in the next licensure period. Those hours will be in addition to the hours otherwise required for the next licensure period. *(Manufactured Home Installer Licensing Board; 879 IAC 1-8-12)*

879 IAC 1-8-13 Audit of continuing education compliance

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5

Affected: IC 25-1-11; IC 25-23.7

Sec. 13. (a) The board may conduct audits of manufactured home installers and providers for continuing education compliance. For any purpose of this section, the board may designate a board member or staff member to act on behalf of or in the name of the board.

(b) If, as a result of an audit or other review, the board determines that hours of continuing education a manufactured home installer has claimed do not meet the requirements of IC 25-23.7-6-5 and this article, the board shall notify the manufactured home installer of that determination.

(c) A manufactured home installer, who has been notified under subsection (b), may, within thirty (30) days, submit information to the board giving all the substantive reasons in support of the manufactured home installer's position that an adequate number of hours of continuing education have been completed.

(d) A manufactured home installer who submits false information shall be subject to the sanctions provided for under IC 25-1-11.

(e) Manufactured home installers who are found not to be in compliance will be subject to discipline under IC 25-1-11. *(Manufactured Home Installer Licensing Board; 879 IAC 1-8-13)*

Rule 9. Distance Learning Continuing Education

879 IAC 1-9-1 "Distance education" defined

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5
Affected: IC 25-23.7

Sec. 1. (a) As used in this rule, "distance education" means a course in which instruction does not take place in a traditional classroom setting but rather through other media where the educator and student are separated by distance and sometimes by time.

(b) Methods of distance learning education include, but are not limited to, the following:

- (1)** Education by correspondence.
- (2)** Video instruction.
- (3)** Internet education.

(c) "Provider" means an individual or company that creates and delivers continuing education by distance learning methods. *(Manufactured Home Installer Licensing Board; 879 IAC 1-9-1)*

879 IAC 1-9-2 Distance education courses and providers

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5
Affected: IC 25-23.7

Sec. 2. (a) The board must approve continuing education courses offered by a distance learning method and the provider of the distance learning method.

(b) A licensee must complete the distance education course within one (1) year of the date of enrollment.

(c) Course subjects allowed under 879 IAC 1-8-3 may be taken through distance learning. However, a maximum of fifty percent (50%) (six (6)) of continuing education courses will be credited toward the twelve (12) hour requirement.

(d) The board must approve a distance education course if the board determines to its satisfaction the following:

- (1)** The distance education course serves to protect the public by contributing to the maintenance and improvement of the quality of the services provided by the manufactured home installer continuing education provider to the public.
- (2)** An appropriate and complete application has been filed and approved by the board.
- (3)** The distance education course meets the content requirements as prescribed in 879 IAC 1-8-3.
- (4)** The distance education course or courses meet all other requirements as prescribed in the statutes and rules that govern the operation of approved courses.

(Manufactured Home Installer Licensing Board; 879 IAC 1-9-2)

879 IAC 1-9-3 Approval of distance education course and provider

Authority: IC 25-23.7-3-8; IC 25-23.7-6-5
Affected: IC 25-23.7

Sec. 3. In order for a distance education course to be approved for credit, the continuing education course provider shall submit the following information:

(1) For course design, the following:

- (A)** A plan for submitting substantial changes in the course to the board. Substantial changes include, but are not limited to, the following:
 - (i)** Expanded or reduced course content.
 - (ii)** Changes in the time allotments for portions of the course.
 - (iii)** Changes or redirect learning objectives.
 - (iv)** A change of instructor.
 - (v)** Changes in the course delivery method.
- (B)** A course may provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the class. Tests may have any combination of multiple choice, true or false, fill-in, or essay questions with at least twenty (20) questions per two (2) hours of instruction. If a test is not used, an alternate method of timing the licensee's participation must be provided to verify completion of the course.

(2) For course delivery, the following:

- (A)** The names and qualifications for each continuing education provider and instructor of the course offered by distance learning methods and their credentials, including any specific training for teaching via the specified delivery method as well as a plan for their

Proposed Rules

continued professional development.

(B) An identity affirmation statement is required. The licensee is required to sign the statement before any certificate of completion for distance learning is issued.

(C) A plan for sufficient security to:

- (i) ensure against fraudulent practices;
- (ii) protect the licensee's identification information; and
- (iii) verify that the student enrolled in the course is the one who completes the course and any required tests.

(3) For licensee support services, information about the course, if applicable, including the following:

- (A) Broadcasts and distance site locations.
- (B) Faculty contact information.
- (C) Course outline and learning objectives.
- (D) Testing and grading information.
- (E) Guidelines regarding what constitutes successful completion of the course.
- (F) Homework assignments and deadlines.
- (G) Fees and refunds.
- (H) Prerequisites for the course.
- (I) A list of required student materials.
- (J) A list of other support services made available to the students.

(4) For evaluation and assessment, an evaluation form, which solicits licensee feedback on the following:

- (A) The delivery approach.
- (B) The equipment.
- (C) Suggestions for class improvement.
- (D) Their overall satisfaction with the course.

It is required that every licensee in a distance education course be provided an evaluation form at the conclusion of the course.

(Manufactured Home Installer Licensing Board; 879 IAC 1-9-3)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on February 22, 2005 at 9:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Manufactured Home Installer Licensing Board will hold a public hearing on a proposed rule to establish definitions, educational and licensing requirements, license renewal requirements, fees, continuing education requirements, standards for the competent performance of home installers, and a code of ethics. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E034 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Kimberly Garver
Deputy Director
Professional Licensing Agency

Notices of Intent to Readopt

TITLE 312 NATURAL RESOURCES COMMISSION

Notice of Intent
LSA Document #05-1

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 secretary of state.

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

312 IAC 11 LAKE CONSTRUCTION ACTIVITIES
312 IAC 12 WATER WELL DRILLING AND GROUND
WATER
312 IAC 13 WATER WELL DRILLERS
312 IAC 23 STATE HISTORIC REHABILITATION TAX
CREDIT

Questions or comments on the readoption may be directed by mail to the Natural Resources Commission, Division of Hearings, Indiana Government Center-South, 402 W. Washington St., Room W272, Indianapolis, IN 46204 or by electronic mail to jkane@nrc.in.gov. Statutory authority: IC 14-10-2-4.

**TITLE 675 FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

Notice of Intent
LSA Document #05-3

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 secretary of state.

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

675 IAC 16-1.3 Indiana Plumbing Code, 1999 Edition
675 IAC 16-2 American Society of Sanitary Engineers
Standard 1051-1998

Questions or comments are invited and may be directed by mail to the Department of Fire and Building Services, Attention: Technical Services, Indiana Government Center-South, 402 West Washington Street, Room W246, Indianapolis, Indiana 46204 or by electronic mail to: jweesner@sema.state.in.us. Statutory authority: IC 22-13-2-2; IC 22-13-2-13.

60 Day Requirement (IC 4-22-2-19)**TITLE 878 HOME INSPECTORS LICENSING BOARD**

LSA Document #04-191

To: The Honorable R. Michael Young, Chairperson
Administrative Rules Oversight Committee

From: Wade A. Lowhorn, Director
Home Inspectors Licensing Board

Date: January 10, 2005

Re: Rules for the Home Inspectors Licensing Board

Cc: Sarah Burkman, Staff Attorney
Legislative Services Agency
Gerald H. Quigley, Executive Director
Indiana Professional Licensing Agency

On behalf of the Indiana Professional Licensing Agency and the Home Inspectors Licensing Board ("Board"), I am submitting this memorandum to the Administrative Rules Oversight Committee ("AROC") pursuant to Indiana Code § 4-22-2-19(c)(2) because the Board did not institute the rulemaking process within sixty (60) days after the effective date of the statute that authorizes the rule.

Pursuant to Indiana Code § 25-20.2-3-8 and Indiana Code § 25-20.2-3-9, effective July 1, 2003, the Board may adopt rules under Indiana Code § 4-22-2 for the administration and enforcement of Indiana Code § 25-20.2 and establishing the continuing education required for renewal. The Board could not begin the rulemaking process within the sixty (60) day period because the Board appointments were not completed until late-June 2004 and therefore, the Board could not hold its first meeting until August 2004. However, after becoming familiar with the rulemaking process and reviewing other states' requirements governing home inspectors, the Board is now prepared to proceed with the adoption of administrative rules to establish the requirements for licensure, competent practice, renewal, continuing education, and fees. The Board filed its Notice of Intent to Adopt Rules in the August 1, 2004 edition of the *Indiana Register*. Further, a Notice of Public Hearing was published in the December 1, 2004 edition of the *Indiana Register*, a Notice of Change in Public Hearing was published in the January 1, 2005 edition of the *Indiana Register*, and a public hearing on adoption of rules will be held on February 1, 2005 at 9:05 a.m.

With adoption of the proposed rules at the February 1, 2005 meeting of the Board, and subsequent approval by the Office of

the Attorney General and the Governor's Office, the Board will have rules in place and will be on schedule to license individuals as home inspectors by the deadline imposed under P.L. 145-2003.

Your understanding of these circumstances is greatly appreciated. If you have any further concerns or require additional information, please do not hesitate to contact me at 317-234-3046 or email me at wlowhorn@pla.in.gov.

Respectfully submitted,

Wade A. Lowhorn, Director
Home Inspectors Licensing Board

365 Day Notice (IC 4-22-2-25)**TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

LSA Document #04-99

December 23, 2004

Senator Luke Kenley
Representative Jerry Denbo
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Sarah Burkman

RE: LSA #04-99

Dear Senator Kenley and Representative Denbo:

On behalf of the Indiana State Department of Health, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the agency 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.

The department published its notice of intent to adopt a rule for the captioned document on May 1, 2004 (27 IR 2523). The rule has not been published as a proposed rule at this time.

The department requires additional time to compose an appropriate draft that will comply with both state and federal law. Studies of similar rules for other state's programs are ongoing.

The Indiana State Department of Health Executive Board meets only every other month. Necessary State Budget Agency approval and Executive Board approval of the rule may not be

completed for several months. For these reasons, it is unlikely that the rule will be approved by the governor within one year of the date of publication of the notice of intent. The department expects that the rule can be approved by the governor by December 31, 2005.

This notice setting forth the expected date of approval of LSA #04-99 as December 31, 2005 is being submitted in a timely manner. January 5, 2005 is the two hundred and fiftieth day after publication of the notice of intent to adopt a rule.

Sincerely,

Jill D. Russell, Chief Counsel
Indiana State Department of Health

cc: M. Elizabeth Carroll, Deputy State Health Commissioner
Stephen Barnes, Managing Editor, Legislative Services Agency

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #04-100

December 23, 2004

Senator Luke Kenley
Representative Jerry Denbo
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Sarah Burkman

RE: LSA #04-100

Dear Senator Kenley and Representative Denbo:

On behalf of the Indiana State Department of Health, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with IC 4-22-2-25, because the agency 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.

The department published its notice of intent to adopt a rule for the captioned document on May 1, 2004 (27 IR 2523). The rule has not been published as a proposed rule at this time.

The department requires additional time to compose an appropriate draft that will accomplish the purposes of effective public health surveillance while considering the varying situations of those entities required to report to the department. Further input

from the reporting entities is being gathered.

The Indiana State Department of Health Executive Board meets only every other month. Necessary State Budget Agency approval and Executive Board approval of the rule may not be completed for several months. For these reasons, it is unlikely that the rule will be approved by the governor within one year of the date of publication of the notice of intent. The department expects that the rule can be approved by the governor by December 31, 2005.

This notice setting forth the expected date of approval of LSA #04-100 as December 31, 2005 is being submitted in a timely manner. January 5, 2005 is the two hundred and fiftieth day after publication of the notice of intent to adopt a rule.

Sincerely,

Jill D. Russell, Chief Counsel
Indiana State Department of Health

cc: M. Elizabeth Carroll, Deputy State Health Commissioner
Stephen Barnes, Managing Editor, Legislative Services Agency

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

LSA Document #04-111

December 27, 2004

The Honorable R. Michael Young, Chairman
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204
Attention: Sarah Burkhardt

RE: LSA Document No. 04-111;
Beer Sampling Rule 905 IAC 1-5.2-9.2

Dear Mr. Chairman:

On behalf of the Alcohol & Tobacco Commission (ATC), this letter is to notify the Administrative Rules Oversight Committee of the progress with respect to the adoption of the above rule, which establishes procedures for the sampling of beer pursuant to IC 7.1-3-9-11. Under Ind. Code 4-22-2-25, an agency that adopts a rule must complete the process within one (1) year after the publication of the notice of intent to adopt the rule change. Pursuant to this statute, the ATC is requesting up to an additional one (1) year from May 1, 2005 in order to have the rule adopted and effective. A request of this kind must be made within two hundred fifty (250) days following the publication of the notice of intent to adopt the rule change. Our records

show that the deadline for this notice expires on or about January 4, 2005.

The notice of intent for this rule was published in the May 1, 2004 issue of the Indiana Register at 27 IR 2524. The rule has not yet been adopted by the Commission but there have been numerous discussions with interested parties. Due to transition from the Kernan administration to the Daniels administration, the Commission feels the appropriate course of action is to defer this rule until sometime in 2005. Due to the permissible statutory approval process, should any additional changes need to be made, the possibility exists that the rule would not be approved or effective before the May 1, 2005 deadline. We believe that the additional year will give adequate time to complete this process, although all efforts will be made to do so sooner.

Please let me know if further information on this rule is needed. I can be reached directly at (317) 232-2472 or *via* email at mwebb@atc.state.in.us. Thank you very much for your kind attention in this regard.

Very truly yours,

Mark C. Webb
Executive Secretary

**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

LSA Document #04-112

December 27, 2004

The Honorable R. Michael Young, Chairman
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204
Attention: Sarah Burkhart

RE: LSA Document No. 04-112;
Withdrawal of Letter of Extension Rule 905 IAC 1-26

Dear Mr. Chairman:

On behalf of the Alcohol & Tobacco Commission (ATC), this letter is to notify the Administrative Rules Oversight Committee of the progress with respect to the adoption of the above rule, which clarifies the authority of the Commission to withdraw letters of extension to operate at any time before they expire. Under Ind. Code 4-22-2-25, an agency that adopts a rule must complete the process within one (1) year after the publication of the notice of intent to adopt the rule change. Pursuant to this statute, the ATC is requesting up to an additional one (1) year

from May 1, 2005 in order to have the rule adopted and effective. A request of this kind must be made within two hundred fifty (250) days following the publication of the notice of intent to adopt the rule change. Our records show that the deadline for this notice expires on or about January 4, 2005.

The notice of intent for this rule was published in the May 1, 2004 issue of the Indiana Register at 27 IR 2524. The rule has not yet been adopted by the Commission but there have been discussions with interested parties. Due to transition from the Kernan administration to the Daniels administration, the Commission feels the appropriate course of action is to defer this rule until sometime in 2005. Due to the permissible statutory approval process, should any additional changes need to be made, the possibility exists that the rule would not be approved or effective before the May 1, 2005 deadline. We believe that the additional year will give adequate time to complete this process, although all efforts will be made to do so sooner.

Please let me know if further information on this rule is needed. I can be reached directly at (317) 232-2472 or *via* email at mwebb@atc.state.in.us. Thank you very much for your kind attention in this regard.

Very truly yours,

Mark C. Webb
Executive Secretary

**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

LSA Document #04-115

December 27, 2004

The Honorable R. Michael Young, Chairman
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204
Attention: Sarah Burkhart

RE: LSA Document No. 04-115;
Withdrawal of Consent to Transfer (Addition of 905 IAC 1-48)

Dear Mr. Chairman:

On behalf of the Alcohol & Tobacco Commission (ATC), this letter is to notify the Administrative Rules Oversight Committee of the progress with respect to the adoption of the above rule, which clarifies the authority of the Commission to withdraw letters of extension to operate at any time before they expire. Under Ind. Code 4-22-2-25, an agency that adopts a rule must

complete the process within one (1) year after the publication of the notice of intent to adopt the rule change. Pursuant to this statute, the ATC is requesting up to an additional one (1) year from May 1, 2005 in order to have the rule adopted and effective. A request of this kind must be made within two hundred fifty (250) days following the publication of the notice of intent to adopt the rule change. Our records show that the deadline for this notice expires on or about January 4, 2005.

The notice of intent for this rule was published in the May 1, 2004 issue of the Indiana Register at 27 IR 2525. The rule has not yet been adopted by the Commission but there have been discussions with interested parties. Due to transition from the Kernan administration to the Daniels administration, the Commission feels the appropriate course of action is to defer this rule until sometime in 2005. Due to the permissible statutory approval process, should any additional changes need to be made, the possibility exists that the rule would not be approved or effective before the May 1, 2005 deadline. We believe that the additional year will give adequate time to complete this process, although all efforts will be made to do so sooner.

Please let me know if further information on this rule is needed. I can be reached directly at (317) 232-2472 or *via* email at mwebb@atc.state.in.us. Thank you very much for your kind attention in this regard.

Very truly yours,

Mark C. Webb
Executive Secretary

Executive Orders

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-17

FOR: KEVIN LEE STRINGER, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, KEVIN LEE STRINGER, was convicted in Tippecanoe County Superior Court I on June 14, 1985, for the offense of Burglary and Criminal Trespass. He received a sentence of 5 years with 5 years suspended to Probation. He successfully completed the 5 years of probation on 9/30/90 and 200 hours of community service in Tippecanoe County, and;

WHEREAS, the petitioner is considered to be intelligent, conscientious, considerate of others very kind and an honest, hard working individual, and;

WHEREAS, the petitioner has letters of support from family and friends in favor to grant his pardon; and

WHEREAS, the petitioner requests a pardon, as his felony conviction is an automatic denial to be approved to adopt children. His wife has a debilitating medical condition that hinders their ability to have children of their own; and

WHEREAS, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to KEVIN LEE STRINGER.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 21st day of June, 2004.

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-18

FOR: CLEMENCY FOR DARNELL WILLIAMS, DOC No. 872037-ISP

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, Darnell Williams was convicted in Lake County Superior Court on March 25, 1987, for the offense of Murder, two counts, and he received a sentence of Death on each of the two counts; and

WHEREAS, Williams is guilty of the murders of John and Henrietta Rease and legally eligible for the death penalty; and

WHEREAS, Williams' claims have received proper and thorough consideration by the judicial system; and

WHEREAS, Williams has asked that his sentences be commuted to life without parole; and

WHEREAS, the Parole Board, after careful investigation and examination of all the facts, unanimously recommended that Williams' sentences be commuted to life without parole; and

WHEREAS, there exist sufficient reasons to commute Williams' sentences, as explained in detail in the document titled Grant of Commutation to Darnell Williams, attached hereto and incorporated in this Executive Order; and

WHEREAS, my review of the facts of this case leads me to exercise clemency by commuting Williams' sentences. This decision is based on the unique circumstances of this case. All the facts, not one single element, cause me to grant clemency.

NOW, THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and laws of the State of Indiana, hereby commute the Death sentence of Darnell Williams to Life Without Parole for each of his two counts of Murder.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set by hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this Second day of July, 2004.

Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-19

FOR: **DECLARING A DISASTER EMERGENCY IN THE STATE OF INDIANA DUE TO SEVERE STORMS, FLOODING AND TORNADOES**

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, Beginning on July 3, 2004 and continuing to the present, numerous counties throughout the State of Indiana have sustained significant, and in some cases repetitive, severe weather events that have resulted in tornadoes, flooding and high wind events; and

WHEREAS, these severe weather events have resulted in significant damage to homes, businesses and the public infrastructure and generated significant debris removal and emergency response costs, and

WHEREAS, a number of counties that sustained damage during this period were also declared eligible for federal disaster assistance in the most recent federal disaster declaration (FEMA DR-1520-IN), and

WHEREAS, after repairing damages from the most recent federal disaster declaration, a number of counties sustained damage again to the same infrastructure, and

WHEREAS, one life was lost as a result of these storm events; and

WHEREAS, all available state resources have been responding to these events;

NOW THEREFORE, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby

DECLARE, a state of disaster emergency exists throughout Indiana; and

Executive Orders

ORDER the State Emergency Management Agency, having already implemented the State Emergency Plan, to provide needed emergency services to the damaged areas of Indiana affected by these storm and to coordinate assistance with appropriate federal and state agencies.

This declaration of disaster emergency was in effect beginning July 3, 2004 and continues.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed this great seal of the State of Indiana on this 28th day of May, 2004.

By the Governor of Indiana
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-20

FOR: MICHAEL A. McKINNEY #995375, MEDICAL CLEMENCY

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, MICHAEL A. McKINNEY, was convicted in Marion County Criminal Court #2, on January 30, 2001, for the offense of Conspiracy, Dealing Cocaine/Narcotic, for which he received 25 years with 15 years suspended, 1,095 days to probation. He was convicted in Marion County Superior Court, Criminal #5 on August 8, 2001, for the offense of Robbery (Armed) for which he received 6 years and;

WHEREAS, the petitioner has been in a persistent coma since December 2002, with no prognosis for recovery; and

WHEREAS, the petitioner is confined in the in-patient infirmary of a maximum security penal facility which is neither a cost effective nor humane way of treatment for a person in a long-term comatose condition; and

WHEREAS, the petitioner poses no threat to society in his present condition and has 1,095 days of probation upon release; and

WHEREAS, the Commissioner of the Department of Correction and the Indiana Parole Board, after careful investigation and examination of all the facts in this case, recommend that Medical Clemency be granted; and

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a Medical Clemency to commute the executed portion of the sentence of MICHAEL McKINNEY to Time Served to allow his release to probation to be effective when arrangements can be made for placement in an appropriate nursing home facility.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 17th day of August, 2004.

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-21

FOR: ROGER GOOD, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, ROGER GOOD, was convicted in Lake County Criminal Court on November 7, 1961, for the offense of Uttering Fraudulent Check and received 13 months of Probation; and

WHEREAS, the petitioner is currently an active layman in the Faith Evangelical Congregational Church and is a member of the music group "The Mansion Heirs." He is involved in various social clubs, specifically SERTOMA, (Service to Mankind) and has worked with Habitat for Humanity. He has served on the East Lampeter Township Planning Commission and was elected to the position of Township Supervisor, serving the public for 19 years; and

WHEREAS, the petitioner has several letters of support for a pardon from friends and associates and is considered to be a model citizen, a man of outstanding character and who possesses a very high standard of moral living; and

WHEREAS, the petitioner requests a pardon stating, "I want to hold my head up once again with the recognition that I have made things right. My mom and dad are 91 and 92 respectively, and I would like for them to know that I have taken the final step to restore my name and reputation. I have been an upstanding and law-abiding citizen for the last 42 years. I have owned my own business for 35 years and I am asking for your help to bring closure to a matter that for me is personally sorrowful. Your kindest consideration of this application is therefore requested."

WHEREAS, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to ROGER GOOD.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 17th day of August, 2004.

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-22

FOR: JODI L. GILLMAN, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, JODI L. GILLMAN, was convicted in Wayne County Superior Court I, on February 9, 1989, for the offense of Theft,

Executive Orders

2 Counts. She received a sentence of 2 years each count to be served concurrently, sentenced suspended to Probation; and

WHEREAS, the petitioner has maintained a solid relationship with the victims of the crime, has furthered her education to obtain a better job; and

WHEREAS, the petitioner has several letters of support from family, and friends, who relate petitioner is an honest, kind, generous, hardworking person of integrity; and

WHEREAS, the petitioner requests a pardon stating, "I cannot get a decent job. I have furthered my education hoping to get a better job and once this felony is discovered I have either been passed up or in a few cases fired. I have grown up, am a honest dependable person and am seeking a second chance for a better life. I made a mistake, paid for it in more ways than one and have regretted this for 14 years; and

WHEREAS, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to JODI L. GILLMAN.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 26th day of August 2004.

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-23

FOR: RALPH D. HAGUE, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, RALPH D. HAGUE, was convicted on December 5, 1984, out of Vanderburgh County Superior Court for the offense of Burglary, for which he received 6 years with 8 months executed with the balance suspended to probation for 5 years and 4 months. Petitioner was convicted on June 3, 1986, out of Vanderburgh County Superior Court for the offense of Theft for which he received a sentence of 2 years, and;

WHEREAS, the petitioner has been involved in various civic organizations, volunteering as a coordinator with Alcoholics Anonymous, participated in a benefit for the American Lung Association; and

WHEREAS, the petitioner has numerous letters of support from friends, former employers, and former professors. Many letters stating petitioner has been a hard worker, is reliable, and has been a law abiding member of the community, someone who has turned his life around; and

WHEREAS, the petitioner requests a pardon, stating "I have worked very hard and with determination to advance in my chosen profession. The past 16 years have provided me a chance to prove my life has changed considerably for the better. For these reasons I feel strongly that I'm a worthy candidate for a pardon; and

WHEREAS, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a Pardon to RALPH D. HAGUE.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 26th day of August 2004

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-24

FOR: MICHELLE L. MILLER, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, MICHELLE L. MILLER was convicted in Marion County Criminal Court on May 2, 1997, for the offense of Neglect of Dependant [*sic.*], and received 365 Days home detention and four (4) years of probation. Petitioner successfully completed her sentence and probation on June 1, 2000, and;

WHEREAS, the petitioner is currently attending IUPUI pursuing a career in nursing, has been involved with a community outreach component of the Marion County Probation Department. She has volunteered her time to the Youth Empowering Program, has assisted with two different programs, Program Life and Girl's Visions. She was named Distinguished Volunteer during the Spring of 1998; and

WHEREAS, the petitioner has several recommends [*sic.*] of support for a pardon from the trial judge, prosecutor, defense attorney and IPD detective; and

WHEREAS, the petitioner requests a pardon stating, "I am a single parent of two minor children. I attend IUPUI, pursuing a career in nursing. I seek clemency in order to accomplish my professional goals thus capable of providing my children with a better life. I want to better my life, be a better mom, and a productive member of society. I want to finish college and get a good job. I'll send my kids to college and watch them grow and become better people. I am a woman who has shown remorse and still does; and

WHEREAS, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to MICHELLE L. MILLER.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 18th day of November, 2004.

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

Executive Orders

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-25

FOR: PHILLIP HORST, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, PHILLIP HORST, was convicted in Marshall County Circuit Court on July 13, 1973, for the offense of Entering to Commit a Felony and was sentenced to 1-10 years, time suspended (32 days jail time credit), and two (2) years Probation. Petitioner was convicted in Marshall County Circuit Court on June 15, 1973, for the offense of Contributing to the Delinquency of a Juvenile and was sentenced to 30 days in the Marshall County Jail; and

WHEREAS, the petitioner has maintained steady employment and is now currently residing in Indiana; and

WHEREAS, the petitioner has had no other criminal charges against him; and

WHEREAS, the petitioner requests a pardon stating, "he is concerned about the stigma of a conviction that took place when he was 18 years of age, but also has concerns about being able to have hunting licenses or any other restrictions because of an offense that took place when he was only 18 years old. He also believes his marketability as an employee or potential employee could be hurt because of having a conviction record; and

WHEREAS, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to PHILLIP HORST.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 18th day of November 2004.

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-26

FOR: CHARLES D. STONER, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, CHARLES D. STONER was convicted in Elkhart County Circuit Court on March 16, 1989, for the offense of Dealing in Cocaine, and was sentenced to a term of eight (8) years with four (4) years suspended. Petitioner completed his probation obligation on December 8, 1992; and

WHEREAS, the petitioner has been involved with the Healthy Communities Drug-Free Community Council and has served as an addiction resource through the Center for the Homeless. Petitioner has provided training for frontline clinical staff to assist guests in breaking their cycle of addiction *[sic.]*, ultimately leading to breaking their cycle of homelessness; and

WHEREAS, the petitioner has several letters of support for a pardon from family and friends; and

WHEREAS, the petitioner requests a pardon stating, “since my release I have worked very hard to rebuild my life, through my determination I have remained drug free, maintained full-time employment and completed a B.A. in Psychology in May of 2000. My future goal is to pursue graduate work in community psychology and to remain in the social and human services field. For the past eight (8) years I have utilized my experiences in my work at the South Bend Center for Homeless most recently as addictions case manager. I believe this pardon can enhance my work in community service to help others avoid the mistakes I have made”; and

WHEREAS, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to CHARLES D. STONER.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 18th day of November 2004.

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-27

FOR: THE HOOSIERS HELPING HOOSIERS FOOD DRIVE

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, given the recent economic downturn, there are people who go hungry despite the best efforts of religious and social service organizations; and

WHEREAS, in the spirit of hospitality, Hoosiers have a tradition of extending a helping hand to those in need; and

WHEREAS, state offices should assist those in need by facilitating the collection of nonperishable food staples;

NOW THEREFORE, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. State offices shall designate space to accept private donations of food and staples from state employees.
2. The food drive shall begin November 22, 2004 and conclude December 10, 2004.
3. Contributions received are to be retained and distributed in the local communities where donated.
4. With the approval of the employing agency, a state employee may volunteer to use the Community Service Leave program to assist with this food drive.

Executive Orders

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 23rd day of November 2004.

By the Governor:
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-28

FOR: DAVID GRANT PURSELL, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, DAVID GRANT PURSELL, was convicted in Owen County Circuit Court on May 5, 1987 for the offense of Burglary, Class C felony and received a sentence of 5 years with 3 years suspended to Probation. Petitioner completed his probation on February 19, 1991; and

WHEREAS, the petitioner is a member of the American Legion in Worthington, Indiana. He attends the Unitarian Church and has remained a law-abiding citizen since his offense; and

WHEREAS, the petitioner has recommendations for a pardon to be granted from his family, friends and co-workers; and

WHEREAS, the petitioner requests a pardon to maintain his current employment with the National Guards, to be able to go further in his field and with a security clearance he would be able to get non-commissioned officer training; and

WHEREAS, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to DAVID GRANT PURSELL.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this ____ day of _____

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-29

FOR: CHRISTOPHER W. VERNON, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, CHRISTOPHER W. VERNON, was convicted in Cass County Circuit Court on March 17, 1997, for the offense of Battery Resulting in Serious Bodily Injury and was sentenced to 3 years with 3 years suspended to probation. On March 24, 2000, the Probation Department filed a petition for termination of probation and on March 28, 2000, the court executed the "Order of Termination of Probation"; and

WHEREAS, the petitioner graduated from Ball State University, majoring in Athletic Training, had maintained steady employment and has remained a law-abiding citizen since the completion of his probation time in 1997; and

WHEREAS, the petitioner has letters of support to grant a pardon; and

WHEREAS, the petitioner requests a pardon stating, "I am having trouble getting malpractice/liability insurance because of my felony conviction. I need this insurance to be employed as an athletic trainer. I felt that because of this I continually repay for this grave mistake"; and

WHEREAS, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

NOW THEREFORE, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to CHRISTOPHER W. VERNON.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of 2004.

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-30

FOR: DECLARING A DISASTER EMERGENCY IN THE STATE OF INDIANA DUE TO SEVERE WINTER WEATHER

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, a series of severe storms swept through the southern, central and northern parts of Indiana beginning December 22, 2004, and continues; and

WHEREAS, many roads in southern and central Indiana were made impassable; and

WHEREAS, winter storms have left many persons stranded; and

WHEREAS, there is a significant and continuing threat to public health and safety; and

WHEREAS, all state resources available are being directed to assist victims of this intemperate weather;

Executive Orders

NOW, THEREFORE, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby
DECLARE a state of disaster emergency exists in the southern and central parts Indiana; and

ORDER the state Emergency Management Agency, having already implemented the State Emergency Plan, to provide needed emergency services to the damaged areas of Indiana impacted by the storms and to coordinate assistance with appropriate federal and state agencies.

This declaration of disaster emergency is for a period beginning December 22, 2004, and continues.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of Indiana on this 23rd day of December 2004.

By the Governor of Indiana
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-31

FOR: POSTPONEMENT OF THE DATE OF EXPIRATION OF RULE UNTIL ONE YEAR AFTER DATE SPECIFIED IN INDIANA CODE 4-22-2.5

WHEREAS, Indiana Code 4-22-2.5-2 provides that an administrative rule adopted under Indiana Code 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule has an earlier expiration date; and

WHEREAS, Indiana Code 4-22-2.5-5 provides that if a rule is not readopted before the expiration date of the rule and the governor finds that the failure to readopt a rule causes an emergency to occur, the governor may by executive order issued before the rule's expiration date, postpone the expiration date of the rule until a date that is one year after the date specified in Indiana Code 4-22-2.5-2,

NOW, THEREFORE, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The State Board of Accounts' "digital signature" rule, at 20 Indiana Administrative Code 3, has been submitted to me for consideration for an extension of one year and was not readopted before the expiration date of the rule.
2. The failure to readopt the rule at 20 Indiana Administrative Code 3 would cause an emergency to occur.
3. The expiration date of the rule at 20 Indiana Administrative Code 3 shall be extended until January 1, 2006.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 29th day of December, 2004.

Joseph E. Kernan

SEAL

ATTEST: Todd Rokita
Secretary of State

**OFFICE OF THE STATE BUILDING COMMISSIONER
WRITTEN INTERPRETATION OF A BUILDING LAW**

Title:	Service Disconnecting Means
Identification Number:	OSBC-05-01
Date Originally Issued:	May 11, 2004
Effective Date:	February 1, 2005
Brief Description of Subject Matter:	Location of service disconnecting means
Indiana Building Code(s) Affected:	Indiana Residential Code, 2001 Edition (675 IAC 14-4.2) Indiana Electrical Code, 2002 Edition (675 IAC 17-1.6)

The Office of the State Building Commissioner, pursuant to the authority granted under Indiana Code 22-15-2-6(5) and Indiana Code 22-13-5, has developed this written interpretation of a building law. Pursuant to Indiana Code 22-13-5-4, **this written interpretation of a building law is binding upon all counties and municipalities.**

This written interpretation will continue to bind all counties and municipalities until the earlier of the following:

- (1) The general assembly enacts a statute that substantively changes the building law interpreted or voids the written interpretation.
- (2) The Fire Prevention and Building Safety Commission adopts a rule under IC 4-22-2 to state a different interpretation of the building law.
- (3) The written interpretation is found to be an erroneous interpretation of the building law in a judicial proceeding.
- (4) The Office of the State Building Commissioner publishes a different written interpretation of the building law.

Background

Indiana Residential Code (675 IAC 14-4.2) Section E3501.6.2 and Indiana Electrical Code (675 IAC 17-1.6) Section 230.70(A)(1) require the service disconnecting means to be "at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors".

Interpretation

The referenced code sections clearly allow placement of the disconnect means at a readily accessible location outside of a building on the load side of the meter, resulting in the service conductors not entering the building. The same sections allow the disconnect means to be placed inside of a building far enough to reach a readily accessible location, but no further. This allows the service-entrance conductors to enter the building but minimizes their length.

The intent of these code sections is to allow service-entrance conductors to extend to service equipment which is in basements or beyond construction which would prevent ready access to the equipment. The length of the service-entrance conductors is intended to be minimized, but not eliminated.

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
COMMISSIONER'S BULLETIN #15**

*List of hazardous waste sites scored
using the Indiana Scoring Model (ISM)*

Jan-05

<http://www.in.gov/idem/land/statecleanup/club.html>

<u>County/City</u>	<u>score based on</u>		<u>potential impact</u>		
<u>Site Name</u>	<u>Score</u>	<u>Score Date</u>	<u>Contaminant</u>	<u>Environment</u>	<u>Status</u>
<u>(Type of Facility)</u>	<u>Rescore</u>	<u>Rescore Date</u>	<u>Type</u>	<u>Affected</u>	
<u>Address</u>					
1. Adams/Berne					
National Oil Company	20.97	May-92	Fuel	Soil	Investigation in progress
(Bulk Plant)	-/-			Surface water	Conducting removal action
SR 218 & CR 150W					
2. Delaware/Albany					

Nonrule Policy Documents

Muncie Race Track (Dump) SR 67 & 700N	27.70 -/-	Feb-91	Metals Solvents PCBs	Soil Groundwater	Waste isolated Landfill capped Ongoing groundwater monitoring
3. Delaware/Muncie Stout Storage Battery (Industrial) 2505 West 8th	26.22 11.21	Dec-90 May-99	Lead	Soil	Cleanup Complete Delisting evaluation proposed 2005
4. Elkhart/Elkhart Lusher Avenue (Landfill) CR 18 & 21st Street	31.00 -/-	Feb-91	Solvents	Groundwater	Residential water filters installed
5. Elkhart/Elkhart Sycamore Street Site (Dry Cleaner) 100 Sycamore	13.13 -/-	May-91	Solvents	Groundwater	Alternate water supplied Delisting evaluation proposed 2005
6. Fayette/Connersville Connersville Landfill (Landfill) SR 121 & Eastern Avenue	44.60 -/-	Feb-91	Solvents Metals	Soil Surface water Groundwater	Immediate removal actions completed Additional investigation proposed
7. Franklin/Laurel Laurel Dump Site #1 (Dump) Various Sites	20.89 -/-	Mar-92	Solvents Metals	Soil Surface water Groundwater	Surface/subsurface waste removed Pending additional USEPA investigation
8. Gibson/Princeton Indiana Refining (Industrial) US 41 and 350 S	30.03 -/-	Dec-90	Fuel	Soil	Surface waste removed Delisting evaluation proposed 2005
9. Grant/Marion Grant County Landfill (Landfill) 750 E & SR 18	15.48 -/-	Apr-91	Metals	Soil Groundwater	Ongoing investigation Sampling event planned for 2005
10. Hancock/Fortville Meridian Road Landfill (Landfill) CR 1000 N and Meridian	40.16 -/-	Dec-90	Solvents Metals	Soil Groundwater	Investigation complete Cleanup in progress
11. Hendricks/Clayton Clayton Wells (Commercial) Kentucky Street	27.00 -/-	Dec-90	Solvents	Groundwater	Filters supplied Periodic monitoring
12. Huntington/Huntington Huntington Terminals (Pipeline) Meridian & Erie Stone	28.90 -/-	Dec-90	Fuel	Groundwater	Alternate water supplied Steering committee formed by Responsible Parties
13. Jackson/Reddington Texas Eastern	26.26	Dec-90	Fuel	Soil	Cleanup in progress under Agreed Order

Nonrule Policy Documents

(Petroleum pipeline) Southwest of Reddington	-/-			Groundwater	
14. Jackson/Medora United Plastics (Manufacturing) SR235 & 2nd Street	39.00 -/-	Jan-91	Solvents Metals	Soil Groundwater	Waste removal in progress Entered Voluntary Remediation Program
15. Kosciusko/Warsaw Warsaw Chemical (Chem-Manufacturing) Argonne & Durban Street	47.45 -/-	Jan-91	Solvents	Soil Groundwater	Cleanup in progress under USEPA Agreed Order on Consent Pending Agreed Order with State
16. Lake/Hammond Calumet Containers (Industrial) 3631 Stateline Road	16.07 -/-	Dec-90	Solvents	Soil	Ongoing removal by USEPA Ongoing investigation by State
17. Lake/East Chicago Energy Cooperative Incorporated (Industrial) 3500 Indianapolis Blvd	19.87 -/-	Dec-90	Fuel Lead	Soil Surface water Groundwater	Cleanup in progress under Agreed Order Consent Decree negotiations underway
18. Lake/Hammond BP (Refinery) Lake Avenue & 129th Street	18.59 -/-	Mar-91	Fuel Acid/bases Lead	Soil Groundwater	Cleanup under RCRA Corrective Action
19. Lake/Cedar Lake Schreiber Oil Company (Petroleum Storage) 10601 W 133rd Street	13.48 -/-	Dec-90	Fuel	Soil	Surface waste removed Delisting evaluation proposed 2005
20. Lake/Hammond William Powers (Industrial) 119th & Stateline	18.88 -/-	Mar-91	Cyanide Sulfide	Soil Surface water	Delisting evaluation proposed 2005
21. Lawrence/Oolitic Oolitic Dump (Dump) Hoosier & 4th Street	48.87 -/-	Jan-91	Fuel	Soil Groundwater	Cleanup in progress under Leaking Underground Storage Tank Program Delisting evaluation proposed 2005
22. Madison/Anderson Prime Battery (Manufacturing) 230 Jackson	29.52 -/-	Dec-91	Lead	Soil Groundwater	USEPA Removal action completed Delisting evaluation proposed 2005
23. Marion/Indianapolis American Lead (Industrial) 2102 Hillside Avenue	21.78 -/-	Jun-99	Lead	Soil	Investigation Completed USEPA Removal action proposed
24. Marion/Indianapolis Avanti Corporation (Industrial)	40.05 23.09	May-93 Oct-98	Lead	Soil Groundwater	USEPA removal completed Long-term operation and maintenance

Nonrule Policy Documents

South Harris Street				Surface Water	ongoing
25. Marion/Indianapolis					
Marathon Rock Island	15.22	Jan-91	Gasoline	Soil	Voluntary waste cleanup in progress
(Industrial)	-/-		Metals	Surface water	Ongoing investigation
500 W 86th Street				Groundwater	Ongoing negotiations for Agreed Order
26. Marion/Speedway					
Marathon Terminal	21.04	Apr-91	Fuel	Soil	Cleanup in progress
(Industrial)	-/-			Surface water	Multiple recovery wells
1304 Olin Avenue				Groundwater	Soil vapor extraction system in place
					Ongoing investigation
27. Marshall/Bourbon					
Bourbon & Quad Streets Con-	25.86	May-92	Solvents	Soil	Cleanup in progress under Leaking
tamination	-/-		Fuel	Groundwater	Underground Storage Tank Program
(Commercial)					
211 W Center Street					
28. Montgomery/Crawfordsville					
Crawfordsville Scrap & Sal-	29.67	Oct-93	PCBs	Soil	Entered Voluntary Remediation Program
vage	-/-		Lead	Sediments	
(Dump/Scrap)					
419 N Green Street					
29. Montgomery/Crawfordsville					
P.R. Mallory	22.23	Sep-91	PCBs	Soil	Some surface waste removed by USEPA
(Electrical)	-/-			Sediments	Pending further investigation
SR 32 East					
30. Montgomery/Crawfordsville					
Shelly Ditch	24.04	Aug-99	PCBs	Soil	Waste study in progress under Superfund
(Industrial)	-/-			Sediments	Ongoing removal action
1204 Darlington Avenue					USEPA lead
31. Morgan/Monrovia					
Davenport Dump	28.20	Dec-90	Solvents	Surface water	USEPA removal action completed
(Dump)	23.20	Jul-00			Delisting evaluation proposed 2005
6965 Beech Grove Road					
32. Porter/Wheeler					
Wheeler Landfill	31.19	Jan-92	Solvents	Groundwater	Long-term monitoring under RCRA permit
(Landfill)	-/-		Caustics		
SR 130 & Jones Road					
33. Randolph/Union City					
A.O. Smith (Westinghouse)	44.67	Feb-92	PCBs	Soil	Cleanup in progress under Superfund
(Industrial)	-/-			Groundwater	Surface waste removed by USEPA
Frank Miller Road					
34. Randolph/Union City					
Little Mississinewa River	31.37	Jul-99	PCBs	Soil	Cleanup in progress under Superfund
(River)	-/-			Sediments	
Frank Miller Road at					
Little Mississinewa					
35. Randolph/Union City					

Nonrule Policy Documents

UTA (Industrial) 1425 W Oak	33.70 -/-	Sep-99	PCBs	Soil Groundwater	Cleanup in progress under TSCA
36. St. Joseph/Granger Amoco/Granger (Industrial) Adams Road	54.76 26.02	Dec-90 Jan-96	Fuel Solvents	Soil Groundwater	Cleanup in progress Agreed Order signed
37. St. Joseph/South Bend Allied Signal Corporation (Industrial) 717 N Bendix Drive	41.75 -/-	May-92	Solvents Fuel	Soil Groundwater	Entered Voluntary Remediation Program
38. St. Joseph/South Bend ARCO (Industrial) 20630 West Ireland	46.74 -/-	Jul-99	Fuel	Soil Groundwater	Remedial investigation in progress
39. St. Joseph/South Bend Avanti (Industrial) 765 S Lafayette Road	27.60 28.28	Mar-90 Mar-92	Solvents	Soil Groundwater	Drum removal complete Remedial investigation in progress
40. St. Joseph/South Bend Chippewa Avenue Well Field (Industrial) 600 W Chippewa	50.38 -/-	Aug-99	Solvents	Groundwater	Remedial investigation in progress Cleanup in progress
41. St. Joseph/South Bend Hollywood Park (Residential) 23768 US 20	12.8	Aug-02	Solvents	Groundwater	Groundwater investigation in progress Impacted residents connected to municipal water
42. St. Joseph/South Bend Toro-Wheelhorse (Industrial) 515 W Ireland Road	29.89 -/-	Mar-93	Solvents Metals	Soil Groundwater	Cleanup Complete Issued Covenant Not to Sue under the Voluntary Remediation Program
43. Shelby/Shelbyville Knauf Fiberglass (Industrial) 240 Elizabeth	43.86 17.85	Mar-91 Mar-94	Solvents	Groundwater Surface water	Cleanup Complete No further action Delisting evaluation proposed 2005
44. Shelby/Shelbyville IGC/PSI (Industrial) Noble Street	19.06 -/-	Mar-91	Fuel by-products Cyanide	Soil Groundwater	Ongoing investigation
45. Shelby/Shelbyville TRW Incorporated (Industrial) 630 Noble/513 Hendricks	42.83 9.17	Dec-90 Mar-94	Solvents	Soil Groundwater	Risk assessment in progress Cleanup in progress
46. Spencer/Troy Freeman Kline Site/Troy Re- finery	31.17	Jun-97	Petroleum	Soil	Immediate removal completed

Nonrule Policy Documents

(Refinery) SR 70 East	-/-			Surface water	Investigation in progress
47. Sullivan/Dugger Dugger Electric (Commercial) First and Main Streets	25.82 -/-	Feb-91	Petroleum PCBs	Groundwater	Monitoring
48. Tippecanoe/Lafayette ALCOA (Industrial) 3131 E Main	19.44 -/-	Dec-90	PCBs	Soil Sediments	Ongoing investigation by SI
49. Tippecanoe/Otterbein David John Property (Drum Recycling) Vandalia Street	43.8	Aug-01	Solvents	Soil Groundwater	Ongoing Investigation
50. Tippecanoe/Lafayette Indiana Gas (Industrial) 600 N 4th Street	44.35 39.65	Dec-91 Jul-99	Fuel by-products Cyanide	Soil Groundwater	Cleanup complete Long term monitoring Delisting evaluation proposed 2005
51. Tippecanoe/Lafayette TRW/Ross Gear (Industrial) 800 Heath Street	58.54 42.60	Dec-90 Jan-96	Solvents	Soil Groundwater	Cleanup complete under Agreed Order Delisting evaluation proposed 2005
52. Vigo/Terre Haute J.I. Case (Industrial) 4901 N 13th Street	31.77 -/-	Dec-90	Solvents	Groundwater	Agreed Order signed Pilot groundwater cleanup project in place
53. Wayne/Richmond Dana/Springwood Park (Industrial) Williamsburg Pike	43.17 -/-	Jan-91	Solvents	Groundwater	Cleanup in progress under Voluntary Remediation and Solid Waste programs
54. Wells/Petroleum Merrill Meyers Property (Farm Equipment) SR 1 & CR 900	25.26 -/-	Feb-92	PCBs	Soil	Pending USEPA Removal Action Delisting evaluation proposed 2005
55. White/Monon Monon Well Field (Commercial) Main Street	28.40 13.91	Dec-90 Sep-03	Solvents	Soil Groundwater	Consent Order signed Wellfield relocated Delisting evaluation proposed 2005

One (1) site was delisted from the Commissioner's Bulletin in 2004
No sites were added to the Commissioner's Bulletin in 2004

NATURAL RESOURCES COMMISSION
Information Bulletin #2 (Third Amendment)
January 1, 2005

SUBJECT: Roster of Indiana Animals and Plants that are Extirpated, Endangered, Threatened, or Rare. The list outlined here supersedes both Information Bulletin #2, *Roster of Indiana Animals and Plants which are Extirpated, Endangered, Threatened, Rare, or of Special Concern* (15 IR 848) and Information Bulletin #2, *Roster of Indiana Animals and Plants which are Extirpated, Endangered, Threatened, or Rare* (15 IR 1312).

I. INTRODUCTION

Following is a roster of animals, plants, and insects considered in Indiana by the department of natural resources to be extirpated, endangered, threatened or rare. The roster is intended to help identify these animals and plants; and the hope is that a better understanding of the fragility of these species will promote intelligent land use decisions. This roster may also be cross referenced in rules and other documents directed to land use management.

Inclusion of an animal or plant on the roster is determined based on the best current information available. Adjustments to the listing will be required, as additional data becomes available to the department and as the conditions of species change. For this reason, adjustments will be needed periodically to this roster; and those adjustments will be set forth in later editions of the roster.

Additional information concerning particular species included on the roster may be obtained from the department of natural resources. For more information, or to suggest additions, deletions or modifications to the listing, contact the following:

Environmental Unit Supervisor
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 West Washington Street, Room W273
Indianapolis, Indiana 46204
Telephone: (317) 232-4070

II. INDIANA CLASSIFICATIONS

This section sets forth the classifications used in Indiana for animals, other than insects, and for plants included on this roster. The somewhat modified classifications used for insects are set forth in section III (G).

“Extirpated” means an animal that has been absent from the state as a naturally occurring breeding population for over ten years, but exists elsewhere as a wild population. Extirpated plant species are those believed to be originally native to Indiana but without any currently known populations within the state.

“Endangered” means any animal species or subspecies whose prospects for survival or recruitment within the state are in immediate jeopardy and are in danger of disappearing from the state. This includes all species classified as endangered by the federal government that occur in Indiana.

“Threatened” means an animal species or subspecies that is likely to become endangered within the foreseeable future, including all species or subspecies classified as threatened by the federal government that occur in Indiana. (312 IAC 9-1-14). Endangered and threatened species receive the same protection under state law.

“Rare” means an animal species where some problems of limited abundance or distribution in Indiana are known or suspected and should be closely monitored. Plants known to occur currently on eleven to 20 sites are considered rare.

III. ANIMALS

A. MAMMALS

1. Extirpated

Rattus rattus “black rat”
Erethizon dorsatum “porcupine”
Canis rufus “red wolf”
Canis lupus “gray wolf”
Ursus americanus “black bear”
Martes pennanti “fisher”
Gulo gulo “wolverine”
Spilogale putorius “eastern spotted skunk”
Felis concolor “mountain lion”
Felis lynx “lynx”
Cervus elaphus “elk”
Bison bison “bison”

2. Endangered or Threatened

Felis rufus “bobcat”
Myotis sodalis “Indiana bat”

Myotis grisescens “gray bat”
Myotis austroriparius “southeastern bat”
Nycticeius humeralis “evening bat”
Taxidea taxus “badger”
Neotoma floridana “eastern wood rat”
Sylvilagus aquaticus “Swamp rabbit”
Spermophilus franklinii “Franklin’s ground squirrel”
Lutra canadensis “river otter”

3. Rare

Condylura cristata “star-nosed mole”
Plecotus rafinesquii “Rafinesque’s big-eared bat”
Geomys bursarius “plains pocket gopher”
Reithrodontomys megalotis “western harvest mouse”
Mustela nivalis “least weasel”

B. BIRDS

1. Extirpated

Gavia immer “common loon”
Phalacrocorax auritus “double-crested cormorant”
Tympanuchus cupido “greater prairie-chicken”
Phalaropus tricolor “Wilson’s phalarope”
Sterna hirundo “common tern”
Sterna forsteri “Forster’s tern”
Corvus corax “common raven”
Euphagus cyanocephalus “Brewer’s blackbird”

2. Endangered or Threatened

Botaurus lentiginosus “American bittern”
Ixobrychus exilis “least bittern”
Nycticorax nycticorax “black-crowned night-heron”
Nyctanassa violacea “yellow-crowned night-heron”
Sygnus buccinator “trumpeter swan”
Pandion haliaetus “osprey”
Haliaeetus leucocephalus “bald eagle”
Circus cyaneus “northern harrier”
Falco peregrinus “peregrine falcon”
Laterallus jamaicensis “black rail”
Rallus elegans “king rail”
Rallus limicola “Virginia rail”
Gallinula chloropus “common moorhen”
Grus americana “whooping crane”
Charadrius melodus “piping plover”
Bartramia longicauda “upland sandpiper”
Sterna antillarum “least tern”
Chlidonias niger “black tern”
Tyto alba “barn owl”
Asio flammeus “short-eared owl”
Cisothorus platensis “sedge wren”
Cisothorus palustris “marsh wren”
Lanius ludovicianus “loggerhead shrike”
Vermivora chrysoptera “golden-winged warbler”
Dendroica kirtlandii “Kirtland’s warbler”
Ammodramus henslowii “Henslow’s sparrow”
Xanthocephalus xanthocephalus “yellow-headed blackbird”

3. Rare

Coragyps atratus “black vulture”
Accipiter striatus “sharp-shinned hawk”

Accipiter cooperii “Cooper’s hawk”
Buteo lineatus “red-shouldered hawk”
Buteo platypterus “broad-winged hawk”
Empidonax minimus “least flycatcher”
Certhia americana “brown creeper”
Mniotilta varia “black-and-white warbler”
Helmitheros vermivorus “worm-eating warbler”
Wilsonia citrina “hooded warbler”
Wilsonia canadensis “Canada warbler”
Sturnella neglecta “western meadowlark”

C. REPTILES

1. Extirpated

Farancia abacura reinwardti “mud snake”
2. Endangered or Threatened

Aneides aeneus “green salamander”
Nerodia erythrogaster “copperbelly water snake”
Thamnophis butleri “Butler’s garter snake”
Clonophis kirtlandii “Kirtland’s snake”
Cemophora coccinea “scarlet snake”
Liochlorophis vernalis “smooth green snake”
Tantilla coronata “Southeastern crowned snake”
Agkistrodon piscivorus “cottonmouth”
Sistrurus catenatus “massasauga”
Crotalus horridus “timber rattlesnake”
Kinosternon subrubrum “eastern mud turtle”
Clemmys guttata “spotted turtle”
Pseudemys concinna “hieroglyphic river cooter”
Macrochelys temminckii “alligator snapping turtle”
Emydoidea blandingii “Blanding’s turtle”
Terrapene ornata “ornate box turtle”
3. Rare

Thamnophis proximus “western ribbon snake”
Opheodrys aestivus “rough green snake”
Graptemys pseudogeographic “false map turtle”

D. AMPHIBIANS

1. Extirpated

No Species Listed.
2. Endangered

Cryptobranchus alleganiensis “hellbender”
Pseudotriton ruber “red Salamander”
Aneides aeneus “green salamander”
3. Threatened

Hemidactylium scutatum “four-toed salamander”
Rana areolata “crawfish frog”
Rana areolata circulosa “northern crawfish frog”
4. Rare

Necturus maculosus “common mudpuppy”
Ambystoma laterale “blue-spotted salamander”
Rana pipiens “northern leopard frog”
Rana blairi “plains leopard frog”

E. FISH

1. Extirpated

Esox masquinongy ohioensis “Ohio muskellunge”
Ammocrypta asprella “crystal darter”
Percina uranidea “stargazing darter”

2. Endangered

Acipenser fulvescens “lake sturgeon”
Clinostomus elongatus “redside dace”
Notropis ariommus “popeye shiner”
Amblyopsis spelaea “northern cavefish”
Typhlichthys subterraneus “southern cavefish”
Etheostoma camurum “bluebreast darter”
Etheostoma maculatum “spotted darter”
Etheostoma squamiceps “spottail darter”
Etheostoma tippecanoe “Tippecanoe darter”
Etheostoma variatum “variegate darter”
Percina evides “gilt darter”
Etheostoma histrio “harlequin darter”

3. Threatened

No Species Listed.

4. Rare

Coregonus artedii “cisco”
Cycleptus elongatus “blue sucker”
Moxostoma carinatum “river redhorse”
Moxostoma valenciennesi “greater redhorse”
Fundulus catenatus “northern studfish”
Ammocrypta pellucida “eastern sand darter”

F. MOLLUSKS AND CRUSTACEANS

1. Extirpated

No Species Listed.

2. Endangered or Threatened

Quadrula cylindrica “rabbitsfoot”
Plethobasus cyphus “sheepnose”
Pleurobema clava “clubshell”
Pleurobema pyramidatum “pyramid pigtoe”
Cyprogenia stegaria “fanshell”
Epioblasma triquetra “snuffbox”
Plethobasus cooperianus “orangefoot pimpleback”
Lampsilis abrupta “pink mucket”
Potamilus capax “fat pocketbook”
Pleurobema plenum “rough pigtoe”
Epioblasma torulosa torulosa “tuberculed blossom”
Epioblasma obliquata perobliqua “white catspaw”
Epioblasma torulosa rangiana “northern riffleshell”
Fusconaia subrotunda “long solid”
Plethobasus cicatricosus “white wartyback”
Orconectes indianensis “Indiana crayfish”

3. Rare

Simpsonaias ambigua “salamander mussel”
Pleurobema cordatum “Ohio pigtoe”
Lampsilis fasciola “wavy-rayed lampmussel”
Venustaconcha ellipsiformis “ellipse”
Villosa fabalis “rayed bean”
Villosa lienosa “little spectacle case”
Campeloma decisum “pointed campeloma”
Lymnaea stagnalis “swamp lymnaea”
Toxolasma lividus “purple lilliput”
Obovaria subrotunda “round hickorynut”

G. INSECTS

1. Extirpated: An insect is considered state extirpated if any of the following three conditions occur: (a) A species is declared

extirpated by a specialist for the species, family, or order to which the insect belongs. (b) A species has not been located in Indiana as a naturally occurring breeding population for more than 15 years, but the species exists outside Indiana as a wild population. (c) A species appears on a federal list as being extirpated in Indiana. Applying this standard, the following species are believed extirpated in Indiana:

- Ephemeroptera (Mayflies)
 - Pentagenia robusta* “robust pentagenian burrowing mayfly”
- Odonata (Dragonflies; Damselflies)
 - Somatochlora hineana* “Hine’s emerald”
- Neuroptera (Lacewings; Antlions; Owlflies; Snakeflies)
 - Polystoechotes punctatus* “a giant lacewing”
- Coleoptera (Beetles)
 - Nicrophorus americanus* “American burying beetle”
- Lepidoptera (Butterflies; Skippers)
 - Enodia creola* “Creole pearly-eye”
 - Lycaena epixanthe* “bog copper”
 - Oarisma powesheik* “Powesheik skipperling”
- Lepidoptera (Moths)
 - Papaipena eryngii* “rattlesnake-master borer moth”

2. Endangered: An insect species is considered state endangered if its prospects for survival or recruitment within Indiana are in immediate jeopardy, and is in danger of disappearing from the state, where any of the following three conditions occur: (a) A species which may occur in Indiana is classified as endangered by the federal government. (b) A species is biologically dependent on a threatened or endangered plant species. (c) A species is known from fewer than five sites in Indiana.

An insect is also considered endangered if the insect is listed as extirpated but is later rediscovered in Indiana, whether the population is endemic or believed to be recently adventive. The discovery of any life stage of an extirpated or endangered species is fiduciary evidence that a population exists.

An endangered species of insect does not include any of the following: (a) A species that is not known as a population in Indiana but which ranges into the state from Michigan, Ohio, Illinois, or Kentucky. (b) A nonregulated adventive species. (c) A species regulated under IC 14-24 and 312 IAC 18-3 (including a species used for biological control).

Applying this standard, the following insect species are listed as endangered:

- Collembola (Springtails)
 - Arrhopalites ater* “black medusa springtail”
 - Arrhopalites benitus* “a springtail”
 - Arrhopalites bimus* “springtail”
 - Folsomides americanus* “small springtail”
 - Hypogastrura helenae* “Helen’s springtail”
 - Hypogastrura lucifuga* “Wyandotte Cave springtail”
 - Isotoma christianseni* “Christiansen’s springtail”
 - Micranurida harti* “Hart’s springtail”
 - Pseudosinella collina* “hilly springtail”
 - Sinella avita* “ancestral springtail”
 - Sinella barri* “Barr’s Cave springtail”
 - Tomocerus missus* “cave springtail”
- Thysanura (Silverfish)
 - Campodea plusiochaeta* “a dipluran”
- Ephemeroptera (Mayflies)
 - Epeorus namatus* “a mayfly”
 - Homoeoneuria ammophila* “a sand-filtering mayfly”
 - Pseudiron centralis* “a mayfly”
 - Raptoheptagenia cruentata* “a flatheaded mayfly”
 - Siphloplecton interlineatum* “a sand minnow mayfly”
 - Spinadis wallacei* “Wallace’s deepwater mayfly”
- Odonata (Dragonflies; Damselflies)
 - Aeshna canadensis* “Canada darner”
 - Aeshna clepsydra* “mottled darner”
 - Arigomphus cornutus* “horned clubtail”

- Arigomphus furcifer* “lilypad clubtail”
Arigomphus lentulus “stillwater clubtail”
Calopteryx aequabilis “river jewelwing”
Calopteryx angustipennis “Appalachian jewelwing”
Celithemis monomelaena “black spotted skimmer”
Celithemis verna “double-ringed pennant”
Cordulegaster bilineata “brown spiketail”
Cordulegaster diastatops “Delta-spotted spiketail”
Cordulegaster erronea “tiger spiketail”
Dorocordulia libera “racket-tailed emerald”
Epithea canis “beaverpond baskettail”
Gomphus hybridus “cocoa clubtail”
Ischnura prognata “furtive forktail”
Macromia wabashensis “Wabash River cruiser”
Nannothemis bella “dwarf skimmer”
Nehalennia gracilis “sphagnum sprite”
Neurocordulia molesta “smoky shadowdragon”
Somatochlora ensigera “lemon-faced emerald”
Stylogomphus albistylus “least clubtail”
Stylurus laurae “Laura’s clubtail”
Stylurus notatus “elusive clubtail dragonfly”
Stylurus scudderi “zebra clubtail”
Sympetrum danae “black meadowhawk”
Tetragoneuria spinigera “spiny baskettail”
- Orthoptera (Grasshoppers; Crickets)
- Ceuthophilus brevipes* “spotted cave cricket”
- Homoptera (Cicadas; Hoppers; Scales; Aphids)
- Flexamia robertsonii* “Robertson’s flightless planthopper”
Lepyronia gibbosa “hill-prairie spittlebug”
Mesamia stramineus “helianthus leafhopper”
Polyamia dilata “the short-winged panic grass leafhopper”
Prairiana kansana “the Kansas prairie leafhopper”
Texananus areolatus “the ivory Texan leafhopper”
- Coleoptera (Beetles)
- Aleochara lucifuga* “a beetle”
Atheta annexa “a beetle”
Atheta lucifuga “light shunning rove beetle”
Batrissodes krekeri “cave beetle”
Catops gratiosa “a beetle”
Cicindela marginipennis “cobblestone tiger beetle”
Lissobiops serpentinus “a rove beetle”
Pseudanophthalmus barri “cave beetle”
Pseudanophthalmus chthonius “cave beetle”
Pseudanophthalmus Emersoni “cave beetle”
Pseudanophthalmus eremita “cave beetle”
Pseudanophthalmus jeanneli “cave beetle”
Pseudanophthalmus Leonae “cave beetle”
Pseudanophthalmus Shilohensis “cave beetle”
Pseudanophthalmus shilohensis boonensis “cave beetle”
Pseudanophthalmus shilohensis mayfieldensis “cave beetle”
Pseudanophthalmus tenuis blatchleyi “cave beetle”
Pseudanophthalmus tenuis morrisoni “cave beetle”
Pseudanophthalmus youngi “cave beetle”
Pseudanophthalmus youngi donaldsoni “cave beetle”
Ptomaphagus cavernicola “cavernicolous fungus beetle”

Mecoptera (Scorpionflies)

Merope tuber “earwig scorpionfly”

Trichoptera (Caddisflies)

Goera stylata “a northern casemaker caddisfly”

Homoplectra doringa “a homoplectran caddisfly”

Pycnopsyche rossi “a northern casemaker caddisfly”

Setodes oligius “a caddisfly”

Lepidoptera (Butterflies; Skippers)

Boloria selene nebraskensis “the Nebraska silver bordered fritillary”

Callophrys irus “frosted elfin”

Callophrys polios “hoary elfin”

Erynnis persius persius “Persius dusky wing”

Glaucopsyche lygdamus couperi “silvery blue”

Hesperia ottoe “Ottoe skipper”

Lycaeides melissa samuelis “Karner blue”

Lycaena xanthoides “great copper”

Neonympha mitchellii mitchellii “Mitchell’s satyr”

Pieris oleracea “eastern veined white”

Satyroides appalachia appalachia “Appalachian eyed brown”

Speyeria diana “Diana fritillary”

Speyeria idalia “regal fritillary”

Lepidoptera (Moths)

Aethes patricia

Catocala abbreviatella “the abbreviated leadplant underwing moth”

Catocala amestris “the leadplant underwing moth”

Catocala antinympha “the sweet fern underwing”

Catocala marmorata “marbled underwing moth”

Cochylis ringsi

Exyra rolandiana “Pitcher window moth”

Macrochilo bivittata “two-striped cord grass moth”

Melanchra assimilis “the shadowy arches”

Mesapamea stipata “the four-lined cordgrass borer”

Metarranthis apiciaria “barrens metarranthis moth”

Nephopterix dammersi “leadplant leafwebber moth”

Oligia obtusa “a noctuid moth”

Papaipema appassioata “the pitcher plant borer moth”

Phytometra ernestiana “Ernestine’s moth”

Schinia indiana “phlox moth”

Schinia lucens “leadplant flower moth”

Diptera (Flies)

Mydas brunneus “the golden mydas fly”

3. Threatened: A state threatened species is one which is likely to become endangered within the foreseeable future, where any of the following three conditions occur: (a) A species which occurs in Indiana is classified as threatened by the federal government. (b) A species is biologically dependent upon a rare or threatened plant species. (c) A species is known from six to ten sites in Indiana.

The discovery of a single life stage in situ is fiduciary evidence that a population exists. A threatened species does not include accidentals, adventive nonregulated species, nor any species subject to IC 14-24 and 312 IAC 18-3 (including a species used for biological control).

Applying this standard, the following insect species are listed as threatened:

Collembola (Springtails)

Arrhopalites lewisi “Lewis’ cave springtail”

Entomobrya socia “social springtail”

Onychiurus casus “fallen springtail”

Pseudosinella fonsa “Fountain Cave springtail”

Sinella cavernarum “a springtail”

Ephemeroptera (Mayflies)

Pentagenia vittigera “a pentagenian burrowing mayfly”

Tortopus primus “a mayfly”

Odonata (Dragonflies; Damselflies)

Aeshna mutata “spatterdock darner”

Aeshna tuberculifera “black-tipped darner”

Anax longipes “comet darner”

Enallagma boreale “boreal bluet”

Enallagma cyathigerum “northern bluet”

Erpetogomphus designatus “eastern ringtail”

Gomphus crassus “handsome clubtail”

Gomphus lineatifrons “splendid clubtail”

Gomphus quadricolor “rapids clubtail”

Gomphus spicatus “dusky clubtail”

Gomphus ventricosus “skillet clubtail”

Gomphus viridifrons “green-faced clubtail”

Ischnura kellicotti “lily pad forktail”

Leucorrhinia frigida “frosted whiteface”

Macromia pacifica “gilded river cruiser”

Neurocordulia obsoleta “umber shadowdragon”

Neurocordulia yamaskanensis “stygian shadowfly”

Stylurus amnicola “riverine clubtail”

Orthoptera (Grasshoppers; Crickets)

Eritettix simplex “the velvet-stripe grasshopper”

Paroxya atlantica “a grasshopper”

Paroxya hoosieri “Hoosier locust”

Phoetaliotes nebrascensis “large-headed grasshopper”

Pseudopomala brachyptera “bunch grass locust”

Stethophyma lineatum “striped sedge grasshopper”

Trimerotropis maritima “the dune locust”

Homoptera (Cicadas; Hoppers; Scales; Aphids)

Dorydiella kansana

Flexamia reflexus “Indiangrass flexamia”

Lepyronia angulifera “angular spittlebug”

Paraphilaenus paralellus “a spittle bug”

Paraphlepsius maculosus “peppered paraphlepsius leafhopper”

Polyamia herbida “the prairie panic grass leafhopper”

Neuroptera (Lacewings; Antlions; Owlflies; Snakeflies)

Climacia sp 1 “a spongilla fly”

Lomamyia banksi “a beaded lacewing”

Lomamyia flavicornis “a beaded lacewing”

Nallachius americanus “a pleasing lacewing”

Sisyra sp 1 “Indiana spongilla fly”

Coleoptera (Beetles)

Dryobius sexnotatus “six-banded longhorn beetle”

Necrophilus pettiti “a carrion beetle”

Pseudanophthalmus tenuis “cave beetle”

Pseudanophthalmus tenuis stricticollis “Marengo Cave ground beetle”

Quedius spelaeus “spelean rove beetle”

Mecoptera (Scorpionflies)

Boreus sp 1 “Virginia snow scorpionfly”

Trichoptera (Caddisflies)

Agapetus gelbae “an agapetus caddisfly”

Agapetus illini “an agapetus caddisfly”

Diplectrona metaqui “a diplectronan caddisfly”

Lepidoptera (Butterflies; Skippers)

Amblyscirtes belli “Bell’s roadside-skipper”
Atrytonopsis hianna “dusted skipper”
Boloria selene myrina “silver-bordered fritillary”
Calephelis muticum “swamp metalmark”
Celastrina neglecta major “Appalachian blue”
Celastrina nigra “sooty azure”
Chlosyne harrisii “Harris’s checkerspot”
Erynnis lucilius “columbine duskywing”
Erynnis martialis “mottled duskywing”
Euchloe olympia “Olympia marble”
Euphyes bimacula “two-spotted skipper”
Euphyes dukesi “scarce swamp skipper”
Hesperia metea “cobweb skipper”
Hesperia sassacus “Indian skipper”
Poanes viator viator “big broad-winged skipper”
Problema byssus “bunchgrass skipper”
Satyrodes eurydice fumosa “smoky-eyed brown”
Speyeria aphrodite “Aphrodite fritillary”

Lepidoptera (Moths)

Agrotis stigmata
Apamea apamiformis “a noctuid moth”
Apamea burgessi “a noctuid moth”
Apamea lignicolora “the wood-colored apamea”
Apamea lutosa “opalescent apamea”
Apamea relicina “a noctuid moth”
Apamea verbascoidea “the boreal apamea”
Archanara laeta
Bellura densa “a noctuid moth”
Capis curvata “a noctuid moth”
Catocala insolabilis “the unconsolable underwing”
Chortodes enervata “the many-lines cordgrass moth”
Chortodes inquinata “tufted sedge moth”
Crambus murellus “prairie sedge moth”
Cryptocala acadiensis “catocaline dart”
Eosphoropteryx thyatyroides “pinkpatched looper moth”
Ethmia fuscidepella “a moth”
Eucoptocnemis fimbriaris “a noctuid moth”
Eucoptocnemis tripars “pearly dune moth”
Euxoa aurulenta “dune cutworm”
Fagitana littera “the marsh fern moth”
Faronta rubripennis “the pine streak”
Hadena ectypa “the starry campion moth”
Hemileuca sp 3 “midwestern fen buckmoth”
Hemipachnobia monochromata “the purple sundew moth”
Leucania multilinea
Leucania scirpicola
Loxagrotis acclivis “a noctuid moth”
Loxagrotis grotei “Grote’s black-tipped quaker”
Lytrosis permagnaria “a lytrosis moth”
Macrochilo louisiana
Meropleon ambifuscum “Newman’s brocade”
Oligia bridghami “a noctuid moth”
Oncocnemis riparia “the dune oncocnemis moth”
Pangrapta decoralis “the multicolored huckleberry moth”
Papaipema astuta “the stoneroot borer moth”

Papaipema beeriana “Beer’s blazing star borer moth”
Papaipema cerina “golden borer moth”
Papaipema leucostigma “columbine borer”
Papaipema lysimachiae “The St. John’s wort borer moth”
Papaipema maritima “the giant sunflower borer moth”
Papaipema polymniae “the cup plant borer moth”
Papaipema sciata “the Culver’s root borer”
Papaipema silphii “silphium borer moth”
Papaipema speciosissima “the royal fern borer moth”
Phalaenostola hanhami “Hanham’s rare sedge moth”
Platyperigea meralis “the rare sand quaker”
Rhodoecia aurantiago “aureolaria seed borer”
Schinia gloriosa “the glorious blazing star flower moth”
Sitochroa dasconalis “pearly indigo borer”
Spartiniphaga includens “the included cordgrass borer”
Spartiniphaga panatela “northern cordgrass norer”
Tampa dimediatella “red-striped panic grass moth”
Tricholita notata “marked noctuid”

Diptera (Flies)

Mydas tibialis “golden legged mydas fly”

4. Rare: A state rare insect species is a species where problems of limited abundance or distribution in Indiana are known or reasonably suspected including the following: (a) A species that is known to be rare in Michigan, Ohio, Illinois, or Kentucky. (b) A species that is biologically dependent upon a rare plant species.

A rare species references an established population. A rare species does not include accidentals, adventive nonregulated species, or other species regulated under IC 14-24 and 312 IAC 18-3 (including species used for biological control).

Applying this standard, the following species are listed as rare:

Collembola (Springtails)

Sinella alata “springtail”

Odonata (Dragonflies; Damselflies)

Archilestes grandis “great spreadwing”
Chromagrion conditum “aurora damsel”
Cordulegaster maculata “twin-spotted spiketail”
Cordulegaster obliqua “arrowhead spiketail”
Enallagma divagans “turquoise bluet”
Gomphus externus “Plains clubtail”
Hagenius brevistylus “dragonhunter”
Hetaerina titia “smoky rubyspot”
Ladona julia “hawk-fronted skimmer”
Macromia illinoensis georgina “Georgia River cruiser”
Nehalennia irene “sedge sprite”
Ophiogomphus rupinsulensis “rusty snaketail”
Somatochlora linearis “mocha emerald”
Somatochlora tenebrosa “clamp-tipped emerald”
Sympetrum semicinctum “band-winged meadowhawk”
Tachopteryx thoreyi “gray petaltail”

Orthoptera (Grasshoppers; Crickets)

Chloealtis conspersa “sprinkled locust”
Conocephalus saltans “prairie meadow katydid”
Hesperotettix viridis pratensis “a grasshopper”
Melanoplus fasciatus “huckleberry spur-throat grasshopper”
Melanoplus gracilis “graceful spur-throated grasshopper”
Melanoplus keeleri luridus “Keeler’s spur-throated grasshopper”
Melanoplus tepidus “the fearful barrens locust”
Melanoplus viridipes viridipes “green-legged spur-throated grasshopper”
Neoconocephalus nebrascensis “a katydid”

- Orphulella pelidna* “green desert grasshopper”
Pardalophora phoenicoptera “orange-winged grasshopper”
Psinidia fenestralis “sand locust”
Homoptera (Cicadas; Hoppers; Scales; Aphids)
Bruchomorpha dorsata
Bruchomorpha extensa “the long-nosed elephant hopper”
Chlorotettix fallax “a leafhopper”
Chlorotettix vacuna “the vacant chlorotettix”
Flexamia pyrops “the long-nose three-awn leafhopper”
Mesamia nigradorsum “a leafhopper”
Polyamia obtectus
Prosapia ignipectus “red-legged spittle bug”
Coleoptera (Beetles)
Cicindela patruela “a tiger beetle”
Dynastes tityus “unicorn beetle”
Ochthebius putnamensis “Indiana ochthebius minute moss beetle”
Stenelmis douglasensis “Douglas Stenelmis rifle beetle”
Trichoptera (Caddisflies)
Nectopsyche pavidia “a longhorned casemaker caddisfly”
Lepidoptera (Butterflies; Skippers)
Achalarus lyciades “the hoary edge skipper”
Amblyscirtes aesculapius “lace-winged roadside-skipper”
Amblyscirtes hegon “salt-and-pepper skipper”
Amblyscirtes vialis “common roadside-skipper”
Artogeia virginensis “West Virginia white”
Autochton cellus “gold-banded skipper”
Calephelis borealis “northern metalmark”
Callophrys gryneus gryneus “olive hairstreak”
Calycopis cecrops “red-banded hairstreak”
Cyllopsis gemma “gemmed satyr”
Enodia anthedon “northern pearly-eye”
Euphydryas phaeton “Baltimore”
Euphyes dion “sedge skipper”
Fixsenia favonius “northern hairstreak”
Hermeuptychia sosybius “Carolina satyr”
Hesperia leonardus “Leonard’s skipper”
Lycaena dorcas dorcas “dorcas copper”
Lycaena helloides “purplish copper”
Parrhasius m-album “white-M hairstreak”
Polygonia progne “gray comma”
Satyrodes eurydice “eyed brown”
Thorybes pylades “northern cloudywing”
Lepidoptera (Moths)
Agrotis vetusta “a moth”
Anepia capsularis “the starry campion capsule moth”
Anomogyna janualis “the red blueberry dart”
Apamea nigrrior “black-dashed apamea”
Bagisara rectifascia “the rare mallow moth”
Catocala flebilis “the black-dashed underwing moth”
Catocala gracilis “graceful underwing”
Catocala praeclara “praeclara underwing”
Catocala sordida “the huckleberry underwing”
Chrysanympa formosa “the huckleberry looper moth”
Coenochroa bipunctella “sand dune panic grass moth”
Coenochroa illibella “dune panic grass moth”

Coenophila opacifrons “plain-faced blueberry dart”
Crambus girardellus “orange-striped sedge moth”
Cycnia inopinatus “the unexpected milkweed moth”
Dasychira cinnamomea “a moth”
Dasychira dorsipennata “pitch pine tussock moth”
Eubaphe meridiana “a moth”
Eucosma bilineana
Eucosma bipunctella “a moth”
Eucosma fulminana
Eucosma giganteana
Euxoa albipennis “white-striped dart”
Gabara subnivosella “a noctuid moth”
Grammia anna
Grammia figurata “the figured grammia”
Grammia oithona “Oithona’s grammia”
Grammia phyllira “the sand barrens grammia”
Grammia virguncula
Hemaris gracilis “the blueberry clearwing sphinx”
Hemileuca nevadensis “Nevada buck moth”
Herpetogramma thestealis
Himella intractata “intractable quaker moth”
Holomelina opella “the smokey holomelina”
Homohadena infixa “broad-lined sawfly”
Homophoberia cristata “a noctuid moth”
Iodopepla u-album “a noctuid moth”
Lacinipolia olivacea “olive arches”
Lemmeria digitalis “a noctuid moth”
Lesmone detrahens “a moth”
Leucania inermis “a moth”
Macrochilo absorptalis “a moth”
Macrochilo hypocritalis “a noctuid moth”
Melanomma auricinctaria “huckleberry eye-spot moth”
Melipotis jucunda “a noctuid moth”
Meropleon diversicolor “a noctuid moth”
Monoleuca semifascia “the zig-zag monoleuca”
Odontosia elegans “elegant prominent”
Paectes abrostolella “the barrens paectes moth”
Pagara simplex “a moth”
Panthea furcilla
Papaipema harrisi “heracleum stem borer moth”
Papaipema limpida “the ironweed borer moth”
Papaipema marginidens “the brick red borer moth”
Papaipema rigida “a borer moth”
Papaipema rutila “the mayapple borer moth”
Parasa indetermina “a moth”
Peoria gemmatella “gemmed cordgrass borer”
Pygarctia spraguei “sprague’s pygarcia”
Pyrausta laticlavata “the southern purplestemMint moth”
Pyreferra ceromatica “annointed sawfly moth”
Schinia septentrionalis “a noctuid moth”
Semiothisa eremiata “the goat’s rue looper”
Spartiniphaga inops “spartina borer moth”
Sphinx luscitiosa “the luscious willow sphinx”
Spilosoma latipennis “the red-legged tussock moth”
Trichosilia manifesta “a noctuid moth”

Ufeus plicatus “folded satyr”

Xestia youngii “Young blueberry dart”

IV. VASCULAR PLANTS

1. Extirpated

Adlumia fungosa “climbing fumatory”

Anemone caroliniana “Carolina anemone”

Arethusa bulbosa “swamp-pink”

Asclepias meadii “Mead’s milkweed”

Astragalus tennesseensis “Tennessee milk-vetch”

Aureolaria grandiflora var. *pulchra* “large-flower false-foxglove”

Botrychium multifidum var. *intermedium* “leathery grape –fern”

Callirhoe triangulata “clustered poppy-mallow”

Circaea alpina “small enchanter’s nightshade”

Conyza canadensis var. *pusilla* “fleabane”

Corallorhiza trifida var. *verna* “early coralroot”

Cuscuta cuspidata “cusp dodder”

Dryopteris clintoniana “Clinton woodfern”

Echinodorus berteroi “burhead”

Epilobium ciliatum “hairy willow-herb”

Eriophorum spissum “dense cotton-grass”

Glyceria grandis “American manna-grass”

Gnaphalium macounii “winged cudweed”

Gymnopogon amgiguus “broadleaf beardgrass”

Hemicarpha drummondii “Drummond hemicarpha”

Hippuris vulgaris “common mare’s-tail”

Hypericum frondosum “golden St. John’s-wort”

Lactuca ludoviciana “western lettuce”

Lechea stricta “upright pinweed”

Lemna perpusilla “minute duckweed”

Lespedeza stuevei “tall bush-clover”

Linnaea borealis “twinflower”

Lonicera canadensis “American fly-honeysuckle”

Oenothera triloba “stemless evening-primrose”

Oryzopsis pungens “slender mountain-ricegrass”

Panicum longifolium “long-leaved panic-grass”

Panicum mattamuskeetense “a panic-grass”

Penstemon tubaeformis “tube penstemon”

Platanthera hookeri “Hooker orchis”

Platanthera orbiculata “large roundleaf orchid”

Poa cuspidata “bluegrass”

Populus balsamifera “balsam poplar”

Proboscidea louisianica “Louisiana unicorn-plant”

Psilocarya nitens “short-beaked bald-rush”

Psoralea tenuiflora “few-flowered scurf-pea”

Pteridium aquilinum var. *pseudocaudatum* “bracken fern”

Pyrola secunda “One-sided wintergreen”

Pyrola virens “greenish-flowered wintergreen”

Rubus alumnus “a bramble”

Rubus deamii “Deam dewberry”

Rubus depavitus “a bramble”

Rubus impar “a bramble”

Safatia campanulata “slender marsh pink”

Scutellaria parvula var. *parvula* “small skullcap”

Shepherdia canadensis “Canada buffalo-berry”

Sorbus decora “northern mountain-ash”

Stipa comata “sewing needlegrass”
Trautvetteria caroliniensis “Carolina tassel-rue”
Utricularia resupinata “northeastern bladderwort”
Veronica americana “American speedwell”
Viola hirsutula “southern wood violet”

2. Endangered

Aconitum uncinatum “blue monkshood”
Amelanchier humilis “running serviceberry”
Arabis drummondii “Drummond rockcress”
Arabis missouriensis var. *deamii* “Missouri rockcress”
Arabis patens “spreading rockcress”
Aralia hispida “bristly sarsaparilla”
Arenaria patula “Pitcher’s stitchwort”
Armoracia aquatica “lake cress”
Asclepias viridis “green milkweed”
Asplenium bradleyi “Bradley’s spleenwort”
Asplenium montanum “mountain spleenwort”
Asplenium resiliens “black-stem spleenwort”
Aster schreberi “Schreber aster”
Berberis canadensis “American barberry”
Besseyia bullii “kitten tails”
Betula populifolia “gray birch”
Botrychium simplex “least grape-fern”
Buchnera americana “bluehearts”
Bumelia lycioides “buckthorn”
Calla palustris “wild calla”
Camassia angusta “wild hyacinth”
Carex alopecoidea “foxtail sedge”
Carex arctata “black sedge”
Carex atherodes “awned sedge”
Carex atlantica ssp. *capillacea* “Howe sedge”
Carex brunnescens “brownish sedge”
Carex chordorrhiza “creeping sedge”
Carex cumulata “clustered sedge”
Carex disperma “softleaf sedge”
Carex echinata “little prickly sedge”
Carex gravida “heavy sedge”
Carex leptoneura “finely-nerved sedge”
Carex limosa “mud sedge”
Carex livida “livid sedge”
Carex oklahomensis “Oklahoma sedge”
Carex pseudocyperus “cyperus-like sedge”
Carex retrorsa “retorse sedge”
Carex scabrata “rough sedge”
Carex sparganioides var. *cephaloidea* “thinleaf sedge”
Carex timida “timid sedge”
Carya pallida “sand hickory”
Carya texana “black hickory”
Ceanothus herbaceus “prairie redroot”
Chamaelirium luteum “devil’s-bit”
Cimicifuga rubifolia “Appalachian bugbane”
Cirsium hillii “Hill’s thistle”
Clintonia borealis “Clinton lily”
Conioselinum chinense “hemlock parsley”
Cornus amomum ssp. *amomum* “silky dogwood”

Cornus canadensis “bunchberry”
Crataegus arborea “a hawthorn”
Crataegus biltmoreana “Biltmore hawthorn”
Crataegus chrysocarpa “fineberry hawthorn”
Crataegus grandis “grand hawthorn”
Crataegus kelloggii “Kellogg hawthorn”
Crataegus prona “Illinois hawthorn”
Crotonopsis elliptica “elliptical rushfoil”
Cyperus acuminatus “short-point flatsedge”
Cyperus dentatus “toothed sedge”
Cyperus houghtonii “Houghton’s nutsedge”
Dentaria multifida “divided toothwort”
Dicliptera brachiata “wild mudwort”
Didiplis diandra “water-purslane”
Dryopteris celsa “log fern”
Echinodorus cordifolius “creeping bur-head”
Echinodorus parvulus “little bur-head”
Eleocharis equisetoides “horst-tail spikerush”
Eleocharis microcarpa “small-fruited spike-rush”
Epilobium angustifolium “fireweed”
Equisetum variegatum “variegated horsetail”
Eriocaulon aquaticum “pipewort”
Euphorbia obtusata “bluntleaf spurge”
Euphorbia serpens “matted broomspurge”
Fimbristylis annua “annual fimbry”
Fimbristylis puberula “Carolina fimbry”
Fragaria vesca var. *americana* “woodland strawberry”
Gentiana villosa “striped gentian”
Geranium bicknellii “Bicknell northern crane’s-bill”
Geum rivale “purple avens”
Gleditsia aquatica “water-locust”
Glyceria acutiflora “sharp-scaled manna-grass”
Glyceria borealis “small floating manna-grass”
Helianthus angustifolius “swamp sunflower”
Hibiscus moscheutos ssp. *lasiocarpus* “hairy-fruited hibiscus”
Hydrocotyle americana “American water-pennywort”
Hymenopappus scabiosaeus “Carolina woollywhite”
Hypericum adpressum “creeping St. John’s-wort”
Hypericum gymnanthum “Clasping-leaved St. John’s-wort”
Iliamna remota “Kankakee globe-mallow”
Isoetes engelmannii “Appalachian quillwort”
Itea virginica “Virginia willow”
Juncus articulatus “jointed rush”
Juncus militaris “bayonet rush”
Juncus pelocarpus “brown-fruited rush”
Juncus secundus “secund rush”
Lathyrus maritimus var. *glaber* “Beach peavine”
Lathyrus ochroleucus “pale vetchling peavine”
Leavenworthia uniflora “Michaux lavenworthia”
Lechea racemulosa “Illinois pinweed”
Lemna minima “least duckweed”
Lemna valdiviana “pale duckweed”
Leptochloa panicoides “Amazon sprangle-top”
Lesquerella globosa “Lesquereux’s mustard”
Ligusticum canadense “nondo lovage”

Limnobium spongia “American frog’s-bit”
Linum intercursum “sandplain flax”
Lithospermum incisum “narrow-leaved puccoon”
Ludwigia sphaerocarpa “globe-fruited false-loosestrife”
Luzula acuminata “hairy woodrush”
Lycopodiella inundata “northern bog clubmoss”
Lycopodiella subappressa “northern appressed bog clubmoss”
Lycopodium dendroideum “treelike clubmoss”
Lycopus amplexans “sessile-leaved bugleweed”
Lygodium palmatum “climbing fern”
Magnolia acuminata “cucumber magnolia”
Magnolia tripetala “umbrella magnolia”
Malaxis unifolia “green adder’s-mouth”
Mecardonia acuminata “purple mecardonia”
Melanthium virginicum “Virginia bunchflower”
Melothria pendula “creeping cucumber”
Mikania scandens “climbing hempweed”
Monarda bradburiana “eastern bee-balm”
Muhlenbergia capillaris “long-awn hairgrass”
Muhlenbergia cuspidata “plains muhlenbergia”
Myriophyllum pinnatum “cutleaf water-milfoil”
Myriophyllum tenellum “slender water-milfoil”
Onosmodium hispidissimum “shaggy false-gromwell”
Orobancha fasciculata “clustered broomrape”
Orobancha ludoviciana “Louisiana broomrape”
Oryzopsis asperifolia “white-grained mountain-ricegrass”
Pachysandra procumbens “Allegheny spurge”
Panicum annulum “a panic-grass”
Panicum bicknellii “a panic-grass”
Panicum commonsianum var. *addisonii* “Commons’ panic-grass”
Panicum lucidum “shining panic-grass”
Panicum scoparium “broom panic-grass”
Panicum subvillosum “a panic-grass”
Panicum yadkinense “a panic-grass”
Penstemon canescens “gray beard tongue”
Perideridia americana “eastern eulophus”
Phacelia ranunculacea “Blue scorpion-weed”
Phlox bifida ssp. *stellaria* “cleft phlox”
Phlox ovata “mountain phlox”
Plantago cordata “heart-leaved plantain”
Platanthera ciliaris “Yellow-fringe orchis”
Platanthera dilatata “leafy white orchis”
Platanthera flava var. *flava* “southern rein orchid”
Platanthera leucophaea “prairie white-fringed orchid”
Polygala incarnata “pink milkwort”
Polygala paucifolia “gay-wing milkwort”
Polygonum cilinode “fringed black bindweed”
Polygonum hydropiperoides var. *setaceum* “swamp smartweed”
Polytaenia nuttallii “prairie parsley”
Potamogeton bicupulatus “snail-seed pondweed”
Potamogeton epihydrus “nuttall pondweed”
Potamogeton oakesianus “Oakes pondweed”
Potamogeton pulcher “spotted pondweed”
Potamogeton vaseyi “Vasey’s pondweed”
Pyrola asarifolia “pink wintergreen”

Quercus prinoides “dwarf chinquapin oak”
Ranunculus harveyi “Harvey’s buttercup”
Ranunculus laxicaulis “Mississippi buttercup”
Ranunculus pusillus “pursh buttercup”
Rhynchospora recognita “globe beaked-rush”
Rubus centralis “Illinois blackberry”
Rubus enslenii “southern dewberry”
Rubus setosus “small bristleberry”
Rudbeckia fulgida var. *umbrosa* “coneflower”
Sanguisorba canadensis “Canada burnet”
Satureja glabella var. *angustifolia* “calamint”
Saxifraga forbesii “Forbes saxifrage”
Scheuchzeria palustris ssp. *americana* “American scheuchzeria”
Schizachne purpurascens “purple oat”
Scirpus expansus “bulrush”
Scirpus hallii “Hall’s bulrush”
Scirpus smithii “Smith’s bulrush”
Scirpus torreyi “Torrey’s bulrush”
Scutellaria saxatilis “rock skullcap”
Setaria geniculata “bristly foxtail”
Sida hermaphrodita “Virginia mallow”
Silene ovata “ovate catchfly”
Sisyrinchium montanum “Strict blue-eyed-grass”
Solidago buckleyi “Buckley’s goldenrod”
Solidago shortii “Short’s goldenrod”
Solidago squarrosa “stout-ragged goldenrod”
Spigelia marilandica “woodland pinkroot”
Spiranthes magnicamporum “Great Plains ladies’-tresses”
Stachys clingmanii “Clingman hedge-nettle”
Styrax grandifolius “large-leaf snowbell”
Taxus canadensis “American yew”
Thuja occidentalis “northern white cedar”
Trichomanes boschianum “filmy fern”
Trifolium reflexum var. *glabrum* “buffalo clover”
Trifolium stoloniferum “running buffalo clover”
Trillium cernuum var. *macranthum* “nodding trillium”
Utricularia geminiscapa “hidden-fruited bladderwort”
Utricularia radiata “small swollen bladderwort”
Uvularia perfoliata “bellwort”
Vaccinium myrtilloides “velvetleaf blueberry”
Valeriana edulis “hairy valerian”
Valeriana uliginosa “marsh valerian”
Valerianella chenopodiifolia “goose-foot corn-salad”
Verbesina virginica “white crownbeard”
Vigurnum cassinoides “northern wild-raisin”
Viburnum opulus var. *americanum* “highbush-cranberry”
Viola egglestonii “Eggleston’s violet”
Vitis rupestris “sand grape”
Wolffiella gladiata “sword bogmat”

3. Threatened

Agalinis auriculata “earleaf foxglove”
Agalinis skinneriana “pale false foxglove”
Androsace occidentalis “western rockjasmine”
Azolla caroliniana “Carolina mosquito-fern”
Bacopa rotundifolia “roundleaf water-hyssop”

Bidens beckii “Beck water-marigold”
Calamagrostis porteri ssp *insperata* “reed bent grass”
Calycocarpum lyonii “cup-seed”
Carex atlantica ssp *atlantica* “Atlantic sedge”
Carex bebbii “Bebb’s sedge”
Carex bushii “Bush’s sedge”
Carex conoidea “prairie gray sedge”
Carex crawei “crawe sedge”
Carex decomposita “cypress-knee sedge”
Carex flava “yellow sedge”
Carex garberi “elk sedge”
Carex gigantea “large sedge”
Carex richardsonii “Richardson sedge”
Carex straminea “straw sedge”
Chaerophyllum procumbens var. *shortii* “wild chervil”
Chimaphila umbellata ssp *cisatlantica* “pipsissewa”
Chrysopsis villosa “hairy golden-aster”
Chrysosplenium americanum “American golden-saxifrage”
Cirsium pitcheri “dune thistle”
Cladrastis lutea “yellowwood”
Coeloglossum viride var. *virescens* “long-bract green orchis”
Corydalis sempervirens “pale corydalis”
Crataegus pedicellata “scarlet hawthorn”
Crataegus viridis “green hawthorn”
Eleocharis geniculata “capitate spike-rush”
Eleocharis melanocarpa “black-fruited spike-rush”
Eriophorum gracile “slender cotton-grass”
Erysimum capitatum “prairie-rocket wallflower”
Eupatorium album “white thoroughwort”
Eupatorium incarnatum “pink thoroughwort”
Festuca paradoxa “cluster fescue”
Fuirena pumila “dwarf umbrella-sedge”
Gaura filipes “slender-stalked gaura”
Gentiana puberulenta “downy gentian”
Geranium robertianum “herb-Robert”
Heliotropium tenellum “slender heliotrope”
Hottonia inflata “featherfoil”
Hudsonia tomentosa “sand-heather”
Hypericum denticulatum “coppery St. John’s-wort”
Hypericum pyramidatum “great St. John’s-wort”
Isoetes melanopoda “blackfoot quillwort”
Juncus scirpoides “scirpus-like rush”
Krigia oppositifolia “dwarf dandelion”
Lathyrus venosus “smooth veiny pea”
Liatris pycnostachya “cattail gay-feather”
Ludwigia glandulosa “cylindric-fruited seedbox”
Melica nitens “three-flower melic grass”
Myosotis laxa “smaller forget-me-not”
Najas gracillima “thread-like naiad”
Panicum leibergii “Leiberg’s witchgrass”
Panicum verrucosum “warty panic-grass”
Platanthera hyperborea “leafy northern green orchis”
Polygonum careyi “Carey’s smartweed”
Polygonum hydropiperoides var. *opelousanum* “northeastern smartweed”
Potamogeton friesii “Fries’ pondweed”

Potamogeton praelongus “white-stem pondweed”
Potamogeton strictifolius “straight-leaf pondweed”
Potentilla anserina “Silverweed”
Psilocarya scirpoides “Long-beaded baldrush”
Rhexia mariana var. *mariana* “Maryland meadow beauty”
Rhynchospora corniculata var. *interior* “short-bristle horned-rush”
Rubus odoratus “purple flowering raspberry”
Salix cordata “heartleaf willow”
Salix serissima “autumn willow”
Satureja vulgaris var. *neogaea*
Scleria reticularis “reticulated nutrush”
Selaginella rupestris “ledge spike-moss”
Silene regia “royal catchfly”
Solidago simplex var. *gillmanii* “sticky goldenrod”
Sparganium androcladum “branching bur-reed”
Spiranthes ochroleuca “yellow nodding ladies’-tresses”
Spiranthes romanzoffiana “hooded ladies’-tresses”
Stenanthium gramineum “eastern featherbells”
Strophostyles leiosperma “slick-seed wild-bean”
Sullivantia sullivantii “sullivantia”
Talinum rugospermum “prairie fame-flower”
Taxodium distichum “bald cypress”
Thalictrum pubescens “tall meadowrue”
Utricularia cornuta “horned bladderwort”
Utricularia minor “lesser bladderwort”
Utricularia subulata “zigzag bladderwort”
Vaccinium oxycoccos “small cranberry”
Viola pedatifida “prairie violet”
Viola primulifolia “primrose-leaf violet”
Xyris difformis “Carolina yellow-eyed grass”

4. Rare

Acalypha deamii “Mercury”
Actaea rubra “Red Baneberry”
Andromeda glaucophylla “bog rosemary”
Arctostaphylos uva-ursi “bearberry”
Arenaria stricta “Michaux’s stitchwort”
Aristida intermedia “slim-spike three-awn grass”
Aristida tuberculosa “seabeach needlegrass”
Asplenium ruta-muraria “wallrue spleenwort”
Aster borealis “rushlike aster”
Aster furcatus “forked aster”
Aster oblongifolius “aromatic aster”
Aster sericeus “western silvery aster”
Baptisia australis “wild false indigo”
Botrychium matricariifolium “chamomile grape-fern”
Carex aurea “golden-fruited sedge”
Carex debilis var. *rudgei* “white-edge sedge”
Carex eburnea “ebony sedge”
Carex folliculata “long sedge”
Carex lupuliformis “false hop sedge”
Carex pedunculata “longstalk sedge”
Carex seorsa “weak stellate sedge”
Carex socialis “social sedge”
Catalpa speciosa “northern catalpa”
Ceratophyllum echinatum “prickly hornwort”

Cheilanthes lanosa “hairy lipfern”
Cirsium carolinianum “Carolina thistle”
Clematis pitcheri “pitcher leather-flower”
Cornus rugosa “roundleaf dogwood”
Crataegus intricata “a hawthorn”
Crataegus succulenta “fleshy hawthorn”
Cyperus pseudovegetus “green flatsedge”
Cypripedium calceolus var. *parviflorum* “small yellow lady’s-slipper”
Deschampsia cespitosa “tufted hairgrass”
Diervilla lonicera “northern bush-honeysuckle”
Dodecatheon frenchii “French’s shootingstar”
Drosera intermedia “spoon-leaved sundew”
Eleocharis robbinsii “Robbins spikerush”
Eleocharis wolfii “Wolf spikerush”
Eriophorum angustifolium “narrow-leaved cotton-grass”
Eriophorum viridicarinatum “green-keeled cotton-grass”
Euphorbia polygonifolia “seaside spurge”
Gentiana alba “yellow gentian”
Gonolobus obliquus “angle pod”
Hexalectris spicata “crested coralroot”
Houstonia nigricans “narrowleaf summer bluets”
Hypericum dolabriforme “straggling St. John’s –wort”
Iresine rhizomatosa “eastern bloodleaf”
Juncus balticus var. *littoralis* “Baltic rush”
Juniperus communis “ground juniper”
Lilium canadense “Canada lily”
Linum sulcatum “grooved yellow flax”
Lycopodium hickeyi “Hickey’s clubmoss”
Lycopodium obscurum “tree clubmoss”
Lycopodium tristachyum “deep-root clubmoss”
Matteuccia struthiopteris “ostrich fern”
Melampyrum lineare “American cow-wheat”
Milium effusum “tall millet-grass”
Myriophyllum verticillatum “whorled water-milfoil”
Napaea dioica “glade mallow”
Nothoscordum bivalve “crow-poison”
Oenothera perennis “small sundrops”
Ophioglossum engelmannii “limestone adder’s-tongue”
Orqzopsis racemosa “black-fruit mountain-ricegrass”
Oxydendrum arboreum “sourwood”
Panicum boreale “northern witchgrass”
Panicum columbianum “hemlock panic-grass”
Panicum wilcoxianum “blood witchgrass”
Passiflora incarnata “purple passion-flower”
Penstemon deamii “Deam beard tongue”
Phlox amplifolia “large-leaved phlox”
Pinus banksiana “jack pine”
Pinus strobus “eastern white pine”
Platanthera pycodes “small purple-fringe orchis”
Poa alsodes “grove meadow grass”
Poa wolfii “Wolf bluegrass”
Polygonella articulata “eastern jointweed”
Polypodium polypodioides “resurrection fern”
Potamogeton richardsonii “redheadgrass”
Potamogeton robbinsii “flatleaf pondweed”

Prenanthes aspera “rough rattlesnake-root”
Prunus pensylvanica “fire cherry”
Pyrola rotundifolia var. *americana* “American wintergreen”
Rhus aromatica var. *arenaria* “beach sumac”
Rhynchospora macrostachya “tall beaked-rush”
Sagittaria australis “longbeak arrowhead”
Sanicula smallii “Small’s snakeroot”
Scirpus purshianus “weakstalk bulrush”
Scirpus subterminalis “water bulrush”
Sedum telephioides “Allegheny stonecrop”
Senna obtusifolia “blunt-leaf senna”
Solidago ptarmicoides “prairie goldenrod”
Spiranthes lucida “shining ladies’-tresses”
Stipa avenacea “blackseed needlegrass”
Tofieldia glutinosa “false asphodel”
Trachelospermum difforme “climbing dogbane”
Trichostema dichotomum “forked bluecurl”
Triglochin palustris “marsh arrow-grass”
Utricularia purpurea “purple bladderwort”
Viburnum molle “softleaf arrow-wood”
Vitis palmata “catbird grape”
Vittaria appalachiana “Appalachian vittaria”
Waldsteinia fragarioides “barren strawberry”
Wisteria macrostachya “Kentucky wisteria”
Woodwardia areolata “netted chainfern”
Zannichellia palustris “horned pondweed”
Zigadenus elegans var. *glaucus* “white camas”
Zizia aptera “golden alexanders”

NATURAL RESOURCES COMMISSION
Information Bulletin #36 (Third Amendment)
Effective January 1, 2005

Subject: Procedural Guidelines for the Interpretations of the Conservancy District Article (IC 14-33).

1. History

The development of conservancy districts is an increasingly active option for addressing a variety of land use issues at the local level. Freeholders within contiguous geographic areas may use a conservancy district to achieve a dependable drinking water supply, to provide for sewage collection and treatment, to improve flood control, to reduce soil erosion, or to achieve any of numerous other water-resource community goals, either singly or in combination. IC 14-33-1-1.

The determination whether to approve the establishment of a conservancy district and the primary responsibility for the oversight of an existing conservancy district rest with a circuit court where the district is located. IC 14-33-2-26. Management of the district itself is under the control of a board of directors, selected initially by the county commissioners and subsequently by the freeholders of the district. IC 14-33-5-11.

Important roles are also served by the natural resources commission at six crucial stages in the formation, management, and dissolution of conservancy districts. At two of the stages, hearings for public input are required. At the other four, hearings may be requested. These stages also provide the primary forums for the receipt and evaluation of scientific and technical data upon which the court adjudicates and the board manages. In the receipt and evaluation of technical data, the commission brings together reports and analyses of the department of natural resources, acting primarily through the division of water, and other state and local agencies. Most common among these are the department of environmental management, state department of health, and utility regulatory commission.

In 1996, a comprehensive commission policy was established for procedural functions relating to the formation and development of conservancy districts. [Information Bulletin #12, 19 IR 2801, superseded]. Four developments were identified by the commission in support of the policy:

First, the absence of a policy led to public uncertainty and discomfort, particularly among persons who oppose the formation

of a conservancy district or who oppose the development of a project within an existing conservancy district. Concerns had been expressed that the conservancy district process should be re-evaluated to assure all citizens within the boundaries of a proposed or existing district would have meaningful access to the hearing processes.

Second, the complexity of the economic and environmental issues supported the need for a consistent policy. Not the least of these issues were the regulatory functions of the state agencies and their coordination with local governmental entities bearing upon the functions of conservancy districts.

Third, the natural resources commission and the department of natural resources had experienced a statutory evolution regarding hearing processes that had not yet been accommodated for conservancy district hearings. Most noteworthy was the development of the administrative orders and procedures act (IC 4-21.5) and the "sunset review" process for these agencies that resulted in 1990 and 1991 legislation.

The fourth development was the recodification of natural resources laws set forth in P.L. 1-1995. The recodification resolved a statutory ambiguity relative to adding territory to conservancy districts. Compare IC 13-3-3-6(a) as recodified at IC 14-33-4-2(b). In part to address the ambiguity, the commission implemented Information Bulletin #6, published at 17 IR 1836 (April 1, 1994). With the recodification, Information Bulletin #6 was reconsidered and amended.

In response to these developments, Information Bulletin #12 provided guidelines for implementation of conservancy districts processes, where those processes were within the jurisdiction of the natural resources commission. A flexible guidance was designed to help the commission fully and fairly review pertinent issues. Responsibilities were identified and delegated to the commission's division of hearings, and to the department of natural resources, so as to foster better coordination among these and other pertinent agencies.

The primary purposes of Information Bulletin #36 are as follows: (1) refinement of the purposes previously addressed in Information Bulletin #12; (2) integration of the "contiguity" analysis contained in Information Bulletin #6; (3) clarification of agency treatment of initiatives to add a purpose to an existing district; (4) inclusion of standards for determining whether a district qualifies for the purpose of flood prevention and control; and, (5) consideration of conservancy district elections.

The six crucial stages in which the commission serves are considered separately. These stages are as follows:

- (1) consideration of technical issues prior to formation of a district;
- (2) development of a district plan;
- (3) development of a unit of work;
- (4) addition of territory to an existing district;
- (5) addition of a purpose to an existing district; and,
- (6) dissolution of a district.

The natural resources commission on September 16, 2003 approved amendments to this information bulletin, for additions to conservancy districts in Hendricks County. These amendments were published in the Indiana Register and became effective on November 1, 2003. In 2004, the Indiana general assembly amended IC 14-33-4-2 by deleting the extraordinary requirements for Hendricks County. The legislation became effective July 1, 2004, and the information bulletin has been amended, consistently with the legislation, to remove these 2003 amendments.

2. Consideration of Technical Issues Prior to Formation of a District

A. Petition Referral

As provided in IC 14-33-2-17(b), after a court determines a petition to create a district is in proper form and bears the needed signatures, the petition is referred to the natural resources commission for a technical review. The issues for review are set forth in subsection (c) and include whether:

- (1) the proposed district appears to be necessary;
- (2) the proposed district holds promise of economic and engineering feasibility;
- (3) the proposed district seems to offer benefits in excess of costs and damages (or, for water supply, sewage disposal, or water storage, whether the public health will be served);
- (4) the proposed district proposes to cover and serve a proper area; and,
- (5) the proposed district could be established in a manner compatible with similar governmental entities.

At least one public hearing is mandatory. An interested person has "the right to be heard. At the request of an interested person, the commission shall hold hearings at the county seat of a county containing land in the proposed district." IC 14-33-2-19(a). Notice of the hearing must be published in a "newspaper of general circulation in each county containing land in the proposed district." IC 14-33-2-19(b). The commission is also required to incorporate technical assistance from any state and local agency that might have jurisdiction over the subject-matter of the proposed district.

The information received at public hearing and from the agencies is incorporated in a factfinding report to the commission from its hearing officer. The factfinding report of the commission on the proposed district is prima facie evidence of the facts in all subsequent proceedings. IC 14-33-2-23. After receipt of the report from the commission, the court sets another hearing at which an opportunity for additional evidence is provided. IC 14-33-2-25.

Of the six stages under consideration, the initial stage has traditionally been the one most likely to evoke controversy. The petitioner is always represented by an attorney. Where there is a formal remonstrance to a proposed district, the remonstrants are likely to have legal representation. Attorneys participating in the process at this stage, most notably those representing remonstrants, have sometimes urged the full application of the administrative orders and procedures act. Key elements of that act are that all testimony must be given under oath, there is an opportunity for the cross-examination of witnesses, and there is a prohibition on substantive ex parte communications between a party and the administrative law judge (or, if applied to conservancy districts, the hearing officer).

The administrative orders and procedures act does not appear to have direct application to the commission's role prior to formation of a district. Most notably, the act applies generally to agency "orders". The commission issues not an order but a factfinding report that the circuit court then utilizes as prima facie evidence. The court itself issues the order whether or not to create a conservancy district and does so only following a judicial hearing held after receipt of the commission's factfinding report. In addition, the application of the relatively formal processes of the administrative orders and procedures act appear unwieldy in relation to the informal public hearings before the commission's hearing officer; often these public hearings are attended by hundreds of participating citizens. Application of the administrative orders and procedures act may have a chilling effect upon public comment and inquiry at this preliminary stage. Finally, before the hearing date the hearing officer typically is only vaguely informed, if informed at all, of the identity of any remonstrants. The concept of party status is not generally well-defined at this stage, casting uncertainty on application of the prohibition against substantive ex parte communications.

On the other hand, fairness requires the full participation by remonstrants and by citizens seeking additional information, as well as by the petitioners, in this stage of the process. The development of a complete factfinding report is also supported by full participation by all citizens, particularly the freeholders to a proposed district. The process should be conducted in a manner which both is and has the appearance of being impartial. To these ends, the following guidelines are established:

- (1) Referrals by a court for the technical review anticipated by IC 14-33-2-17(b) are directed to the following address:

Division of Hearings
Natural Resources Commission
Indiana Government Center South
402 West Washington Street, Room W272
Indianapolis, IN 46204-2739

- (2) As soon as practicable after the receipt of the referral, the director of the division of hearings appoints a hearing officer. The hearing officer conducts actions appropriate to the preparation and submission to the commission of a recommended factfinding report. Included among these actions are the following:

- (A) The hearing officer promptly provides a copy of the referral to the division of water of the department of natural resources, the department of environmental management, the state department of health, the utility regulatory commission, and any other agency determined by the hearing officer to have jurisdiction over the subject-matter of the referral. Accompanied by the referral is an invitation for comment as well as the address and telephone number of a contact person within the division of water. The address for the contact person is as follows:

Division of Water-Project Development
Department of Natural Resources
Indiana Government Center South
402 West Washington Street, Room W264
Indianapolis, IN 46204-2641

- (B) The hearing officer confers with the court or the clerk of the court to determine, if in addition to the petitioners, a remonstrant or other party has entered an appearance as a party to the civil proceeding.

- (C) The hearing officer forwards a copy of this nonrule policy document to each of the parties. Also included are the name, address, and telephone number of the contact person within the division of water who will coordinate technical reviews.

- (D) If parties other than the petitioners have entered an appearance, the hearing officer promptly sets an informal conference of the parties. An invitation to participate is also made to division of water. During the informal conference, the hearing officer will attempt to develop a consensus for the conduct of the public hearing. If a consensus cannot be developed, the hearing officer determines the conduct of the hearing in accordance with the following principles:

1. A hearing is held in the county seat of a county containing land in the proposed district.
2. The process is conducted in the most informal manner practicable that also supports fairness and meaningful public participation.
3. If issues in dispute are identified during the informal conference which require expert testimony, or for which the hearing officer otherwise determines testimony should be under oath, a second hearing may be conducted. An opportunity for cross-examination shall be provided, the hearing recorded by a court stenographer or reporter approved by the commission, and the trial rules of discovery applied. The hearing officer provides written notice

to the parties of any second hearing and also announces the time, date, and location of the second hearing during the initial public hearing. Unless otherwise agreed by the parties, the hearing officer makes every reasonable effort to conduct the second hearing so that a delay is not required in the submission of a recommended factfinding report to the commission.

(E) The hearing officer drafts and tenders to the commission a recommended factfinding report. A copy of the report is forwarded to each party, to the division of water, to any agency that commented upon the proposed conservancy district, and to any other person requesting a copy. The hearing officer encloses with the report a notice of the time, date, and location when the commission is scheduled to act upon the recommended factfinding report.

(F) Following action by the commission, the hearing officer causes a copy of the factfinding report of the commission to be filed with the court and served upon the division of water, the parties, and any other person requesting a copy.

B. ‘Contiguousness’ of District Boundaries

As part of the factfinding report, the commission is required to determine and communicate to the court whether a proposed district would “cover and serve a proper area.” IC 14-33-2-17(c)(5). Also, as provided in IC 14-33-2-22, the factfinding report must include “findings on the territorial limits of the proposed district.”

Factors for determining appropriate district boundaries are set forth in IC 14-33-3-1. Among these factors is a requirement that “each part of the district is contiguous to another part.” The statutory requirement of contiguousness forms an important element to the geographic requirements of the conservancy district chapter.

If lengthy but narrow boundaries are created to incorporate outlying areas into a district, problems could be posed to adjacent areas, particularly if residents of these areas are not allowed to enter the district. The establishment of a district with exclusive boundaries may hinder attempts by the residents to form a new district. These problems may be acute where a purpose of the district is to provide water supply or sewage disposal.

To establish a consistent and viable framework for determining what is “contiguous” within IC 14-33-3-1, the commission will apply the following:

As used in IC 14-33-3-1, “contiguous” will ordinarily be applied to require that each part of the district adjoin every other part. The requirement is not met where a district boundary is excessively long and narrow. What is excessively long and narrow will be evaluated on an individual basis and will more likely be a major concern for districts that would provide sewage disposal or water supply than for districts which would provide other services. Where the district would provide flood prevention and control, contiguousness will be applied to encourage a coordinated effort within a particular watershed.

An easement or other written license granted by the fee title holder to the district or proposed district may establish contiguousness. Where the district is to provide sewage treatment or water supply, freeholders must typically be provided an opportunity to connect to an adjacent line or to enter the district. As used in this paragraph, an “adjacent line” is one that is either (1) used to carry sewage and located within 300 feet of the freeholder’s building; or (2) used to carry water supply and located on an easement or license that adjoins the freeholder’s property. A petitioner must provide the division of water a copy of an easement or other written license that is used to establish contiguousness.

C. Review Standards for Purpose of Flood Prevention and Control

One purpose for which a conservancy district can be established is flood prevention and control. IC 14-33-1-1(a)(1). In order to receive a favorable determination by the commission under IC 14-33-2-17 for the purpose of flood prevention and control, the petitioners must show the district would accomplish at least one of the following functions:

- (1) The removal of obstructions and accumulated debris from a waterway channel.
- (2) The cleaning or straightening of a channel.
- (3) The development of a new and enlarged channel.
- (4) The construction or repair of dikes, levees, or other flood protective works.
- (5) The construction of waterway bank protection.
- (6) The establishment of a floodway.

All works for the purpose of flood prevention and control must be coordinated in design, construction, and operation according to sound and accepted engineering practice so as to effect the best flood control obtainable that complies with IC 14-28-1-29.

3. Development of a District Plan

Following the creation of a conservancy district by the circuit court, the district is required to establish a “district plan.” As provided in IC 14-33-6-2, a “district plan consists of an engineering report that sets forth the general, comprehensive plan for the accomplishment of each purpose for which the district was established.” The district plan includes physical and technical descriptions, maps, preliminary drawings, cost estimates based upon preliminary engineering surveys and studies, copies of agreements with other governmental entities, and works of improvement.

The board of directors is required to submit a district plan to the commission for its approval within 120 days after the appointment of the board members, unless a time extension is obtained from the commission. IC 14-13-6-3. “The commission may reject a plan or any part of a plan.” IC 14-13-6-4(d). “After receiving the approval of the commission, the board shall file the district

plan with the court.” IC 14-13-6-5(a). Following the filing by the board of directors, the court sets the district plan for a hearing. IC 14-13-6-5(b).

The conservancy district statutory article does not address review of the “approval” process at the state agency level, but administrative reviews are addressed generally in IC 4-21.5 (“administrative orders and procedures act” or “AOPA”). Licenses are governed by AOPA, and included within the definition of “license” is any “approval” required by law. IC 4-21.5-1-8. The term “license” is also defined in the statutory chapter governing the relationship of the natural resources commission and the department of natural resources to include an “approval” that may be issued by the department under Indiana law. IC 14-11-3-1(a).

Significant to the inclusion of “approval” within the definition of license contained in IC 14-11-3-1(a) is that “[n]otwithstanding any other law, the director shall issue all licenses.” IC 14-11-3-1(b). A designee may act for the director in license issuance, but the designee must be a “full-time employee of the department” of natural resources. IC 14-11-3-1(c). The commission then acts as the “ultimate authority” for license determinations by the director or his designee. IC 14-10-2-3. “Ultimate authority” is defined in AOPA to mean the entity “in whom the final authority for an agency is vested by law.” IC 4-21.5-1-15.

With this background, the following guidelines are established:

- (1) The board of directors of a district submits any proposal for or pertaining to a district plan to the department’s division of water.
- (2) The division of water assists the board in identifying licenses likely to be required to implement the district plan. The division of water also coordinates with the department of environmental management and the state department of health concerning any comments pertaining to the development of a district plan.
- (3) The division of water reviews and evaluates comments and alternative proposals to the district plan that may be submitted by other interested persons. The division of water shall consider only technical, engineering, and scientific issues necessary to the development of the district plan. The division may use facilitation or mediation to help resolve any conflict.
- (4) The director of the division of water approves or disapproves the district plan. Notice of the agency action and the opportunity to seek administrative review under AOPA is provided to the board of directors and to any other person requesting a copy of the notice. The director of the division of water also acts upon any request to extend the time to file a district plan, and the same notification process applies. The division director shall encourage the board to file completed applications for any necessary license as soon as practicable after approval of a district plan.
- (5) The commission’s division of hearings conducts any administrative review sought under part (4). The commission is the ultimate authority for the department of natural resources under AOPA. Following the completion of administrative review, the division of hearings notifies the parties of the completion and that review of the commission order is subject to further action by the circuit court pursuant to IC 14-13-6-5(b).

4. Development of a Unit of Work

To implement a district plan, the board of directors of a conservancy district “shall order the preparation of the detailed construction drawings, specifications, and refined cost estimates.... The implementation may involve all or part of the works of improvement if the part constitutes a unit that:

- (1) can be constructed and operated as a feasible unit alone; and
- (2) can be operated economically in conjunction with other proposed works set forth in the district plan.” IC 14-33-6-8(a). “When the drawings, specifications, and cost estimates have been prepared to the satisfaction of the board [of directors], the board shall by resolution tentatively adopt and submit the drawings, specifications, and cost estimates to the commission for approval.” IC 14-33-6-8(b). “Upon the receipt of the written approval,” the board provides a “hearing on the drawings, specifications, and cost estimates at which any interested person must be heard.” IC 14-33-6-9.

The process of the development of a unit of work is similar to that for the preparation of a district plan. An important distinction is no judicial hearing follows the commission approval. Within the context of the review process, the legislature may have envisioned the hearing by the board, following commission approval of the unit of work, serves as an informational rather than judicial or quasi-judicial process.

With this background, the following guidelines are established:

- (1) The board of directors of a district submits to the division of water of the department of natural resources any proposals for or pertaining to a unit work.
- (2) The division of water assists the board in identifying licenses likely to be required to implement the district plan. The division of water also coordinates with the department of environmental management and the state department of health concerning any comments pertaining to the development of a unit of work.
- (3) The division of water reviews and gives due consideration to comments and alternative proposals to the unit of work which may be submitted by other interested persons. In performing this function, the division is limited to consideration of the design and construction of structures needed to implement the district plan. The division may use facilitation or mediation to help resolve any conflict.
- (4) The director of the division of water approves or disapproves the unit of work. Notice of the agency action and the

opportunity to seek administrative review pursuant to the administrative orders and procedures act is provided to the board of directors and to any other person requesting a copy of the notice. The director of the division of water also acts upon any request to extend the time by which to file a unit of work, and the same notification process applies. The division director shall encourage the board of a conservancy district to file completed applications for any necessary license as soon as practicable after approval of a unit of work.

(5) The commission's division of hearings conducts any administrative review sought under part (4). The commission is the ultimate authority for the department of natural resources. Following the completion of administrative review under AOPA, the division of hearings notifies the parties of the final agency action by the commission and outlines the process for obtaining judicial review. Also included in the notice is reference to the informal hearing before the board of directors pursuant to IC 14-33-6-9.

5. Addition of Territory to an Existing District

Ordinarily, territory may be added to an existing district according to either of two procedures. The procedures in these two circumstances follow distinct paths and are here viewed separately:

A. Additions Initiated with the Circuit Court

Pursuant to IC 14-33-4-2(b)(1), territory may be added according to the same procedure as is provided for the establishment of a district. A petition to add territory under this subdivision will be supported by the following guidance.

After a court determines a petition to add territory to a district is in proper form and bears the needed signatures, the petition is referred to the natural resources commission for a technical review. The issues for review include whether:

1. the proposed addition appears to be necessary;
2. the proposed addition holds promise of economic and engineering feasibility;
3. the proposed addition seems to offer benefits in excess of costs and damages (or, for water supply, sewage disposal, or water storage, whether the public health will be served);
4. the proposed addition proposes to cover and serve a proper area; and,
5. the proposed addition could be implemented in a manner compatible with similar governmental entities, most notably the existing conservancy district.

At least one public hearing is mandatory. The hearing officer will be selected and conduct the hearing essentially as provided to consider the establishment of a new district. An interested person has the right to be heard. The hearing will be held at the county seat of a county containing land in the proposed district. Notice of the hearing will be published in a newspaper of general circulation in each county containing land in the district and the proposed addition. The commission hearing officer will incorporate technical assistance from a state agency having jurisdiction over the subject matter of the district and the proposed addition.

Where territory is sought to be added to an existing district, the impact upon the district is often inconsequential. An addition may be relatively minor and involve only a small area with little or no measurable affect to the freeholders within the existing district. The hearing officer will consider and, following the completion of the public hearing or hearings, report to the director of the division of water as to the likely consequence to the district of the proposed addition. The director of the division of water is delegated authority to determine when the proposed addition of territory is de minimis and when its review by the commission is unlikely to be productive. When the division director makes such a determination, the hearing officer's report is forwarded directly to the court as the commission's factfinding report. This report is to be submitted within 30 days of receipt by the division of water of a completed petition to add territory to a district.

B. Additions Initiated with the Board of Directors

As provided in IC 14-33-4-2(b)(2), an addition of territory to an existing district may also be initiated by a board resolution. The resolution follows a petition by the majority of freeholders or the municipality in the area proposed to be added. The resolution and petition are filed with the court, and the court sets the matter for hearing. Notice of the hearing is sent to the natural resources commission and to the freeholders in the district and in the area proposed to be served by the additional territory. The notice to the commission should be forwarded to the division of hearings.

Upon receipt of the notice, the division of hearings will notify the division of water of the department of natural resources and other state agencies which appear to have jurisdiction over the subject of the addition. A conservancy district board wishing to apply IC 14-33-4-2(b)(2) is urged to communicate its wish to the division of hearings as soon as practicable so that expeditious technical discussions may be pursued with the appropriate state agencies. The recommendation is that this communication occurs at least 60 days prior to the setting of a hearing under IC 14-33-4-2(d). Adequate review is essential to a favorable comment by the commission to the court. The division director of the division of water is delegated authority by the commission to report favorably, to make recommendations to modify or condition the addition of territory, or to object to the addition of territory. See particularly IC 14-33-4-2(e).

6. Addition of a Purpose to an Existing District

A purpose may be added to an existing district in either of two ways. The same procedure may be used as is provided for the establishment of a district. IC 14-33-1-4(1). If this subdivision is applied, reference should be made to the process for the addition

of territory pursuant to part 5A of this nonrule policy document.

In the alternative, IC 14-33-1-4(2) provides that the conservancy district board may add a purpose based upon a petition signed by at least 10% of the freeholders of the district. If the resolution is passed, the resolution and petition are filed with the county court and the court sets the matter for hearing. The court forwards to the commission the notice of hearing along with a copy of the resolution “at least 30 days before the date of hearing.” IC 14-33-1-5.

Upon receipt of the notice, the division of hearings will notify the department’s division of water and other state agencies that appear to have jurisdiction over the subject of the addition. A conservancy district board wishing to apply IC 14-33-1-4(2) is urged to communicate its wish to the division of hearings as soon as practicable so that expeditious technical discussions may be pursued with the appropriate state agencies. The recommendation is this communication occur at least 60 days before setting a hearing under IC 14-33-1-5(b). Adequate review is essential to a favorable comment by the commission to the court. The division director of the division of water is delegated authority by the commission to report favorably, to make recommendations to modify or condition the addition of purpose, or to object to the addition of purpose. See particularly IC 14-33-1-5(e).

7. Dissolution of a District

A conservancy district may be dissolved either because the district is “no longer of benefit” (IC 14-33-15) or because “construction of works of improvement has not begun within six (6) years after the district plan.” (IC 14-33-16). Where works of improvement are not begun, there is no statutory participation by the natural resources commission; no procedural issue is presented. A district dissolved due to loss of benefit applies “the same procedure used to establish a district. The petition must set forth the change of circumstances that causes the district to lose the district’s benefit.” IC 14-33-15-1.

Because the process is essentially the same for the dissolution as for the establishment of a conservancy district, the same analysis applies to the development of an appropriate process. With this background, the following guidelines are established:

- (1) Referrals by a court for the technical review anticipated by IC 14-33-15-1 are directed to the division of hearings.
- (2) As soon as practicable after the receipt of the referral, the director of the division of hearings appoints a hearing officer. The hearing officer conducts actions appropriate to the preparation and submission to the commission of a recommended factfinding report. Included among these actions are the following:

(A) The hearing officer promptly provides a copy of the referral to the division of water of the department of natural resources, the department of environmental management, the state department of health, the utility regulatory commission, and any other agency determined by the hearing officer to have jurisdiction over the subject-matter of the referral. Accompanied by the referral is an invitation for comment as well as the address and telephone number of a contact person within the division of water.

(B) The hearing officer confers with the court or the clerk of the court to determine, if in addition to the petitioners, a remonstrant or other party has entered an appearance as a party to the civil proceeding.

(C) The hearing officer forwards a copy of this nonrule policy document to each of the parties. Also included are the name, address, and telephone number of the contact person within the division of water.

(D) If parties other than the petitioners have entered an appearance, the hearing officer promptly sets an informal conference of the parties. An invitation to participate is also made to division of water.

During the informal conference, the hearing officer will attempt to develop a consensus for the conduct of the public hearing. If a consensus cannot be developed, the hearing officer determines the conduct of the hearing in accordance with the following principles:

- (1) A hearing is held the county seat of a county containing land in the district.
- (2) The process is conducted in the most informal manner practicable which also support fairness and meaningful public participation.
- (3) If issues in dispute are identified requiring expert testimony, or for which the hearing officer otherwise determines testimony should be under oath, a second hearing may be conducted. An opportunity for cross-examination shall be provided, the hearing recorded by a court stenographer or reporter approved by the commission, and the trial rules of discovery applied. The hearing officer announces the time, date, and location of the second hearing during the initial public hearing. Unless otherwise agreed by the parties, the hearing officer makes every reasonable effort to conduct the second hearing so that a delay is not required in the submission of a recommended factfinding report to the commission.
- (4) The hearing officer determines whether either of the following matters are in issue: (a) whether the board has failed, within two years of establishment of the conservancy district, to produce satisfactory evidence of progress in the preparation of the district plan; or, (b) whether federal or state money, or both, contemplated in the petition for the establishment of the district, appears to be unavailable. See IC 14-33-15-2.
- (E) The hearing officer drafts and tenders to the commission a recommended factfinding report. A copy of the report is forwarded to each party, to the division of water, to any agency that commented upon the conservancy district, and to any other person requesting a copy. The hearing officer encloses with the report a notice of the time, date, and location when

the commission is scheduled to act upon the recommended factfinding report.

(F) Following action by the commission, the hearing officer causes a copy of the factfinding report of the commission to be served upon the division of water, the parties, and any other person requesting a copy.

8. Election of Board of Directors and Notice to Commission

Neither the natural resources commission nor the department of natural resources have jurisdiction over board elections. The board of commissioners of the county appoints the board of directors for the new district within twenty (20) days after a court order establishing a district. IC 14-33-5-1. A person adversely affected by an action committed or omitted by the board may petition the court having jurisdiction over the district to enjoin or mandate the board. IC 14-33-5-24.

The board chair is required by IC 14-33-5-17 to promptly notify the commission when board members are elected or appointed. The department's division of water maintains a database of conservancy districts and board members. By this Information Bulletin, the commission identifies the following address for the notice required by IC 14-33-5-17:

Division of Water–Project Development
Department of Natural Resources
Indiana Government Center South
402 West Washington Street, Room W264
Indianapolis, IN 46204-2641

Service at this address will also help assure the division of water's database is current. For more information see http://www.in.gov/dnr/water/publications/pdf/con_dist_dir.pdf.

9. Application and Modification

This information bulletin is intended to be liberally construed in order to support efficient administration by the natural resources commission, acting in cooperation with other agencies, of its conservancy district responsibilities. Modifications to the document may be needed based upon experience or legislative changes. Suggestions for modification of the document are welcomed from the public and should be forwarded to the division of hearings at the address set forth previously. Send any suggestions to the address for the division of hearings shown above or by email to slucas@nrc.IN.us.

INDIANA STATE RECOUNT COMMISSION
Guidelines for Conduct of an Election Recount and Contest
As Amended, December 10, 2004

Guideline #2-2004

Chapter 1. Definitions

Sec. 1. (a) "Candidate" refers to a candidate for nomination or election to an office for which a recount or contest petition has been filed.

(b) If a candidate who is entitled to file a recount or contest petition does not do so in accordance with IC 3-12-11, a state chairman or county chairman who files a recount petition under IC 3-12-11, has the rights and responsibilities of a "candidate" under these guidelines.

Sec. 2. "Chad" means the part of a ballot card that indicates a vote on the card when punched out by the voter.

Sec. 3. "Commission" refers to the state recount commission established by IC 3-12-10-1.

Sec. 4. "Cross-petitioner" includes a candidate who was opposed in the primary or election by the petitioner, whether or not the candidate chose to file a cross-petition with the commission under IC 3-12.

Sec. 5. "Disputed ballot" refers to a ballot challenged by a party to a recount or to a ballot that the state board of accounts determines does not conform with these guidelines or IC 3-12.

Sec. 6. "No votes" refers to ballots subjected to the recount which:

(1) do not indicate a vote cast for any candidate subject to the recount; and

(2) are otherwise classified as either "valid" or "invalid" under these guidelines or IC 3-12.

Sec. 7. "Precinct tally sheet" refers to the written record used by the state board of accounts to record the precinct vote tally and other evidence concerning the voting process in a precinct.

Sec. 8. "Recount" means the determination by the state recount commission of the number of valid votes received by each candidate for the office subject to a recount.

Sec. 9. "Tally" means the counting by the state board of accounts of votes cast for each candidate in each of the following categories: undisputed valid, undisputed invalid, or disputed.

Sec. 10. All other terms used in these guidelines have the meaning set forth in IC 3-5.

Chapter 2. Conduct of Election Recounts and Contests Generally

Sec. 1. The state recount commission shall conduct all recounts and contests under identical procedures to the extent reasonably

possible.

Sec. 2. The commission makes the final decision as to whether a disputed ballot will be counted.

Sec. 3. (a) All tallying shall be physically performed by the state board of accounts in accordance with these guidelines.

(b) The state board of accounts staff manual for recounts (*Agency Guidelines for Conduct of Recount for the State Recount Commission*, May 2004 edition) is approved for use in recounts conducted by the commission. If any conflict exists between this manual and these guidelines, the guidelines control to the extent of that conflict.

(c) The commission shall conduct the recount at times and locations designated by it, but all tallying of votes shall be conducted within the county where the votes were cast unless the parties consent to a change of location.

Sec. 4. The commission shall appoint a director who is responsible for supervising the conduct of the tally by the state board of accounts. The state board of accounts shall prepare for the director a report on the tally by the state board of accounts. The director shall present the report to the commission to enable the commission to make final decisions in a fair and prompt manner.

Sec. 5. (a) The commission may order with consent of all parties to a recount, that a prerecount inspection of impounded election material be conducted by the attorneys representing the parties. This inspection:

(1) must be conducted under the supervision of the state board of accounts and the Indiana state police at all times; and

(2) is designed to enable the parties to narrow the issues and material subject to dispute in the recount so that the recount may be conducted efficiently.

The director shall attend this inspection and is authorized to resolve any dispute regarding its scope and procedures.

(b) When the recount begins, all tallying must be conducted by audit teams composed of at least two staff members of the state board of accounts. The director may assign additional staff members to the audit teams to conduct the recount. Where possible, team assignments should be rotated daily so that the same auditors do not work as a team on consecutive days.

(c) Except as provided in subsection (d), the audit team shall inspect and tally all ballots in accordance with these guidelines. The audit team may classify a ballot as invalid only for reasons set forth in these guidelines or IC 3-12 and if no party to the recount disputes that determination. The audit team shall also inspect all poll lists, voter affidavits, absentee envelopes, and other documents relevant to the recount, as determined by the director.

(d) If a recount is conducted concerning a primary election, the ballots cast in the primary conducted for the candidates of the other major party, and the ballots cast solely for school board candidates or on public questions are not to be recounted, but shall be documented solely for the purpose of reconciling the number of voters who cast ballots in person or by absentee ballot at the precinct (according to the poll list) with the number of ballots cast in the precinct according to the canvass.

Sec. 6. (a) The state board of accounts shall designate one of its staff to act as a supervisor for each group of audit teams.

(b) Each supervisor should be present at the tallying location while the tally is being conducted, assist the director in managing the tallying process, and keep the director advised of the progress of the tallying.

(c) The supervisor shall inspect all absentee ballot envelopes not distributed to the precinct election boards or to central count absentee ballot counters and shall permit observers to inspect the envelopes. The supervisor may not open the envelope.

Sec. 7. At least one state police officer must be present at each counting location during the tallying. The state police are responsible for the safety and integrity of all election materials during and after the recount, until further order of the commission.

Sec. 8. Each candidate in a race being tallied may observe each audit team as it conducts the tally. Each candidate may also designate one observer per audit team and not more than two managers for the candidate's observers in each county. The audit team shall allow each candidate or his/her manager or observer a reasonable opportunity to view each ballot, document, voting machine or other materials reviewed by the audit team. An audit team does not have to delay the tallying process because of the absence of a candidate or candidate's manager or observer.

Sec. 9. During the tallying of ballots in each precinct, one member of the audit team shall be responsible for inspecting each ballot and determining the tally category for that ballot. The other member of the audit team shall keep all necessary records. The members of the audit team may consult with one another or the director.

Sec. 10. The candidates, and their managers and observers, may not argue or interfere with the audit team but may request that a ballot be identified by the audit team as a disputed ballot. The candidate, manager or observer need not state the reason for the challenge. Unless a ballot is challenged by a candidate, manager, or observer before the audit team signs the precinct tally sheet, the audit team's decision as to the classification of that ballot is final. The commission shall review disputed ballots upon completion of the tally by the state board of accounts.

Sec. 11. The audit team shall mark any disputed ballot as an exhibit. The mark must contain at least the following information: county, township or ward, precinct, exhibit number and the name of the candidate challenging the ballot, or whether the ballot is disputed by the state board of accounts.

Sec. 12. The director shall attempt to resolve procedural problems (other than ballot validity issues) not resolved by these guidelines. The director shall keep the commission advised of the progress of the tallying, procedural problems he/she resolves and any disagreement with his/her actions. If an issue arises during the tallying process, the commission may meet to resolve such an issue at the request of a candidate.

Sec. 13. Each audit team shall tally only one precinct at a time, and election materials for each precinct shall be kept separate by precinct.

Sec. 14. The audit team shall record information relevant to seals on the voting machines and ballot boxes or other containers of election materials on the precinct tally sheet.

Sec. 15. (a) The audit team shall then open the container of election materials and record the following information, if available, on the precinct tally sheet:

- (1) the total number of votes recorded on the precinct certificate;
- (2) the number of voters' signatures on the poll list;
- (3) the number of absentee ballots delivered to the precinct;
- (4) the number of absentee voters listed on the poll list;
- (5) the number of absentee ballots not counted;
- (6) the number of absentee voter applications; and
- (7) the number of votes for each candidate in the relevant race as reported by the precinct election board or the county election board.

(b) Any discrepancies between the numbers recorded by election officials and the numbers recorded by the audit team should also be recorded on the precinct tally sheet.

Sec. 16. The audit team may not independently examine the absentee voter applications and affidavits on absentee ballot envelopes but shall permit each candidate, manager, or observer to inspect them and to challenge ballots cast pursuant to any of them.

Sec. 17. The audit team may not remove from its envelope any absentee ballots or provisional ballots not removed from their ballot envelopes by the precinct election board or the central count absentee ballot counters.

Sec. 18. The audit team shall:

- (1) tally the total number of undisputed valid ballots cast for each candidate in each relevant race;
- (2) tally the number of undisputed invalid ballots for each candidate rejected by the audit team;
- (3) tally the number of disputed ballots for each candidate;
- (4) tally the number of no votes in the precinct;
- (5) sign and date the precinct tally sheet;
- (6) place all precinct materials in the precinct container; and
- (7) return the container and the completed precinct tally sheet to the state board of accounts supervisor or director.

Sec. 19. The director or supervisor shall make copies of each precinct tally sheet available to each candidate's representatives and the media as soon as possible.

Sec. 20. (a) Upon completion of the tallying by the state board of accounts, the commission shall convene to review the report of the director and to receive from the candidates evidence relevant to whether disputed votes should be counted.

(b) The commission shall proceed to conduct the count required under IC 3-12-11-17.7(a) in the following manner:

(1) If the tallying by the state board of accounts indicates that there are not disputed ballots in one or more precincts, the director shall present a report of the votes cast for each candidate in the indicated precincts. The commission shall order the votes counted for the designated candidates and shall order any undisputed invalid ballots or no votes in the precinct to not be counted.

(2) After the disposition of all precincts with no disputed ballots, the commission shall proceed to count all ballots in precincts with one or more disputed ballots.

(3) If the recount is to be conducted in more than one county, the commission may begin with any county agreed upon by the parties. If no agreement exists between the parties, the recount shall begin in the county designated by the commission and proceed to subsequent counties in accordance with an order adopted by the commission. The commission shall conduct the recount in precincts within one county in alphanumeric order, according to the precinct name, unless all parties to the recount join in requesting that the count be conducted in an alternative manner.

(4) The commission shall begin by recognizing the director to present the state board of accounts report regarding the votes cast within all precincts other than the precincts described in (1). The director shall state the number of:

- (A) undisputed valid votes cast for each candidate in each precinct;
- (B) undisputed invalid votes cast for each candidate; and
- (C) no votes cast in each precinct.

(5) The commission shall then order:

- (A) the votes described in 4(a) to be counted for the designated candidates; and
- (B) the votes described in 4(b) or 4(c) not counted.

(6) If, following the designation of a ballot as disputed, the party who disputed the ballot determines that the ballot should be designated as either an undisputed valid vote cast for a specific candidate, or as an undisputed invalid vote, the party may file a written statement to that effect with the director. The statement must:

- (A) identify the ballot according to the "Exhibit No." on the state board of accounts exhibit list of disputed ballots;
- (B) state whether the ballot should be categorized as an undisputed valid vote for a specified candidate, or as an undisputed invalid vote; and
- (C) be signed by the party to the recount who disputed the ballot.

(7) After the commission acts under (5) to order that ballots be counted or not counted, the director shall report to the commission whether a statement described by (6) has been filed with the director regarding any disputed ballot. If so, the commission shall proceed to order the ballot to be counted for a specified candidate, or not counted, in accordance with the statement.

(8) The commission shall then recognize the petitioner to present ballots disputed by the petitioner or state board of accounts to the commission that the petitioner contends should be counted as votes for the petitioner. The petitioner shall present each ballot in the order that the ballot is designated as an exhibit number in the exhibit list of disputed ballots and for the first such precinct according to the precinct order listed in (3). However, the commission may consent to the consideration of more than one ballot in the precinct at the same time if requested by the petitioner, and the commission determines that the issues regarding the disputed ballots are essentially identical so that there is no need for a determination regarding each ballot in this group.

(9) After the presentation of a ballot (or when permitted, a group of ballots) under (8), the commission shall determine based on all relevant evidence whether or not the ballot(s) shall be counted as a vote (or votes) for the petitioner, a vote (or votes) for the cross-petitioner, or whether the ballots shall not be counted for any candidate.

(10) After the completion of the petitioner's case-in-chief in all of the precincts included in the recount, the commission shall then recognize the cross-petitioner to present ballots disputed by the cross-petitioner or state board of accounts to the commission that the cross-petitioner contends should be counted as votes for the cross-petitioner. The cross-petitioner shall present each ballot in the order that the ballot is designated as an exhibit number in the exhibit list of disputed ballots and for the first such precinct according to the precinct order listed in (3). However, the commission may consent to the consideration of more than one ballot in the precinct at the same time if requested by the cross-petitioner, and the commission determines that the issues regarding the disputed ballots are essentially identical so that there is no need for a determination regarding each ballot in this group.

(11) After the presentation of a ballot (or when permitted, a group of ballots) under (11), the commission shall determine based on all relevant evidence whether or not the ballot(s) in the precinct shall be counted as a vote (or votes) for the petitioner, a vote (or votes) for the cross-petitioner, or whether the ballots shall not be counted for any candidate.

(12) After completion of the cross-petitioner's case-in-chief in all of the precincts included in the recount, the commission shall then recognize the director to report whether any disputed ballots in any precinct have not been presented by either the petitioner or cross-petitioner to the commission. If the director identifies any ballots that remain disputed, the director shall present these ballots to the commission for determination.

Sec. 21. (a) Except as provided in subsection (b), (c), or (d), a member of the commission (or an individual acting on behalf of the commission) shall not initiate, permit, or consider ex parte communications, or consider other communications made to the member or individual outside the presence of the parties, concerning a pending or impending proceeding.

(b) Where circumstances require, ex parte communications for scheduling, administrative purposes, or emergencies that do not deal with substantive matters or issues on the merits are authorized if the member or individual reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication and promptly notifies the commission and all other parties of the substance of the ex parte communication and allows an opportunity to respond.

(c) A member or individual may consult with commission staff and others whose function it is to aid the member or individual in carrying out the member or individual's responsibilities.

(d) A member or individual may, with the consent of the parties, confer separately with the parties and their lawyers to mediate or settle matters pending before the commission.

Sec. 22. All testimony presented to the commission by an individual shall be sworn to (or affirmed) by that individual.

Sec. 23. The commission may accept evidence in a proceeding even if the evidence would not be admissible in a judicial proceeding under the rules of evidence. In accepting the evidence described by this section, the commission shall ensure that the commission's proceedings are conducted with the decorum required to protect the rights of the parties to the proceeding and other individuals.

Sec. 24. Unless otherwise ordered by the commission, if the commission requests or requires that written briefs be submitted in a proceeding before the commission, the briefs must be filed with the election division no later than forty-eight (48) hours before the commission is scheduled to meet to consider the matter.

Sec. 25. After the commission has completed its count under Section 20, the commission shall adjust accordingly the tallies certified by the state board of accounts, resolve any other issues raised in the recount, or contest and certify the results to the election division pursuant to IC 3-12-11-15.

Chapter 3. Tallying Votes in a Ballot Card Voting System Precinct

Sec. 1. This chapter applies only to tallying votes in a precinct that uses ballot cards for registering votes.

Sec. 2. The director shall obtain the use of one or, if possible, two automatic tabulating machines in each county. The director may seek the assistance of county election officials in preparing the machines for use in the tallying.

Sec. 3. The state board of accounts shall prepare a test deck of sample ballot cards, and the candidates may jointly prepare test decks. At the beginning and end of each day of tallying, the counting machine shall be tested by running decks prepared by the candidates. Candidates and their managers or observers may observe all testing and operation of automatic tabulating machines.

Sec. 4. The audit team shall examine the precinct header card to determine whether it is the correct card for the precinct. Candidates, managers, or observers may inspect the precinct header card and have it marked as an exhibit for review by the commission.

Sec. 5. (a) The audit team shall manually inspect each ballot card in the container of election materials to determine whether it should be counted.

(b) A ballot marked "REJECTED", "VOID", "SPOILED", or "CANCELLED" or with any other similar notation regarding the reliability of the ballot permitted under the state law must be disputed by the audit team. The audit team shall record any available information concerning the reasons the marking appears on a ballot.

Sec. 6. The audit team shall divide all ballots into three groups:

- (1) Ballot cards to be counted that are undisputed.
- (2) Ballot cards that are disputed.
- (3) Ballot cards not to be counted that are undisputed, including no votes.

Sec. 7. (a) All undamaged ballots to be counted shall then be counted on two separate automatic tabulating machines, if available; otherwise, the ballots shall be counted twice on one machine. The audit team shall compare the totals for each candidate from each machine run and shall record the totals.

(b) If the totals are identical on both machines, or on both runs on the same machine, no further counting will be necessary.

(c) If the totals are not identical, the audit team shall manually count the ballots at least twice, so that the audit team and supervisor are satisfied that the manual count is accurate.

Sec. 8. The director may order any appropriate test or a hand count in any precinct he/she believes there is a substantial question concerning the accuracy of the tabulating machine count.

Sec. 9. Notwithstanding sections 7 and 8 of this chapter if a petition or cross petition for a recount request that the ballot cards in a specific precinct be counted manually, the audit teams shall count the cards accordingly and may not use automatic tabulating machines except in a test unless the petitioner or cross-petitioner withdraws the request after the state board of accounts conducts a test of the automatic tabulating machine to ascertain its accuracy. A written withdrawal of such a request is effective upon delivery to the director, supervisor, or commission.

Chapter 4. Tallying Votes in Paper Ballot Precincts

Sec. 1. This chapter applies only to tallying votes in a precinct that uses paper ballots for registering votes.

Sec. 2. The audit team shall divide the paper ballots into three groups:

- (1) Paper ballots to be counted that are undisputed.
- (2) Paper ballots that are disputed.
- (3) Paper ballots not to be counted that are undisputed, including no votes.

Sec. 3. (a) The audit team shall manually inspect each paper ballot in the container of election materials.

(b) A ballot marked "REJECTED" or "VOID" or "SPOILED" or "CANCELLED" or with any other similar notation regarding the reliability of the ballot permitted under the state law may not be counted by the audit team. The audit team shall record any available information concerning the reasons the marking appears on a ballot.

Chapter 5. Tallying Votes in an Electronic Voting System Precinct

Sec. 1. This chapter applies only to tallying votes in a precinct that uses the electronic voting system.

Sec. 2. (a) The audit team shall check the election night printout to ensure that the test of the electronic voting machine showed that the votes were recorded correctly, no over voting could occur, and the vote tallies for each office were equal to zero. The team shall note any discrepancies.

(b) The team shall check the election night results reported by the precinct election board with the printout for accuracy and shall note any discrepancies.

Sec. 3. If requested by a candidate or candidate's representative, the audit team shall cause a new printout to be made from the memory cartridges for a precinct. The new printout shall be compared with the old printout and election night results reported by the precinct election board. The audit team shall note any discrepancies.

Sec. 4. If a new printout is requested under Section 3 from more than one memory cartridge, the cartridges shall be read on one electronic voting system designated by the director, unless a party requests the use of the electronic voting system in which the cartridge was originally used.

Sec. 5. Unless otherwise requested by a party, a memory cartridge read on an electronic voting system is not required to also be read on the computer program maintained by the county election board for use in election night tabulations.

AS ADOPTED AND AMENDED BY THE STATE RECOUNT COMMISSION

DEPARTMENT OF STATE REVENUE

0420020329.LOF

LETTER OF FINDINGS NUMBER: 02-0329

SALES AND USE TAX

FOR TAX PERIODS: 1996-2000

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Sales and Use Tax: Imposition

Authority: IC 6-8.1-5-1(b), IC 6-2.5.2-1.

The taxpayer protests the assessment of sales tax.

STATEMENT OF FACTS

The taxpayer is a sole proprietor who operates a commercial printing business. After an audit, the Indiana Department of Revenue assessed additional sales and use tax, interest, and penalty. The taxpayer protested the assessment. A hearing was scheduled. The taxpayer did not appear for the hearing. Therefore, this Letter of Findings is based on the documentation in the file.

I. Sales and Use Tax: Imposition

DISCUSSION

An Indiana Department of Revenue Notice of Proposed Assessment is presumed to be accurate and taxpayers carry the burden of proving that a proposed liability is inaccurate. IC 6-8.1-5-1(b).

Indiana imposes a sales tax on retail transactions made in Indiana. The retail merchant has the duty of collecting the tax from the purchaser and remitting the tax to the state. IC 6-2.5-2-1. The taxpayer collected sales tax from its customers and failed to remit the tax to the state. The audit properly imposed the collected but unremitted sales tax on the taxpayer.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030108.LOF

LETTER OF FINDINGS NUMBER: 03-0108

Sales and Use Tax

For the Years 1998-2001

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Sales and Use Tax-Maintenance Agreements

Authority: IC 6-2.5-3-2, IC 6-2.5-2-1(a), IC 6-8.1-5-1(b), Indiana Sales Tax Information Bulletin #2 issued in 1991 and November, 2000, *Gross Income Tax Division v. National Bank and Trust Co.*, 79 N.E. 2d 651 (Ind. 1948).

The taxpayer protests the assessment of tax on certain maintenance agreements.

II. Sales and Use Tax-Software

Authority: IC 6-2.5-5-3(b), IC 6-2.5-5-4, 45 IAC 2.2-5-8, 45 IAC 2.2-5-10(c), *Indiana Department of Revenue v. Cave Stone*, 457 N.E. 2d 520, (Ind. 1983).

The taxpayer protests the assessment of tax on certain software.

III. Sales and Use Tax-Gerber Plotter, Software, and Replacement Parts

Authority: IC 6-2.5-5-3(b).

The taxpayer protests the assessment of tax on the Gerber plotter, software, and Replacement parts.

IV. Sales and Use Tax-Plotter Paper

Authority: IC 6-2.5-5-1(b),

The taxpayer protests the assessment of tax on plotter paper.

V. Sales and Use Tax-Forklift Parts

Authority: IC 6-2.5-5-3(b), 45 IAC 2.2-5-10(b)(2).

The taxpayer protests the assessment of tax on forklift parts.

VI. Sales and Use Tax-Sawsall Saw, Blade, and Cable Ties

Authority: IC 6-2.5-5-3.

The taxpayer protests the assessment of tax on the sawsall saw, blade, and cable ties.

STATEMENT OF FACTS

The taxpayer is a manufacturer of soft cloth purses and matching accessories for women. On November 19, 2001 the taxpayer filed a claim for refund of sales tax or use tax paid on certain manufacturing items. The Indiana Department of Revenue, hereinafter referred to as the "department," then conducted an audit encompassing the issues in the claim for refund. The audit denied portions of the claim for refund and assessed use tax on other purchases. The taxpayer protested certain findings in the audit. A hearing was held. This Letter of Findings results.

I. Sales and Use Tax-Maintenance Agreements

DISCUSSION

The taxpayer purchased several maintenance or extended warranty service agreements including equipment repair, software support, and telephone support. The department assessed use tax on each of these agreements. The taxpayer protested these assessments.

All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b). All exemptions must be strictly construed against the party claiming the exemption. *Gross Income Tax Division v. National Bank and Trust Co.*, 79 N.E. 2d 651 (Ind. 1948).

Indiana imposes a sales tax on retail transactions made in Indiana. IC 6-2.5-2-1(a). A complimentary tax, the use tax, is imposed on tangible personal property stored, used, or consumed in Indiana when no sales tax was paid at the time of the purchase. IC 6-2.5-3-2 (a). The department's policy concerning the application of the sales tax and use tax to maintenance or extended warranty service agreements is found in Indiana Sales Tax Information Bulletin #2 issued in 1991 and November, 2000. Both editions have language similar to the following found in the November, 2000 issue concerning the application of sales or use tax to maintenance agreements:

Optional warranties and maintenance agreements that only contain the intangible right to have property supplied and there is no certainty that property will be supplied are not subject to sales tax.

The taxpayer contends that the protested warranties are not subject to the sales tax or the use tax because replacement parts will only be provided if they are necessary. Therefore, there is only an intangible right to have tangible personal property. There is no guarantee that replacement parts will be provided. Although the agreements guarantee that additions and upgrades to the software will be supplied if produced, there is no guarantee that they will be produced. Since there is no guaranty that property will be supplied during the warranty period, the warranties are not subject to sales tax.

FINDING

The taxpayer's protest is sustained.

II. Sales and Use Tax-Software

DISCUSSION

The taxpayer also protests the assessment of use tax on certain software. This software programs cutting machines by translating the design into the machine language and putting the design information into the machine so that the machine can properly cut the taxpayer's product.

The taxpayer contends that this use of the software qualifies for the direct use in direct production manufacturing exemption pursuant to IC 6-2.5-5-3(b) as follows:

Transactions involving manufacturing machinery, tools, or equipment are exempt from the state gross retail tax if the person acquiring that property acquires it for direct use in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property.

In *Indiana Department of Revenue v. Cave Stone*, 457 N.E. 2d 520, (Ind. 1983) the Indiana Supreme Court found that a piece of equipment qualifies for the manufacturing exemption if it is essential and integral to the production process. 45 IAC 2.2-5-10 (c) further describes manufacturing machinery and tools as exempt if they have an immediate effect on the property in production. IC 6-2.5-5-4 extends the exemption to tools used to build exempt machinery and equipment. This exemption is clarified at 45 IAC 2.2-5-8:

(c) The state gross retail tax does not apply to purchases of manufacturing machinery, tools, and equipment to be directly used by the purchaser in the production process provided that such machinery, tools, and equipment are directly used in the production process; i.e., they have an immediate effect on the article being produced. Property has an immediate effect on the

article being produced if it is an essential and integral part of an integrated process which produces tangible personal property. (d) Pre-production and post-production activities. Direct use in the production process: begins at the point of the first operation or activity constituting part of the integrated production process and ends at the point that the production has altered the item to its completed form, including packaging, if required.

The software in question does not have an immediate effect on the purses, suitcases, and other bags produced by the taxpayer. Rather, the software programs the cutting machines so the cutting machines cut the materials to the specifications. This software is used outside the production process and has an immediate effect upon the cutting machines rather than the bags produced by the taxpayer during the production process.

FINDING

The taxpayer's protest is denied.

III. Sales and Use Tax-Gerber Plotter, Software, and Replacement Parts

DISCUSSION

The taxpayer also protests the assessment of use tax on the Gerber plotter, software, and replacement parts contending that they qualify for the "direct use in direct production" exemption at IC 6-2.5-5-3(b). The Gerber plotter, software, and replacement parts are used to produce patterns. The production of patterns is not a part of the production process of cutting of fabric to be sewn into bags. The preparation of the patterns is not a part of the direct production process and does not have the required immediate effect upon the production process required for exemption from use tax.

FINDING

The taxpayer's protest is denied.

IV. Sales and Use Tax-Plotter Paper

DISCUSSION

The taxpayer also protests the assessment of use tax on the plotter paper. The taxpayer contends that the plotter paper qualifies for exemption pursuant to IC 6-2.5-5-1(b) as follows:

Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for direct consumption as a material to be consumed in the direct production of other tangible personal property in the person's business of manufacturing, processing, refining, repairing, mining, agriculture, horticulture, floriculture, or arboriculture.

The plotter paper is used in several areas of the taxpayer's facility. It is used as a pattern and for labeling for inventory control on stacks of material in the cutting process. It is also used for developing designs and planning the cutting of these designs in order to prevent waste of fabric. Any plotter paper used in the development and planning portion of the operation is outside the production process and is clearly subject to the use tax. The taxpayer did not offer any breakdown of the use of the plotter paper. If the plotter paper that is used in a taxable manner cannot be segregated from the plotter paper possibly used in an exempt manner, all the plotter paper must be considered subject to the use tax. The taxpayer has not sustained its burden of proving that some of the plotter paper is exempt from the use tax.

FINDING

The taxpayer's protest is denied.

V. Sales and Use Tax-Forklift Parts

DISCUSSION

The taxpayer uses three forklifts in its operations. One is used to unload raw materials from trucks and to place these items in the raw material warehouse. The two other forklifts are used to load and unload the work-in-process carts onto trucks for shipment to the purse assemblers. The department and the taxpayer agree that the two forklifts used to load and unload the work-in-process qualify for the direct use in direct production manufacturing exemption pursuant to IC 6-2.5-5-3(b).

45 IAC 2.2-5-10 (h) (2) further clarifies the exemption by allowing the exemption of "Replacement parts, used to replace worn, broken, inoperative or missing parts or accessories on exempt machinery and equipment..." Since two of the three forklifts qualify for exemption, 2/3 of the forklift replacement parts qualify for exemption. The taxpayer contends that the auditor miscalculated the amount of the exemption in the audit. A review of the audit and invoices submitted by the taxpayer indicates that the auditor assessed tax on 1/3 of the purchase price listed on the invoice of each forklift replacement part. Therefore, exemption was properly granted for 2/3 of the purchase price listed on each submitted invoice.

FINDING

The taxpayer's protest is denied.

VI. Sales and Use Tax-Sawsall Saw, Blade, and Cable Ties

DISCUSSION

The taxpayer also claims that the use of the sawsall saw, its blade, and cable ties qualifies these items for the manufacturing exemption from the sales tax pursuant to IC 6-2.5-5-3. The production of purses begins with the ripping of material into strips. The strips of material are then rolled onto cardboard tubes. The sawsall saw cuts the tubes into sections so that it can be sent to the sewers

to become purse straps, a component part of the final product. It is used in the production process in an integral fashion by actually changing the material so that it can be further processed into a component of the final product. Therefore, the use of the sawsall saw and its blade is exempt from the sales tax.

There was no explanation of the use of the cable ties given. Therefore, the taxpayer did not sustain its burden of proving that the use of the cable ties qualifies them for exemption from sales tax.

FINDING

The taxpayer's protest is sustained as to the sawsall saw and blade. The taxpayer's protest to the sales tax on the cable ties is denied.

DEPARTMENT OF STATE REVENUE

0220030248.LOF

LETTER OF FINDINGS: 03-0248

Indiana Corporate Income Tax For the Tax Years 1997 to 2000

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. Money Received In an Agency Capacity – Gross Income Tax.

Authority: IC 6-2.1-2-2(a)(1); IC 6-2.1-2-2(a)(2); Western Adjustment and Inspection Co. v. Gross Income Tax Division, 142 N.E.2d 630 (Ind. 1957); Policy Management Systems Corp. v. Indiana Department of State Revenue, 720 N.E.2d 20 (Ind. Tax Ct. 1999); Monarch Steel Co. v. State Bd. Of Tax Comm'r, 699 N.E.2d 809 (Ind. Tax Ct. 1998); Trinity Episcopal Church v. State Bd. Of Tax Comm'r, 694 N.E.2d 816 (Ind. Tax Ct. 1998); Universal Group Limited v. Indiana Department of State Revenue, 642 N.E.2d 553 (Ind. Tax Ct. 1994); Universal Group Ltd. v. Indiana Dept. of Revenue, 609 N.E.2d 48 (Ind. Tax Ct. 1993); 45 IAC 1.1-1-2; 45 IAC 1.1-1-2(b); 45 IAC 1.1-1-2(b)(2); 45 IAC 1.1-6-10.

Taxpayer – on behalf of taxpayer operating company – argues that it is not subject to Indiana gross income tax on money it received while purportedly acting in an agency capacity.

STATEMENT OF FACTS

Taxpayer is an out-of-state company which filed consolidated Indiana tax returns. One particular return included an operating company which was in the business of running an Indiana riverboat casino. The operating company is hereinafter referred to as "taxpayer operating company." Taxpayer operating company did not own the casino; it managed the day-to-day operations of the Indiana casino on behalf of the casino owner.

The Department of Revenue (Department) conducted an audit review of taxpayer's business records and tax returns. The Department concluded that taxpayer operating company had received money from the casino owner which was subject to gross income tax. Taxpayer disagreed with this conclusion arguing that the money was received from the casino company while taxpayer operating company was acting in an agency capacity and that, as a result, the money was not subject to gross income tax. Taxpayer (on behalf of itself and taxpayer operating company) submitted a protest to that effect. In addition to the agency/gross income tax argument, taxpayer stated that the initial audit inadvertently included a partnership distribution as subject to gross income tax at both the low rate and the high rate. An initial review of the high/low rate issue determined that the taxpayer was correct on this issue and that the partnership distribution was only subject to gross income tax at the high rate. Because the audit division has conceded this second issue, that portion of the taxpayer's protest will not be further addressed.

An administrative hearing was conducted during which taxpayer further explained the basis for its agency/gross income tax challenge. This Letter of Findings results.

I. Money Received In an Agency Capacity – Gross Income Tax.

Casino owner and taxpayer operating company entered into a "Project Development and Management Agreement" (Agreement) whereby taxpayer operating company arranged for the construction of the casino and agreed to subsequently provide for the day-to-day operation of the casino once construction was completed. Taxpayer operating company assisted in obtaining the casino license, but casino owner was the entity which actually held the casino's license.

Under the terms of the Agreement, taxpayer operating company had the responsibility to recruit and train the casino staff members, create and implement a casino marketing program, obtain the casino license on behalf of the owner, acquire the necessary start-up supplies and equipment, and develop start-up and operating budgets.

Under the terms of the Agreement, the casino owner designated taxpayer operating company as the casino owner's "exclusive

agent, to supervise, manage, direct and operate the [casino] during the Terms of this Agreement.” Taxpayer operating company was granted “all the prerogatives normally accorded to management in the ordinary course of commerce, including... the collection of receivables, the incurring of trade debts, the approval and payment of checks, the advance of credit and the negotiating and signing of operational leases and contracts.” In addition, the Agreement stipulated that “Unless this Agreement expressly provides for an item or service to be at [taxpayer operating company’s] own expense, all costs and expenses incurred by [taxpayer holding company]... in the performance of [taxpayer operating company’s] obligations under this Agreement shall be for and on behalf of [casino owner].” The Agreement specifically provides that, “All debts and liabilities incurred to third parties by [taxpayer operating company] on behalf of either the [casino] Owner or the Project are and shall remain the sole obligation of [casino] Owner.”

In terms of the casino personnel, taxpayer operating company was granted “sole authority to hire, promote, discharge, and supervise all personnel.” With the exception of the casino manager, department managers, credit manager, chief financial officer, all the casino employees were designated as employees of the casino owner. All of the costs related to the casino owner’s employees were designated as an “Operating Expense of the Project and reimbursed to [taxpayer operating company] on a current basis.”

After the Agreement was signed, casino owner began to pay taxpayer operating company money in the form of “management fees” in addition to money which taxpayer operating company characterized as reimbursement for expenses representing the payments advanced by taxpayer operating company to the casino owner’s employees. Taxpayer operating company properly included the “management fees” in the gross income tax base as originally filed. However, what remains at issue is the amount of money which taxpayer operating company received from casino owner which was used to pay the casino employees. Taxpayer contends that this money is not subject to gross income tax because it was received while it was acting in an agency capacity. According to taxpayer operating company, “it was under the control of the [casino owner],” it did not “have any right, title or interest in the money or property received from the transaction,” but that the money “passed through to third parties.” In sum, taxpayer operating company “was merely the agent through which the funds passed to the third parties.”

Indiana imposes a gross income tax upon the entire gross receipts of a taxpayer who is a resident or domiciliary of Indiana. IC 6-2.1-2-2(a)(1). For the taxpayer who is not a resident or domiciliary of Indiana, the tax is imposed on the gross receipts which are derived from business activities conducted within the state. IC 6-2.1-2-2(a)(2). However, 45 IAC 1.1-6-10 exempts that portion of a taxpayer’s income which the taxpayer receives when acting in an agency capacity. 45 IAC 1.1-1-2 defines an “agent” as follows:

(a) “Agent” means a person or entity authorized by another to transact business on its behalf.

(b) A taxpayer will qualify as an agent if it meets both of the following requirements:

(1) The taxpayer must be under the control of another. An agency relationship is not established unless the taxpayer is under the control of another in transacting business on its behalf. The relationship must be intended by both parties and may be established by contract or implied from the conduct of the parties. The representation of one (1) party that it is the agent of another party without the manifestation of consent and control by the alleged principal is insufficient to establish an agency relationship.

(2) The taxpayer must not have any right, title, or interest in the money or property received from the transaction. The income must pass through, actually or substantively, to the principal or a third party, with the taxpayer being merely a conduit through which the funds pass between a third party and the principal.

In summary, when applying the above factors to a particular taxpayer, the critical factor is that of control. Notwithstanding the fact that the taxpayer acting for another has no right, title or interest in the money or property received, the taxpayer is not entitled to deduct that income from his gross receipts unless the taxpayer was acting as a true agent subject to the control of his principal.

The Indiana Tax Court in *Policy Management Systems Corp. v. Indiana Department of State Revenue*, 720 N.E.2d 20 (Ind. Tax Ct. 1999) and *Universal Group Limited v. Indiana Department of State Revenue*, 642 N.E.2d 553 (Ind. Tax Ct. 1994) reviewed the relationship between the imposition of the state’s gross income tax and agency principles, echoed the regulatory standards set out in 45 IAC 1.1-1-2 and 45 IAC 1.1-6-10, and held that an agency relationship required consent by the principal, acceptance and authority by the agent, and control of the agent by the principal.

The taxpayer has the burden of establishing that the reimbursements received from the building owner were not subject to the state’s gross income tax. See *Western Adjustment and Inspection Co. v. Gross Income Tax Division*, 142 N.E.2d 630, 635 (Ind. 1957). When discussing tax exemptions, such as 45 IAC 1.1-6-10, the courts have held that the exemptions are strictly construed against the taxpayer and in favor of taxation. *Monarch Steel Co. v. State Bd. Of Tax Comm’r*, 699 N.E.2d 809, 811 (Ind. Tax Ct. 1998). *Trinity Episcopal Church v. State Bd. Of Tax Comm’r*, 694 N.E.2d 816, 818 (Ind. Tax. Ct. 1998).

Taxpayer is correct in pointing out that there are elements of an agent/principal relationship in the Agreement between itself and the casino owner. Taxpayer is also correct that this money was received from the casino owner to pay the salaries of employees who worked in the casino owner’s own gambling facility and that the terms of that Agreement *required* the casino owner to reimburse taxpayer operating company for those expenses.

However, neither the terms of the parties’ Agreement nor the parties’ business practices indicate that the taxpayer operating company was acting as a “true agent” sufficient to warrant finding that the income was not subject to Indiana’s gross income tax. In order for a putative agent to avoid the consequences of the gross income tax, the agent must have no control or authority over the

receipts at issue because the receipts must pass unimpeded through to the principal. Any apparent control which the agent exercises over the receipts is illusory because, at all times, the agent is simply acting on behalf of the principal. The agent eludes imposition of the gross income tax because the receipts never belong to the agent and because the principal controls the agent's substantive business activities. *See* 45 IAC 1.1-1-2(b)(2).

There are two elements which are missing here. First, casino owner does not exercise the degree of authority over taxpayer operating company characteristic of an agent/principal business relationship; instead, taxpayer operating company retains operational control over the means and manner in which the casino is operated. Taxpayer operating company was given a substantial degree of independent authority in arranging for the construction of the casino, in determining how the casino would be operated, and setting up the casino's operating budget. Taxpayer operating company was given complete authority over the hiring and firing of personnel. As set out in the parties' agreement, "[Taxpayer operating company] shall have the sole authority to hire, promote, discharge, and supervise all personnel." Taxpayer operating company was expected to consult with the casino owner in hiring certain key personnel, but taxpayer operating company was given "the sole right to determine whom to hire." Although the terms of the Agreement specify that most of the casino personnel were the casino owner's employees, insofar as the employees were concerned, they worked for taxpayer operating company. Taxpayer operating company hired the employees and fired these employees. Presumably, if one of these employees was late for work, it was taxpayer operating company – and not the casino owner – which decided if that employee's next paycheck should be docked. Presumably if one of these employees exhibited a high standard of performance, it was up to taxpayer operating company – not the casino owner – to determine whether the employee was entitled to a bonus or a promotion. Insofar as the relationship between these parties, taxpayer operating company was more than simply a paymaster handing out paychecks to the casino owner's employees at the end of each month. In terms of the day-to-day operation of the casino, the casino employees worked for taxpayer operating company and worked under the direct control of the taxpayer operating company.

There are other aspects of this Agreement which demonstrate that casino owner did not have direct control over taxpayer operating company. For example in the matter of casino expenditures and budgets, the Agreement stipulated that taxpayer operating company was "entitled to increase these budgets to cover any expenditures or contingencies that were unanticipated by [taxpayer operating company] at the preparation of these budgets...." In addition, taxpayer operating company was authorized to "reallocate all or any portion of any amount budgeted with respect to any one item in any of the budgets to another item budgeted therein."

In the day-to-day operation of the casino's gambling business, taxpayer operating company was granted "the absolute discretion and authority to determine operating policies and procedures, standards of operation, credit policies, complimentary policies, win payment arrangements, standards of service and maintenance, food and beverage quality and service, pricing, and other standards affecting the [casino], or the operation thereof, to implement all such policies and procedures, and to perform any act on behalf of [casino owner] which [taxpayer operating company] deems necessary or desirable for the operation and maintenance of the [casino]...."

The gambling casino belonged to casino owner and casino owner retained ultimate authority to control the operation of that facility, but the taxpayer operating company retained substantially independent autonomy to run that facility. Although the two parties had a specific and well-defined contractual relationship, this is not the sort of relationship envisaged in the regulation which states that, "The taxpayer must be under the control of another. "An agency relationship is not established unless the taxpayer is under the control of another in transacting business on its behalf." 45 IAC 1.1-1-2(b). Despite the generalized intention of these two parties, taxpayer operating company is not a "true agent" of the casino owner sufficient to establish that this money was not subject to gross income tax because the casino owner – as principal – did not retain control over the manner in which taxpayer operating company operated the casino business. The parties' agreement establishes the relationship between taxpayer operating company and the casino owner; it does not permit the casino owner to dictate the manner in which taxpayer holding company fulfills its responsibilities under that agreement.

In addition, a second element is missing. Taxpayer operating company has not established that it was merely acting as a conduit for the money eventually paid over to the casino employees. 45 IAC 1.1-1-2(b)(2), in part, requires that, "The taxpayer must not have any right, title, or interest in the money or property received from the transaction. The income must pass through, actually or substantially, to the principal or a third party, with the taxpayer being merely a conduit through which the funds pass between a third party and the principal." *Id.* In order to establish that it was acting as a "merely a conduit," taxpayer operating company must establish that only the employees had a beneficial interest in the money. As the Tax Court stated in Universal Group Ltd. v. Indiana Dept. of Revenue, 609 N.E.2d 48 (Ind. Tax Ct. 1993), "[T]he taxpayer's beneficial interest in income is central to the receipt of gross income." *Id.* at 50. Taxpayer operating company had a beneficial interest in seeing that the casino employees it hired, supervised, and directed were paid for the work the employees performed in operating the casino. Because taxpayer operating company was charged with the responsibility for successfully operating the casino, it had a direct beneficial interest in the money it received from casino owner. Taxpayer operating company was not simply a disinterested paymaster distributing paychecks on behalf of the casino owner. Its own interests were inextricably bound with those of the employees, the casino owner, and the money it received from casino owner.

In order to qualify for the agency status it seeks, taxpayer operating company must demonstrate that the casino owner retained the right to dictate the manner in which taxpayer operating company ran the casino and that taxpayer operating company had no right

to or control over the money received from the casino owner. "A taxpayer will qualify as an agent if it meets *both* of the... requirements." 45 IAC 1.1-1-2(b) (*Emphasis added*). It is plain that casino owner did not retain the right to control the manner in which taxpayer operating company managed the casino business; furthermore, taxpayer holding company had a beneficial interest in the money received from the casino owner.

FINDING

Taxpayer's protest is respectfully denied.

DEPARTMENT OF STATE REVENUE

0420030320.LOF

LETTER OF FINDINGS NUMBER: 03-0320

Sales and Use Tax

For the Years 2000-2002

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Sales and Use Tax-Imposition of Use Tax

Authority: IC 6-8.1-5-1 (b), IC 6-2.5-3-2 (a).

The taxpayer protests the imposition of use tax on certain materials.

STATEMENT OF FACTS

The taxpayer is an Indiana corporation operating a chain of small convenience stores. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional use tax, interest, and penalty. The taxpayer protested a portion of the assessment. A hearing was scheduled on the taxpayer's protest. The taxpayer failed to appear or submit any documentation in support of its claim that the department improperly imposed use tax. Therefore this Letter of Findings is based on the documentation in the file.

I. Sales and Use Tax-Imposition of Use Tax

DISCUSSION

Indiana imposes an excise tax on tangible personal property stored, used, or consumed in Indiana when no sales tax was paid at the time of purchase. IC 6-2.5-3-2 (a). All tax assessments are presumed to be accurate. The taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

The taxpayer purchased equipment and materials to be used in its business. Most invoices for consumable supplies had sales tax paid at the time of purchase. Some invoices did not, however, indicate that sales tax had been paid at the time of purchase. The department assessed use tax on the taxpayer's use of these items. The taxpayer protested the assessments of use tax on materials used in particular maintenance and repair jobs in its convenience stores. The taxpayer contends that sales tax was paid at the time of the purchase of the materials. Therefore the taxpayer contends that it does not owe use tax on the use of the items. The taxpayer failed, however, to provide any documentation supporting its contention. Therefore, the taxpayer did not sustain its burden of proving that the use tax was improperly imposed.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420030374.LOF

LETTER OF FINDINGS NUMBER: 03-0374

Withholding Tax and Sales Tax

Responsible Officer

For the Tax Period 1999-2001

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE**1. Sales and Use and Withholding Tax-Responsible Officer Liability**

Authority: IC 6-3-4-8(f), IC 6-2.5-9-3, IC 6-8.1-5-1(b).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate withholding taxes.

STATEMENT OF FACTS

The taxpayer was an incorporator, shareholder, and employee of a corporation that did not remit the proper amount of sales and withholding taxes to Indiana. The taxpayer was personally assessed for the taxes, penalties and interest. The taxpayer protested these assessments and a hearing was held. This Letter of Findings results.

1. Sales and Withholding Tax-Responsible Officer Liability**DISCUSSION**

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The proposed withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that assessment is incorrect. IC 6-8.1-5-1 (b).

The issue to be determined in this case is whether or not the taxpayer was a person who was responsible for remitting the corporate trust taxes to the Indiana Department of Revenue. Although given ample opportunity to do so, the taxpayer did not submit any documentation indicating that he was not a person with the responsibility to remit trust taxes to the state. Therefore, the taxpayer failed to sustain his burden of proving that the trust taxes were incorrectly assessed against him personally.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120030464P.LOF

LETTER OF FINDINGS NUMBER: 03-0464P**Income Tax****For the Calendar Year 2002**

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 superceded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE**I. Tax Administration – Penalty**

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2;

The taxpayer protests the late penalty.

STATEMENT OF FACTS

The late penalty was assessed on the late payment of an annual income tax return for the calendar year 2002.

The taxpayer is an individual residing outside of Indiana.

I. Tax Administration – Penalty**DISCUSSION**

The taxpayer argues the late penalty should be abated as the error was the result of a malfunction in the taxpayer's computer equipment.

The Department points out that the taxpayer is responsible for the proper operation of the taxpayer's computer equipment. As such, the taxpayer is liable for any errors resulting from the malfunction of the computer equipment.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness,

thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.”

The Department finds the taxpayer was inattentive of tax duties. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer’s penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0420020105.LOF

LETTER OF FINDINGS NUMBER: 04-0105

Sales Tax

Responsible Officer

For the Tax Period 1999-2000

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 this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Sales Tax-Responsible Officer Liability

Authority: IC 6-2.5-9-3, IC 6-8.1-5-1(b), IC 6-2.5-2-1, IC 6-2.5-3-2, IC 6-2.5-3-7, 45 IAC 2.2-8-12.

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales taxes.

II. Tax Administration- Ten Percent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty

STATEMENT OF FACTS

The taxpayer was a fifty percent (50%) stockholder of a Subchapter S corporation that was audited for the tax period 1999-2000. As a result of the audit, the Indiana Department of Revenue assessed additional sales taxes, interest, and penalty against the corporation. The corporation did not pay the assessment. The department then assessed the corporate sales tax, interest, and penalty against the taxpayer as a responsible officer of that corporation. The taxpayer protested a portion of the assessment of sales tax and penalty. A telephone hearing was held and this Letter of Findings results.

I. Sales Tax-Responsible Officer Liability

DISCUSSION

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The taxpayer admits that he was a person with the duty to remit sales tax to the state. The taxpayer contends, however, that the amount of the sales tax assessment against the corporation and then transferred to him is too high. The corporation sold cigarettes. Retail merchants are required to collect and remit sales tax on retail sales of tangible personal property. IC 6-2.5-2-1. Indiana imposes a complimentary use tax on tangible personal property stored, used, or consumed in Indiana if it was purchased in a retail transaction and no sales tax was paid at the time of purchase. IC 6-2.5-3-2. There are certain statutory exemptions from the use tax. Retail merchants have the burden of proving that a particular item’s use qualifies it for exemption from the use tax. As an alternative, merchants can accept a properly completed form certifying that the use of the purchased item is exempt from the use tax. IC 6-2.5-3-7. The receipt of a properly completed exemption certificate transfers the burden of proving that the purchaser purchased the item for an exempt use from the retailer to the purchaser.

The corporation did not collect and remit sales tax on sales to several customers because the taxpayer believed that those

customers would use the cigarettes in a manner qualifying them for exemption from the Indiana use tax. At the time of the audit, the corporation could not produce evidence that the cigarettes were purchased for an exempt use. The corporation also did not have exemption certificates from the purchasers. The department gave the corporation the opportunity to obtain a properly executed "Special Sales/Use Tax Exemption Certificate," form AD-70, from each of the customers. The corporation submitted four certificates. One was not completed. Three were completely filled out including Registered Retail Merchant Nos. that properly identified the businesses. Of these three, one was signed by the company president, one was signed by a clerk, and one was signed by a manager. The corporation was only given credit in the audit for the certificate signed by the president. The law does not require that the certificate be signed by an officer, merely that it be filled out... "in the form prescribed by the department,".... This requirement is further clarified at 45 IAC 2.2-8-12 as follows:

An exemption certificate issued by a purchaser shall not be valid unless it is executed in the prescribed and approved form and unless all information requested on such form is completed.

The law, regulations, and blank on the form do not indicate that the signatory must be an officer. Therefore, the three completed forms meet the department's guidelines to exempt the sales from assessment. Therefore the corporation's sales tax assessment must be corrected to reflect the two additional certificates. As a responsible officer, the taxpayer is only personally liable for the corporation's actual sales tax liability.

FINDING

The taxpayer's protest is sustained to the extent that tax was assessed on sales made to the customers who completed a "Special Sales/Use Tax Exemption Certificate" and the certificate was signed by the manager or clerk.

I. Tax Administration- Ten Per Cent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The taxpayer did not fulfill his statutory duty to assure that the corporation collected and remitted the proper amount of sales tax to the state. This failure to follow the department's instructions in this matter constitutes negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0420040106.LOF

LETTER OF FINDINGS NUMBER: 04-0106

Sales Tax

Responsible Officer

For the Tax Period 1999-2000

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Sales Tax-Responsible Officer Liability

Authority: IC 6-2.5-9-3, IC 6-8.1-5-1(b), IC 6-2.5-2-1, IC 6-2.5-3-2, IC 6-2.5-3-7, 45 IAC 2.2-8-12.

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales taxes.

II. Tax Administration- Ten Per Cent (10%) Negligence Penalty

Authority: IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b).

The taxpayer protests the imposition of the ten percent (10%) negligence penalty.

STATEMENT OF FACTS

The taxpayer was a fifty percent (50%) stockholder of a Subchapter S corporation that was audited for the tax period 1999-2000. As a result of the audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales

taxes, interest, and penalty against the corporation. The corporation did not pay the assessment. The department then assessed the corporate sales tax, interest, and penalty personally against the taxpayer as a responsible officer of that corporation. The taxpayer protested a portion of the assessment of sales tax and penalty. A telephone hearing was held and this Letter of Findings results.

I. Sales Tax-Responsible Officer Liability

DISCUSSION

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The taxpayer admits that he was a person with the duty to remit sales tax to the state. The taxpayer contends, however, that the amount of the assessment is too high. The corporation sold cigarettes. Retail merchants are required to collect and remit sales tax on retail sales of tangible personal property. IC 6-2.5-2-1. Indiana imposes a complimentary use tax on tangible personal property stored, used, or consumed in Indiana if it was purchased in a retail transaction and no sales tax was paid at the time of purchase. IC 6-2.5-3-2. There are certain statutory exemptions from the use tax. Retail merchants have the burden of proving that a particular item's use qualifies it for exemption from the use tax or receiving a properly completed form certifying that use of the purchased item is exempt from the use tax. The receipt of a properly completed exemption certificate transfers the burden of proving that the purchaser purchased the item for an exempt use from the retailer to the purchaser. IC 6-2.5-3-7.

The corporation did not collect and remit sales tax on sales to several customers because the taxpayer believed that those customers would use the cigarettes in a manner qualifying them for exemption from the Indiana use tax. At the time of the audit, the corporation could not produce evidence that the cigarettes were purchased for an exempt use. The corporation also did not have exemption certificates from the purchasers. The department gave the corporation the opportunity to obtain a properly executed "Special Sales/Use Tax Exemption Certificate," form AD-70, from each of the customers. The corporation submitted four certificates. One was not completed. Three were completely filled out including Registered Retail Merchant Nos. that properly identified the businesses. Of these three, one was signed by the company president, one was signed by a clerk, and one was signed by a manager. The corporation was only given credit in the audit for the certificate signed by the president. The law requires that the certificate be that it be filled out... "in the form prescribed by the department,".... This requirement is further clarified at 45 IAC 2.2-8-12 as follows:

An exemption certificate issued by a purchaser shall not be valid unless it is executed in the prescribed and approved form and unless all information requested on such form is completed.

The law, regulations, and blank on the form do not require that the signatory be an officer. Therefore, the three completed forms meet the department's guidelines to exempt the sales from assessment. Therefore the corporation's sales tax assessment must be corrected to reflect the two additional certificates. As a responsible officer, the taxpayer is only liable for the actual sales tax liability.

FINDING

The taxpayer's protest is sustained to the extent that tax was assessed on sales made to the customers who completed a "Special Sales/Use Tax Exemption Certificate" and the certificate was signed by the manager or clerk.

I. Tax Administration- Ten Percent (10%) Negligence Penalty

DISCUSSION

The taxpayer protests the imposition of the ten percent (10%) negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The taxpayer did not fulfill his statutory duty to assure that the corporation collected and remitted the proper amount of sales tax to the state. This failure to follow the department's instructions in this matter constitutes negligence.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0220040118.LOF

LETTER OF FINDINGS: 04-0118**Indiana Corporate Income Tax
For 1999, 2000, and 2001**

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.

ISSUES**I. Money Earned from Licensing Computer Software to Indiana Customers – Adjusted Gross Income Tax.**

Authority: IC 6-3-2-2(a); *Earman Oil Co. v. Burroughs Corp.*, 625 F.2d 1291 (5th Cir. 1980); *RRX Indus., Inc. v. Lab-Con, Inc.*, 772 F.2d 543 (9th Cir. 1985); *Colonial Life Ins. Co. v. Electronic Data Sys. Corp.*, 817 F.Supp. 235 (D. N.H. 1993); *South Cent. Bell Tel. Co. v. Barthelemy*, 643 So.2d 1240, 1246 (La. 1994); *American Business Information Inc. v. Egr.*, 650 N.W.2d 251 (Neb. 2002); *Black's Law Dictionary* (7th ed. 1999).

Taxpayer maintains that the Department of Revenue (Department) erred when it determined that money it earned from licensing computer software to Indiana customers should have been included in the numerator of the sales factor.

II. Abatement of the Ten-Percent Negligence Penalty.

Authority: IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c).

Taxpayer asks that the Department abate the ten-percent negligence penalty.

STATEMENT OF FACTS

Taxpayer is an out-of-state company in the business of creating and licensing computer software. Taxpayer also performs certain data processing services at its out-of-state location.

The Department conducted an audit review of taxpayer's income tax returns and business records. As a result of that audit review, the Department concluded that taxpayer had not properly reported a portion of its income. The audit made adjustments resulting in the assessment of additional state income tax.

Taxpayer disagreed with a number of the audit adjustments and submitted a protest to that effect. An administrative hearing was conducted during which taxpayer further explained the basis for its protest. This Letter of Findings results.

DISCUSSION**I. Money Earned from Licensing Computer Software to Indiana Customers – Adjusted Gross Income Tax.**

Taxpayer entered into agreements with Indiana customers which enabled the customers to make use of taxpayer's computer software. Taxpayer characterizes these as licensing agreements. The audit concluded otherwise finding that the taxpayer was engaged in the sale of tangible personal property and that the money attributable to the sales should have been included in the numerator of the sales factor. The audit arrived at this conclusion because taxpayer shipped the computer software to the Indiana customers by way of common carrier and because taxpayer – in its 10-K Report – stated that "revenue from licensing of software products is recognized upon shipment of the products... [the] shipped products would be tangible personal property and the income from tangible personal property shipped to Indiana customers would be included in the sales factor numerator." Taxpayer admits that it sent computer software to its Indiana customers by means of common carrier and that the Indiana customer received the software by way of a tangible object; taxpayer sent computer disks, the common carrier delivered the computer disks, and the Indiana customer received the computer disks. However, taxpayer maintains that computer disks are irrelevant in resolving the tax question and that the software could be transferred to the customer by way of a computer modem or some other non-corporeal means.

When an Indiana customer decides that it wants to make use of taxpayer's computer software, the customer signs a "License Agreement." This Agreement grants to the customer a "non-exclusive, non-transferable personal license to use the Software...." Taxpayer retains the "[t]itle and full ownership rights to the software...." The Indiana customer specifically "acknowledges and agrees that the Software is the property and contains the trade secrets of [taxpayer]." The Agreement limits the rights of the Indiana customer; the Indiana customer may only use the software on certain, designated computers. The Indiana customer is not permitted to make copies of the software except for its own internal use. The Indiana customer is required to "implement technical and procedural methods to prevent use of the Software other than as specifically authorized under [the Agreement]." Taxpayer points to the Agreement as supporting the proposition that the Indiana customer acquires only an insubstantial, intangible right to the software.

The issue is whether taxpayer is earning money from "tangible personal property" or from "intangible personal property." IC 6-3-2-2(a) states that, "With regard to corporations and non resident persons, 'adjusted gross income derived from sources within Indiana', for the purpose of this article, shall mean and include (1) income from real or *tangible personal property* located in this state; (2) income from doing business in this state... (5) income from stocks, bonds, notes, bank deposits, patents, copyrights... and other *intangible personal property* if the receipt from the intangible is attributable to Indiana under section 2.2 of this chapter."

(*Emphasis added*). Therefore, IC 6-3-2-2(a) distinguishes between tangible personal property and intangible personal property for purposes of apportioning income to Indiana.

The Department is unable to agree with taxpayer's assertion that, "Revenue from the licensing of software is not from the sale of tangible personal property." Tangible personal property is defined as "Corporeal personal property of any kind... that can be seen, weighed, measured, felt, or touch, or is in any way perceptible to the senses." Black's Law Dictionary 1234 (7th ed. 1999). Computer software is not an insubstantial intellectual concept, "but rather is knowledge recorded in a physical form which has physical existence, takes up space on the tape, disc, or hard drive, makes physical things happen, and can be perceived by the senses." South Cent. Bell Tel. Co. v. Barthelemy, 643 So.2d 1240, 1246 (La. 1994). See also American Business Information Inc. v. Egr, 650 N.W.2d 251 (Neb. 2002) (holding that for purposes of the Nebraska apportionment statute, computer software was tangible personal property). The fact that the software information can be recorded or transferred from one medium to another does not alter the nature of the software acquired by the Indiana customer. "[The software] still has corporeal qualities and is inextricably intertwined with a corporeal object. The software must be stored in physical form on some tangible object somewhere." South Cent. Bell Tel. at 1248. Therefore, regardless of whether the software is transferred by means of disks, magnetic tape, hard drive, or modem, the software is a tangible object prior to delivery and is a tangible object when utilized by the Indiana customer. In this sense, taxpayer's transfer of the computer software to an Indiana customer is no different than the transfer of books, audio recordings, DVD's, or computer games which embody intellectual property but which are commonly treated as tangible personal property. This principle is consistent with the position of other courts which have held computer software to be goods subject to U.C.C. Article 2 governing the sale of goods. RRX Indus., Inc. v. Lab-Con, Inc., 772 F.2d 543, 546-47 (9th Cir. 1985); Earman Oil Co. v. Burroughs Corp., 625 F.2d 1291, 1293 (5th Cir. 1980); Colonial Life Ins. Co. v. Electronic Data Sys. Corp. 817 F.Supp. 235, 239-39 (D. N.H. 1993).

In addition, the fact that the agreement between taxpayer and its Indiana customers is couched in terms of a "License Agreement" limiting the Indiana licensee's right to use the software is not dispositive. "[A] license to use... software, without transferring the software, would be of no use to [taxpayer], and the license to use the software is inseparable from the physical manifestation of the software in recorded form." South Cent. Bell Tel. 643 So.2d at 1249.

The audit was correct in determining that the software was tangible personal property and the money earned from the marketing of that software to Indiana customers should have been included in the numerator of the sales factor for purposes of determining taxpayer Indiana adjusted gross income.

FINDING

Taxpayer's protest is respectfully denied.

II. Abatement of the Ten-Percent Negligence Penalty.

Taxpayer asks that the Department waive the ten-percent negligence penalty on the ground that it filed its original tax returns based upon a reasonable interpretation of the statutes and that any omissions or errors were not due to willful neglect.

IC 6-8.1-10-2.1 requires that a ten-percent penalty be imposed if the tax deficiency results from the taxpayer's negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as "the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer." Negligence is to "be determined on a case-by-case basis according to the facts and circumstances of each taxpayer." Id.

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on "reasonable cause and not due to willful neglect." Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish "reasonable cause," the taxpayer must demonstrate that it "exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed...."

In regards to the 1999, 2000, and 2001 assessments, the Department agrees that taxpayer has demonstrated a reasonable basis for the positions originally taken.

FINDING

Taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0420040144.LOF

LETTER OF FINDINGS NUMBER: 04-0144

Responsible Officer Liability—Duty to Remit Sales Tax For Tax Year 2001

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES**I. Responsible Officer Liability—Duty to Remit Sales and Withholding Taxes**

Authority: IC § 6-2.5-2-1; IC § 6-2.5-9-3; 45 IAC 2.2-2-2; 45 IAC 2.2-9-4; *Indiana Department of Revenue v. Safayan*, 654 N.E.2d 270, 273 (Ind. 1995)

Taxpayer protests the Department's determination of responsible officer liability for sales tax not paid during the assessment period.

STATEMENT OF FACTS

Taxpayer protests the Department's determination of responsible officer liability, based on the following facts. Taxpayer is only a minority shareholder in the business whose sales tax liability is at issue in this protest. The business, a golf course located in southern Indiana, is owned by husband and wife, Mr. and Mrs. B. Taxpayer, who is located in Indianapolis, visited the business approximately two years ago. He has never had access to the financial system. He was never a signatory or guarantor on any accounts or loans. He has never been authorized to execute checks or legal documents. Additional facts will be supplied as necessary.

I. Responsible Officer Liability—Duty to Remit Sales and Withholding Taxes

A gross retail (sales) tax is imposed on retail transactions made in Indiana. While this sales tax is levied on the purchaser of retail goods, it is the retail merchant who must "collect the tax as agent for the state." *See*, IC § 6-2.5-2-1 and 45 IAC 2.2-2-2

Individuals may be held personally responsible for failing to remit any sales tax. In determining who may acquire personal liability, IC § 6-2.5-9-3 is applicable:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes (as described in IC § 6-2.5-3-2) to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes to the state.

See also, 45 IAC 2.2-9-4.

In order to determine which persons are personally liable for the payment of these "trust" taxes, the Department must initially determine which parties had a duty to remit the taxes to the Department. *Indiana Department of Revenue v. Safayan*, 654 N.E.2d 270, 273 (Ind. 1995) is instructive:

The method of determining whether a given individual is a responsible person is the same under the gross retail and the withholding tax.... An individual is personally liable for unpaid sales and withholding taxes if she is an officer, employee, or member of the employer who has a duty to remit the taxes to the Department.... The statutory duty to remit trust taxes falls on any officer or employee who has the authority to see that the taxes are paid.

The Indiana Supreme Court in *Safayan* identified three relevant factors:

(1) the person's position within the power structure of the corporation;

(2) the authority of the officer or employee as established by the articles of incorporation, bylaws, or the person's employment contract; and

(3) whether the person actually exercised control over the finances of the business.

The Supreme Court also stated in *Safayan* that "where the individual was a high ranking officer, we presume that he or she had sufficient control over the company's finances to give rise to a duty to remit the trust taxes." *Id.* at 273. The Department further notes that *Safayan* specifically rejects the defense of failure by an officer to exercise oversight.

Taxpayer has provided documents, and the Department records corroborate those documents, showing that taxpayer was a passive investor in the business. As such, taxpayer had no active involvement in the management of the business.

The Department finds that taxpayer has provided sufficient evidence to overturn the Department's initial determination of responsible officer liability.

FINDING

Taxpayer's protest concerning the Department's determination of responsible officer liability for unpaid gross retail taxes is sustained.

DEPARTMENT OF STATE REVENUE

0420040145.LOF

LETTER OF FINDINGS NUMBER: 04-0145**Responsible Officer Liability—Duty to Remit Sales Tax****For Tax Year 2001**

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUES

I. Responsible Officer Liability—Duty to Remit Sales and Withholding Taxes

Authority: IC § 6-2.5-2-1; IC § 6-2.5-9-3; 45 IAC 2.2-2-2; 45 IAC 2.2-9-4; *Indiana Department of Revenue v. Safayan*, 654 N.E.2d 270, 273 (Ind. 1995)

Taxpayer protests the Department's determination of responsible officer liability for sales tax not paid during the assessment period.

STATEMENT OF FACTS

Taxpayer protests the Department's determination of responsible officer liability, based on the following facts. Taxpayer is only a minority shareholder in the business whose sales tax liability is at issue in this protest. The business, a golf course located in southern Indiana, is owned by husband and wife, Mr. and Mrs. B. Taxpayer, who is located in Indianapolis, visited the business approximately two years ago. He has never had access to the financial system. He was never a signatory or guarantor on any accounts or loans. He has never been authorized to execute checks or legal documents. Additional facts will be supplied as necessary.

I. Responsible Officer Liability—Duty to Remit Sales and Withholding Taxes

A gross retail (sales) tax is imposed on retail transactions made in Indiana. While this sales tax is levied on the purchaser of retail goods, it is the retail merchant who must "collect the tax as agent for the state." *See*, IC § 6-2.5-2-1 and 45 IAC 2.2-2-2.

Individuals may be held personally responsible for failing to remit any sales tax. In determining who may acquire personal liability, IC § 6-2.5-9-3 is applicable:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and

(2) has a duty to remit state gross retail or use taxes (as described in IC § 6-2.5-3-2) to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes to the state.

See also, 45 IAC 2.2-9-4.

In order to determine which persons are personally liable for the payment of these "trust" taxes, the Department must initially determine which parties had a duty to remit the taxes to the Department. *Indiana Department of Revenue v. Safayan*, 654 N.E.2d 270, 273 (Ind. 1995) is instructive:

The method of determining whether a given individual is a responsible person is the same under the gross retail and the withholding tax.... An individual is personally liable for unpaid sales and withholding taxes if she is an officer, employee, or member of the employer who has a duty to remit the taxes to the Department.... The statutory duty to remit trust taxes falls on any officer or employee who has the authority to see that the taxes are paid.

The Indiana Supreme Court in *Safayan* identified three relevant factors:

(1) the person's position within the power structure of the corporation;

(2) the authority of the officer or employee as established by the articles of incorporation, bylaws, or the person's employment contract; and

(3) whether the person actually exercised control over the finances of the business.

The Supreme Court also stated in *Safayan* that "where the individual was a high ranking officer, we presume that he or she had sufficient control over the company's finances to give rise to a duty to remit the trust taxes." *Id.* at 273. The Department further notes that *Safayan* specifically rejects the defense of failure by an officer to exercise oversight.

Taxpayer has provided documents, and the Department records corroborate those documents, showing that taxpayer was a passive investor in the business. As such, taxpayer had no active involvement in the management of the business.

The Department finds that taxpayer has provided sufficient evidence to overturn the Department's initial determination of responsible officer liability.

FINDING

Taxpayer's protest concerning the Department's determination of responsible officer liability for unpaid gross retail taxes is sustained.

DEPARTMENT OF STATE REVENUE

0320040188P.LOF

LETTER OF FINDINGS NUMBER: 04-0188P

Withholding Tax

For the months of January, February, March, April, & May 2002

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.

Nonrule Policy Documents

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2;

The taxpayer protests the late penalty.

STATEMENT OF FACTS

The late penalty was assessed on the late payment of monthly withholding tax returns for the months of January, February, March, April, and May 2002.

The taxpayer is a company residing in Indiana.

I. Tax Administration – Penalty

DISCUSSION

The taxpayer argues the late penalty should be abated as (1) the taxpayer relied on the payroll provider, and (2) the Department failed to send the filing frequency change letter to the payroll provider even though the payroll provider sent the Department a Power-of-Attorney form.

With regard to the reliance on the payroll provider, the taxpayer's payroll provider is in an agency relationship with the taxpayer, and therefore, the taxpayer is liable for the payroll provider's actions when the payroll provider acts on behalf of the taxpayer. 45 IAC 1-1-54.

With regard to the Power-of-Attorney form, the only way the Department can control a Power-of-Attorney form is for the taxpayer to be registered for EFT filing and identify the taxpayer's payroll provider as the payroll contact (as determined by Department policy, the EFT Program Information Guide). The taxpayer is not registered for EFT filing. Therefore, the Department sent the filing frequency change letter to the contact of record which was the taxpayer. In addition, the filing frequency change letter informed the taxpayer to advise the taxpayer's payroll provider of the filing frequency change.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of tax duties as the taxpayer failed to advise the payroll provider of the filing frequency change. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

FINDING

The taxpayer's penalty protest is denied.

DEPARTMENT OF STATE REVENUE

0320040260.LOF

LETTER OF FINDINGS NUMBER: 04-0260

Withholding Tax

Responsible Officer

For the Tax Period 1995-1996

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

1. Withholding Tax-Responsible Officer Liability

Authority: IC 6-3-4-8(f), IC 6-8.1-5-1(b), Indiana Department of Revenue v. Safayan 654 N.E. 2nd 279 (Ind.1995).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate withholding taxes.

STATEMENT OF FACTS

The taxpayer was associated with a corporation that did not properly remit withholding taxes to the state during the tax period 1995-1996. The Indiana Department of Revenue, hereinafter referred to as the "department," assessed the unpaid withholding taxes, interest, and penalty against the taxpayer as a responsible officer of that corporation. The taxpayer protested the assessment of tax, interest, and penalty. A hearing was held and this Letter of Findings results.

1. Withholding Tax - Responsible Officer Liability**DISCUSSION**

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed withholding taxes were assessed against the taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

Pursuant to Indiana Department of Revenue v. Safayan 654 N.E. 2nd 279 (Ind.1995), any officer, employee, or other person who has the authority to see that they are paid has the statutory duty to remit withholding taxes to the state. The taxpayer submitted substantial documentation indicating that he did not have a duty to remit the withholding taxes to the state. Therefore, he is not personally liable for said taxes.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0320040305.LOF

LETTER OF FINDINGS NUMBER: 04-0305**Withholding Tax
Responsible Officer
For the Tax Period 1997**

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE**1. Withholding Tax-Responsible Officer Liability**

Authority: IC 6-3-4-8(f), IC 6-8.1-5-1(b), Indiana Department of Revenue v. Safayan 654 N.E. 2nd 279 (Ind.1995).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate withholding taxes.

STATEMENT OF FACTS

The taxpayer was a shareholder in a subchapter S corporation that did not properly remit withholding taxes to the state during the tax period 1997. The Indiana Department of Revenue, hereinafter referred to as the "department," assessed the unpaid withholding taxes, interest, and penalty against the taxpayer as a responsible officer of that corporation. The taxpayer protested the assessment of tax. A hearing was held and this Letter of Findings results.

1. Withholding Tax-Responsible Officer Liability**DISCUSSION**

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed withholding taxes were assessed against Taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

Pursuant to Indiana Department of Revenue v. Safayan 654 N.E. 2nd 279 (Ind.1995) any officer, employee, or other person who has the authority to see that they are paid has the statutory duty to remit sales and withholding taxes to the state. The taxpayer submitted substantial documentation indicating that he did not have a duty to remit the withholding taxes to the state. Therefore, he is not personally liable for said taxes.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE

0320040306.LOF

LETTER OF FINDINGS NUMBER: 04-0306**Withholding Tax
Responsible Officer
For the Tax Period 1997**

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

1. Withholding Tax-Responsible Officer Liability

Authority: IC 6-3-4-8(f), IC 6-8.1-5-1(b), Indiana Department of Revenue v. Safayan 654 N.E. 2nd 279 (Ind.1995).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate withholding taxes.

STATEMENT OF FACTS

The taxpayer was a shareholder in a subchapter S corporation that did not properly remit withholding taxes to the state during the tax period 1997. The Indiana Department of Revenue, hereinafter referred to as the "department," assessed the unpaid withholding taxes, interest, and penalty against the taxpayer as a responsible officer of that corporation. The taxpayer protested the assessment of tax. A hearing was held and this Letter of Findings results.

1. Withholding Tax-Responsible Officer Liability

DISCUSSION

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed withholding taxes were assessed against Taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

Pursuant to Indiana Department of Revenue v. Safayan 654 N.E. 2nd 279 (Ind.1995) any officer, employee, or other person who has the authority to see that they are paid has the statutory duty to remit sales and withholding taxes to the state. The taxpayer submitted substantial documentation indicating that she did not have a duty to remit the withholding taxes to the state. Therefore, she is not personally liable for said taxes.

FINDING

The taxpayer's protest is sustained.

DEPARTMENT OF STATE REVENUE
LETTER OF FINDINGS NUMBER: 04-0311
Individual Income Tax
For the Year 2001

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

Individual Income Tax—Assessment

Authority: IC 6-8.1-5-1(a), (b), (c).

Taxpayer protests the assessment of individual income tax.

STATEMENT OF FACTS

Taxpayer filed an IT-40 for the year ending 2001 listing no income. A cross-match with his federal return indicated income. The Department mailed to Taxpayer a Proposed Assessment and a Demand Notice for Payment. Taxpayer mailed a protest letter to the Department, stating that he does not agree with the proposed amount. A hearing officer was assigned to hear the protest and mailed a letter informing Taxpayer of the hearing date. Taxpayer did not show for the tax protest hearing and this Letter of Finding was written based on the information in Taxpayer's case file.

DISCUSSION

All tax assessments are presumed to be accurate. The taxpayer bears the burden of proving that an assessment is incorrect. IC 6-8.1-5-1(b). If the Department reasonably believes that a person has not reported the proper amount of tax due, the Department shall make a proposed assessment of the amount of the unpaid tax on the basis of the best information available to the Department. The amount of the assessment is considered a tax payment not made by the due date and is subject to IC 6-8.1-10 concerning the imposition of penalties and interest. The Department shall send the person a notice of the proposed assessment through the United States mail. IC 6-8.1-5-1(a). The notice shall state that the person has sixty (60) days from the date the notice is mailed to pay the assessment or to file a written protest. If the person files a protest and requires a hearing on the protest, the Department shall:

(1) set the hearing at the Department's earliest convenient time; and

(2) notify the person by United States mail of the time, date, and location of the hearing.
IC 6-8.1-5-1(c).

The Department has followed the statutes and has provided Taxpayer with the opportunity to be heard at hearing—which Taxpayer chose not to attend. Based on the information and evidence in Taxpayer’s case file, the Department finds the assessment to be accurate. No evidence to rebut the accuracy of the assessment was provided by Taxpayer.

FINDING

Taxpayer’s protest is denied. The assessment of individual income tax is due.

DEPARTMENT OF STATE REVENUE

04-20040352P.LOF

**LETTER OF FINDINGS NUMBER 04-0352P
TAX ADMINISTRATION—NEGLIGENCE PENALTIES FOR
THE PERIOD COVERING CALENDAR YEARS 1999-2002**

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 this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

I. Tax Administration—Negligence Penalties

Authority: IC §§ 6-8.1-5-1(b), -10-2.1 (1998) (2004); 45 IAC §§ 15-5-3(b)(8), -11-2 (1996) (2001)

The taxpayer protests the parts of the proposed assessments that assess negligence penalties.

STATEMENT OF FACTS

The taxpayer is a corporation engaged in the business of distributing automotive paints, coatings and paint-related accessories, mainly to the automotive collision repair industry. Including its headquarters, it maintained four business locations in Indiana during calendar years 1999-2002 (hereinafter “the audit period”).

The Department conducted an audit of the taxpayer for gross retail (i.e., sales) and use tax for the audit period. The Department ultimately adjusted both the sales and use tax liabilities of the taxpayer for the audit period. The Audit Division issued Notices of Proposed Assessment of both sales and use tax. The taxpayer paid the respective base taxes and interest, but protested the respective proposed negligence penalties. The Department will provide additional facts as needed.

DISCUSSION

The taxpayer argues that the Department erred by imposing negligence penalty assessments. In its initial protest letter, which the taxpayer submitted itself, it contended that the deficiencies were attributable to the disruption caused by relocating to Indiana before the audit period. However, at the protest hearing, in response to a question from the hearing officer, the taxpayer’s representative indicated that the taxpayer was no longer pursuing this argument, which the Department accordingly deems to be waived for purposes of this protest.

The taxpayer now submits the Department allegedly erred in deciding to propose negligence penalties based on a comparison of use tax actually paid to the tax the Department determined the taxpayer should have paid, i.e. to the tax paid with its returns plus the audited deficiencies. It contends the Department instead should view the use tax assessments, which were each in the low five-figure range, as a percentage of the respective total purchases for the corresponding period. The taxpayer represents (but has not documented) that these purchases are in the low nine-figure range annually. The taxpayer submits that, if so viewed, the respective error percentages for each assessed period are so low as to prove that its use tax self-accrual system is highly accurate and that the taxpayer therefore was not negligent. The taxpayer also argues that it would not be exercising “ordinary business care and prudence” as 45 § IAC 15-11-2(c) (1996) (2001) (which defines “negligence”) uses that phrase, if it were to implement a use tax self-assessment system that was one hundred percent accurate. In the taxpayer’s view, ordinary business care and prudence would require it to do a cost-benefit analysis of any such system, which it claims would indicate that the (unspecified) cost would be prohibitive and far outweigh any additional compliance benefit. Lastly, the taxpayer submits that even if the Department applies the audit error percentage it found for the assessed period with the highest percentage, the use tax self-accrual system is at its worst approximately 95% accurate. The taxpayer argues that this percentage is accurate enough to make the taxpayer’s use of its system not negligent.

Before addressing the taxpayer’s new arguments, to make clear what they do not cover and the resulting narrow scope of this Letter of Findings, the Department must first lay a factual foundation by describing the use tax audit methodologies employed, two of which the taxpayer later ratified. The field auditor’s focus was on the taxable categories of capital assets, leases and expensed purchases. She conducted census audits of the taxpayer’s capital asset purchases and of one computer hardware lease because it began in mid-2000, unlike the taxpayer’s other tangible personal property leases. The auditor sampled these remaining leases and the

expensed purchases. She used the total lease activity for the lease sample period, excluding the computer hardware lease, as her total sampled leases.

In contrast, to generate the expensed purchases sample, the Audit Division used computer software to select random accounts, and random cost centers at the taxpayer's Indiana business locations, from which to select the purchases for the sample period. The size of the sample selected was large enough to make estimates at a 90% level of confidence with a goal of 10% precision. The software also divided the sampled purchases into five strata defined by price ranges. (The Audit Summary includes a written description of the design of this sample.) The software also selected purchases from each stratum in the sample on which neither sales nor use tax had been charged, and on which the taxpayer's self-assessment system had not accrued (and on which the taxpayer therefore had not paid) use tax (hereinafter "untaxed sampled purchases"). Within each stratum the auditor divided untaxed sampled purchases by total sampled purchases to arrive at error percentages that ranged up to 23.4613% per stratum. She also divided total untaxed sampled purchases from all strata by total sampled purchases from all strata to arrive at an average error percentage of 5.4267%. Lastly, she multiplied total expensed purchases for each assessment period by the average error percentage to arrive at additional taxable expensed purchases.

The taxpayer retained its current representative late in the audit. This representative signed on the taxpayer's behalf separate Agreements for Projecting Audit Results (Forms AD-10A) for the expensed purchases and for the remaining tangible personal property leases. (The Audit Summary includes signed copies of both projection agreements.) By doing so the representative bound the taxpayer to accept the respective methodologies of the sample audits that had already been conducted in these categories. The expensed purchases Form AD-10A in particular incorporated the previously mentioned written description of the computer-aided design of the expensed purchases audit sample.

Viewed against these facts, it becomes apparent that the taxpayer's argument by its own terms speaks only to expensed purchases, and therefore does not and cannot apply to any portions of the proposed penalties attributable to other components of the deficiencies. Neither the taxpayer nor its representative has even mentioned the taxpayer's sales tax deficiencies or any of the other components of its use tax deficiencies, much less argued for waiver of, the parts of the negligence penalties proposed as a result.

However, even ignoring these omissions, the Department would find the taxpayer's position flawed. The taxpayer's representative signed a Form AD-10A agreeing to a sampling audit methodology for expensed purchases that incorporated the Audit Division's previous written description of the computer-aided design for generating this sample. This description in turn set out in detail the accounts and cost centers that would constitute the population from which the sample of these purchases would be drawn. The taxpayer did not object to this design at the time, nor does it now claim that the Department erred in selecting the sample derived from it or in computing any of the error percentages. Instead, the taxpayer is tacitly contending that the Department should now, after it has completed the audit, expand the sampled expensed purchases to include all expensed purchases for the sample period from all of the taxpayer's Indiana locations, as was done for the non-computer hardware leases.

The taxpayer's present argument would substantially modify the projection agreement for expensed purchases and impeach the sample audit methodology underlying it. The Department will not change agreed-upon audit methodology after the fact simply because the taxpayer does not like the result of its application. Moreover, the result of the taxpayer's proposed modification would be to lower the error percentages inaccurately and drastically. The proposed modification would have this result because the numerators of all of the error percentage ratios would still include only the original untaxed sampled purchases, not total untaxed purchases, both per stratum and overall. The Department therefore will neither agree to the modification the taxpayer has impliedly proposed nor entertain any argument premised on it, since the effect of doing so would be to impeach the Form AD-10A on expensed purchases the taxpayer signed, and its underlying sample methodology. Even if the Department were to accept the taxpayer's argument, however, as noted in summarizing this argument, the taxpayer has not submitted any documentation of the total volume of its expensed purchases for the assessed periods. The Department thus has no data it can use to make the proposed modification and test the taxpayer's assertion, even if the Department were inclined to do so, which, for the reasons previously stated, it is not.

The taxpayer has also submitted that its adoption of its use tax self-assessment system was an exercise of ordinary business care and prudence (i.e. not negligent). It has also argued that a perfect system would have been cost prohibitive, thereby implying that the system it adopted was the most cost-effective available. The Department notes that the taxpayer has submitted no proof that a better system would have been cost prohibitive. The Department would also note that if the taxpayer's system generated errors notwithstanding its being the most cost-effective available, then the errors should have cut both ways, generating overpayments as well as underpayments, thereby prejudicing both parties equally. In other words, if a use tax self-accrual system generates any errors, one would expect it to cause remittances of use tax to the Department on non-taxable transactions, as well as to fail to remit tax on taxable ones. The taxpayer has not called any errors of the latter type to the Department's attention. Therefore, consistent with the presumption of validity of the proposed assessments mandated by IC § 6-8.1-5-1(b) (1998) and 45 IAC § 15-5-3(b)(8) (1996) (2001), the Department presumes that either no, or no substantial, errors of this type occurred during the audit period. The absence, or substantial absence, of any such errors, suggests that the taxpayer's system fell below the standard of ordinary business care and prudence, and thus was negligent.

The per-stratum error factors at which the auditor arrived, which ranged as high as over 23%, support this inference. The

average error factor on which the taxpayer bases its assertion that its self-accrual system is at worst nearly 95% accurate is just that, an average. Where stratified or otherwise more detailed error factors are available, as is the case here, an average error factor standing alone is not enough information on which to make an informed evaluation of such a system's adequacy, or more accurately in this case, inadequacy. It is also necessary to consider the more detailed error factors. Having done so, the Department finds that the taxpayer's employment of a use tax self-assessment system that in some cases results in failing to accrue tax on as many as nearly one purchase transaction in four is negligent, and does not constitute reasonable cause for waiving the proposed negligence penalties.

FINDING

The taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

0120040368.LOF

LETTER OF FINDINGS: 04-0368

Individual Income Tax

For 2001

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.

ISSUES

I. Constitutionality of the Indiana Adjusted Gross Income Tax.

Authority: U.S. Const. amend. X; U.S. Const. amend. XVI; U.S. Const. art. I, § 1, cl. 1; U.S. Const. art. I, § 1, cl. 3; N.Y. ex rel. Cohn v. Graves, 300 U.S. 308 (1937); Ind. Const. art. X, § 8; IC 6-3-1-3.5 et seq.

Taxpayer maintains that he is not subject to the Indiana adjusted gross income tax because the United States Congress did not delegate to Indiana the right to eliminate the federal requirement that taxes be apportioned among the "several States."

II. Applicability of the State Adjusted Gross Income Tax.

Authority: 26 U.S.C.S. § 7701(a)(1); 26 U.S.C.S. § 7701(a)(14); United States v. Karlin, 785 F.2d 90 (3d Cir. 1986); United States v. Studley, 783 F.2d 934 (9th Cir. 1986); McKeown v. Ott, No. H 84-169, 1985 WL 11176 (N.D. Ind. Oct. 30, 1985).

Taxpayer maintains that he is not a "person" required to report his income for federal or state income tax purposes.

STATEMENT OF FACTS

On September 13, 2004, The Department of Revenue (Department) sent the taxpayer a notice of "Proposed Assessment" indicating that taxpayer owed individual income tax for 2001. Taxpayer disagreed and, in a response dated September 24, 2004, indicated that he was "not an individual required by any law and authoritative regulation of Title 26, USC, Subtitle A, to file or report any income derived from any source named by Congress in Title 26." The Department determined that taxpayer's response should be treated as a "protest" of the proposed assessment and sent taxpayer a letter indicating that he was entitled to an administrative hearing during which he would be provided an opportunity to further explain the basis for the "protest." Taxpayer responded by a letter dated November 8, 2004, in which he asserted that he did not file a "protest" but that the September 13 letter was simply a statement of his position regarding the proposed assessment; taxpayer concluded that he was "unwilling to participate in [the Department's] hearing" and that he "[chose] not to discuss anything with [the Department] by telephone." This Letter of Findings was prepared based upon the information contained within the taxpayer's two letters.

DISCUSSION

I. Constitutionality of the Indiana Adjusted Gross Income Tax.

As best that can be determined from taxpayer's letters, taxpayer maintains that the state of Indiana is precluded from assessing an individual income tax by U.S. Const. amend. XVI. According to the taxpayer, this amendment was written to amend the Constitution for federal purposes only and that "the apportionment clause of the U.S. constitution remains in place, with the exception applicable to the federal government."

Taxpayer apparently refers to the express provisions of the Constitution granting powers of taxation to the Congress. U.S. Const. art. I, § 1, cl. 3 states that, "Representatives and direct Taxes shall be apportioned among the several states which may be included within this Union, according to their respective Numbers..." U.S. Const. art. I, § 8, cl. 1, states that, "The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States." The Sixteenth Amendment permitted imposition of a federal income tax without apportionment among the states. "The Congress shall have power to lay and collect taxes on income, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration." U.S. Const. amend. XVI.

In taxpayer's view, Indiana's taxing authority is constrained by U.S. Const. art. I, § 1, cl.1, 3 and that the authority granted Congress pursuant to U.S. Const. amend. XVI did not extend Indiana parallel authority. Taxpayer's analysis is fundamentally flawed because the U.S. Constitution is a limitation on the federal government's authority and is irrelevant in determining state taxing authority. As the United States Supreme Court found, "That the receipt of income by a resident of the territory of a taxing sovereignty is a taxable event is universally recognized." *N.Y. ex rel. Cohn v. Graves*, 300 U.S. 308, 312-13 (1937). Subject to the federal Commerce Clause, the Due Process Clause, and the Equal Protection Clause, the states are free to determine the boundaries of their individual taxing authority. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. Const. amend. X.

Indiana has chosen to exercise the taxing authority reserved to it under the federal Constitution. As set out in the Indiana Constitution, "The general assembly may levy and collect a tax upon income, from whatever source derived, at such rates, in such manner, and with such exemptions as may be prescribed by law." Ind. Const. art X, § 8. The Indiana General Assembly exercised its constitutional prerogative by imposing an adjusted gross income tax on individuals and corporations. IC 6-3-1-3.5 et seq.

Taxpayer's constitutional challenge to the Indiana adjusted gross income tax is not well founded. Absent any Commerce Clause, Due Process Clause, or Equal Protection Clause challenge to the imposition or administration of the state's individual income tax system, taxpayer's constitutional challenge of the "Proposed Assessment" of 2001 income tax is without foundation.

FINDING

Taxpayer's protest is denied.

II. Applicability of the State Adjusted Gross Income Tax.

Taxpayer argues that he is not a "person" required to report his income or to pay tax on that income. Taxpayer predicates this statement on the ground that he is not subject to the provisions of the Internal Revenue Code (IRC). Taxpayer errs. The IRC clearly defines "persons" and sets out which persons are subject to federal taxes. 26 U.S.C.S. § 7701(a)(14) defines "taxpayer" as any person subject to any internal revenue tax. 26 U.S.C.S. § 7701(a)(1) defines a "person" as any individual, trust, estate, partnership, or corporation. Taxpayer's argument that an individual – such as himself – is not a "person" within the meaning of the IRC has been uniformly rejected. In *United States v. Karlin*, 785 F.2d 90, 91 (3d Cir. 1986), the court affirmed the defendant's conviction for failing to file income returns and rejected the defendant's contention that he was "not a 'person' within the meaning of 26 U.S.C. § 7203" as "frivolous and require[ing] no discussion." In *United States v. Studley*, 783 F.2d 934, 937 n.3 (9th Cir. 1986), the court affirmed defendant's conviction for failing to file income tax returns on the ground that defendant was "an absolute freeborn, and natural individual" stating that "this argument has been consistently and thoroughly rejected by every branch of the government for decades." "[A]rguments about who is a 'person' under the tax laws, the assertion that 'wages are not income', and maintaining that payment of taxes is a purely voluntary function do not comport with common sense - let alone the law." *McKeown v. Ott*, No. H 84-169, 1985 WL 11176 at *2 (N.D. Ind. Oct. 30, 1985) (*Emphasis added*).

Taxpayer's argument, that he is not a "person" subject to the IRC or – by extension – to the Indiana individual income tax, does not warrant further consideration.

Taxpayer has set out certain other objections to the "Proposed Assessment" each of which is less comprehensible, less well defined, and less meritorious than the previous. The Department will not expend additional resources in attempting to discern taxpayer's arguments or theories.

FINDING

Taxpayer's protest is denied.

DEPARTMENT OF STATE REVENUE

04-20040303P.LOF

04-20040372P.LOF

LETTERS OF FINDINGS

NUMBERS 04-0303P AND 04-0372P

TAX ADMINISTRATION—NEGLIGENCE PENALTIES FOR THE PERIOD COVERING CALENDAR YEARS 1999-2001

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 this document will provide the general public with information about the Department's official position concerning a specific issue.

ISSUE

I. Tax Administration—Negligence Penalties

Authority: IC §§ 6-8.1-5-1(b), -10-2.1 (1998) (2004); 45 IAC § 15-11-2 (1996) (2001)

The taxpayers protest the parts of the proposed assessments that assess negligence penalties.

STATEMENT OF FACTS

The taxpayers are affiliated corporations with their commercial domiciles in the same state, one other than Indiana, and are engaged in retailing across the United States. During calendar years 1999-2001 (hereinafter “the audit period”) the taxpayers had multiple outlets in Indiana.

The taxpayers paid the vast majority of the principal tax and accrued interest portions of the combined proposed assessments, but one of the taxpayers did timely protest a computational error of use tax and both protested the proposed imposition of negligence penalties. The Department corrected, and abated the part of the proposed assessments of the affected taxpayer attributable to the computational error, leaving the proposed negligence penalties as the only matters at issue in this protest.

DISCUSSION

The main point of the taxpayers’ argument appears to be that the benefits that their new, expanded and remodeled stores provided to Indiana outweighed the unreported use tax the auditor assessed on the property used on those buildings, thereby justifying abatement of the negligence penalties. If the Department understands the taxpayers correctly, these benefits included improvements to Indiana real property, employment opportunities for Indiana citizens and additional consequential state and local tax revenues. The taxpayers also represent, but have submitted no proof, that since the audit they have put more internal accounting controls in place in order to strive for more accurate reporting of their sales and use tax liabilities.

IC § 6-8.1-10-2.1 (1998) (current version at *id.* (2004)) is the statute that authorizes the Department to impose a penalty for any negligence of a taxpayer in failing to comply with the tax laws that the Department administers. These taxes are listed in IC § 6-8.1-1-1 and include the gross retail and use tax. IC § 6-8.1-10-2.1(a)(3) states that “(a) [i]f a person:... (3) [i]ncurs, upon examination by the department, a deficiency that is due to *negligence*;... the person is subject to a penalty.” *Id.* The amount is set by IC § 6-8.1-10-2.1(b)(4), which states that “(b) [e]xcept as provided in subsection (g) [,] [not in issue here], the penalty described in subsection (a) is ten percent (10%) of:... (4) the amount of deficiency as finally determined by the department[.]” *Id.* However, IC § 6-8.1-10-2.1(d) states that “[i]f a person subject to the penalty imposed under this section can show that the failure to...pay the deficiency determined by the department was due to *reasonable cause* and not due to willful neglect, the department shall waive the penalty.” *Id.* (emphasis added).

Under IC § 6-8.1-5-1(b) (1998) (current version at *id.* (2004)) and 45 IAC § 15-5-3(b)(8) (1996) (2001), the person against whom a proposed assessment is made has the burden of proving that it is wrong. That burden applies to abatement of penalty assessments, as well as substantive tax assessments. “*A person who wishes to avoid the penalty imposed under [IC § 6-8.1-10-2.1(a) and (b)] must make an affirmative showing of all facts alleged as a reasonable cause* for the person’s failure to file the return, pay the amount of tax shown on the person’s return, pay the deficiency, or timely remit tax held in trust[.]” IC § 6-8.1-10-2.1(e) (emphasis added). The burden of proof is not on the Department to show negligence, willful or otherwise, by a taxpayer.

Title 45 IAC § 15-11-2(b) states:

(b) “Negligence” on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer’s *carelessness*, thoughtlessness, disregard or inattention *to duties placed upon the taxpayer by the Indiana Code or department regulations*. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

Id. (emphases added). The next subsection of the regulation sets out the standard of care a taxpayer must prove pursuant to IC § 6-8.1-10-2.1(e) to establish reasonable cause for failing to meet its tax compliance duties to the Department. Subsection (c) of 45 IAC § 15-11-2 reads in relevant part as follows:

(c) The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 [sic; should read IC 6-8.1-10-2, repealed and re-enacted in 1991 as IC 6-8.1-10-2.1] if the taxpayer affirmatively establishes that the failure to...pay a deficiency was due to reasonable cause and not due to negligence. *In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section.*....

...

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

Id. (emphasis added).

The Department did not include in 45 IAC § 15-11-2(b) or (c) the kind of revenue cost-benefit analysis in which the taxpayers would now have the Department engage. The reason for the Department’s omitting such a test from the regulation becomes obvious upon reflection: Title 45 IAC § 15-11-2(b) defines “negligence” “as the failure to use such reasonable care,...as would be expected of an ordinary reasonable taxpayer[]...[in performing] duties placed upon the taxpayer by the Indiana Code or department regulations.” *Id.* Conversely, 45 IAC § 15-11-2(c) states that a taxpayer must submit proof that it “exercised ordinary business care

and prudence” in order to establish “reasonable cause” to abate a negligence penalty. *Id.* Thus, evidence that a taxpayer engaged in business/es in Indiana that directly or indirectly created more state and local tax revenues than the sum of its proposed substantive tax assessment/s is quite simply irrelevant to proving the absence of “negligence” and the existence of “reasonable cause” as 45 IAC § 15-11-2(b) and (c) respectively define these terms. Specifically, such evidence has no tendency to make it more, or less, probable that the taxpayer in question “exercised [the] ordinary business care” in performing any such statutory or regulatory duty that is needed to establish “reasonable cause.” 45 IAC § 15-11-2(c).

Even if the taxpayers had submitted any evidence of their alleged creation of additional internal accounting controls since the audit, any such evidence also would have been irrelevant to whether the taxpayers were negligent during the audit period in failing, or had reasonable cause for their failures, to report use tax on their capital assets and fixed assets. Their implementation of such safeguards, if true, would have occurred well after the audit period ended. Thus as a matter of causation (or, more accurately, lack of causation), their alleged installation of those procedures could not have had any mitigating effect on the taxpayers’ negligence during that period. In addition to the absence of evidence and lack of relevance of the alleged controls, the Department also notes that in any original tax appeal, they would not be able to introduce evidence of the such controls as proof that the taxpayers were negligent during the audit period. *See* IND. R. EVID. 407 (making evidence of subsequent remedial measures inadmissible to prove negligence or culpable conduct in connection with an event). It is therefore only fair that, at the administrative level, the Department should decline to consider the taxpayers’ request for relief from the proposed negligence penalties for such after-the-fact reasons.

The present taxpayers have not submitted any evidence in support of their protests of the proposed negligence penalties that would establish the existence of “reasonable cause” under IC § 6-8.1-10-2.1(d) and 45 IAC § 15-11-2(c). The taxpayers have therefore failed to sustain their burden of proof under IC § 6-8.1-5-1(b) that the proposed negligence penalty assessments are wrong, i.e. that they were not negligent in, and had reasonable cause for, failing to remit use tax on its capital assets and fixed assets.

FINDING

The taxpayers’ protests are denied.

DEPARTMENT OF STATE REVENUE

0420030295.LOF

SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 03-0295

Sales and Withholding Tax

Responsible Officer

For the Tax Period 1999-2000

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 this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

1. Sales and Withholding Tax-Responsible Officer Liability

Authority: IC 6-2.5-9-3, IC 6-3-4-8(f), IC 6-8.1-5-1(b), Indiana Department of Revenue v. Safayan 654 N.E. 2nd 279 (Ind.1995).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate sales and withholding taxes.

STATEMENT OF FACTS

The Indiana Department of Revenue assessed sales taxes, withholding taxes, interest, and penalty against the taxpayer as a responsible officer of a corporation that did not properly remit said taxes during the tax period 1999-2000. The taxpayer protested the assessments of tax. A hearing was held. The department determined that the taxpayer was responsible for the taxes due to the state before May 9, 2000. The taxpayer requested and was granted a rehearing. This Supplemental Letter of Findings results.

1. Sales and Withholding Tax-Responsible Officer Liability

DISCUSSION

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed sales tax liability was issued under authority of IC 6-2.5-9-3 that provides as follows:

An individual who:

(1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant;
and

(2) has a duty to remit state gross retail or use taxes to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

The proposed withholding taxes were assessed against taxpayer pursuant to IC 6-3-4-8(f), which provides that “In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest.” Pursuant to Indiana Department of Revenue v. Safayan 654 N.E. 2nd 279 (Ind.1995) any officer, employee, or other person who has the authority to see taxes are paid has the statutory duty to remit sales and withholding taxes to the state.

The Letter of Findings found that the taxpayer was the person with the authority to see that the trust taxes were remitted to the state prior to May 9, 2000. On that date, the corporation’s default on its primary loan caused the primary lender to require the execution of a document known as the “Surrender Agreement.” This agreement gave the lender official control over all of the corporation’s collateral which included inventory, accounts receivable, most equipment, and junior security interests in all other assets. Concurrently, the lender took control over the corporation’s business premises and operations. On that date, the lender became the party with the duty to remit trust taxes to the state.

The taxpayer disagreed with this decision. The taxpayer contended that even prior to May 9, 2000, the primary lender was the party who actually made all decisions concerning the financial and operational affairs of the corporation. At the rehearing, the taxpayer offered additional evidence concerning the relationship between the taxpayer and the primary lender during the period leading up to the execution of the Surrender Agreement. The taxpayer also offered additional evidence on the actual operations of the corporation during this period. While it is clear that the primary lender was deeply involved in the corporation’s affairs, the taxpayer was still the President. As the President of the corporation, the taxpayer had the responsibility to oversee the corporation. As the President, the taxpayer had the final responsibility to insure that the corporation fulfilled its financial responsibilities by remitting trust taxes to the Indiana Department of Revenue. Therefore, the taxpayer had the statutory duty to remit the sales taxes and is personally liable for the payment of those taxes.

FINDING

The taxpayer’s protest is denied.

DEPARTMENT OF STATE REVENUE

04-20040021SLOF

SUPPLEMENTAL LETTER OF FINDINGS NUMBER: 04-0021

Responsible Officer

Periods 2000 through 2001

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 superceded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUES

I. Sales and Withholding Tax: Responsible Officer Liability

Authority: Ind. Code § 6-2.5-9-3; Ind. Code § 6-3-4-8; Ind. Code § 6-8.1-5-1(b); Indiana Department of Revenue v. Safayan, 654 N.E.2nd 270, 273 (Ind.1995).

The taxpayer protests the proposed assessment of responsible officer liability for unpaid sales and withholding taxes.

STATEMENT OF FACTS

Taxpayer was employed by a company (“Company”). On Company’s filing of Articles of Incorporation and all subsequent filings with the Indiana Secretary of State’s office, Taxpayer was listed as Company’s President, and the address for Company was listed as being in care of Taxpayer.

Taxpayer was granted a rehearing upon providing additional information that the Department did not possess prior to the issuance of the previous letter of findings, and accordingly this supplemental letter of findings results.

I. Sales and Withholding Tax: Responsible Officer Liability

DISCUSSION

The proposed sales tax and withholding tax liability was issued under authority of Ind. Code § 6-2.5-9-3 that provides as follows:

An individual who:

- (1) is an individual retail merchant or is an employee, officer, or member of a corporate or partnership retail merchant; and
- (2) has a duty to remit state gross retail or use taxes (as described in IC 6-2.5-3-2) to the department;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state. If the individual knowingly fails to collect or remit those taxes to the state, he commits a Class D felony.

The proposed withholding taxes were assessed against taxpayer pursuant to Ind. Code § 6-3-4-8. Also of import is Indiana Department of Revenue v. Safayan, 654 N.E.2d 270, 273 (Ind.1995), which states “The statutory duty to remit trust taxes falls on any officer or employee who has the authority to see that they are paid.”

Finally, the Indiana Department of Revenue’s “notice of proposed assessment is prima facie evidence that the department’s claim for the unpaid tax is valid.” Ind. Code § 6-8.1-5-1(b). That statute also states the burden of proof rests with the taxpayer.

Taxpayer argues that he was only an employee of Company, and neither an owner nor officer of Company, at the time of the proposed assessments. Taxpayer provided information that he had been terminated by Company both as an officer and as an employee prior to the assessment period. Taxpayer further provided documentation signed by another person as president of Company. Taxpayer’s subsequent re-employment by Company in an employee-only capacity did not result in Taxpayer being accorded a position in which Taxpayer had a statutory duty to remit the taxes in question. In short, Taxpayer has provided sufficient information that he was not Company’s president, other corporate officer or other responsible person during the period in question, and accordingly the protest should be sustained.

FINDING

The taxpayer’s protest is sustained.

DEPARTMENT OF STATE REVENUE Indiana Department of State Revenue Revenue Ruling #2004-02IT December 2, 2004

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 publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

ISSUE

Adjusted Gross Income Tax, Et Al. – Community Revitalization Enhancement District Tax Credit

Authority: IC 6-3.1-19-2; IC 6-3.1-19-3; IC 6-3.1-19-5

The taxpayer requests the Department to rule on the timing of taking a CReED credit—whether the credit may be taken when the investment is made or if the credit is to be taken only after completion of the project.

STATEMENT OF FACTS

The taxpayer, an LLC, plans to construct a building in a part of a district that has been designated as a Community Revitalization Enhancement District (CReED) under IC 6-3.1-19. The taxpayer has obtained approval for a tax credit authorized under the CReED statute. The taxpayer has secured investors for the project—which is expected to begin in 2005 and to be completed in 2006. The taxpayer would like to take the credit for investments made in 2005.

DISCUSSION

IC 6-3.1-19-3(a) provides:

Subject to section 5 of this chapter, a taxpayer is entitled to a credit against the taxpayer’s state and local tax liability for a taxable year if the taxpayer makes a qualified investment in that year.

It is clear from the above statute, a taxpayer is entitled to a tax credit if the taxpayer makes a qualified investment. A qualified investment is defined in IC 6-3.1-19-2:

“[Q]ualified investment” means the amount of a taxpayer’s expenditures that is:

- (1) for redevelopment or rehabilitation of property located within a community revitalization enhancement district designated under IC 36-7-13;
- (2) made under a plan adopted by an advisory commission on industrial development under IC 36-7-13; and
- (3) approved by the department of commerce before the expenditure is made.

Based on these two provisions, the credit may be taken in the same year as a qualified investment is made. In the instant case then, to the extent the taxpayer makes a qualified investment in a given tax year, the taxpayer may take the credit in that year.

One limitation is imposed in IC 6-3.1-19-5. A taxpayer is not entitled to claim the credit to the extent the taxpayer substantially reduces or ceases its operations in Indiana in order to relocate them within a district. The taxpayer has stated that it will not be ceasing or reducing operations to relocate within the district. Based on this, there appears to be no reduction to the credit.

RULING

The Department rules that the taxpayer may take the credit in 2005 for investments made in 2005. The taxpayer does not need to wait until the anticipated completion of the project in 2006 to take qualified investments made in 2005.

CAVEAT

This ruling is issued to the taxpayer requesting it on the assumption that the taxpayer's facts and circumstances, as stated herein are correct. If the facts and circumstances given are not correct, or if they change, then the taxpayer requesting this ruling may not rely on it. However, other taxpayers with substantially identical factual situations may rely on this ruling for informational purposes in preparing returns and making tax decisions. If a taxpayer relies on this ruling and the Department discovers, upon examination, that the fact situation of the taxpayer is different in any material respect from the facts and circumstances given in this ruling, then the ruling will not afford taxpayer any protection. It should be noted that subsequent to the publication of this ruling, a change in statute, regulation, or case law could void the ruling. If this occurs, the ruling will not afford the taxpayer any protection.

Indiana Department of State Revenue

Rules Affected by Volume 28

TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION
25 IAC 6 N 04-172 27 IR 3595 *CPH (28 IR 234)

TITLE 28 STATE INFORMATION TECHNOLOGY OVERSIGHT
COMMISSION
28 IAC N 04-123 28 IR 986 *CPH (28 IR 1498)

TITLE 31 STATE PERSONNEL DEPARTMENT
31 IAC 1-9-4 A 04-170 27 IR 4049
31 IAC 2-11-4 A 04-170 27 IR 4049

TITLE 40 STATE ETHICS COMMISSION
40 IAC 2-1-5.5 N 04-198 28 IR 987
40 IAC 2-1-6 A 04-198 28 IR 987
40 IAC 2-1-7 A 04-198 28 IR 988

TITLE 45 DEPARTMENT OF STATE REVENUE
45 IAC 1.3 N 04-125 27 IR 3101
45 IAC 18 R 04-292 28 IR 1518
45 IAC 18-3-7 R 04-255 28 IR 624 *AWR (28 IR 971)
45 IAC 18-3-7.1 N 04-255 28 IR 623 *AWR (28 IR 971)
45 IAC 18-3-8 R 04-255 28 IR 624 *AWR (28 IR 971)
45 IAC 18-3-8.1 N 04-255 28 IR 623 *AWR (28 IR 971)
45 IAC 20 N 04-292 28 IR 1500

TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE
50 IAC 20 N 04-174 27 IR 3603 *AROC (27 IR 3707)
28 IR 1458
50 IAC 21 N 02-297 27 IR 4050 **28 IR 1452**

TITLE 65 STATE LOTTERY COMMISSION
65 IAC 1-4-5.5 A 04-237 *ER (28 IR 217)
65 IAC 4-90 R 04-249 *ER (28 IR 227)
65 IAC 4-99 R 04-249 *ER (28 IR 227)
65 IAC 4-205 R 04-249 *ER (28 IR 227)
65 IAC 4-248 R 04-249 *ER (28 IR 227)
65 IAC 4-272 R 04-249 *ER (28 IR 227)
65 IAC 4-287 R 04-249 *ER (28 IR 227)
65 IAC 4-317 R 04-249 *ER (28 IR 227)
65 IAC 4-319 R 04-249 *ER (28 IR 227)
65 IAC 4-321 R 04-249 *ER (28 IR 227)
65 IAC 4-332 R 04-249 *ER (28 IR 227)
65 IAC 4-343 R 04-249 *ER (28 IR 227)
65 IAC 4-348 N 04-241 *ER (28 IR 221)
65 IAC 4-349 N 04-283 *ER (28 IR 975)
65 IAC 4-350 N 04-252 *ER (28 IR 229)
65 IAC 4-352 N 04-284 *ER (28 IR 978)
65 IAC 4-353 N 04-329 *ER (28 IR 1492)
65 IAC 4-354 R 04-249 *ER (28 IR 227)
65 IAC 4-359 R 04-249 *ER (28 IR 227)
65 IAC 4-367 R 04-249 *ER (28 IR 227)
65 IAC 4-383 R 04-249 *ER (28 IR 227)
65 IAC 4-390 R 04-249 *ER (28 IR 227)
65 IAC 4-401 R 04-249 *ER (28 IR 227)
65 IAC 4-402 R 04-249 *ER (28 IR 227)
65 IAC 4-403 R 04-249 *ER (28 IR 227)
65 IAC 4-404 R 04-249 *ER (28 IR 227)
65 IAC 4-405 R 04-249 *ER (28 IR 227)
65 IAC 4-406 R 04-249 *ER (28 IR 227)
65 IAC 4-408 R 04-249 *ER (28 IR 227)
65 IAC 4-437 R 04-249 *ER (28 IR 227)
65 IAC 4-439 R 04-249 *ER (28 IR 227)
65 IAC 4-440 R 04-249 *ER (28 IR 227)
65 IAC 4-441 R 04-249 *ER (28 IR 227)
65 IAC 4-442 R 04-249 *ER (28 IR 227)
65 IAC 4-443 R 04-249 *ER (28 IR 227)
65 IAC 4-445 R 04-249 *ER (28 IR 227)
65 IAC 4-446 R 04-249 *ER (28 IR 227)
65 IAC 4-447 R 04-249 *ER (28 IR 227)

65 IAC 4-448 R 04-249 *ER (28 IR 227)
65 IAC 4-450 R 04-249 *ER (28 IR 227)
65 IAC 4-453 R 04-249 *ER (28 IR 227)
65 IAC 5-13 R 04-249 *ER (28 IR 227)
65 IAC 5-14 R 04-249 *ER (28 IR 227)
65 IAC 5-15 R 04-249 *ER (28 IR 227)

TITLE 68 INDIANA GAMING COMMISSION
68 IAC 1-5-1 A 04-103 27 IR 3115 **28 IR 532**
68 IAC 2-3-5 A 04-103 27 IR 3115 **28 IR 533**
68 IAC 2-3-6 A 04-103 27 IR 3117 **28 IR 535**
68 IAC 2-3-9 A 04-103 27 IR 3118 **28 IR 535**
68 IAC 2-6-49 A 04-102 27 IR 3109 **28 IR 526**
68 IAC 2-7-12 A 04-102 27 IR 3109 **28 IR 526**
68 IAC 5-3-2 A 04-102 27 IR 3109 **28 IR 526**
68 IAC 5-3-7 A 04-102 27 IR 3109 **28 IR 527**
68 IAC 8-1-11 A 04-102 27 IR 3110 **28 IR 527**
68 IAC 8-2-29 A 04-102 27 IR 3110 **28 IR 527**
68 IAC 9-4-8 A 04-102 27 IR 3110 **28 IR 527**
68 IAC 10-1-5 A 04-102 27 IR 3110 **28 IR 527**
68 IAC 11-1-8 A 04-102 27 IR 3110 **28 IR 528**
68 IAC 11-3-1 A 04-102 27 IR 3110 **28 IR 528**
68 IAC 12-1-15 A 04-102 27 IR 3111 **28 IR 529**
68 IAC 14-4-8 A 04-102 27 IR 3112 **28 IR 529**
68 IAC 14-5-6 A 04-102 27 IR 3112 **28 IR 529**
68 IAC 15-1-8 A 04-102 27 IR 3112 **28 IR 530**
68 IAC 15-3-3 A 04-179 28 IR 237
68 IAC 15-5-2 A 04-179 28 IR 237
68 IAC 15-6-2 A 04-179 28 IR 238
68 IAC 15-6-3 A 04-179 28 IR 239
68 IAC 15-6-5 A 04-179 28 IR 240
68 IAC 15-9-4 A 04-102 27 IR 3112 **28 IR 530**
68 IAC 15-10-4.1 A 04-102 27 IR 3113 **28 IR 530**
68 IAC 15-13-2.5 N 04-102 27 IR 3113 **28 IR 531**
68 IAC 16-1-16 A 04-102 27 IR 3113 **28 IR 531**
68 IAC 17-1-5 A 04-102 27 IR 3114 **28 IR 531**
68 IAC 17-2-6 A 04-102 27 IR 3114 **28 IR 531**
68 IAC 18-1-2 A 04-102 27 IR 3114 **28 IR 531**
68 IAC 18-1-6 A 04-102 27 IR 3114 **28 IR 532**

TITLE 140 BUREAU OF MOTOR VEHICLES
140 IAC 4-4 RA 04-162 28 IR 323 **28 IR 1315**
140 IAC 8-4 RA 04-162 28 IR 323 **28 IR 1315**

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION
170 IAC 1-4 RA 04-163 27 IR 4140 *CPH (28 IR 620)
28 IR 1315
170 IAC 1-5 RA 04-163 27 IR 4140 *CPH (28 IR 620)
28 IR 1315
170 IAC 4-1-15 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 4-1-16 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 4-1-16.5 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 4-1-16.6 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 4-1-17 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 4-1-23 A 04-68 27 IR 2765 **28 IR 789**
170 IAC 4-1-2 N 04-144 27 IR 4057 *CPH (28 IR 620)
170 IAC 4-4.2 N 03-305 27 IR 2312 **28 IR 786**
170 IAC 5-1-15 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 5-1-16 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 5-1-16.5 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 5-1-16.6 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 5-1-17 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 5-1-2 N 04-144 27 IR 4065 *CPH (28 IR 620)
170 IAC 6-1-15 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 6-1-16 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 6-1-17 R 04-144 27 IR 4095 *CPH (28 IR 620)
170 IAC 6-1-1 N 04-268 28 IR 1518
170 IAC 6-1.2 N 04-144 27 IR 4073 *CPH (28 IR 620)
170 IAC 7-1.3-2 A 04-144 27 IR 4080 *CPH (28 IR 620)

Rules Affected by Volume 28

170 IAC 7-1.3-3	A	04-144	27 IR 4081	*CPH (28 IR 620)	312 IAC 9-3-2	A	03-311	27 IR 1946	28 IR 536
170 IAC 7-1.3-8	A	04-144	27 IR 4083	*CPH (28 IR 620)	312 IAC 9-3-3	A	03-311	27 IR 1947	28 IR 538
170 IAC 7-1.3-9	A	04-144	27 IR 4084	*CPH (28 IR 620)	312 IAC 9-3-4	A	03-311	27 IR 1948	28 IR 538
170 IAC 7-1.3-10	A	04-144	27 IR 4085	*CPH (28 IR 620)		A	04-253	28 IR 1523	
170 IAC 8.5-2-1	A	04-144	27 IR 4086	*CPH (28 IR 620)	312 IAC 9-3-5	A	04-253	28 IR 1523	
170 IAC 8.5-2-3	A	04-144	27 IR 4087	*CPH (28 IR 620)	312 IAC 9-3-10	A	03-311	27 IR 1949	28 IR 539
170 IAC 8.5-2-4	A	04-144	27 IR 4089	*CPH (28 IR 620)	312 IAC 9-3-11	A	03-311	27 IR 1949	28 IR 539
170 IAC 8.5-2-5	A	04-144	27 IR 4092	*CPH (28 IR 620)	312 IAC 9-3-12	A	03-311	27 IR 1949	28 IR 539
					312 IAC 9-3-13	A	03-311	27 IR 1950	28 IR 540
TITLE 203 VICTIM SERVICES DIVISION					312 IAC 9-3-14	A	03-311	27 IR 1950	28 IR 540
203 IAC	N	04-63	27 IR 2526	28 IR 6	312 IAC 9-3-15	A	03-311	27 IR 1950	28 IR 540
TITLE 207 CORONERS TRAINING BOARD					312 IAC 9-3-17	A	03-311	27 IR 1950	28 IR 540
207 IAC 2	N	04-231	28 IR 624		312 IAC 9-4-7	R	03-311	27 IR 1966	28 IR 556
TITLE 240 STATE POLICE DEPARTMENT					312 IAC 9-4-10	A	03-311	27 IR 1951	
240 IAC 8	RA	04-164	27 IR 4140	28 IR 677	312 IAC 9-4-11	A	03-311	27 IR 1951	28 IR 541
TITLE 305 INDIANA BOARD OF LICENSURE FOR PROFESSIONAL GEOLOGISTS						A	04-253	28 IR 1524	
305 IAC 1-2-6	A	03-212	27 IR 216	*ARR (28 IR 215)	312 IAC 9-4-14	A	03-311	27 IR 1952	28 IR 542
				28 IR 12	312 IAC 9-5-4	A	03-311	27 IR 1953	28 IR 542
305 IAC 1-3-4	A	03-212	27 IR 216	*ARR (28 IR 215)		A	04-253	28 IR 1526	
				28 IR 12	312 IAC 9-5-6	A	03-311	27 IR 1953	28 IR 543
305 IAC 1-4-1	A	03-212	27 IR 217	*ARR (28 IR 215)	312 IAC 9-5-7	A	03-311	27 IR 1953	28 IR 543
				28 IR 12		A	04-253	28 IR 1526	
305 IAC 1-4-2	A	03-212	27 IR 217	*ARR (28 IR 215)	312 IAC 9-5-9	A	03-311	27 IR 1955	28 IR 545
				28 IR 13		A	04-253	28 IR 1528	
305 IAC 1-5	N	03-212	27 IR 217	*ARR (28 IR 215)	312 IAC 9-5-11	N	03-311	27 IR 1956	28 IR 546
				28 IR 13	312 IAC 9-6-9	A	03-311	27 IR 1957	28 IR 547
TITLE 312 NATURAL RESOURCES COMMISSION					312 IAC 9-7-2	A	03-311	27 IR 1957	28 IR 547
312 IAC 2-4-6	A	04-215	28 IR 626		312 IAC 9-7-6	A	03-311	27 IR 1959	28 IR 549
312 IAC 2-4-12	A	04-67	27 IR 3604	28 IR 1460	312 IAC 9-7-13	A	03-311	27 IR 1960	28 IR 550
312 IAC 2-4-14	N	04-215	28 IR 626		312 IAC 9-10-9	A	03-311	27 IR 1960	28 IR 550
312 IAC 3-1-7	A	04-263	28 IR 1203		312 IAC 9-10-9.5	N	03-311	27 IR 1961	28 IR 551
312 IAC 4-6-6	A	04-208	28 IR 625		312 IAC 9-10-10	A	03-311	27 IR 1962	28 IR 552
312 IAC 5-6-5	A	04-84	28 IR 240		312 IAC 9-10-13.5	N	03-311	27 IR 1963	28 IR 553
312 IAC 5-6-5.5	N	04-210	28 IR 989		312 IAC 9-10-17	A	03-311	27 IR 1964	28 IR 554
312 IAC 5-14-1	A	04-155	27 IR 4100	28 IR 1461	312 IAC 9-11-1	A	03-311	27 IR 1964	28 IR 554
312 IAC 5-14-2	A	04-155	27 IR 4100	28 IR 1461	312 IAC 9-11-2	A	03-311	27 IR 1965	28 IR 555
312 IAC 5-14-4	A	04-155	27 IR 4101	28 IR 1462	312 IAC 9-11-14	A	03-311	27 IR 1965	28 IR 555
312 IAC 5-14-5	R	04-155	27 IR 4109	28 IR 1470	312 IAC 11-2-5	A	04-157	28 IR 1521	
312 IAC 5-14-5.1	N	04-155	27 IR 4101	28 IR 1462	312 IAC 11-2-11.5	N	04-94	27 IR 4095	
312 IAC 5-14-6	R	04-155	27 IR 4109	28 IR 1470	312 IAC 11-3-1	A	04-94	27 IR 4095	
312 IAC 5-14-6.1	N	04-155	27 IR 4102	28 IR 1463	312 IAC 16	RA	03-315	27 IR 2339	28 IR 1315
312 IAC 5-14-7	A	04-155	27 IR 4102	28 IR 1463	312 IAC 16-3-2	A	04-121	27 IR 4097	
312 IAC 5-14-8	A	04-155	27 IR 4102	28 IR 1464	312 IAC 16-3-8	A	04-121	27 IR 4099	
312 IAC 5-14-9	A	04-155	27 IR 4103	28 IR 1464	312 IAC 16-5-14	A	04-23	27 IR 2532	28 IR 556
312 IAC 5-14-11	A	04-155	27 IR 4103	28 IR 1464	312 IAC 17	RA	03-315	27 IR 2339	28 IR 1315
312 IAC 5-14-15	A	04-155	27 IR 4103	28 IR 1465	312 IAC 17-3-1	A	04-23	27 IR 2532	28 IR 557
312 IAC 5-14-16	A	04-155	27 IR 4104	28 IR 1465	312 IAC 17-3-2	A	04-23	27 IR 2532	28 IR 557
312 IAC 5-14-17	A	04-155	27 IR 4104	28 IR 1465	312 IAC 17-3-3	A	04-23	27 IR 2532	28 IR 557
312 IAC 5-14-18	A	04-155	27 IR 4105	28 IR 1466	312 IAC 17-3-4	A	04-23	27 IR 2533	28 IR 558
312 IAC 5-14-19	A	04-155	27 IR 4105	28 IR 1467	312 IAC 17-3-6	A	04-23	27 IR 2534	28 IR 558
312 IAC 5-14-20	A	04-155	27 IR 4106	28 IR 1467	312 IAC 17-3-8	A	04-23	27 IR 2534	28 IR 558
312 IAC 5-14-21	A	04-155	27 IR 4106	28 IR 1467	312 IAC 17-3-9	A	04-23	27 IR 2534	28 IR 558
312 IAC 5-14-22	A	04-155	27 IR 4106	28 IR 1468	312 IAC 18-3-12	A	04-270	28 IR 1203	
312 IAC 5-14-24	A	04-155	27 IR 4107	28 IR 1468	312 IAC 18-3-18	N	04-177	28 IR 1201	
312 IAC 5-14-25	A	04-155	27 IR 4108	28 IR 1469	312 IAC 18-3-19	N	04-127	28 IR 1521	
312 IAC 5-14-26	R	04-155	27 IR 4109	28 IR 1470	312 IAC 19	RA	03-315	27 IR 2339	28 IR 1315
312 IAC 5-14-27	N	04-155	27 IR 4109	28 IR 1470	312 IAC 25-4-102				*ERR (28 IR 214)
312 IAC 6.2	N	04-66	27 IR 3119	28 IR 1459	312 IAC 25-4-114				*ERR (28 IR 214)
312 IAC 6.5	N	04-3	27 IR 2767	28 IR 15	312 IAC 25-5-16				*ERR (28 IR 214)
312 IAC 8	RA	03-315	27 IR 2339	28 IR 1315	312 IAC 25-6-20				*ERR (28 IR 214)
312 IAC 9-1-9.5	N	03-311	27 IR 1946	28 IR 536	312 IAC 25-7-1				*ERR (28 IR 214)
312 IAC 9-1-11.5	N	03-311	27 IR 1946	28 IR 536	312 IAC 26	RA	03-315	27 IR 2339	28 IR 1315
312 IAC 9-2-14	N	04-253	28 IR 1522		TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION				
312 IAC 9-2-15	N	04-253	28 IR 1522		315 IAC 1	RA	04-71	27 IR 2879	28 IR 323
					315 IAC 1-2-1	A	04-70	28 IR 990	*CPH (28 IR 1498)
					315 IAC 1-3-1	A	04-70	28 IR 991	*CPH (28 IR 1498)
					315 IAC 1-3-2	A	04-70	28 IR 991	*CPH (28 IR 1498)
					315 IAC 1-3-2.1	N	04-70	28 IR 992	*CPH (28 IR 1498)

Rules Affected by Volume 28

315 IAC 1-3-3	A	04-70	28 IR 992	*CPH (28 IR 1498)	326 IAC 2-9-6	RA	04-44	27 IR 3159	28 IR 805
315 IAC 1-3-4	A	04-70	28 IR 993	*CPH (28 IR 1498)	326 IAC 2-9-7	A	02-337	26 IR 2009	*ARR (27 IR 2500)
315 IAC 1-3-5	A	04-70	28 IR 994	*CPH (28 IR 1498)					*CPH (27 IR 2521)
315 IAC 1-3-7	A	04-70	28 IR 994	*CPH (28 IR 1498)					28 IR 23
315 IAC 1-3-8	A	04-70	28 IR 994	*CPH (28 IR 1498)		RA	04-44	27 IR 3159	28 IR 805
315 IAC 1-3-9	A	04-70	28 IR 995	*CPH (28 IR 1498)	326 IAC 2-9-8	A	02-337	26 IR 2010	*ARR (27 IR 2500)
315 IAC 1-3-10	A	04-70	28 IR 995	*CPH (28 IR 1498)					*CPH (27 IR 2521)
315 IAC 1-3-12	A	04-70	28 IR 996	*CPH (28 IR 1498)					28 IR 25
315 IAC 1-3-14	A	04-70	28 IR 996	*CPH (28 IR 1498)		RA	04-44	27 IR 3160	28 IR 806
315 IAC 1-3-15	N	04-70	28 IR 996	*CPH (28 IR 1498)	326 IAC 2-9-9	A	02-337	26 IR 2012	*ARR (27 IR 2500)
TITLE 326 AIR POLLUTION CONTROL BOARD									*CPH (27 IR 2521)
326 IAC 1-1-3	A	02-337	26 IR 1997	*ARR (27 IR 2500)		RA	04-44	27 IR 3162	28 IR 26
				*CPH (27 IR 2521)	326 IAC 2-9-10	A	02-337	26 IR 2013	28 IR 808
				28 IR 17					*ARR (27 IR 2500)
326 IAC 1-1-3.5	A	02-337	26 IR 1997	*ARR (27 IR 2500)					*CPH (27 IR 2521)
				*CPH (27 IR 2521)					28 IR 27
				28 IR 18		RA	04-44	27 IR 3163	28 IR 809
326 IAC 1-1-6	N	04-180	28 IR 248		326 IAC 2-9-11	RA	04-44	27 IR 3164	28 IR 810
326 IAC 1-2-52	A	03-228	27 IR 3120	28 IR 1471	326 IAC 2-9-12	RA	04-44	27 IR 3165	28 IR 811
326 IAC 1-2-52.2	N	03-228	27 IR 3121	28 IR 1471	326 IAC 2-9-13	A	02-337	26 IR 2014	*ARR (27 IR 2500)
326 IAC 1-2-52.4	N	03-228	27 IR 3121	28 IR 1471					*CPH (27 IR 2521)
326 IAC 1-2-65	A	02-337	26 IR 1997	*ARR (27 IR 2500)					28 IR 28
				*CPH (27 IR 2521)	326 IAC 2-9-14	RA	04-44	27 IR 3165	28 IR 811
				28 IR 18	326 IAC 3-4-1	RA	04-44	27 IR 3167	28 IR 814
326 IAC 1-2-82.5	N	03-228	27 IR 3121	28 IR 1471		A	02-337	26 IR 2016	*ARR (27 IR 2500)
326 IAC 1-2-90	A	02-337	26 IR 1998	*ARR (27 IR 2500)					*CPH (27 IR 2521)
				*CPH (27 IR 2521)	326 IAC 3-4-3	A	02-337	26 IR 2016	28 IR 30
				28 IR 18					*ARR (27 IR 2500)
326 IAC 1-3-4	A	03-228	27 IR 3121	28 IR 1471					*CPH (27 IR 2521)
326 IAC 1-4-1	A	04-148	27 IR 3606	28 IR 1182	326 IAC 3-5-2	A	02-337	26 IR 2017	28 IR 31
326 IAC 2-2-13	A	02-337	26 IR 1998	*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 19	326 IAC 3-5-3	A	02-337	26 IR 2019	28 IR 32
326 IAC 2-2-16	A	02-337	26 IR 1999	*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 20	326 IAC 3-5-4	A	02-337	26 IR 2019	28 IR 33
326 IAC 2-5.1-1	RA	04-44	27 IR 3144	28 IR 791					*ARR (27 IR 2500)
326 IAC 2-5.1-2	RA	04-44	27 IR 3145	28 IR 791					*CPH (27 IR 2521)
326 IAC 2-5.5-1	RA	04-44	27 IR 3146	28 IR 792	326 IAC 3-5-5	A	02-337	26 IR 2020	28 IR 34
326 IAC 2-5.5-2	RA	04-44	27 IR 3146	28 IR 793					*ARR (27 IR 2500)
326 IAC 2-5.5-3	RA	04-44	27 IR 3146	28 IR 793					*CPH (27 IR 2521)
326 IAC 2-5.5-4	RA	04-44	27 IR 3147	28 IR 793	326 IAC 3-6-1	A	02-337	26 IR 2022	28 IR 34
326 IAC 2-5.5-5	RA	04-44	27 IR 3147	28 IR 794					*ARR (27 IR 2500)
326 IAC 2-5.5-6	RA	04-44	27 IR 3147	28 IR 794					*CPH (27 IR 2521)
326 IAC 2-6.1-1	RA	04-44	27 IR 3149	28 IR 795	326 IAC 3-6-3	A	02-337	26 IR 2022	28 IR 36
326 IAC 2-6.1-2	RA	04-44	27 IR 3149	28 IR 795					*ARR (27 IR 2500)
326 IAC 2-6.1-3	RA	04-44	27 IR 3149	28 IR 795					*CPH (27 IR 2521)
326 IAC 2-6.1-4	RA	04-44	27 IR 3150	28 IR 796	326 IAC 3-6-5	A	02-337	26 IR 2023	28 IR 37
326 IAC 2-6.1-5	RA	04-44	27 IR 3150	28 IR 796					*ARR (27 IR 2500)
326 IAC 2-6.1-6	RA	04-44	27 IR 3151	28 IR 797					*CPH (27 IR 2521)
326 IAC 2-6.1-7	RA	04-44	27 IR 3154	28 IR 801	326 IAC 3-7-2	A	02-337	26 IR 2024	28 IR 37
326 IAC 2-7-3	A	02-337	26 IR 2006	*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 20	326 IAC 3-7-4	A	02-337	26 IR 2025	28 IR 38
326 IAC 2-7-8	A	02-337	26 IR 2006	*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 20	326 IAC 5-1-2	A	02-337	26 IR 2026	28 IR 40
326 IAC 2-7-18	A	02-337	26 IR 2007	*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 21	326 IAC 5-1-4	A	02-337	26 IR 2026	28 IR 40
326 IAC 2-8-3	A	02-337	26 IR 2008	*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 22	326 IAC 5-1-5	A	02-337	26 IR 2027	28 IR 41
326 IAC 2-9-1	RA	04-44	27 IR 3155	28 IR 801					*ARR (27 IR 2500)
326 IAC 2-9-2.5	RA	04-44	27 IR 3156	28 IR 802					*CPH (27 IR 2521)
326 IAC 2-9-3	RA	04-44	27 IR 3156	28 IR 803	326 IAC 6-1-12	A	04-43	28 IR 242	28 IR 41
326 IAC 2-9-4	RA	04-44	27 IR 3157	28 IR 803	326 IAC 6-1-13	A	03-195	27 IR 2318	28 IR 115
326 IAC 2-9-5	RA	04-44	27 IR 3158	28 IR 805	326 IAC 7-1.1-1	A	00-236	28 IR 632	*CPH (28 IR 982)

Rules Affected by Volume 28

326 IAC 7-1.1-2	A	00-236	28 IR 632	*CPH (28 IR 982)	326 IAC 10-1-4	A	02-337	26 IR 2057	*ARR (27 IR 2500)
326 IAC 7-2-1	A	02-337	26 IR 2028	*ARR (27 IR 2500)					*CPH (27 IR 2521)
				*CPH (27 IR 2521)					28 IR 71
				28 IR 42	326 IAC 10-1-5	A	02-337	26 IR 2059	*ARR (27 IR 2500)
326 IAC 7-4-1.1	A	00-236	28 IR 632	*CPH (28 IR 982)					*CPH (27 IR 2521)
326 IAC 7-4-3	R	00-236	28 IR 644	*CPH (28 IR 982)					28 IR 73
326 IAC 7-4-10	A	03-195	27 IR 2319	28 IR 117	326 IAC 10-1-6	A	02-337	26 IR 2059	*ARR (27 IR 2500)
	A	02-337	26 IR 2029	*ARR (27 IR 2500)					*CPH (27 IR 2521)
				*CPH (27 IR 2521)					28 IR 74
				28 IR 43	326 IAC 11-3-4	A	02-337	26 IR 2060	*ARR (27 IR 2500)
326 IAC 7-4-13	A	03-282	27 IR 2768	*CPH (27 IR 3591)					*CPH (27 IR 2521)
326 IAC 7-4.1	N	00-236	28 IR 633	*CPH (28 IR 982)					28 IR 74
326 IAC 8-1-4	A	02-337	26 IR 2030	*ARR (27 IR 2500)	326 IAC 11-7-1	A	02-337	26 IR 2061	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 44					28 IR 75
326 IAC 8-4-6	A	02-337	26 IR 2032	*ARR (27 IR 2500)	326 IAC 13-1.1-1	A	02-337	26 IR 2062	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 47					28 IR 76
326 IAC 8-4-9	A	02-337	26 IR 2035	*ARR (27 IR 2500)	326 IAC 13-1.1-8	A	02-337	26 IR 2063	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 49					28 IR 77
326 IAC 8-7-7	A	02-337	26 IR 2036	*ARR (27 IR 2500)	326 IAC 13-1.1-10	A	02-337	26 IR 2063	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 51					28 IR 78
326 IAC 8-9-2	A	02-337	26 IR 2037	*ARR (27 IR 2500)	326 IAC 13-1.1-13	A	02-337	26 IR 2064	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 51					28 IR 79
326 IAC 8-9-3	A	02-337	26 IR 2037	*ARR (27 IR 2500)	326 IAC 13-1.1-14	A	02-337	26 IR 2065	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 51					28 IR 80
326 IAC 8-9-4	A	02-337	26 IR 2038	*ARR (27 IR 2500)	326 IAC 13-1.1-16	A	02-337	26 IR 2066	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 52					28 IR 81
326 IAC 8-9-5	A	02-337	26 IR 2040	*ARR (27 IR 2500)	326 IAC 14-1-1	A	02-337	26 IR 2066	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 54					28 IR 81
326 IAC 8-9-6	A	02-337	26 IR 2042	*ARR (27 IR 2500)	326 IAC 14-1-2	A	02-337	26 IR 2067	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 56					28 IR 81
326 IAC 8-10-7	A	02-337	26 IR 2044	*ARR (27 IR 2500)	326 IAC 14-1-4	R	02-337	26 IR 2099	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 58					28 IR 114
326 IAC 8-11-2	A	02-337	26 IR 2044	*ARR (27 IR 2500)	326 IAC 14-3-1	A	02-337	26 IR 2067	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 59					28 IR 82
326 IAC 8-11-6	A	02-337	26 IR 2046	*ARR (27 IR 2500)	326 IAC 14-4-1	A	02-337	26 IR 2067	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 61					28 IR 82
326 IAC 8-11-7	A	02-337	26 IR 2050	*ARR (27 IR 2500)	326 IAC 14-5-1	A	02-337	26 IR 2068	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 64					28 IR 82
326 IAC 8-12-3	A	02-337	26 IR 2050	*ARR (27 IR 2500)	326 IAC 14-7-1	A	02-337	26 IR 2068	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 65					28 IR 83
326 IAC 8-12-5	A	02-337	26 IR 2052	*ARR (27 IR 2500)	326 IAC 14-8-1	A	02-337	26 IR 2068	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 67					28 IR 83
326 IAC 8-12-6	A	02-337	26 IR 2053	*ARR (27 IR 2500)	326 IAC 14-8-3	A	02-337	26 IR 2069	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 68					28 IR 83
326 IAC 8-12-7	A	02-337	26 IR 2054	*ARR (27 IR 2500)	326 IAC 14-8-4	A	02-337	26 IR 2069	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 68					28 IR 84
326 IAC 8-13-5	A	02-337	26 IR 2055	*ARR (27 IR 2500)	326 IAC 14-8-5	A	02-337	26 IR 2069	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 69					28 IR 84
326 IAC 10-1-2	A	02-337	26 IR 2056	*ARR (27 IR 2500)	326 IAC 14-9-5	A	02-337	26 IR 2070	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				28 IR 70					28 IR 84

Rules Affected by Volume 28

326 IAC 14-9-8	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 85	326 IAC 20-60	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 119
326 IAC 14-9-9	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 86	326 IAC 20-61	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 120
326 IAC 14-10-1	A	02-337	26 IR 2072	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 87	326 IAC 20-62	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 120
326 IAC 14-10-2	A	02-337	26 IR 2074	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 88	326 IAC 20-63	N	03-285	27 IR 2322	28 IR 121
326 IAC 14-10-3	A	02-337	26 IR 2076	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 91	326 IAC 20-64	N	03-285	27 IR 2322	28 IR 121
326 IAC 14-10-4	A	02-337	26 IR 2078	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 93	326 IAC 20-65	N	03-285	27 IR 2322	28 IR 121
326 IAC 15-1-2	A	02-337	26 IR 2080	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 95	326 IAC 20-66	N	03-285	27 IR 2323	28 IR 122
326 IAC 15-1-4	A	02-337	26 IR 2083	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 98	326 IAC 20-67	N	03-285	27 IR 2323	28 IR 122
326 IAC 16-3-1	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 98	326 IAC 20-68	N	03-285	27 IR 2323	28 IR 122
326 IAC 18-1-1	A	03-283	27 IR 3128	*CPH (27 IR 3591)	326 IAC 20-69	N	03-285	27 IR 2323	28 IR 122
326 IAC 18-1-2	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 99	326 IAC 20-70	N	03-284	27 IR 1620	*CPH (27 IR 1937) 28 IR 120
326 IAC 18-1-3	A	03-283	27 IR 3128	*CPH (27 IR 3591)	326 IAC 20-71	N	04-107	27 IR 3168	*CPH (27 IR 3592)
326 IAC 18-1-4	A	03-283	27 IR 3130	*CPH (27 IR 3591)	326 IAC 20-72	N	04-107	27 IR 3169	*CPH (28 IR 234) *CPH (27 IR 3592)
326 IAC 18-1-5	A	02-337	26 IR 2086	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 101	326 IAC 20-73	N	04-107	27 IR 3169	*CPH (28 IR 234) *CPH (27 IR 3592)
326 IAC 18-1-6	A	03-283	27 IR 3132	*CPH (27 IR 3591)	326 IAC 20-74	N	04-107	27 IR 3169	*CPH (28 IR 234) *CPH (27 IR 3592)
326 IAC 18-1-7	A	02-337	26 IR 2087	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 102	326 IAC 20-75	N	04-107	27 IR 3169	*CPH (27 IR 3592) *CPH (28 IR 234)
326 IAC 18-1-8	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 103	326 IAC 20-76	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)
326 IAC 18-1-9	A	03-283	27 IR 3134	*CPH (27 IR 3591)	326 IAC 20-77	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)
326 IAC 18-2-2	A	02-337	26 IR 2088	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 103	326 IAC 20-78	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)
326 IAC 18-2-3	A	03-283	27 IR 3134	*CPH (27 IR 3591)	326 IAC 20-79	N	04-107	27 IR 3170	*CPH (27 IR 3592) *CPH (28 IR 234)
326 IAC 18-2-6	A	02-337	26 IR 2090	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 104	326 IAC 20-82	N	04-235	28 IR 997	
326 IAC 18-2-7	A	02-337	26 IR 2097	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 111	326 IAC 20-83	N	04-236	28 IR 998	
326 IAC 20-25-1	A	03-264	27 IR 3123	*CPH (27 IR 3590)	326 IAC 20-84	N	04-236	28 IR 998	
326 IAC 20-25-2	A	03-264	27 IR 3124	*CPH (27 IR 3590)	326 IAC 20-85	N	04-236	28 IR 999	
326 IAC 20-56	N	03-264	27 IR 3126	*CPH (27 IR 3590)	326 IAC 20-86	N	04-236	28 IR 999	
326 IAC 20-57	N	03-284	27 IR 1618	*CPH (27 IR 1937) 28 IR 119	326 IAC 20-87	N	04-236	28 IR 999	
326 IAC 20-58	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 119	326 IAC 20-88	N	04-236	28 IR 999	
326 IAC 20-59	N	03-284	27 IR 1619	*CPH (27 IR 1937) 28 IR 119	326 IAC 22-1-1	A	02-337	26 IR 2098	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 113
					326 IAC 23-1-31	A	02-337	26 IR 2099	*ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 114
TITLE 327 WATER POLLUTION CONTROL BOARD									
327 IAC 1-1-1	A	03-129	27 IR 3608						
327 IAC 1-1-2	A	03-129	27 IR 3608						
327 IAC 1-1-3	A	03-129	27 IR 3608						
327 IAC 2-1-5	A	03-129	27 IR 3608						
327 IAC 2-1-6	A	03-129	27 IR 3609						
327 IAC 2-1-8	A	03-129	27 IR 3617						
327 IAC 2-1-8.1	A	03-129	27 IR 3617						
327 IAC 2-1-8.2	A	03-129	27 IR 3618						
327 IAC 2-1-8.3	A	03-129	27 IR 3620						
327 IAC 2-1-8.9	N	03-129	27 IR 3621						
327 IAC 2-1-9	A	03-129	27 IR 3622						
327 IAC 2-1-12	A	03-129	27 IR 3627						
327 IAC 2-1-13	N	03-129	27 IR 3627						
327 IAC 2-1.5-2	A	03-129	27 IR 3631						
327 IAC 2-1.5-6	A	03-129	27 IR 3637						
327 IAC 2-1.5-8	A	03-129	27 IR 3638						
327 IAC 2-1.5-10	A	03-129	27 IR 3650						
327 IAC 2-1.5-11	A	03-129	27 IR 3651						
327 IAC 2-1.5-16	A	03-129	27 IR 3660						
327 IAC 2-1.5-20	A	03-129	27 IR 3662						
327 IAC 2-4-3	A	03-129	27 IR 3663						

Rules Affected by Volume 28

327 IAC 5-1.5-72	A	03-129	27 IR 3663	
327 IAC 5-2-1.5	A	03-129	27 IR 3663	
327 IAC 5-2-11.1	A	03-129	27 IR 3664	
327 IAC 5-2-11.2	A	03-129	27 IR 3668	
327 IAC 5-2-11.4	A	03-129	27 IR 3669	
327 IAC 5-2-11.5	A	03-129	27 IR 3679	
327 IAC 5-2-11.6	A	03-129	27 IR 3689	
327 IAC 5-2-13	A	03-129	27 IR 3694	
327 IAC 5-2-15	A	03-129	27 IR 3694	
327 IAC 5-3.5	N	03-130	28 IR 650	*CPH (28 IR 1197)
327 IAC 8-2-1	A	04-13	28 IR 1206	
327 IAC 8-2-4	A	04-13	28 IR 1210	
327 IAC 8-2-4.1	A	04-13	28 IR 1212	
327 IAC 8-2-4.2	A	04-13	28 IR 1217	
327 IAC 8-2-5.1	A	04-13	28 IR 1220	
327 IAC 8-2-5.2	A	04-13	28 IR 1222	
327 IAC 8-2-5.5	A	04-13	28 IR 1225	
327 IAC 8-2-8.5	A	04-13	28 IR 1228	
327 IAC 8-2-8.7	A	04-13	28 IR 1229	
327 IAC 8-2-9	A	04-13	28 IR 1230	
327 IAC 8-2-10.1	A	04-13	28 IR 1230	
327 IAC 8-2-10.2	A	04-13	28 IR 1233	
327 IAC 8-2-10.3	N	04-13	28 IR 1237	
327 IAC 8-2-13	A	04-13	28 IR 1239	
327 IAC 8-2-34	A	04-13	28 IR 1239	
327 IAC 8-2-34.1	N	04-13	28 IR 1240	
327 IAC 8-2-45	A	04-13	28 IR 1240	
327 IAC 8-2-46	A	04-13	28 IR 1242	
327 IAC 8-2.1-3	A	04-13	28 IR 1244	
327 IAC 8-2.1-4	A	04-13	28 IR 1247	
327 IAC 8-2.1-6	A	04-13	28 IR 1248	
327 IAC 8-2.1-8	A	04-13	28 IR 1255	
327 IAC 8-2.1-9	A	04-13	28 IR 1256	
327 IAC 8-2.1-14	A	04-13	28 IR 1257	
327 IAC 8-2.1-16	A	04-13	28 IR 1257	
327 IAC 8-2.1-17	A	04-13	28 IR 1261	
327 IAC 8-2.6-1	A	04-13	28 IR 1268	
327 IAC 8-2.6-2	A	04-13	28 IR 1269	
327 IAC 8-2.6-2.1	N	04-13	28 IR 1271	
327 IAC 8-2.6-3	A	04-13	28 IR 1273	
327 IAC 8-2.6-4	A	04-13	28 IR 1274	
327 IAC 8-2.6-5	A	04-13	28 IR 1274	
327 IAC 15-14				*ERR (28 IR 214)
327 IAC 17	N	04-228	28 IR 1288	

TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD

328 IAC 1-1-2	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 123
328 IAC 1-1-3	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 123
328 IAC 1-1-4	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 124
328 IAC 1-1-5.1	A	02-204	27 IR 2778	*CPH (27 IR 3095) 28 IR 124
328 IAC 1-1-7.5	N	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 124
328 IAC 1-1-8	R	02-204	27 IR 2797	*CPH (27 IR 3095) 28 IR 144
328 IAC 1-1-8.3	N	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 124
328 IAC 1-1-8.5	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125
328 IAC 1-1-9	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125
328 IAC 1-1-10	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125
328 IAC 1-2-1	A	02-204	27 IR 2779	*CPH (27 IR 3095) 28 IR 125

328 IAC 1-2-3	A	02-204	27 IR 2780	*CPH (27 IR 3095) 28 IR 125
328 IAC 1-3-1	A	02-204	27 IR 2780	*CPH (27 IR 3095) 28 IR 126
328 IAC 1-3-1.3	N	02-204	27 IR 2780	*CPH (27 IR 3095) 28 IR 126
328 IAC 1-3-1.6	N	02-204	27 IR 2781	*CPH (27 IR 3095) 28 IR 127
328 IAC 1-3-2	A	02-204	27 IR 2781	*CPH (27 IR 3095) 28 IR 127
328 IAC 1-3-3	A	02-204	27 IR 2781	*CPH (27 IR 3095) 28 IR 127 *ERR (28 IR 608)
328 IAC 1-3-4	A	02-204	27 IR 2783	*CPH (27 IR 3095) 28 IR 129
328 IAC 1-3-5	A	02-204	27 IR 2784	*CPH (27 IR 3095) 28 IR 129
328 IAC 1-3-6	A	02-204	27 IR 2791	*CPH (27 IR 3095) 28 IR 137
328 IAC 1-4-1	A	02-204	27 IR 2791	*CPH (27 IR 3095) 28 IR 137 *ERR (28 IR 608)
328 IAC 1-4-1.5	N	02-204		†† 28 IR 140
328 IAC 1-4-3	A	02-204	27 IR 2794	*CPH (27 IR 3095) 28 IR 141 *ERR (28 IR 608)
328 IAC 1-4-4	N	02-204	27 IR 2795	*CPH (27 IR 3095) 28 IR 141 *ERR (28 IR 608)
328 IAC 1-4-5	N	02-204		†† 28 IR 141
328 IAC 1-5-1	A	02-204	27 IR 2795	*CPH (27 IR 3095) 28 IR 142
328 IAC 1-5-2	A	02-204	27 IR 2796	*CPH (27 IR 3095) 28 IR 142
328 IAC 1-5-3	A	02-204	27 IR 2796	*CPH (27 IR 3095) 28 IR 143
328 IAC 1-6-1	A	02-204	27 IR 2796	*CPH (27 IR 3095) 28 IR 143
328 IAC 1-6-2	A	02-204	27 IR 2796	*CPH (27 IR 3095) 28 IR 143
328 IAC 1-7-2	A	02-204	27 IR 2797	*CPH (27 IR 3095) 28 IR 144
328 IAC 1-7-3	R	02-204	27 IR 2797	*CPH (27 IR 3095) 28 IR 144

TITLE 329 SOLID WASTE MANAGEMENT BOARD

329 IAC 3.1-1-7	A	03-312	27 IR 4110	
329 IAC 3.1-6-2	A	03-312	27 IR 4111	
329 IAC 3.1-6-3	A	03-312	27 IR 4112	
329 IAC 3.1-7.5	N	03-312	27 IR 4112	
329 IAC 3.1-12-2	A	03-312	27 IR 4113	
329 IAC 3.1-13-2	A	03-312	27 IR 4114	
329 IAC 9-1-1	A	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 145
329 IAC 9-1-4	A	01-161	27 IR 3177 26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521) 28 IR 145

Rules Affected by Volume 28

329 IAC 9-1-10.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-14.3	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3178	28 IR 146
329 IAC 9-1-10.2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-14.5	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3178	28 IR 146
329 IAC 9-1-10.4	N	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-14.7	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3177	28 IR 146				27 IR 3178	28 IR 146
329 IAC 9-1-10.6	N	01-161	26 IR 1209	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-25	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	28 IR 146				27 IR 3178	28 IR 146
329 IAC 9-1-10.8	N	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-27	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	28 IR 146				27 IR 3178	28 IR 146
329 IAC 9-1-14	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-29.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3178	28 IR 146				27 IR 3178	28 IR 147
329 IAC 9-1-14.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-1-36	A	01-161	26 IR 1210	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3179	28 IR 147

Rules Affected by Volume 28

329 IAC 9-1-36.5	N	01-161	27 IR 3179	28 IR 147	329 IAC 9-2-1	A	01-161	26 IR 1211	*CPH (26 IR 1962)
329 IAC 9-1-39.5	N	01-161	26 IR 1211	*CPH (26 IR 1962)					*CPH (26 IR 2646)
				*CPH (26 IR 2646)					*CPH (26 IR 3073)
				*CPH (26 IR 3073)					*CPH (26 IR 3367)
				*CPH (26 IR 3367)					*CPH (26 IR 3671)
				*CPH (26 IR 3671)					*CPH (27 IR 2299)
				*CPH (27 IR 2299)					*CPH (27 IR 2300)
				*CPH (27 IR 2300)					*ARR (27 IR 2500)
				*ARR (27 IR 2500)					*CPH (27 IR 2521)
				*CPH (27 IR 2521)					
			27 IR 3179	28 IR 147				27 IR 3179	28 IR 148
329 IAC 9-1-41	R	01-161	26 IR 1239	*CPH (26 IR 1962)	329 IAC 9-2-2	A	01-161	26 IR 1214	*CPH (26 IR 1962)
				*CPH (26 IR 2646)					*CPH (26 IR 2646)
				*CPH (26 IR 3073)					*CPH (26 IR 3073)
				*CPH (26 IR 3367)					*CPH (26 IR 3367)
				*CPH (26 IR 3671)					*CPH (26 IR 3671)
				*CPH (27 IR 2299)					*CPH (27 IR 2299)
				*CPH (27 IR 2300)					*CPH (27 IR 2300)
				*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3182	28 IR 150
329 IAC 9-1-41.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)	329 IAC 9-2.1-1	A	01-161	26 IR 1215	*ERR (28 IR 608)
				*CPH (26 IR 2646)					*CPH (26 IR 1962)
				*CPH (26 IR 3073)					*CPH (26 IR 2646)
				*CPH (26 IR 3367)					*CPH (26 IR 3073)
				*CPH (26 IR 3671)					*CPH (26 IR 3367)
				*CPH (27 IR 2299)					*CPH (26 IR 3671)
				*CPH (27 IR 2300)					*CPH (27 IR 2299)
				*ARR (27 IR 2500)					*CPH (27 IR 2300)
				*CPH (27 IR 2521)					*ARR (27 IR 2500)
			27 IR 3209	28 IR 177				27 IR 3183	28 IR 151
329 IAC 9-1-41.5	N	01-161	26 IR 1211	*CPH (26 IR 1962)	329 IAC 9-3-1	A	01-161	26 IR 1216	*CPH (26 IR 1962)
				*CPH (26 IR 2646)					*CPH (26 IR 2646)
				*CPH (26 IR 3073)					*CPH (26 IR 3073)
				*CPH (26 IR 3367)					*CPH (26 IR 3367)
				*CPH (26 IR 3671)					*CPH (26 IR 3671)
				*CPH (27 IR 2299)					*CPH (27 IR 2299)
				*CPH (27 IR 2300)					*CPH (27 IR 2300)
				*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
			27 IR 3179	28 IR 147				27 IR 3184	28 IR 152
329 IAC 9-1-42.1	R	01-161	26 IR 1239	*CPH (26 IR 1962)	329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962)
				*CPH (26 IR 2646)					*CPH (26 IR 2646)
				*CPH (26 IR 3073)					*CPH (26 IR 3073)
				*CPH (26 IR 3367)					*CPH (26 IR 3367)
				*CPH (26 IR 3671)					*CPH (26 IR 3671)
				*CPH (27 IR 2299)					*CPH (27 IR 2299)
				*CPH (27 IR 2300)					*CPH (27 IR 2300)
				*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3187	28 IR 155
329 IAC 9-1-47	A	01-161	26 IR 1211	*CPH (26 IR 1962)	329 IAC 9-3.1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962)
				*CPH (26 IR 2646)					*CPH (26 IR 2646)
				*CPH (26 IR 3073)					*CPH (26 IR 3073)
				*CPH (26 IR 3367)					*CPH (26 IR 3367)
				*CPH (26 IR 3671)					*CPH (26 IR 3671)
				*CPH (27 IR 2299)					*CPH (27 IR 2299)
				*CPH (27 IR 2300)					*CPH (27 IR 2300)
				*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
			27 IR 3179	28 IR 147				27 IR 3187	28 IR 155
329 IAC 9-1-47.1	A	01-161	26 IR 1211	*CPH (26 IR 1962)	329 IAC 9-3.1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962)
				*CPH (26 IR 2646)					*CPH (26 IR 2646)
				*CPH (26 IR 3073)					*CPH (26 IR 3073)
				*CPH (26 IR 3367)					*CPH (26 IR 3367)
				*CPH (26 IR 3671)					*CPH (26 IR 3671)
				*CPH (27 IR 2299)					*CPH (27 IR 2299)
				*CPH (27 IR 2300)					*CPH (27 IR 2300)
				*ARR (27 IR 2500)					*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
			27 IR 3179	28 IR 147				27 IR 3187	28 IR 155

Rules Affected by Volume 28

329 IAC 9-3.1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-3.2	N	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3188	28 IR 156				27 IR 3192	28 IR 160
329 IAC 9-3.1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-4.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3188	28 IR 156				27 IR 3209	28 IR 177
329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-4.2	N	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3189	28 IR 157				27 IR 3192	28 IR 160
329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-5.1	A	01-161	26 IR 1224	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3189	28 IR 158				27 IR 3193	28 IR 161
329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-6	A	01-161	26 IR 1226	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3190	28 IR 158				27 IR 3196	28 IR 164
329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-7	A	01-161	26 IR 1227	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3191	28 IR 160				27 IR 3196	28 IR 165
329 IAC 9-5-3.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-1	A	01-161	26 IR 1229	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3199	28 IR 168

Rules Affected by Volume 28

329 IAC 9-6-2	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-4	A	01-161	26 IR 1237	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3209	28 IR 177				27 IR 3207	28 IR 175
329 IAC 9-6-2.5	N	01-161	26 IR 1230	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-5	A	01-161	27 IR 3209	28 IR 177
					329 IAC 9-7-6	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3200	28 IR 168				27 IR 3209	28 IR 177
329 IAC 9-6-3	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-2-112	A	04-256	28 IR 1301	
					329 IAC 10-8.2				*ERR (28 IR 608)
					329 IAC 10-9-2				*ERR (28 IR 608)
					329 IAC 10-9-4				*ERR (28 IR 1485)
			27 IR 3204	28 IR 172	329 IAC 10-11-6.5	N	04-256	28 IR 1301	
329 IAC 9-6-4	A	01-161	26 IR 1234	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-20-14.1				*ERR (28 IR 608)
					329 IAC 10-36-19				*ERR (28 IR 608)
			27 IR 3204	28 IR 173	329 IAC 11-3-2				*ERR (28 IR 608)
					329 IAC 11-8-2.5				*ERR (28 IR 608)
					329 IAC 11-19-3				*ERR (28 IR 608)
					329 IAC 11-20-1				*ERR (27 IR 4023)
			27 IR 3204	28 IR 173	329 IAC 12-8-4	A	03-286	27 IR 3696	
					329 IAC 12-8-5	A	03-286	27 IR 3697	
					329 IAC 12-9-2	A	03-286	27 IR 3698	
					329 IAC 13-3-1	A	03-312	27 IR 4115	
					329 IAC 13-3-4	N	03-312	27 IR 4116	
					329 IAC 13-9-5	A	03-312	27 IR 4117	
					329 IAC 15-1-1				*ER (28 IR 214)
329 IAC 9-6-5	A	01-161	26 IR 1235	*ERR (28 IR 1184) *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH				
			27 IR 3205	28 IR 173	345 IAC 1-3-6.5	R	04-147	27 IR 4136	
329 IAC 9-7-1	A	01-161	26 IR 1235	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	345 IAC 1-3-7	A	04-147	27 IR 4120	
					345 IAC 1-3-9	R	04-147	27 IR 4136	
					345 IAC 1-3-10	A	04-147	27 IR 4121	
					345 IAC 2-4.1	R	04-147	27 IR 4136	
					345 IAC 2.5	N	04-147	27 IR 4121	
					345 IAC 4-4-1	A	04-135	27 IR 4118	28 IR 1473
			27 IR 3205	28 IR 173	345 IAC 6-2	N	04-158	28 IR 1000	
329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	345 IAC 7-5-12	A	04-147	27 IR 4135	
					345 IAC 7-5-15.1	A	04-16	27 IR 2797	28 IR 559
					345 IAC 7-5-22	A	04-16	27 IR 2798	28 IR 559
					345 IAC 10-2-5	N	04-135	27 IR 4119	28 IR 1473
					345 IAC 10-2.1-1	A	04-135	27 IR 4119	28 IR 1474
			27 IR 3205	28 IR 173	TITLE 357 INDIANA PESTICIDE REVIEW BOARD				
329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	357 IAC 1-6-1	A	04-160	28 IR 253	
					357 IAC 1-6-2	A	04-160	28 IR 254	
					357 IAC 1-6-3	R	04-160	28 IR 257	
					357 IAC 1-6-4	A	04-160	28 IR 256	
					357 IAC 1-6-5	A	04-160	28 IR 256	
					357 IAC 1-6-6	A	04-160	28 IR 256	
					357 IAC 1-6-7	N	04-160	28 IR 257	
					357 IAC 1-6-8	N	04-160	28 IR 257	
					357 IAC 1-7-1	A	04-159	28 IR 249	
					357 IAC 1-7-2	A	04-159	28 IR 250	
					357 IAC 1-7-3	R	04-159	28 IR 252	
			27 IR 3206	28 IR 174	357 IAC 1-7-4	A	04-159	28 IR 251	

Rules Affected by Volume 28

357 IAC 1-7-5	A	04-159	28 IR 252
357 IAC 1-7-6	A	04-159	28 IR 252
357 IAC 1-7-7	N	04-159	28 IR 252
357 IAC 1-7-8	N	04-159	28 IR 252

TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

405 IAC 1-1-5	A	04-178	28 IR 258	*NRA (28 IR 1497)
405 IAC 1-1.5-1	A	04-142	27 IR 3699	*NRA (28 IR 619)
				28 IR 815
				*ERR (28 IR 970)
405 IAC 1-1.5-2	A	04-178	28 IR 259	*NRA (28 IR 1497)
405 IAC 1-1.6	N	04-142	27 IR 3699	*NRA (28 IR 619)
				28 IR 816
				*ERR (28 IR 970)
405 IAC 1-5-1	A	04-219	28 IR 655	*NRA (28 IR 1497)
405 IAC 2-3-10	A	03-263	27 IR 1210	*ARR (27 IR 4024)
				*NRA (27 IR 4044)
				28 IR 178
405 IAC 5-1-5	A	04-178	28 IR 260	*NRA (28 IR 1497)
405 IAC 5-3-13	A	04-178	28 IR 260	*NRA (28 IR 1497)
405 IAC 5-9-1	A	04-178	28 IR 261	*NRA (28 IR 1497)
405 IAC 5-19-1	A	04-178	28 IR 261	*NRA (28 IR 1497)
405 IAC 5-19-3	A	03-207	27 IR 267	*AROC (27 IR 2342)
405 IAC 5-19-10	A	04-178	28 IR 262	*NRA (28 IR 1497)
405 IAC 5-26-5	A	04-178	28 IR 262	*NRA (28 IR 1497)
405 IAC 6-2-5	A	04-95	27 IR 3210	*NRA (27 IR 4044)
				28 IR 179
405 IAC 6-3-3	A	04-95	27 IR 3210	*NRA (27 IR 4044)
				28 IR 180
405 IAC 6-4-2	A	04-95	27 IR 3210	*NRA (27 IR 4044)
				28 IR 180
405 IAC 6-4-3	A	04-95	27 IR 3211	*NRA (27 IR 4044)
				28 IR 180
405 IAC 6-5-1	A	04-95	27 IR 3211	*NRA (27 IR 4044)
				28 IR 181
405 IAC 6-5-2	A	04-95	27 IR 3211	*NRA (27 IR 4044)
				28 IR 181
405 IAC 6-5-3	A	04-95	27 IR 3211	*NRA (27 IR 4044)
				28 IR 181
405 IAC 6-5-4	A	04-95	27 IR 3212	*NRA (27 IR 4044)
				28 IR 181
405 IAC 6-5-6	A	04-95	27 IR 3212	*NRA (27 IR 4044)
				28 IR 182

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

410 IAC 6-12-0.5	N	03-276	27 IR 3212	28 IR 818
410 IAC 6-12-1	A	03-276	27 IR 3212	28 IR 818
410 IAC 6-12-2	R	03-276	27 IR 3216	28 IR 821
410 IAC 6-12-3	A	03-276	27 IR 3213	28 IR 818
410 IAC 6-12-3.1	N	03-276	27 IR 3213	28 IR 818
410 IAC 6-12-3.2	N	03-276	27 IR 3213	28 IR 818
410 IAC 6-12-4	A	03-276	27 IR 3213	28 IR 818
410 IAC 6-12-5	R	03-276	27 IR 3216	28 IR 821
410 IAC 6-12-6	R	03-276	27 IR 3216	28 IR 821
410 IAC 6-12-7	A	03-276	27 IR 3213	28 IR 818
410 IAC 6-12-8	A	03-276	27 IR 3213	28 IR 819
410 IAC 6-12-9	A	03-276	27 IR 3214	28 IR 820
410 IAC 6-12-10	A	03-276	27 IR 3215	28 IR 820
410 IAC 6-12-11	A	03-276	27 IR 3215	28 IR 820
410 IAC 6-12-12	A	03-276	27 IR 3215	28 IR 820
410 IAC 6-12-13	A	03-276	27 IR 3215	28 IR 820
410 IAC 6-12-14	A	03-276	27 IR 3215	28 IR 821
410 IAC 6-12-15	R	03-276	27 IR 3216	28 IR 821
410 IAC 6-12-17	N	03-276	27 IR 3216	28 IR 821
410 IAC 7-20	R	04-60	27 IR 3301	28 IR 906
410 IAC 7-23-1	A	04-60	27 IR 3301	28 IR 908
410 IAC 7-24	N	04-60	27 IR 3216	28 IR 822

*ERR (28 IR 1485)

410 IAC 16.2-1.1-19.3	N	04-7	27 IR 2542	28 IR 189
410 IAC 16.2-3.1-2	A	03-297	27 IR 2536	28 IR 182
	A	04-7	27 IR 2542	28 IR 189
410 IAC 16.2-3.1-53	N	04-7	27 IR 2545	28 IR 192
410 IAC 16.2-5-1.1	A	03-297	27 IR 2539	28 IR 185
410 IAC 16.2-5-1.4	A	04-7	27 IR 2547	28 IR 193
410 IAC 16.2-5-13	N	04-7	27 IR 2548	28 IR 194
410 IAC 21-3-6	R	04-161	28 IR 657	
410 IAC 21-3-8	A	04-161	28 IR 656	
410 IAC 21-3-9	A	04-161	28 IR 656	

TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION

440 IAC 7.5-1-1	A	04-229	28 IR 657	*NRA (28 IR 1497)
440 IAC 7.5-2-1	A	04-229	28 IR 660	*NRA (28 IR 1497)
440 IAC 7.5-2-8	A	04-229	28 IR 661	*NRA (28 IR 1497)
440 IAC 7.5-2-12	A	04-229	28 IR 661	*NRA (28 IR 1497)
440 IAC 7.5-2-13	A	04-229	28 IR 662	*NRA (28 IR 1497)
440 IAC 7.5-3-3	A	04-229	28 IR 663	*NRA (28 IR 1497)
440 IAC 7.5-3-4	A	04-229	28 IR 664	*NRA (28 IR 1497)
440 IAC 7.5-3-7	A	04-229	28 IR 664	*NRA (28 IR 1497)
440 IAC 7.5-4-7	A	04-229	28 IR 664	*NRA (28 IR 1497)
440 IAC 7.5-4-8	A	04-229	28 IR 665	*NRA (28 IR 1497)
440 IAC 7.5-5-1	A	04-229	28 IR 665	*NRA (28 IR 1497)
440 IAC 7.5-8-1	A	04-229	28 IR 666	*NRA (28 IR 1497)
440 IAC 7.5-8-2	A	04-229	28 IR 666	*NRA (28 IR 1497)
440 IAC 7.5-8-3	A	04-229	28 IR 666	*NRA (28 IR 1497)
440 IAC 7.5-9-1	A	04-229	28 IR 666	*NRA (28 IR 1497)
440 IAC 7.5-9-2	A	04-229	28 IR 666	*NRA (28 IR 1497)
440 IAC 7.5-9-3	A	04-229	28 IR 667	*NRA (28 IR 1497)
440 IAC 7.5-10-1	A	04-229	28 IR 667	*NRA (28 IR 1497)
440 IAC 7.5-10-2	A	04-229	28 IR 667	*NRA (28 IR 1497)
440 IAC 7.5-10-3	N	04-229	28 IR 667	*NRA (28 IR 1497)
440 IAC 7.5-11	N	04-229	28 IR 667	*NRA (28 IR 1497)

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

460 IAC 1-10	N	03-231	27 IR 3303	*NRA (28 IR 233)
				28 IR 910
460 IAC 1.1	N	03-245	27 IR 2799	*AROC (27 IR 3344)
				*NRA (28 IR 233)
				28 IR 912
460 IAC 1-3-4	N	04-75	28 IR 1002	*NRA (28 IR 1497)
460 IAC 1-8-3	A	04-199	28 IR 1007	*NRA (28 IR 1497)
460 IAC 1-8-11	N	04-199	28 IR 1007	*NRA (28 IR 1497)
460 IAC 1-8-12	N	04-199	28 IR 1008	*NRA (28 IR 1497)
460 IAC 1-8-13	N	04-199	28 IR 1008	*NRA (28 IR 1497)
460 IAC 1-11	N	04-136	28 IR 1004	*NRA (28 IR 1497)
460 IAC 2-2.1	N	04-76	27 IR 3701	*NRA (28 IR 233)
460 IAC 3.5-2-3	N	04-269	28 IR 1303	

TITLE 470 DIVISION OF FAMILY AND CHILDREN

470 IAC 3-1.1-0.5	A	04-77	27 IR 2837	*NRA (28 IR 1196)
				*AROC (28 IR 1317)
470 IAC 3-1.1-1	A	04-77	27 IR 2838	*NRA (28 IR 1196)
				*AROC (28 IR 1317)
470 IAC 3-1.1-2	A	04-77	27 IR 2838	*NRA (28 IR 1196)
				*AROC (28 IR 1317)
470 IAC 3-1.1-4	A	04-77	27 IR 2838	*NRA (28 IR 1196)
				*AROC (28 IR 1317)
470 IAC 3-1.1-6	A	04-77	27 IR 2838	*NRA (28 IR 1196)
				*AROC (28 IR 1317)
470 IAC 3-1.1-7.2	A	04-77	27 IR 2838	*NRA (28 IR 1196)
				*AROC (28 IR 1317)
470 IAC 3-1.1-7.4	A	04-77	27 IR 2839	*NRA (28 IR 1196)
				*AROC (28 IR 1317)
470 IAC 3-1.1-8	A	04-77	27 IR 2839	*NRA (28 IR 1196)
				*AROC (28 IR 1317)
470 IAC 3-1.1-9	R	04-77	27 IR 2857	*NRA (28 IR 1196)
				*AROC (28 IR 1317)

Rules Affected by Volume 28

470 IAC 3-1.1-10	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.1-45.5	N	04-77	27 IR 2850	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-12	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.1-46	A	04-77	27 IR 2851	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-12.5	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.1-47	A	04-77	27 IR 2852	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-13	A	04-77	27 IR 2839	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.1-48	A	04-77	27 IR 2852	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-14	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.1-50	N	04-77	27 IR 2853	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-15	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.1-51	N	04-77	27 IR 2853	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-16	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.2-2	A	04-77	27 IR 2853	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-20	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.2-3	A	04-77	27 IR 2853	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-20.1	N	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.2-3.2	N	04-77	27 IR 2853	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-22.5	A	04-77	27 IR 2840	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.2-4	A	04-77	27 IR 2854	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-24	A	04-77	27 IR 2841	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.2-5	A	04-77	27 IR 2854	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-28	A	04-77	27 IR 2841	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.2-6	A	04-77	27 IR 2854	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-28.5	A	04-77	27 IR 2842	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.2-7	A	04-77	27 IR 2855	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-29	A	04-77	27 IR 2842	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.2-8	N	04-77	27 IR 2855	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-29.5	A	04-77	27 IR 2842	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.3-1	A	04-77	27 IR 2855	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-32	R	04-77	27 IR 2857	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.3-2	N	04-77	27 IR 2855	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-32.1	N	04-77	27 IR 2843	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.3-3	N	04-77	27 IR 2855	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-33	A	04-77	27 IR 2845	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.3-4	N	04-77	27 IR 2856	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-33.5	A	04-77	27 IR 2845	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.3-5	N	04-77	27 IR 2856	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-34	A	04-77	27 IR 2845	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.3-6	N	04-77	27 IR 2856	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-35	A	04-77	27 IR 2846	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-1.3-7	N	04-77	27 IR 2856	*NRA (28 IR 1196) *AROC (28 IR 1317)
470 IAC 3-1.1-36.5	A	04-77	27 IR 2846	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-4.8	N	03-232	27 IR 1626	*AROC (27 IR 2882) *NRA (27 IR 4044)
470 IAC 3-1.1-36.6	N	04-77	27 IR 2846	*NRA (28 IR 1196) *AROC (28 IR 1317)	470 IAC 3-18	N	03-233	27 IR 1627	28 IR 196 *AROC (27 IR 3345) *NRA (28 IR 233)
470 IAC 3-1.1-37	A	04-77	27 IR 2846	*NRA (28 IR 1196) *AROC (28 IR 1317)					28 IR 950
470 IAC 3-1.1-38	A	04-77	27 IR 2847	*NRA (28 IR 1196) *AROC (28 IR 1317)	TITLE 511 INDIANA STATE BOARD OF EDUCATION				
470 IAC 3-1.1-38.5	N	04-77	27 IR 2847	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 1-3-1	A	04-101	27 IR 3305	28 IR 965
470 IAC 3-1.1-39	A	04-77	27 IR 2848	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 1-9	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-40	A	04-77	27 IR 2848	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 5-2-4.5	N	04-214	28 IR 668	
470 IAC 3-1.1-41	A	04-77	27 IR 2848	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 6-7-1	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-41.1	N	04-77	27 IR 2848	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 6-7-6	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-41.2	N	04-77	27 IR 2848	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 6-7-6.5	A	04-36	27 IR 2552	28 IR 959
470 IAC 3-1.1-42	A	04-77	27 IR 2849	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 6-7.1	N	04-277	28 IR 1303	
470 IAC 3-1.1-44	A	04-77	27 IR 2849	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 6.1-2-2.5	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-44.5	N	04-77	27 IR 2850	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 6.1-5-4	RA	04-47	27 IR 2879	28 IR 323
470 IAC 3-1.1-45	A	04-77	27 IR 2850	*NRA (28 IR 1196) *AROC (28 IR 1317)	511 IAC 6.1-5.1-2	A	04-36	27 IR 2553	28 IR 960
					511 IAC 6.1-5.1-3	A	04-36	27 IR 2553	28 IR 960
					511 IAC 6.1-5.1-4	A	04-36	27 IR 2554	28 IR 961
					511 IAC 6.1-5.1-5	A	04-36	27 IR 2555	28 IR 962
					511 IAC 6.1-5.1-6	A	04-36	27 IR 2555	28 IR 962
					511 IAC 6.1-5.1-8	A	04-36	27 IR 2556	28 IR 963
					511 IAC 6.1-5.1-9	A	04-36	27 IR 2557	28 IR 964
					511 IAC 6.1-5.1-10.1	A	04-22	27 IR 2550	28 IR 957
					511 IAC 8	RA	04-47	27 IR 2879	28 IR 323
					TITLE 514 INDIANA SCHOOL FOR THE DEAF BOARD				
					514 IAC	N	03-298	27 IR 1634	28 IR 197

Rules Affected by Volume 28

TITLE 515 PROFESSIONAL STANDARDS BOARD

515 IAC 1-4-1	A	03-320	27 IR 2558	*ARR (28 IR 610) 28 IR 1475
515 IAC 1-4-2	A	03-320	27 IR 2558	*ARR (28 IR 610) 28 IR 1475
515 IAC 8-1-23	A	03-321	27 IR 2330	*ARR (28 IR 610) 28 IR 1477
515 IAC 8-1-42	A	03-321	27 IR 2330	*ARR (28 IR 610) 28 IR 1478
515 IAC 9	N	03-11	26 IR 2451	*CPH (26 IR 2648) 27 IR 1169
515 IAC 9-1-22	A	03-322	27 IR 2331	*ARR (28 IR 610) 28 IR 1479
515 IAC 10	N	04-197	28 IR 263	
515 IAC 12	N	04-141	27 IR 3703	

TITLE 540 INDIANA EDUCATION SAVINGS AUTHORITY

540 IAC 1-1-11	RA	04-54	27 IR 2880	*CPH (27 IR 3096) 28 IR 324
540 IAC 1-1-17	RA	04-54	27 IR 2880	*CPH (27 IR 3096) 28 IR 324

TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT

646 IAC 3-1-12	N	03-317	27 IR 2858	28 IR 560
646 IAC 3-1-13	N	03-317	27 IR 2858	28 IR 561
646 IAC 3-4-11	N	03-317	27 IR 2858	28 IR 561
646 IAC 3-5-1	A	03-317	27 IR 2859	28 IR 561

TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

655 IAC 1-1-5.1	A	04-138	28 IR 1009	*AROC (28 IR 1073)
655 IAC 1-2.1-3	A	04-138	28 IR 1012	*AROC (28 IR 1073)
655 IAC 1-2.1-4	A	04-138	28 IR 1012	*AROC (28 IR 1073)
655 IAC 1-2.1-5	A	04-138	28 IR 1013	*AROC (28 IR 1073)
655 IAC 1-2.1-6	A	04-138	28 IR 1013	*AROC (28 IR 1073)
655 IAC 1-2.1-6.1	A	04-138	28 IR 1013	*AROC (28 IR 1073)
655 IAC 1-2.1-6.2	A	04-138	28 IR 1013	*AROC (28 IR 1073)
655 IAC 1-2.1-6.3	A	04-138	28 IR 1014	*AROC (28 IR 1073)
655 IAC 1-2.1-6.4	A	04-138	28 IR 1014	*AROC (28 IR 1073)
655 IAC 1-2.1-7.1	N	04-138	28 IR 1014	*AROC (28 IR 1073)
655 IAC 1-2.1-8	A	04-138	28 IR 1016	*AROC (28 IR 1073)
655 IAC 1-2.1-9	A	04-138	28 IR 1016	*AROC (28 IR 1073)
655 IAC 1-2.1-10	A	04-138	28 IR 1016	*AROC (28 IR 1073)
655 IAC 1-2.1-11	A	04-138	28 IR 1017	*AROC (28 IR 1073)
655 IAC 1-2.1-12	A	04-138	28 IR 1017	*AROC (28 IR 1073)
655 IAC 1-2.1-13	A	04-138	28 IR 1017	*AROC (28 IR 1073)
655 IAC 1-2.1-14	A	04-138	28 IR 1017	*AROC (28 IR 1073)
655 IAC 1-2.1-15	A	04-138	28 IR 1017	*AROC (28 IR 1073)
655 IAC 1-2.1-20	A	04-138	28 IR 1018	*AROC (28 IR 1073)
655 IAC 1-2.1-22	A	04-138	28 IR 1018	*AROC (28 IR 1073)
655 IAC 1-2.1-23	A	04-138	28 IR 1018	*AROC (28 IR 1073)
655 IAC 1-2.1-23.1	A	04-138	28 IR 1019	*AROC (28 IR 1073)
655 IAC 1-2.1-24	A	04-138	28 IR 1019	*AROC (28 IR 1073)
655 IAC 1-2.1-24.1	A	04-138	28 IR 1019	*AROC (28 IR 1073)
655 IAC 1-2.1-24.2	A	04-138	28 IR 1019	*AROC (28 IR 1073)
655 IAC 1-2.1-24.3	A	04-138	28 IR 1019	*AROC (28 IR 1073)
655 IAC 1-2.1-75	A	04-138	28 IR 1020	*AROC (28 IR 1073)
655 IAC 1-2.1-75.2	A	04-138	28 IR 1020	*AROC (28 IR 1073)
655 IAC 1-2.1-75.3	A	04-138	28 IR 1020	*AROC (28 IR 1073)
655 IAC 1-2.1-75.4	A	04-138	28 IR 1021	*AROC (28 IR 1073)
655 IAC 1-2.1-75.5	A	04-138	28 IR 1021	*AROC (28 IR 1073)
655 IAC 1-2.1-76.1	A	04-138	28 IR 1022	*AROC (28 IR 1073)
655 IAC 1-2.1-76.2	R	04-138	28 IR 1029	*AROC (28 IR 1073)
655 IAC 1-2.1-76.3	R	04-138	28 IR 1029	*AROC (28 IR 1073)
655 IAC 1-2.1-96	N	04-138	28 IR 1022	*AROC (28 IR 1073)
655 IAC 1-2.1-97	N	04-138	28 IR 1022	*AROC (28 IR 1073)
655 IAC 1-2.1-98	N	04-138	28 IR 1023	*AROC (28 IR 1073)
655 IAC 1-2.1-99	N	04-138	28 IR 1023	*AROC (28 IR 1073)
655 IAC 1-2.1-100	N	04-138	28 IR 1023	*AROC (28 IR 1073)

655 IAC 1-2.1-101	N	04-138	28 IR 1024	*AROC (28 IR 1073)
655 IAC 1-2.1-102	N	04-138	28 IR 1024	*AROC (28 IR 1073)
655 IAC 1-2.1-103	N	04-138	28 IR 1025	*AROC (28 IR 1073)
655 IAC 1-2.1-104	N	04-138	28 IR 1025	*AROC (28 IR 1073)
655 IAC 1-2.1-105	N	04-138	28 IR 1026	*AROC (28 IR 1073)
655 IAC 1-2.1-106	N	04-138	28 IR 1026	*AROC (28 IR 1073)
655 IAC 1-2.1-107	N	04-138	28 IR 1027	*AROC (28 IR 1073)
655 IAC 1-2.1-108	N	04-138	28 IR 1027	*AROC (28 IR 1073)
655 IAC 1-2.1-109	N	04-138	28 IR 1027	*AROC (28 IR 1073)
655 IAC 1-2.1-110	N	04-138	28 IR 1027	*AROC (28 IR 1073)
655 IAC 1-3-8	R	03-186	27 IR 941	*AROC (27 IR 1652)
655 IAC 1-4-2	A	04-138	28 IR 1028	*AROC (28 IR 1073)

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

675 IAC 13-2.4-10	A	04-216	28 IR 1529	
675 IAC 13-2.4-19	A	04-216	28 IR 1529	
675 IAC 13-2.4-20	A	04-216	28 IR 1530	
675 IAC 13-2.4-22	A	04-216	28 IR 1530	
675 IAC 13-2.4-24.3	N	04-216	28 IR 1530	
675 IAC 13-2.4-32.5	N	04-216	28 IR 1530	
675 IAC 13-2.4-40.5	N	04-216	28 IR 1531	
675 IAC 13-2.4-40.6	N	04-216	28 IR 1531	
675 IAC 13-2.4-41.5	N	04-216	28 IR 1531	
675 IAC 13-2.4-42.7	N	04-216	28 IR 1531	
675 IAC 13-2.4-43.2	N	04-216	28 IR 1531	
675 IAC 13-2.4-43.6	N	04-216	28 IR 1531	
675 IAC 13-2.4-47	A	04-216	28 IR 1531	
675 IAC 13-2.4-55	A	04-216	28 IR 1533	
675 IAC 13-2.4-55.5	N	04-216	28 IR 1533	
675 IAC 13-2.4-56.5	N	04-216	28 IR 1533	
675 IAC 13-2.4-96.5	N	04-216	28 IR 1533	
675 IAC 13-2.4-105.6	N	04-216	28 IR 1533	
675 IAC 13-2.4-107.3	N	04-216	28 IR 1534	
675 IAC 13-2.4-107.5	N	04-216	28 IR 1534	
675 IAC 13-2.4-107.6	N	04-216	28 IR 1534	
675 IAC 13-2.4-118	A	04-216	28 IR 1534	
675 IAC 13-2.4-118.4	N	04-216	28 IR 1534	
675 IAC 13-2.4-121.5	N	04-216	28 IR 1534	
675 IAC 13-2.4-122	A	04-216	28 IR 1534	
675 IAC 13-2.4-122.5	N	04-216	28 IR 1535	
675 IAC 13-2.4-132	A	04-216	28 IR 1535	
675 IAC 13-2.4-132.3	N	04-216	28 IR 1535	
675 IAC 13-2.4-132.5	N	04-216	28 IR 1535	
675 IAC 13-2.4-133.5	N	04-216	28 IR 1535	
675 IAC 13-2.4-134.5	N	04-216	28 IR 1535	
675 IAC 13-2.4-143	A	04-216	28 IR 1535	
675 IAC 13-2.4-180.5	N	04-216	28 IR 1536	
675 IAC 13-2.4-201.5	N	04-216	28 IR 1536	
675 IAC 13-2.4-201.7	N	04-216	28 IR 1536	
675 IAC 13-2.4-210.3	N	04-216	28 IR 1536	
675 IAC 13-2.4-210.5	N	04-216	28 IR 1536	
675 IAC 13-2.4-213.3	N	04-216	28 IR 1536	
675 IAC 13-2.4-213.5	N	04-216	28 IR 1536	
675 IAC 13-2.4-213.7	N	04-216	28 IR 1536	
675 IAC 13-2.4-214.2	N	04-216	28 IR 1537	
675 IAC 13-2.4-214.4	N	04-216	28 IR 1537	
675 IAC 13-2.4-214.6	N	04-216	28 IR 1537	
675 IAC 13-2.4-214.7	N	04-216	28 IR 1537	
675 IAC 13-2.4-228.5	N	04-216	28 IR 1538	
675 IAC 14-4.2	R	04-194	28 IR 312	
675 IAC 14-4.2-3				*ERR (28 IR 970)
675 IAC 14-4.2-19.5				*ERR (28 IR 970)
675 IAC 14-4.2-20.5				*ERR (28 IR 970)
675 IAC 14-4.2-21				*ERR (28 IR 970)
675 IAC 14-4.2-26.5				*ERR (28 IR 970)
675 IAC 14-4.2-29				*ERR (28 IR 970)
675 IAC 14-4.2-30	A	04-8	27 IR 2333	28 IR 562
675 IAC 14-4.2-53.7				*ERR (28 IR 970)

Rules Affected by Volume 28

675 IAC 14-4.2-69.5				*ERR (28 IR 970)	675 IAC 22-2.2-243.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-69.6				*ERR (28 IR 970)	675 IAC 22-2.2-245.2	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-73.5				*ERR (28 IR 970)	675 IAC 22-2.2-245.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-81.2				*ERR (28 IR 970)	675 IAC 22-2.2-365.2	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-89.2	A	04-8	27 IR 2333	28 IR 562	675 IAC 22-2.2-365.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-89.6				*ERR (28 IR 970)	675 IAC 22-2.2-368.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-89.8				*ERR (28 IR 970)	675 IAC 22-2.2-369.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-107				*ERR (28 IR 970)	675 IAC 22-2.2-378.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.3	N	04-194	28 IR 268		675 IAC 22-2.2-412.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-1	R	04-227	28 IR 1053		675 IAC 22-2.2-437.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-2	R	04-227	28 IR 1053		675 IAC 22-2.2-437.7	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-3	R	04-227	28 IR 1053		675 IAC 22-2.2-443.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-5	R	04-227	28 IR 1053		675 IAC 22-2.2-511.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-6	R	04-227	28 IR 1054		675 IAC 22-2.2-515.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-7	R	04-227	28 IR 1054		675 IAC 22-2.2-540	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-8.1	R	04-227	28 IR 1054		675 IAC 22-2.3-29.5	N	04-56	27 IR 2860	*CPH (28 IR 982)
675 IAC 15-1-10	R	04-227	28 IR 1054		675 IAC 22-2.3-35.5	N	04-56	27 IR 2860	*CPH (28 IR 982)
675 IAC 15-1-11	R	04-227	28 IR 1054		675 IAC 22-2.3-36	A	04-56	27 IR 2860	*CPH (28 IR 982)
675 IAC 15-1-12	R	04-227	28 IR 1054		675 IAC 22-2.3-36.3	N	04-56	27 IR 2861	*CPH (28 IR 982)
675 IAC 15-1-13	R	04-227	28 IR 1054		675 IAC 22-2.3-36.4	N	04-56	27 IR 2861	*CPH (28 IR 982)
675 IAC 15-1-14	R	04-227	28 IR 1054		675 IAC 22-2.3-36.6	N	04-56	27 IR 2863	*CPH (28 IR 982)
675 IAC 15-1-16	R	04-227	28 IR 1054		675 IAC 22-2.3-36.8	N	04-56	27 IR 2863	*CPH (28 IR 982)
675 IAC 15-1-17	R	04-227	28 IR 1054		675 IAC 22-2.3-140.5	N	04-56	27 IR 2863	*CPH (28 IR 982)
675 IAC 15-1-19	R	04-227	28 IR 1054		675 IAC 22-2.3-147.5	N	04-56	27 IR 2863	*CPH (28 IR 982)
675 IAC 15-1-20	R	04-227	28 IR 1054		675 IAC 22-2.3-147.6	N	04-56	27 IR 2863	*CPH (28 IR 982)
675 IAC 15-1-21	R	04-227	28 IR 1054		675 IAC 22-2.3-148	A	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1-22	R	04-227	28 IR 1054		675 IAC 22-2.3-148.5	N	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1.1	N	04-227	28 IR 1037		675 IAC 22-2.3-237.5	N	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1.2	N	04-227	28 IR 1039		675 IAC 22-2.3-298.5	N	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1.3	N	04-227	28 IR 1046		675 IAC 22-2.3-304.5	N	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 15-1.4	N	04-227	28 IR 1048		675 IAC 25-1-7.2	N	04-218	28 IR 1310	
675 IAC 15-1.5	N	04-227	28 IR 1049		675 IAC 25-1-7.4	N	04-218	28 IR 1310	
675 IAC 15-1.6	N	04-227	28 IR 1051		675 IAC 25-1-7.6	N	04-218	28 IR 1310	
675 IAC 15-1.7	N	04-227	28 IR 1052		675 IAC 25-1-9.1	N	04-218	28 IR 1310	
675 IAC 17-1.6-12	A	03-71	26 IR 3737		675 IAC 25-1-9.3	N	04-218	28 IR 1310	
675 IAC 18-1.4-10.5	N	04-217	28 IR 1309		675 IAC 25-1-9.5	N	04-218	28 IR 1310	
675 IAC 18-1.4-11.5	N	04-217	28 IR 1309		675 IAC 25-1-9.7	N	04-218	28 IR 1310	
675 IAC 18-1.4-32.3	N	04-217	28 IR 1309		675 IAC 25-1-9.9	N	04-218	28 IR 1310	
675 IAC 18-1.4-32.5	N	04-217	28 IR 1309		675 IAC 26	N	04-196	28 IR 1031	*CPH (28 IR 1498)
675 IAC 18-1.4-49.5	N	04-217	28 IR 1309		675 IAC 27	N	04-275	28 IR 1538	
675 IAC 22-2.2-3	RA	04-19	27 IR 2339	28 IR 324	TITLE 685 REGULATED AMUSEMENT DEVICE SAFETY BOARD				
675 IAC 22-2.2-4	RA	04-19	27 IR 2339	28 IR 324	685 IAC 1	RA	04-124	27 IR 3343	28 IR 1072
675 IAC 22-2.2-5	RA	04-19	27 IR 2339	28 IR 324	TITLE 760 DEPARTMENT OF INSURANCE				
675 IAC 22-2.2-6	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-2	A	04-140	28 IR 1311	
675 IAC 22-2.2-7	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-3	A	04-140	28 IR 1311	
675 IAC 22-2.2-8	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-4	A	04-140	28 IR 1311	
675 IAC 22-2.2-9	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-5	A	04-140	28 IR 1311	
675 IAC 22-2.2-10	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-8	A	04-140	28 IR 1312	
675 IAC 22-2.2-11	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-10	N	04-140	28 IR 1313	
675 IAC 22-2.2-12	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-21-11	N	04-140	28 IR 1313	
675 IAC 22-2.2-13	RA	04-19	27 IR 2339	28 IR 324	760 IAC 1-50-3	A	04-139	27 IR 4136	28 IR 1482
675 IAC 22-2.2-15	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-50-4	A	04-139	27 IR 4136	28 IR 1482
675 IAC 22-2.2-16	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-50-5	A	04-139	27 IR 4137	28 IR 1483
675 IAC 22-2.2-17	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-60-1	RA	04-143	27 IR 3706	28 IR 1072
675 IAC 22-2.2-18	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-60-2	RA	04-143	27 IR 3706	28 IR 1072
675 IAC 22-2.2-21	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-60-4	RA	04-143	27 IR 3706	28 IR 1072
675 IAC 22-2.2-22	RA	04-19	27 IR 2340	28 IR 324	760 IAC 1-70	N	04-39	27 IR 2560	
675 IAC 22-2.2-23	RA	04-19	27 IR 2340	28 IR 324				28 IR 314	28 IR 1480
675 IAC 22-2.2-24	RA	04-19	27 IR 2340	28 IR 324	760 IAC 2-1-1	A	03-303	27 IR 3306	28 IR 563
675 IAC 22-2.2-25	RA	04-19	27 IR 2340	28 IR 324	760 IAC 2-2-1.5	N	03-303	27 IR 3306	28 IR 563
675 IAC 22-2.2-26	N	04-196	28 IR 1029	*CPH (28 IR 1498)	760 IAC 2-2-3.1	N	03-303	27 IR 3307	28 IR 563
675 IAC 22-2.2-49.5	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.2	N	03-303	27 IR 3307	28 IR 563
675 IAC 22-2.2-107.1	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.3	N	03-303	27 IR 3307	28 IR 564
675 IAC 22-2.2-134.5	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.4	N	03-303	27 IR 3307	28 IR 564
675 IAC 22-2.2-183	RA	04-19	27 IR 2340	28 IR 324	760 IAC 2-2-3.5	N	03-303	27 IR 3307	28 IR 564
	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.6	N	03-303	27 IR 3307	28 IR 564
675 IAC 22-2.2-221.5	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.7	N	03-303	27 IR 3307	28 IR 564
675 IAC 22-2.2-240.1	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.8	N	03-303	27 IR 3308	28 IR 565
675 IAC 22-2.2-241.1	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-8	A	03-303	27 IR 3308	28 IR 565
					760 IAC 2-3-1	A	03-303	27 IR 3308	28 IR 565

Rules Affected by Volume 28

760 IAC 2-3-2	A	03-303	27 IR 3308	28 IR 565
760 IAC 2-3-4	A	03-303	27 IR 3309	28 IR 566
760 IAC 2-3-6	A	03-303	27 IR 3310	28 IR 567
760 IAC 2-3-7	N	03-303	27 IR 3310	28 IR 567
760 IAC 2-3-8	N	03-303	27 IR 3311	28 IR 567
760 IAC 2-4-1	A	03-303	27 IR 3311	28 IR 568
760 IAC 2-4-2	N	03-303	27 IR 3312	28 IR 569
*ERR (28 IR 609)				
760 IAC 2-7-1	A	03-303	27 IR 3313	28 IR 570
760 IAC 2-8-1	A	03-303	27 IR 3314	28 IR 570
760 IAC 2-8-2	A	03-303	27 IR 3314	28 IR 571
760 IAC 2-8-3	A	03-303	27 IR 3314	28 IR 571
760 IAC 2-8-4	A	03-303	27 IR 3315	28 IR 572
760 IAC 2-8-6	N	03-303	27 IR 3316	28 IR 572
760 IAC 2-9-1	A	03-303	27 IR 3316	28 IR 572
760 IAC 2-10-1	A	03-303	27 IR 3316	28 IR 573
760 IAC 2-13-1	A	03-303	27 IR 3317	28 IR 573
760 IAC 2-15-1	A	03-303	27 IR 3317	28 IR 574
*ERR (28 IR 609)				
760 IAC 2-15.5	N	03-303	27 IR 3319	28 IR 575
760 IAC 2-16-1	A	03-303	27 IR 3320	28 IR 576
760 IAC 2-16.1	N	03-303	27 IR 3320	28 IR 576
760 IAC 2-17-1	A	03-303	27 IR 3323	28 IR 580
760 IAC 2-18-1	A	03-303	27 IR 3325	28 IR 582
760 IAC 2-19-2	A	03-303	27 IR 3325	28 IR 582
760 IAC 2-19.5	N	03-303	27 IR 3325	28 IR 582
760 IAC 2-20-10	A	03-303	27 IR 3329	28 IR 585
760 IAC 2-20-31.1	A	03-303	27 IR 3329	28 IR 586
760 IAC 2-20-34	A	03-303	27 IR 3329	28 IR 586
760 IAC 2-20-35	A	03-303	27 IR 3332	28 IR 589
760 IAC 2-20-36.1	A	03-303	27 IR 3332	28 IR 589
760 IAC 2-20-36.2	A	03-303	27 IR 3333	28 IR 590
760 IAC 2-20-37.2	A	03-303	27 IR 3334	28 IR 590
760 IAC 2-20-37.3	N	03-303	27 IR 3334	28 IR 590
760 IAC 2-20-38.1	A	03-303	27 IR 3334	28 IR 590
760 IAC 2-20-42	A	03-303	27 IR 3335	28 IR 591

TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

804 IAC 1.1-1-1	A	04-156	28 IR 1054
804 IAC 1.1-8	N	04-156	28 IR 1055

TITLE 808 STATE BOXING COMMISSION

808 IAC 1-3-6	A	03-226	27 IR 2563	28 IR 198
808 IAC 1-5-1	A	03-226	27 IR 2563	28 IR 198
808 IAC 1-5-2	A	03-226	27 IR 2563	28 IR 198
808 IAC 2-1-5	A	03-226	27 IR 2564	28 IR 198
808 IAC 2-1-12	A	03-226	27 IR 2564	28 IR 199
808 IAC 2-7-14	A	03-226	27 IR 2564	28 IR 199
808 IAC 2-8-7	R	03-226	27 IR 2566	28 IR 200
808 IAC 2-9-5	A	03-226	27 IR 2564	28 IR 199
808 IAC 2-12-0.5	N	03-227	27 IR 2566	*ARR (28 IR 215) 28 IR 201
808 IAC 2-12-2	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 201
808 IAC 2-12-3	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 201
808 IAC 2-12-4	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 202
808 IAC 2-12-5	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 202
808 IAC 2-12-6	N	03-227	27 IR 2567	*ARR (28 IR 215) 28 IR 202
808 IAC 2-12-7	N	03-227	27 IR 2568	*ARR (28 IR 215) 28 IR 202
808 IAC 2-12-8	N	03-227	27 IR 2568	*ARR (28 IR 215) 28 IR 199
808 IAC 2-18-1	A	03-226	27 IR 2565	28 IR 199
808 IAC 2-22-1	A	03-226	27 IR 2565	28 IR 199

TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

820 IAC 4-3-1	A	04-254	28 IR 1059
---------------	---	--------	------------

TITLE 828 STATE BOARD OF DENTISTRY

828 IAC 0.5-2-3	A	04-233	28 IR 670	*AROC (28 IR 1073)
828 IAC 1-5-6	N	04-189	28 IR 669	
828 IAC 5	N	04-233	28 IR 671	*AROC (28 IR 1073)

TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD

830 IAC 1-1	RA	04-6	27 IR 2340	28 IR 325
-------------	----	------	------------	------------------

TITLE 844 MEDICAL LICENSING BOARD OF INDIANA

844 IAC 6-1-2	A	03-262	27 IR 1284	28 IR 209
844 IAC 6-1-4	A	03-261	27 IR 1635	*CPH (27 IR 2300) 28 IR 203
844 IAC 6-3-1	A	03-261	27 IR 1636	*CPH (27 IR 2300) 28 IR 203
844 IAC 6-3-2	A	03-261	27 IR 1636	*CPH (27 IR 2300) 28 IR 204
844 IAC 6-3-4	A	03-261	27 IR 1637	*CPH (27 IR 2300) 28 IR 204
844 IAC 6-3-5	A	03-261	27 IR 1637	*CPH (27 IR 2300) 28 IR 205
844 IAC 6-3-6	N	03-261	27 IR 1638	*CPH (27 IR 2300) 28 IR 205
844 IAC 6-4-3	A	03-261	27 IR 1638	*CPH (27 IR 2300) 28 IR 206
844 IAC 6-6-1	R	03-261	27 IR 1642	*CPH (27 IR 2300) 28 IR 209
844 IAC 6-6-2	R	03-261	27 IR 1642	*CPH (27 IR 2300) 28 IR 209
844 IAC 6-6-3	A	03-261	27 IR 1638	*CPH (27 IR 2300) 28 IR 206
844 IAC 6-6-4	A	03-261	27 IR 1639	*CPH (27 IR 2300) 28 IR 206
844 IAC 6-7-2	A	03-261	27 IR 1639	*CPH (27 IR 2300) 28 IR 207 28 IR 211
844 IAC 10-4-1	A	03-329	27 IR 2568	
844 IAC 12-5-4	A	04-17	28 IR 316	

TITLE 845 BOARD OF PODIATRIC MEDICINE

845 IAC 1-5-3	A	04-134	28 IR 317
---------------	---	--------	-----------

TITLE 848 INDIANA STATE BOARD OF NURSING

848 IAC 1-1-6	A	04-97	28 IR 674	
848 IAC 1-1-7	A	04-97	28 IR 675	
848 IAC 1-1-2.1	A	04-65	27 IR 2865	28 IR 593
848 IAC 1-2-1	A	04-65	27 IR 2866	28 IR 594
848 IAC 1-2-5	A	04-65	27 IR 2866	28 IR 594
848 IAC 1-2-6	A	04-65	27 IR 2867	28 IR 595
848 IAC 1-2-7	A	04-65	27 IR 2868	28 IR 596
848 IAC 1-2-8	A	04-65	27 IR 2868	28 IR 596
848 IAC 1-2-8.5	N	04-65	27 IR 2868	28 IR 596
848 IAC 1-2-9	A	04-65	27 IR 2869	28 IR 597
848 IAC 1-2-10	A	04-65	27 IR 2869	28 IR 597
848 IAC 1-2-12	A	04-65	27 IR 2870	28 IR 598
848 IAC 1-2-13	A	04-65	27 IR 2870	28 IR 598
848 IAC 1-2-14	A	04-65	27 IR 2870	28 IR 599
848 IAC 1-2-16	A	04-65	27 IR 2871	28 IR 599
848 IAC 1-2-17	A	04-65	27 IR 2872	28 IR 600
848 IAC 1-2-18	A	04-65	27 IR 2872	28 IR 600
848 IAC 1-2-19	A	04-65	27 IR 2873	28 IR 601
848 IAC 1-2-20	A	04-65	27 IR 2873	28 IR 601
848 IAC 1-2-21	A	04-65	27 IR 2873	28 IR 602
848 IAC 1-2-22	A	04-65	27 IR 2874	28 IR 602
848 IAC 1-2-23	A	04-65	27 IR 2874	28 IR 602
848 IAC 1-2-24	A	04-65	27 IR 2874	28 IR 603
848 IAC 6	R	04-97	28 IR 675	

TITLE 856 INDIANA BOARD OF PHARMACY

856 IAC 1-30-2	A	04-173	28 IR 317
856 IAC 1-30-3	A	04-173	28 IR 318
856 IAC 1-30-4.1	N	04-173	28 IR 318
856 IAC 1-30-4.2	N	04-173	28 IR 318
856 IAC 1-30-4.3	N	04-173	28 IR 318

Rules Affected by Volume 28

856 IAC 1-30-4.4	N	04-173	28 IR 318	
856 IAC 1-30-4.5	N	04-173	28 IR 318	
856 IAC 1-30-4.6	N	04-173	28 IR 318	
856 IAC 1-30-6	A	04-173	28 IR 319	
856 IAC 1-30-7	A	04-173	28 IR 319	
856 IAC 1-30-8	A	04-173	28 IR 319	
856 IAC 1-30-9	A	04-173	28 IR 320	
856 IAC 1-30-14	A	04-173	28 IR 320	
856 IAC 1-30-17	A	04-173	28 IR 321	
856 IAC 1-30-18	A	04-173	28 IR 321	
856 IAC 1-33-1	A	03-326	27 IR 2073	27 IR 3073

TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

864 IAC 1.1-2-4	A	03-301	27 IR 2569	28 IR 603
864 IAC 1.1-4.1-9	A	03-301		††28 IR 603
864 IAC 1.1-12-1	A	03-301	27 IR 2569	28 IR 604
864 IAC 1.1-12-2	N	03-301	27 IR 2570	28 IR 604

TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

865 IAC 1-11-1	A	03-300	27 IR 2570	28 IR 605
	A	04-175	28 IR 1059	

TITLE 872 INDIANA BOARD OF ACCOUNTANCY

872 IAC 1-1-6.1	A	04-41	27 IR 2574	28 IR 212
	A	04-171	27 IR 4138	28 IR 1182
872 IAC 1-3-3.3	A	04-98	27 IR 3336	28 IR 605
872 IAC 1-3-16	A	04-5	27 IR 2335	28 IR 211
872 IAC 1-6	N	03-270	27 IR 2571	*AROC (27 IR 4141) 28 IR 966

TITLE 876 INDIANA REAL ESTATE COMMISSION

876 IAC 2-18	N	03-256	27 IR 2575	28 IR 213
876 IAC 3-2-7	A	03-255	27 IR 2574	28 IR 212
876 IAC 3-6-2	A	04-225	28 IR 1547	
876 IAC 3-6-3	A	04-225	28 IR 1548	

TITLE 878 HOME INSPECTORS LICENSING BOARD

878 IAC	N	04-191	28 IR 1060	*CPH (28 IR 1197) *AROC (28 IR 1560)
---------	---	--------	------------	---

TITLE 879 MANUFACTURED HOME INSTALLER LICENSING BOARD

879 IAC	N	04-272	28 IR 1549	
---------	---	--------	------------	--

TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

888 IAC 1.1-6-1	A	04-74	27 IR 2875	28 IR 606
	A	04-137	27 IR 3704	28 IR 607

TITLE 905 ALCOHOL AND TOBACCO COMMISSION

905 IAC 1-5.2-9.2	A	04-111	27 IR 3337	*AROC (28 IR 1561)
905 IAC 1-15.2-3	A	04-110	27 IR 3337	*AWR (28 IR 1486)
905 IAC 1-26-3	N	04-112	27 IR 3338	*AROC (28 IR 1562)
905 IAC 1-43	RA	04-14	27 IR 2579	*CPH (27 IR 3096) 28 IR 1316
905 IAC 1-44	RA	04-109	27 IR 3343	28 IR 1316
905 IAC 1-45-2	A	03-319	27 IR 2576	*CPH (27 IR 3096) *AROC (28 IR 1317) 28 IR 1484
905 IAC 1-45-3	A	03-319	27 IR 2576	*CPH (27 IR 3096) *AROC (28 IR 1317) 28 IR 1484
905 IAC 1-46	N	03-279	27 IR 1291	*ARR (27 IR 4024) *AROC (27 IR 4141) 28 IR 969
905 IAC 1-48	N	04-115	27 IR 3339	*AROC (28 IR 1562)

NONCODE RULES

Family and Social Services, Office of the Secretary of	A	04-246		*ETR (28 IR 230)
--	---	--------	--	------------------

Lottery Commission, State

N	04-238	*ETR (28 IR 217)
N	04-239	*ETR (28 IR 218)
N	04-240	*ETR (28 IR 219)
N	04-242	*ETR (28 IR 223)
N	04-243	*ETR (28 IR 224)
N	04-244	*ETR (28 IR 226)
R	04-249	*ETR (28 IR 227)
N	04-250	*ETR (28 IR 227)
N	04-251	*ETR (28 IR 228)
N	04-265	*ETR (28 IR 613)
N	04-266	*ETR (28 IR 614)
N	04-280	*ETR (28 IR 972)
N	04-281	*ETR (28 IR 973)
N	04-282	*ETR (28 IR 974)
N	04-301	*ETR (28 IR 1186)
N	04-302	*ETR (28 IR 1187)
N	04-303	*ETR (28 IR 1188)
N	04-304	*ETR (28 IR 1189)
N	04-305	*ETR (28 IR 1191)
N	04-306	*ETR (28 IR 1192)
N	04-326	*ETR (28 IR 1488)
N	04-327	*ETR (28 IR 1489)
N	04-328	*ETR (28 IR 1491)
N	04-331	*ETR (28 IR 1495)
N	04-332	*ETR (28 IR 1496)

Natural Resources Commission

N	04-205	*ERR (28 IR 214)
R	04-245	*ETR (28 IR 230)
		*ERR (28 IR 214)
R	04-247	*ETR (28 IR 230)
R	04-257	*ETR (28 IR 615)
N	04-258	*ETR (28 IR 615)
N	04-259	*ETR (28 IR 615)
N	04-260	*ETR (28 IR 616)
N	04-262	*ETR (28 IR 616)
N	04-264	*ETR (28 IR 616)
N	04-285	*ETR (28 IR 981)
N	04-307	*ETR (28 IR 1192)
N	04-308	*ETR (28 IR 1194)
N	04-314	*ETR (28 IR 1194)
N	04-315	*ETR (28 IR 1195)

Tax Review, Indiana Board of

N	04-261	*ETR (28 IR 612)
N	04-330	*ETR (28 IR 1487)

*Key:

A:	Amended Text
AGA:	Attorney General's Action
AROC:	Administrative Rules Oversight Committee Notice
ARR:	Agency Recalls Rule
AWR:	Agency Withdrew Rule
CPH:	Change in Public Hearing
DAG:	Disapproved by Attorney General
DG:	Disapproved by Governor
ER:	Emergency Rule
ERR:	Errata
ETR:	Emergency Temporary Rule
ETS:	Emergency Temporary Standard
GRAT:	Governor Requires Additional Time
N:	New Text
NRA:	Notice of Rule Adoption
OAC:	Objection to Errata
ON:	Other Notices of Administrative Action
R:	Repealed Text
RA:	Readopted Rule
SAC:	Solicitation of Advance Comment
SPE:	Statutory Period for Promulgation Expired
SPE-SE:	Statutory Period for Promulgation Expired; Signed After Expiration
††:	Renumbered or Added in Final Rule

CITATIONS TO FINAL RULES ARE IN BOLD TYPE

*The index is cumulative for all proposed and final rulemaking actions published after September 1, 2004. Final rules published before that date have been incorporated into the 2005 edition of the Indiana Administrative Code. Indiana Register citations in roman type are to the volume and page on which the proposed version of the rule appears. Entries in **bold** type indicate the page on which a final rule filed with the Secretary of State appears.

ACCOUNTANCY, INDIANA BOARD OF

GENERAL PROVISIONS

- Permits to Practice; Continuing Education
 - College courses as CPE
 - 872 IAC 1-3-3.3 27 IR 3336
28 IR 605
 - Prorated continuing education requirements for holders of certificates granted during a reporting period
 - 872 IAC 1-3-16 27 IR 2335
28 IR 211
 - Quality Review
 - 872 IAC 1-6 27 IR 2571
28 IR 966
 - Requirements for Certification, Licensure, and Registration
 - Educational requirements
 - 872 IAC 1-1-6.1 27 IR 2574
28 IR 212

ADMINISTRATION, INDIANA DEPARTMENT OF

EXECUTIVE AGENCY LOBBYING

- 25 IAC 6 27 IR 3595

AIR POLLUTION CONTROL BOARD

ASBESTOS MANAGEMENT

- Asbestos Management Personnel; Licensing
 - Applicability
 - 326 IAC 18-1-1 27 IR 3128
 - Asbestos license; application
 - 326 IAC 18-1-5 26 IR 2086
28 IR 101
- Asbestos license; qualifications
 - 326 IAC 18-1-4 27 IR 3131
- Asbestos license; revocation; denial
 - 326 IAC 18-1-7 26 IR 2087
28 IR 102
- Definitions
 - 326 IAC 18-1-2 26 IR 2084
28 IR 99
- General provisions
 - 326 IAC 18-1-3 27 IR 3130
- License fee; application fee
 - 326 IAC 18-1-9 27 IR 3134
- License requirements for contractors performing asbestos projects
 - 326 IAC 18-1-8 26 IR 2088
28 IR 103
- Renewal of asbestos license
 - 326 IAC 18-1-6 27 IR 3133
- Asbestos Training Courses; Requirements for Approval
 - Definitions
 - 326 IAC 18-2-2 26 IR 2088
28 IR 103
- Initial and refresher training courses; application for approval
 - 326 IAC 18-2-7 26 IR 2097
28 IR 112

- Initial and refresher training courses; qualifications for approval
 - 326 IAC 18-2-6 26 IR 2096
28 IR 111
- Initial training course requirements
 - 326 IAC 18-2-3 26 IR 2089
28 IR 104

EMISSION LIMITATIONS FOR SPECIFIC TYPE OF OPERATIONS

- Coke Oven Batteries
 - Compliance determination
 - 326 IAC 11-3-4 26 IR 2060
28 IR 74

- Municipal Waste Combustors
 - Applicability
 - 326 IAC 11-7-1 26 IR 2061
28 IR 75

EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

- Emission Limitations for Benzene from Furnace
 - Coke Oven By-Product Plants
 - Equipment leaks
 - 326 IAC 14-9-5 26 IR 2070
28 IR 84
 - Record keeping and reporting requirements
 - 326 IAC 14-9-9 26 IR 2071
28 IR 86
 - Test methods and procedures
 - 326 IAC 14-9-8 26 IR 2071
28 IR 85
- Emission Standards for Asbestos; Demolition and Renovation Operations
 - Applicability
 - 326 IAC 14-10-1 26 IR 2072
28 IR 87
 - Definitions
 - 326 IAC 14-10-2 26 IR 2074
28 IR 88
 - Notification requirements
 - 326 IAC 14-10-3 26 IR 2076
28 IR 91
 - Procedures for asbestos emission control
 - 326 IAC 14-10-4 26 IR 2078
28 IR 93

- Emission Standard for Beryllium
 - Applicability; incorporation by reference of federal standards
 - 326 IAC 14-3-1 26 IR 2067
28 IR 82

- Emission Standard for Beryllium Rocket Motor Firing
 - Applicability; incorporation by reference of federal standards
 - 326 IAC 14-4-1 26 IR 2067
28 IR 82

- Emission Standard for Equipment Leaks (Fugitive Emission Sources)
 - Applicability
 - 326 IAC 14-8-1 26 IR 2068
28 IR 83

- Record keeping requirements
 - 326 IAC 14-8-4 26 IR 2069
28 IR 84

- Reporting requirements
 - 326 IAC 14-8-5 26 IR 2069
28 IR 84
- Test methods and procedures
 - 326 IAC 14-8-3 26 IR 2068
28 IR 83

- Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
 - Applicability; incorporation by reference of federal standards
 - 326 IAC 14-7-1 26 IR 2068
28 IR 83

- Emission Standard for Mercury
 - Applicability; incorporation by reference of federal standards
 - 326 IAC 14-5-1 26 IR 2068
28 IR 82

- General Provisions
 - Applicability
 - 326 IAC 14-1-1 26 IR 2066
28 IR 81

- Definitions
 - 326 IAC 14-1-2 26 IR 2067
28 IR 81

GENERAL PROVISIONS

- Ambient Air Quality Standards
 - Ambient air quality standards
 - 326 IAC 1-3-4 27 IR 3121
28 IR 1471

- Definitions
 - "Particulate matter" defined
 - 326 IAC 1-2-52 27 IR 3120
28 IR 1471

- "PM_{2.5}" defined
 - 326 IAC 1-2-52.2 27 IR 3120
28 IR 1471

- "PM₁₀" defined
 - 326 IAC 1-2-52.4 27 IR 3121
28 IR 1471

- "Reconstruction" defined
 - 326 IAC 1-2-65 26 IR 1997
28 IR 18

- "Total suspended particulate" or "TSP" defined
 - 326 IAC 1-2-82.5 27 IR 3121
28 IR 1471

- "Volatile organic compound" or "VOC" defined
 - 326 IAC 1-2-90 26 IR 1998
28 IR 18

- Nonattainment/attainment/unclassifiable Area Designations for Sulfur Dioxide; Total Suspended Particulates, Carbon Monoxide; Ozone; and Nitrogen Dioxides
 - Designations
 - 326 IAC 1-4-1 27 IR 3606
28 IR 1182

- Provisions Applicable Throughout Title 326
 - Credible evidence
 - 326 IAC 1-1-6 28 IR 248

- References to the Code of Federal Regulations
 - 326 IAC 1-1-3 26 IR 1997
28 IR 17

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

References to the Compilation of Air Pollution Emission Factors Ap-42 and Supplement						Source Sampling Procedures	
326 IAC 1-1-3.5	26 IR 1997					Applicability; test procedures	26 IR 2022
	28 IR 17					326 IAC 3-6-1	28 IR 36
HAZARDOUS AIR POLLUTANTS						Emission testing	26 IR 2022
Amino and Phenolic Resins						326 IAC 3-6-3	28 IR 37
326 IAC 20-58	27 IR 1619					Specific testing procedures; particulate matter; sulfur dioxide; nitrogen oxides; volatile organic compounds	26 IR 2023
	28 IR 119					326 IAC 3-6-5	28 IR 37
Asphalt Processing and Asphalt Roofing						MOTOR VEHICLE EMISSION AND FUEL STANDARDS	
326 IAC 20-71	27 IR 3168					Motor Vehicle Inspection and Maintenance Requirements	
Brick and Structural Clay Products						Definitions	
326 IAC 20-72	27 IR 3169					326 IAC 13-1.1-1	26 IR 2062
Clay Ceramics Manufacturing							28 IR 76
326 IAC 20-73	27 IR 3169					Facility and testing requirements	
Coke Ovens: Pushing, Quenching, and Battery Stacks						326 IAC 13-1.1-14	26 IR 2065
326 IAC 20-74	27 IR 3169						28 IR 80
Emissions from Reinforced Plastics Composites Fabricating Emission Units						Facility quality assurance program	
Applicability						326 IAC 13-1.1-16	26 IR 2066
326 IAC 20-25-1	27 IR 3123						28 IR 80
Definitions						Testing procedures and standards	
326 IAC 20-25-2	27 IR 3124					326 IAC 13-1.1-8	26 IR 2063
Engine Test Cells/Standards							28 IR 77
326 IAC 20-75	27 IR 3169					Test reports; repair forms	
Flexible Polyurethane Foam Fabrication Operations						326 IAC 13-1.1-13	26 IR 2064
326 IAC 20-66	27 IR 2323						28 IR 79
	28 IR 122					Waivers and compliance through diagnostic inspection	
Friction Material Manufacturing Facilities						326 IAC 13-1.1-10	26 IR 2063
326 IAC 20-68	27 IR 2323						28 IR 78
	28 IR 122					NITROGEN OXIDE RULES	
Hydrochloric Acid Production						Nitrogen Oxides Control in Clark and Floyd Counties	
326 IAC 20-76	27 IR 3169					Compliance procedures	
Miscellaneous Coating Manufacturing						326 IAC 10-1-5	26 IR 2059
326 IAC 20-88	28 IR 999						28 IR 73
Miscellaneous Organic Chemical Manufacturing						Definitions	
326 IAC 20-84	28 IR 998					326 IAC 10-1-2	26 IR 2056
Municipal Solid Waste Landfills							28 IR 70
326 IAC 20-67	27 IR 2323					Emissions limits	
	28 IR 122					326 IAC 10-1-4	26 IR 2057
Organic Liquid Distribution (Non-Gasoline)							28 IR 71
326 IAC 20-83	28 IR 998					Emissions monitoring	
Paper and Other Web Coating						326 IAC 10-1-6	26 IR 2059
326 IAC 20-65	27 IR 2322						28 IR 74
	28 IR 121					OPACITY REGULATIONS	
Pharmaceutical Production						Opacity Limitations	
326 IAC 20-57	27 IR 1618					Compliance determination	
	28 IR 119					326 IAC 5-1-4	26 IR 2026
Polyether Polyols Production							28 IR 41
326 IAC 20-59	27 IR 1619					Opacity limitations	
	28 IR 119					326 IAC 5-1-2	26 IR 2025
Polyvinyl Chloride and Copolymers Production							28 IR 40
326 IAC 20-69	27 IR 2323					Violations	
	28 IR 122					326 IAC 5-1-5	26 IR 2026
Printing, Coating, and Dyeing of Fabrics and Other Textiles							28 IR 41
326 IAC 20-77	27 IR 3170					PARTICULATE RULES	
Refractory Products Manufacturing						County Specific Particulate Matter Limitations	
326 IAC 20-62	27 IR 1619					Marion County	
	28 IR 120					326 IAC 6-1-12	28 IR 242
Reinforced Plastic Composites Production						Vigo County	
326 IAC 20-56	27 IR 3126					326 IAC 6-1-13	27 IR 2318
Secondary Aluminum							28 IR 115
326 IAC 20-70	27 IR 1620						
	28 IR 120						
Semiconductor Manufacturing							
326 IAC 20-61	27 IR 1619						
	28 IR 120						
Site Remediation							
326 IAC 20-87	28 IR 999						
Solvent Extraction for Vegetable Oil Production							
326 IAC 20-60	27 IR 1619						
	28 IR 119						
Stationary Reciprocating Internal Combustion Engines							
326 IAC 20-82	28 IR 997						
Surface Coating of Automobiles and Light-Duty Trucks							
326 IAC 20-85	28 IR 998						
Surface Coating of Large Appliances							
326 IAC 20-63	27 IR 2322						
	28 IR 121						
Surface Coating of Metal Cans							
326 IAC 20-86	28 IR 999						
Surface Coating of Metal Coil							
326 IAC 20-64	27 IR 2322						
	28 IR 121						
Surface Coating of Metal Furniture							
326 IAC 20-78	27 IR 3170						
Surface Coating of Wood Building Products							
326 IAC 20-79	27 IR 3170						
LEAD-BASED PAINT PROGRAM							
Definitions							
"Hazardous waste" defined							
326 IAC 23-1-31	26 IR 2099						
	28 IR 114						
LEAD RULES							
Lead Emissions Limitations							
Compliance							
326 IAC 15-1-4	26 IR 2083						
	28 IR 98						
Source-specific provisions							
326 IAC 15-1-2	26 IR 2080						
	28 IR 95						
MONITORING REQUIREMENTS							
Continuous Monitoring of Emissions							
Minimum performance and operating specifications							
326 IAC 3-5-2	26 IR 2017						
	28 IR 32						
Monitor system certification							
326 IAC 3-5-3	26 IR 2019						
	28 IR 33						
Quality assurance requirements							
326 IAC 3-5-5	26 IR 2020						
	28 IR 34						
Standard operating procedures							
326 IAC 3-5-4	26 IR 2019						
	28 IR 34						
Fuel Sampling and Analysis Procedures							
Coal sampling and analysis methods							
326 IAC 3-7-2	26 IR 2024						
	28 IR 38						
Fuel oil sampling; analysis methods							
326 IAC 3-7-4	26 IR 2025						
	28 IR 39						
General Provisions							
Conversion factors							
326 IAC 3-4-3	26 IR 2016						
	28 IR 31						
Definitions							
326 IAC 3-4-1	26 IR 2016						
	28 IR 30						

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

PERMIT REVIEW RULES

Construction of New Sources Exemption

326 IAC 2-5.1-1 27 IR 3144
28 IR 791

Registrations

326 IAC 2-5.1-2 27 IR 3145
28 IR 791

Federally Enforceable State Operating Permit Program

Permit application
326 IAC 2-8-3 26 IR 2008
28 IR 22

Minor Source Operating Permit Program

Applicability
326 IAC 2-6.1-2 27 IR 3149
28 IR 795

Application requirements

326 IAC 2-6.1-4 27 IR 3149
28 IR 796

Compliance schedule

326 IAC 2-6.1-3 27 IR 3149
28 IR 795

Exemptions

326 IAC 2-6.1-1 27 IR 3149
28 IR 795

Operating permit content

326 IAC 2-6.1-5 27 IR 3150
28 IR 796

Operating permit renewal

326 IAC 2-6.1-7 27 IR 3154
28 IR 801

Permit revisions

326 IAC 2-6.1-6 27 IR 3151
28 IR 797

Part 70 Permit Program

Permit issuance, renewal, and revisions
326 IAC 2-7-8 26 IR 2006
28 IR 20

Permit review by the U.S. EPA

326 IAC 2-7-18 26 IR 2007
28 IR 21

Requirement for a permit

326 IAC 2-7-3 26 IR 2006
28 IR 20

Prevention of Significant Deterioration (PSD)

Requirements

Ambient air ceilings
326 IAC 2-2-16 26 IR 1999
28 IR 20

Area designation and redesignation

326 IAC 2-2-13 26 IR 1998
28 IR 19

Registrations

Applicability
326 IAC 2-5.5-1 27 IR 3146
28 IR 792

Application requirements

326 IAC 2-5.5-3 27 IR 3146
28 IR 793

Compliance schedule

326 IAC 2-5.5-2 27 IR 3146
28 IR 793

Public notice

326 IAC 2-5.5-5 27 IR 3147
28 IR 794

Registration content

326 IAC 2-5.5-4 27 IR 3147
28 IR 793

Source modification

326 IAC 2-5.5-6 27 IR 3147
28 IR 794

Source Specific Operating Agreement Program

Abrasive cleaning operations
326 IAC 2-9-5 27 IR 3158
28 IR 805

Automobile refinishing operations

326 IAC 2-9-11 27 IR 3164
28 IR 810

Coal mines and coal preparation plants

326 IAC 2-9-10 26 IR 2013
28 IR 27
27 IR 3163
28 IR 809

Crushed stone processing plants

326 IAC 2-9-8 26 IR 2010
28 IR 25
27 IR 3160
28 IR 806

Degreasing operations

326 IAC 2-9-12 27 IR 3165
28 IR 811

External combustion sources

326 IAC 2-9-13 26 IR 2014
28 IR 28
27 IR 3165
28 IR 811

General provisions

326 IAC 2-9-1 27 IR 3155
28 IR 801

Grain elevators

326 IAC 2-9-6 27 IR 3159
28 IR 805

Industrial or commercial surface coating operations not subject to 326 IAC 8-2; graphic arts operation not subject to 326 IAC 8-5-5

326 IAC 2-9-2.5 27 IR 3156
28 IR 802

Internal combustion sources

326 IAC 2-9-14 27 IR 3167
28 IR 814

Ready-mix concrete batch plants

326 IAC 2-9-9 26 IR 2011
28 IR 26
27 IR 3162
28 IR 808

Sand and gravel plants

326 IAC 2-9-7 26 IR 2009
28 IR 23
27 IR 3159
28 IR 805

Surface coating or graphic arts operations

326 IAC 2-9-3 27 IR 3156
28 IR 802

Woodworking operations

326 IAC 2-9-4 27 IR 3157
28 IR 803

STATE ENVIRONMENTAL POLICY

General Conformity

Applicability; incorporation by reference of
federal standards
326 IAC 16-3-1 26 IR 2084
28 IR 98

STRATOSPHERIC OZONE PROTECTION

General Provisions

Incorporation of federal regulations
326 IAC 22-1-1 26 IR 2098
28 IR 113

SULFUR DIOXIDE RULES

Compliance

Reporting requirements; methods to deter-
mine compliance
326 IAC 7-2-1 26 IR 2028
28 IR 42
28 IR 632

Emission Limitations and Requirements by County

Dearborn County sulfur dioxide emission
limitations

326 IAC 7-4-13 27 IR 2768

Vigo County sulfur dioxide emission limita-
tions

326 IAC 7-4-3 27 IR 2319
28 IR 117

Warrick County sulfur dioxide emission
limitations

326 IAC 7-4-10 26 IR 2029
28 IR 43

Lake County Sulfur Dioxide Emission Limita- tions

326 IAC 7-4-1 28 IR 633

Sulfur Dioxide Emission Limitations

Applicability

326 IAC 7-1.1-1 28 IR 632

Sulfur dioxide emission limitations

326 IAC 7-1.1-2 28 IR 632

VOLATILE ORGANIC COMPOUND RULES

Automobile Refinishing

Test procedures
326 IAC 8-10-7 26 IR 2044
28 IR 58

General Provisions

Testing procedures
326 IAC 8-1-4 26 IR 2030
28 IR 44

Petroleum Sources

Gasoline dispensing facilities
326 IAC 8-4-6 26 IR 2032
28 IR 47

Leaks from transports and vapor collection
systems; records

326 IAC 8-4-9 26 IR 2035
28 IR 49

Shipbuilding or Ship Repair Operations in Clark, Floyd, Lake, and Porter Counties

Compliance requirements
326 IAC 8-12-5 26 IR 2052
28 IR 67

Definitions

326 IAC 8-12-3 26 IR 2050
28 IR 64

Record keeping, notification, and reporting
requirements

326 IAC 8-12-7 26 IR 2054
28 IR 68

Test methods and procedures

326 IAC 8-12-6 26 IR 2053
28 IR 68

Sinter Plants

Test procedures
326 IAC 8-13-5 26 IR 2054
28 IR 69

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Specific VOC Reduction Requirements for Lake, Porter, Clark, and Floyd Counties					
Test methods and procedures					
326 IAC 8-7-7	26 IR 2036				
	28 IR 51				
Volatile Organic Liquid Storage Vessels					
Definitions					
326 IAC 8-9-3	26 IR 2037				
	28 IR 51				
Exemptions					
326 IAC 8-9-2	26 IR 2036				
	28 IR 51				
Record keeping and reporting requirements					
326 IAC 8-9-6	26 IR 2042				
	28 IR 56				
Standards					
326 IAC 8-9-4	26 IR 2038				
	28 IR 52				
Testing and procedures					
326 IAC 8-9-5	26 IR 2040				
	28 IR 54				
Wood Furniture Coatings					
Compliance procedures and monitoring requirements					
326 IAC 8-11-6	26 IR 2046				
	28 IR 60				
Definitions					
326 IAC 8-11-2	26 IR 2044				
	28 IR 59				
Test procedures					
326 IAC 8-11-7	26 IR 2050				
	28 IR 64				
ALCOHOL AND TOBACCO COMMISSION					
GENERAL PROVISIONS					
Minors					
Loitering					
905 IAC 1-15.2-3	27 IR 3337				
Permit Renewal; Letter of Extension					
Revocation of letter of extension					
905 IAC 1-26-3	27 IR 3338				
Tobacco Retail Sales Certificates					
905 IAC 1-46	27 IR 1291				
	28 IR 969				
Tracking Beer Kegs					
Identification markers					
905 IAC 1-45-2	27 IR 2576				
	28 IR 1484				
Receipt for the keg					
905 IAC 1-45-3	27 IR 2576				
	28 IR 1484				
Trade Practices; Permissible Activity Between Primary Sources of Supply, Wholesalers, and Retailers					
Samples; consumer product sampling					
905 IAC 1-5.2-9.2	27 IR 3337				
Withdrawal of Consent to Transfer Permit					
905 IAC 1-48	27 IR 3339				
ANIMAL HEALTH, INDIANA STATE BOARD OF					
DOMESTIC ANIMAL DISEASE CONTROL; GENERAL PROVISIONS					
Importation of Domestic Animals					
Animals for immediate slaughter					
345 IAC 1-3-10	27 IR 4121				
Cattle and bison					
345 IAC 1-3-7	27 IR 4120				
EQUINE					
Contagious Equine Metritis (CEM)					
345 IAC 6-2	28 IR 1000				
LIVESTOCK DEALERS, MARKETING, EXHIBITIONS, AND SLAUGHTER LIVESTOCK					
Exhibition of Domestic Animals and Poultry					
Pseudorabies tests for swine					
345 IAC 7-5-15.1	27 IR 2797				
	28 IR 559				
Tuberculosis control in cattle and bison					
345 IAC 7-5-12	27 IR 4135				
Vaccinations and tests required for dogs and cats					
345 IAC 7-5-22	27 IR 2798				
	28 IR 559				
POULTRY					
National Poultry Improvement Plan					
National Poultry Improvement Plan; adoption by reference					
345 IAC 4-4-1	27 IR 4118				
	28 IR 1473				
POULTRY AND POULTRY PRODUCTS INSPECTION					
Administration; Application of Inspection and Other Requirements					
Delivery and acceptance of poultry for slaughter					
345 IAC 10-2-5	27 IR 4119				
	28 IR 1473				
Incorporation by Reference					
Incorporation by reference; poultry products inspection					
345 IAC 10-2.1-1	27 IR 4119				
	28 IR 1474				
TUBERCULOSIS CONTROL					
345 IAC 2.5	27 IR 4121				
ARCHITECTS AND LANDSCAPE ARCHITECTS, BOARD OF REGISTRATION FOR REGISTRATION; CODE OF CONDUCT FOR ARCHITECTS					
General Provisions					
Continuing Education					
804 IAC 1.1-8	28 IR 1055				
Definitions and abbreviations					
804 IAC 1.1-1-1	28 IR 1054				
ATTORNEY GENERAL'S OPINIONS					
(See Cumulative Table of Executive Orders and Attorney General's Opinions at 28 IR 1412)					
BOXING COMMISSION, STATE					
BOXING AND OTHER RING EXHIBITIONS					
Contestants					
Athletic costumes and protective equipment					
808 IAC 2-1-5	27 IR 2564				
	28 IR 198				
Female boxers					
808 IAC 2-1-12	27 IR 2564				
	28 IR 199				
Gloves					
Gloves; mouthpiece; inspection; specifications					
808 IAC 2-22-1	27 IR 2565				
	28 IR 199				
Physician; Testing for the Use of Prohibited Drugs					
Confidentiality					
808 IAC 2-12-8	27 IR 2568				
COSTS					
808 IAC 2-12-7	27 IR 2568				
	28 IR 202				
DEFINITIONS					
808 IAC 2-12-0.5	27 IR 2566				
	28 IR 201				
DISCIPLINARY ACTIONS					
808 IAC 2-12-6	27 IR 2567				
	28 IR 202				
REFUSAL TO SUBMIT TO DRUG TEST					
808 IAC 2-12-5	27 IR 2567				
	28 IR 202				
TEST FOR PROHIBITED DRUGS					
808 IAC 2-12-3	27 IR 2567				
	28 IR 201				
TESTING PROCEDURES					
808 IAC 2-12-4	27 IR 2567				
	28 IR 202				
USE OF PROHIBITED DRUGS					
808 IAC 2-12-2	27 IR 2567				
	28 IR 201				
REFEREES					
Discontinuation of fight; declaration of winner					
808 IAC 2-7-14	27 IR 2564				
	28 IR 199				
SCORING DECISIONS					
Exhibitions					
808 IAC 2-9-5	27 IR 2564				
	28 IR 199				
WEIGHING TIME					
Weighing-in; attendance					
808 IAC 2-18-1	27 IR 2565				
	28 IR 199				
GENERAL PROVISIONS					
Licenses and Permits					
Security for the purse; forms					
808 IAC 1-3-6	27 IR 2563				
	28 IR 198				
Seats for Commission and Officials					
Bond of promoter license applicant					
808 IAC 1-5-2	27 IR 2563				
	28 IR 198				
Seats for commission, judges, timekeepers, and other officials					
808 IAC 1-5-1	27 IR 2563				
	28 IR 198				
CORONERS TRAINING BOARD					
CONTINUING EDUCATION					
207 IAC 2	28 IR 624				
COSMETOLOGY EXAMINERS, STATE BOARD OF					
COSMETOLOGY SCHOOLS					
Instructors					
License					
820 IAC 4-3-1	28 IR 1059				
DEAF BOARD, INDIANA SCHOOL FOR THE					
514 IAC	27 IR 1634				
	28 IR 197				
DENTISTRY, STATE BOARD OF					
GENERAL PROVISIONS					
Fees					
Dental fees					
828 IAC 0.5-2-3	28 IR 670				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

INSTRUCTOR'S LICENSES			
General Requirements			
828 IAC 5	28 IR 671		
LICENSURE OF DENTISTS AND DENTAL HYGIENISTS			
Continuing Education for Renewal of License			
Continuing education course requirement			
828 IAC 1-5-6	27 IR 2334		
	28 IR 669		
DISABILITY, AGING, AND REHABILITATIVE SERVICES, DIVISION OF			
AGING			
Caretaker Support Program			
460 IAC 1-10	27 IR 3303		
	28 IR 910		
Personal Services Attendant for Individuals in Need of Self-Directed In-Home Care			
Attendant care service provider registration requirement; preclusion			
460 IAC 1-8-3	28 IR 1007		
Method of payment to a fiscal agent			
460 IAC 1-8-12	28 IR 1008		
Method of payment to a personal services attendant			
460 IAC 1-8-11	28 IR 1007		
Record keeping requirements			
460 IAC 1-8-13	28 IR 1008		
Posting of Notices			
460 IAC 1-11	28 IR 1004		
Processing of Applications			
460 IAC 1-3-4	28 IR 1002		
DIVISION OF REHABILITATION SERVICES			
Board of Interpreter Standards			
460 IAC 2-2-1	27 IR 3701		
HOME AND COMMUNITY BASED SERVICES			
460 IAC 1.1	27 IR 2799		
	28 IR 912		
RATES FOR ADULT DAY SERVICES PROVIDED BY COMMUNITY MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITIES CENTERS			
Unit of Service Reimbursement Rates			
Annual review of adult day service reimbursement rates			
460 IAC 3.5-2-3	28 IR 1303		
EDUCATION, INDIANA STATE BOARD OF ACHIEVEMENT TESTS			
Indiana Statewide Testing for Educational Progress (ISTEP) Program			
Alternate assessment based on alternate achievement standards in lieu of ISTEP+			
511 IAC 5-2-4.5	28 IR 668		
ADMINISTRATION; INFORMATION COLLECTION PROCESSING; SCHOOL FINANCE; GENERAL PROVISIONS			
Determining and Reporting Attendance and Membership for State Support			
Definitions			
511 IAC 1-3-1	27 IR 3305		
	28 IR 965		
DRIVER EDUCATION; GRADUATION REQUIREMENTS; NONSTANDARD PROGRAMS; HIGH ABILITY STUDENTS; POSTSECONDARY ENROLLMENT			
Graduation Requirements			
Academic honors diploma; additional course requirements			
511 IAC 6-7-6.5	27 IR 2552		
	28 IR 959		
Graduation Requirements for Students Who Begin High School in the 2005-2006 School Year and Subsequent Years			
511 IAC 6-7.1	28 IR 1303		
SCHOOL ACCREDITATION			
Approved High School Courses			
Business technology education; technology education			
511 IAC 6.1-5.1-9	27 IR 2557		
	28 IR 964		
Fine arts courses			
511 IAC 6.1-5.1-8	27 IR 2556		
	28 IR 963		
Language arts courses			
511 IAC 6.1-5.1-2	27 IR 2553		
	28 IR 960		
Mathematics			
511 IAC 6.1-5.1-5	27 IR 2555		
	28 IR 962		
Science courses			
511 IAC 6.1-5.1-6	27 IR 2555		
	28 IR 962		
Social studies courses			
511 IAC 6.1-5.1-3	27 IR 2553		
	28 IR 960		
Vocational-technical courses			
511 IAC 6.1-5.1-10.1	27 IR 2550		
	28 IR 957		
World language courses			
511 IAC 6.1-5.1-4	27 IR 2554		
	28 IR 961		
ENGINEERS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ADMINISTRATION; GENERAL REQUIREMENTS			
Examinations			
Examination attempts for certification as an EI			
864 IAC 1.1-4.1-9	28 IR 603		
Fees			
Fee for examination administration			
864 IAC 1.1-12-2	27 IR 2570		
	28 IR 604		
Fees charged by board			
864 IAC 1.1-12-1	27 IR 2569		
	28 IR 604		
Limited Liability Company Practice			
864 IAC 1.1-14	26 IR 3739		
	27 IR 875		
Qualifications for Examination			
Engineering intern; education and work experience			
864 IAC 1.1-2-4	27 IR 2569		
	28 IR 603		
ENVIRONMENTAL ADJUDICATION, OFFICE OF			
ADJUDICATORY PROCEEDINGS BEFORE ENVIRONMENTAL LAW JUDGES			
General Provisions			
Definitions			
315 IAC 1-2-1	28 IR 990		
Rules of Practice			
Conduct of hearing; separation of witnesses			
315 IAC 1-3-10	28 IR 995		
Conduct of prehearing conference			
315 IAC 1-3-9	28 IR 995		
Continuances of prehearing conference, status conference, stay hearing, and hearing			
315 IAC 1-3-12	28 IR 996		
Defaults and dismissals			
315 IAC 1-3-7	28 IR 994		
Filing and service of pleadings and documents			
315 IAC 1-3-3	28 IR 992		
Form of pleadings and documents			
315 IAC 1-3-4	28 IR 993		
Informal settlement; alternative dispute resolution			
315 IAC 1-3-8	28 IR 994		
Initiation of a proceeding for administrative review			
315 IAC 1-3-2	28 IR 991		
Petition for judicial review			
315 IAC 1-3-14	28 IR 996		
Powers and duties of the director, presiding environmental law judge, and office of environmental adjudication			
315 IAC 1-3-1	28 IR 991		
Representatives and attorneys; eligibility to practice			
315 IAC 1-3-15	28 IR 996		
Request for extension of time for filing pleading, document, or motion			
315 IAC 1-3-5	28 IR 994		
Stay			
315 IAC 1-3-2.1	28 IR 992		
ETHICS COMMISSION, STATE			
STATE OFFICERS AND EMPLOYEES			
Indiana Code of Ethics for the Conduct of State Business			
Acceptable gifts, favors, services, entertainment, food, drink, and honoraria			
40 IAC 2-1-6	28 IR 987		
Appearances; activities; expenses			
40 IAC 2-1-7	28 IR 988		
Ethics education			
40 IAC 2-1-5.5	28 IR 987		
EXECUTIVE ORDERS			
(See Cumulative Table of Executive Orders and Attorney General's Opinions at 28 IR 1412)			
FAMILY AND CHILDREN, DIVISION OF			
CHILD WELFARE SERVICES			
Child care development fund voucher program; provider eligibility			
470 IAC 3-18	27 IR 1627		
	28 IR 950		
Child Care Homes			
Activities for healthy development			
470 IAC 3-1.1-38	27 IR 2847		
Annual inspection			
470 IAC 3-1.1-28.5	27 IR 2842		
"Applicant" defined			
470 IAC 3-1.1-1	27 IR 2837		
"Assistant caregiver" defined			
470 IAC 3-1.1-2	27 IR 2838		
"Caregiver" defined			
470 IAC 3-1.1-4	27 IR 2838		

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Child abuse and neglect		School age child care services		Benefits	
470 IAC 3-1.1-35	27 IR 2846	470 IAC 3-1.1-50	27 IR 2853	Benefit defined by family income level	
"Child care" defined		Staff orientation, training, and development		LSA Document #04-246(E)	28 IR 230
470 IAC 3-1.1-6	27 IR 2838	470 IAC 3-1.1-33.5	27 IR 2845	405 IAC 6-5-2	27 IR 3211
Child care home capacity		Staff requirements			28 IR 181
470 IAC 3-1.1-24	27 IR 2841	470 IAC 3-1.1-33	27 IR 2845	Benefit duration	
"Child care provider" defined		"Student assistant" defined		LSA Document #04-246(E)	28 IR 230
470 IAC 3-1.1-8	27 IR 2839	470 IAC 3-1.1-20	27 IR 2840	405 IAC 6-5-4	27 IR 3212
Child to staff ratio		Supervision			28 IR 181
470 IAC 3-1.1-36.5	27 IR 2846	470 IAC 3-1.1-36.6	27 IR 2846	Benefit period	
"Class I child care home" defined		"Supervision" defined		LSA Document #04-246(E)	28 IR 230
470 IAC 3-1.1-7.2	27 IR 2838	470 IAC 3-1.1-20.1	27 IR 2840	405 IAC 6-5-3	27 IR 3211
"Design professional" defined		Swimming			28 IR 181
470 IAC 3-1.1-7.4	27 IR 2839	470 IAC 3-1.1-39	27 IR 2848	Benefits; program appropriations	
Discipline policy		Transportation and activities away from the		LSA Document #04-246(E)	28 IR 230
470 IAC 3-1.1-41	27 IR 2848	child care home		405 IAC 6-5-6	27 IR 3212
Extended hours		470 IAC 3-1.1-40	27 IR 2848		28 IR 182
470 IAC 3-1.1-51	27 IR 2853	"Volunteer caregiver" defined		Prescription drug coverage	
Fire prevention		470 IAC 3-1.1-22.5	27 IR 2840	LSA Document #04-246(E)	28 IR 230
470 IAC 3-1.1-46	27 IR 2851	Class II Child Care Homes		405 IAC 6-5-1	27 IR 3211
General environment		Application for Class II child care home			28 IR 181
470 IAC 3-1.1-45	27 IR 2850	license		Definitions	
Health		470 IAC 3-1.3-3	27 IR 2855	"Complete application" defined	
470 IAC 3-1.1-44	27 IR 2849	Class II child care home capacity		LSA Document #04-246(E)	28 IR 230
Inappropriate discipline		470 IAC 3-1.3-6	27 IR 2856	405 IAC 6-2-5	27 IR 3210
470 IAC 3-1.1-41.2	27 IR 2848	"Class II child care home" defined			28 IR 179
"Infant" defined		470 IAC 3-1.3-2	27 IR 2855	Eligibility Requirements	
470 IAC 3-1.1-10	27 IR 2839	Class II child care home services		Income	
Initial licensure		470 IAC 3-1.3-1	27 IR 2855	LSA Document #04-246(E)	28 IR 230
470 IAC 3-1.1-28	27 IR 2841	Fire prevention and safety		405 IAC 6-4-2	27 IR 3210
"Licensee" defined		470 IAC 3-1.3-7	27 IR 2856		28 IR 180
470 IAC 3-1.1-12	27 IR 2839	Personnel requirements		Ineligibility	
License provisions		470 IAC 3-1.3-4	27 IR 2856	LSA Document #04-246(E)	28 IR 230
470 IAC 3-1.1-29.5	27 IR 2842	Staff orientation, training, and development		405 IAC 6-4-3	27 IR 3210
Medical requirements		470 IAC 3-1.3-5	27 IR 2856		28 IR 180
470 IAC 3-1.1-34	27 IR 2845	Emergency or temporary closure of child care		MEDICAID PROVIDERS AND SERVICES	
Medication		centers and child care homes		General Provisions	
470 IAC 3-1.1-44.5	27 IR 2850	470 IAC 3-4.8	27 IR 1626	Overpayments made to providers; recovery	
Minimum standards			28 IR 196	405 IAC 1-1-5	28 IR 258
470 IAC 3-1.1-0.5	27 IR 2837	Infant and Toddler Services		Managed Care Provider Reimbursement Dis-	
Nutrition		Activities for healthy development		pute Resolution	
470 IAC 3-1.1-42	27 IR 2849	470 IAC 3-1.2-4	27 IR 2854	405 IAC 1-1.6	27 IR 3699
Outdoor environment		Cribs			28 IR 816
470 IAC 3-1.1-38.5	27 IR 2847	470 IAC 3-1.2-3.2	27 IR 2853	Provider Records	
Pets		Diaper changing and toilet training		Medical records; contents and retention	
470 IAC 3-1.1-45.5	27 IR 2850	470 IAC 3-1.2-6	27 IR 2854	405 IAC 1-5-1	28 IR 655
Positive discipline		Feeding		Provider Reimbursement Appeal Procedures	
470 IAC 3-1.1-41.1	27 IR 2848	470 IAC 3-1.2-7	27 IR 2855	Appeal requests	
"Probationary license" defined		"Full-sized crib" defined		405 IAC 1-1.5-2	28 IR 259
470 IAC 3-1.1-12.5	27 IR 2839	470 IAC 3-1.2-2	27 IR 2853	Scope	
"Protected outdoor play area" defined		Naps		405 IAC 1-1.5-1	27 IR 3699
470 IAC 3-1.1-13	27 IR 2839	470 IAC 3-1.2-5	27 IR 2854		28 IR 815
"Provisional license" defined		"Portacrib" defined		MEDICAID RECIPIENTS; ELIGIBILITY	
470 IAC 3-1.1-14	27 IR 2840	470 IAC 3-1.2-3	27 IR 2853	Eligibility Requirements Based on Need; Aged,	
Record requirements		Sanitizing		Blind, and Disabled Program	
470 IAC 3-1.1-32.1	27 IR 2843	470 IAC 3-1.2-8	27 IR 2855	Spend-down eligibility	
"Relatives" defined				405 IAC 2-3-10	27 IR 1210
470 IAC 3-1.1-15	27 IR 2840				28 IR 178
Relicensure		FAMILY AND SOCIAL SERVICES, OFFICE		MEDICAID SERVICES	
470 IAC 3-1.1-29	27 IR 2842	OF THE SECRETARY OF		Evaluation and Management Services	
Requirements for admission to the home		INDIANA PRESCRIPTION DRUG PROGRAM		Limitations	
470 IAC 3-1.1-37	27 IR 2846	Application and Enrollment; General Require-		405 IAC 5-9-1	28 IR 261
"Residential structure" defined		ments		General Provisions	
470 IAC 3-1.1-16	27 IR 2840	Date of availability		Global fee billing; codes	
Safety		LSA Document #04-246(E)	28 IR 230	405 IAC 5-1-5	28 IR 260
470 IAC 3-1.1-48	27 IR 2852	405 IAC 6-3-3	27 IR 3210	Medical Supplies and Equipment	
Sanitation			28 IR 180	Braces and orthopedic shoes	
470 IAC 3-1.1-47	27 IR 2852			405 IAC 5-19-10	28 IR 262

Medical supplies		Section 2110.1.1; limitations		Section 316; outdoor carnivals and fairs	
405 IAC 5-19-1	28 IR 261	675 IAC 13-2.4-201.7	28 IR 1536	675 IAC 22-2.3-36	27 IR 2860
Podiatric Services		Section 2304.11.9; underfloor ventilation (crawlspace)		Section 317; haunted houses and similar temporary installations	
Prior authorization		675 IAC 13-2.4-213.3	28 IR 1536	675 IAC 22-2.3-36.3	27 IR 2860
405 IAC 5-26-5	28 IR 262	Section 2306.1; allowable stress design		Section 318; fire safety in race track stables	
Prior Authorization		675 IAC 13-2.4-213.5	28 IR 1536	675 IAC 22-2.3-36.4	27 IR 2861
Services requiring prior authorization		Section 2308.2.1; basic wind speed greater than 100 mph (3-second gust)		Section 403.3; fire watch	
405 IAC 5-3-13	28 IR 260	675 IAC 13-2.4-214.2	28 IR 1537	675 IAC 22-2.3-36.6	27 IR 2863
FIRE PREVENTION AND BUILDING SAFETY COMMISSION		Section 3104.5; fire barriers between pedestrian walkways and buildings		Section 403.4; overcrowding	
BUILDING CODES		675 IAC 13-2.4-228.5	28 IR 1538	675 IAC 22-2.3-36.8	27 IR 2863
2003 Indiana Building Code		Table 601; fire resistance rating for building elements (hours)		Section 1003.3.1.3.4; access-controlled egress doors	
Section 307.2; definitions		675 IAC 13-2.4-43.2	28 IR 1531	675 IAC 22-2.3-140.5	27 IR 2863
675 IAC 13-2.4-10	28 IR 1529	Table 719.1(2); rated fire-resistive periods for various walls and partitions		Section 1005.3.2.2	
Section 310.1; residential Group R		675 IAC 13-2.4-47	28 IR 1531	675 IAC 22-2.3-147.5	27 IR 2863
675 IAC 13-2.4-19	28 IR 1529	Table 1003.2.2.2; maximum floor area allowances per occupant		Section 147.6; fire escapes	
Section R310.2; definitions		675 IAC 13-2.4-96.5	28 IR 1533	675 IAC 22-2.3-147.6	27 IR 2863
675 IAC 13-2.4-20	28 IR 1530	Table 1505.1; minimum roof covering classification for types of construction		Section 1008.10; seat stability	
Section 311.3; low-hazard storage		675 IAC 13-2.4-118	28 IR 1534	675 IAC 22-2.3-148	27 IR 2864
675 IAC 13-2.4-22	28 IR 1530	Table 1507.2; asphalt shingle application		Section 1008.10.1; chairs and benches	
Section 402.6; types of construction		675 IAC 13-2.4-118.4	28 IR 1534	675 IAC 22-2.3-148.5	27 IR 2864
675 IAC 13-2.4-24.3	28 IR 1530	Table 1607.1; minimum uniformly distributed live loads and minimum concentrated live loads		Section 2416.1; crowd managers	
Section 412.2.6; fire suppression		675 IAC 13-2.4-122	28 IR 1534	675 IAC 22-2.3-237.5	27 IR 2864
675 IAC 13-2.4-32.5	28 IR 1530	Table 1617.6; design coefficients and factors for basic seismic-force resisting systems		Section 3404.3.2.3; number of storage cabinets	
Section 506.1; general		675 IAC 13-2.4-132.5	28 IR 1535	675 IAC 22-2.3-298.5	27 IR 2864
675 IAC 13-2.4-40.5	28 IR 1530	Table 1904.4.1; maximum chloride ion content for corrosion protection of reinforcement		Section 3405.3.7.5.3; spill control and secondary containment	
Section 506.2; frontage increase		675 IAC 13-2.4-180.5	28 IR 1536	675 IAC 22-2.3-304.5	27 IR 2864
675 IAC 13-2.4-40.6	28 IR 1531	Table 2304.6.1; minimum thickness of wall sheathing		FUEL GAS CODE	
Section 506.3; automatic sprinkler system increase		675 IAC 13-2.4-210.3	28 IR 1536	Indiana Fuel Gas Code, 2003 Edition	
675 IAC 13-2.4-41.5	28 IR 1531	Table 2304.9.1; fastening schedule		Figure 308.2(3)	
Section 507.7; Group E buildings		675 IAC 13-2.4-210.5	28 IR 1536	675 IAC 25-1-7.4	28 IR 1310
675 IAC 13-2.4-42.7	28 IR 1531	Table 2306.4.1; allowable shear (pounds per foot) for wood structural panel shear walls with framing for Douglas-fir-larch, or southern pine for wind or seismic loading		Section 403.11; plastic piping, joints, and fittings	
Section 702.1; definitions		675 IAC 13-2.4-213.7	28 IR 1536	675 IAC 25-1-7.6	28 IR 1310
675 IAC 13-2.4-43.6	28 IR 1531	Table 2308.8(1); floor joist spans for common lumber species		Section 503.5.3; masonry chimneys	
Section 902; definitions		675 IAC 13-2.4-214.4	28 IR 1537	675 IAC 25-1-9.1	28 IR 1310
675 IAC 13-2.4-55	28 IR 1533	Table 2308.9.5; header and girder spans for exterior walls (maximum header span for Douglas fir-larch, hem-fir, southern pine, and spruce-pine-fir and required jack studs)		Section 503.6.9.1; Category I appliances	
Section 903.2.1.3; Group A-3		675 IAC 13-2.4-214.6	28 IR 1537	675 IAC 25-1-9.5	28 IR 1310
675 IAC 13-2.4-55.5	28 IR 1533	Table 2308.9.6; header and girder spans for exterior walls (maximum header span for Douglas fir-larch, hem-fir, southern pine, and spruce-pine-fir and required jack studs)		Section 503.7.5; roof penetrations	
Section 903.3.1.1; NFPA 13 sprinkler system		675 IAC 13-2.4-214.7	28 IR 1537	675 IAC 25-1-9.7	28 IR 1310
675 IAC 13-2.4-56.5	28 IR 1533	FIRE PREVENTION CODES		Section 504.2.9; chimney and vent locations	
Section 1003.3.3; stairways		Indiana Fire Code, 1998 Edition		675 IAC 25-1-9.9	28 IR 1310
675 IAC 13-2.4-105.6	28 IR 1533	675 IAC 22-2.2-26	28 IR 1029	Table 308.2	
Section 1004.3.2.1; construction		Indiana Fire Code, 2003 Edition		675 IAC 25-1-7.2	28 IR 1309
675 IAC 13-2.4-107.3	28 IR 1534	Section 308.3.6; Group A occupancies		Table/Figure 503.6.6	
Section 1005.3.2; vertical exit enclosures		675 IAC 22-2.3-29.5	27 IR 2860	675 IAC 25-1-9.3	28 IR 1310
675 IAC 13-2.4-107.5	28 IR 1534	Section 315.2.1; ceiling clearance		INDIANA VISITABILITY RULE FOR ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES	

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Schedule of Fees for Industrialized Building Systems and Mobile Structures 675 IAC 15-1.6	28 IR 1051	Firefighter-Wildland Fire Suppression I 655 IAC 1-2.1-23	28 IR 1018	Wilderness Rescuer-Operations 655 IAC 1-2.1-109	28 IR 1027
Third Party Inspection Agency Authorization 675 IAC 15-1.5	28 IR 1049	Firefighter-Wildland Fire Suppression II 655 IAC 1-2.1-23.1	28 IR 1018	Wilderness Rescuer-Technician 655 IAC 1-2.1-110	28 IR 1027
Title; Purpose; Applicability; Definitions 675 IAC 15-1.1	28 IR 1037	Fire Inspector I 655 IAC 1-2.1-12	28 IR 1017	GAMING COMMISSION, INDIANA	
MECHANICAL CODE		Fire Inspector II 655 IAC 1-2.1-13	28 IR 1017	ACCOUNTING RECORDS AND PROCEDURES	
Indiana Mechanical Code, 2003 Edition		Fire Inspector III 655 IAC 1-2.1-14	28 IR 1017	Admission Tax	
Section 304.3; elevation of ignition source 675 IAC 18-1.4-10.5	28 IR 1309	Fire Investigator I 655 IAC 1-2.1-15	28 IR 1017	Admissions	
Section 310; explosion venting 675 IAC 18-1.4-11.5	28 IR 1309	Fire Officer I 655 IAC 1-2.1-8	28 IR 1016	68 IAC 15-6-2	28 IR 238
Section 607.5.4; corridors/smoke barriers 675 IAC 18-1.4-32.3	28 IR 1309	Fire Officer II 655 IAC 1-2.1-9	28 IR 1016	Computation of tax 68 IAC 15-6-5	28 IR 239
Section 607.5.5.1; penetrations of shaft enclosures 675 IAC 18-1.4-32.5	28 IR 1309	Fire Officer III 655 IAC 1-2.1-10	28 IR 1016	Ticketing 68 IAC 15-6-3	28 IR 239
Section 1403.2; flammable gases and liquids 675 IAC 18-1.4-49.5	28 IR 1309	Fire Officer IV 655 IAC 1-2.1-11	28 IR 1017	Cash Reserve Requirements and Distributions Cash reserve requirements 68 IAC 15-3-3	28 IR 237
ONE AND TWO FAMILY DWELLING CODE		Fire Officer-Strategy and Tactics 655 IAC 1-2.1-7.1	28 IR 1014	General Provisions Reports by the executive director 68 IAC 15-1-8	27 IR 3112 28 IR 530
Indiana Residential Code		Hazardous Materials First Responder-Awareness 655 IAC 1-2.1-24	28 IR 1019	Main Bank Responsibilities Cage variances 68 IAC 15-10-4.1	27 IR 3113 28 IR 530
675 IAC 14-4.3	28 IR 268	Hazardous Materials First Responder-Operations 655 IAC 1-2.1-24.1	28 IR 1019	Manually Paid Jackpots Pouch pay jackpots 68 IAC 15-13-2.5	27 IR 3113 28 IR 531
Section R316.2; guard opening limitations 675 IAC 14-4.2-30	27 IR 2333	Hazardous Materials-Incident Command 655 IAC 1-2.1-24.3	28 IR 1019	Tips and Gratuities; Chips and Tokens Redeemed by Nongaming Occupational Licensees Chips and tokens redeemed by nongaming occupational licensees 68 IAC 15-9-4	27 IR 3112 28 IR 530
28 IR 562		Hazardous Materials-Technician 655 IAC 1-2.1-24.2	28 IR 1019	Wagering Tax Calculation of taxes 68 IAC 15-5-2	28 IR 237
Table R703.4; weather-resistant siding attachment and minimum thickness 675 IAC 14-4.2-89.2	27 IR 2333	Instructor II/III 655 IAC 1-2.1-20	28 IR 1018	CONDUCT OF GAMING	
28 IR 562		Rope Rescuer Awareness 655 IAC 1-2.1-75	28 IR 1020	Rules of Game; General Provisions Table limits 68 IAC 10-1-5	27 IR 3110 28 IR 527
REGULATED EXPLOSIVES; USE AND LICENSURE		Rope Rescuer Operations 655 IAC 1-2.1-96	28 IR 1022	CREDIT	
675 IAC 26	28 IR 1031	Rope Rescuer-Technician 655 IAC 1-2.1-97	28 IR 1022	General Provisions Reports by the executive director 68 IAC 16-1-16	27 IR 3113 28 IR 531
FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION, BOARD OF		Safety Officer 655 IAC 1-2.1-22	28 IR 1018	DISPUTE PROCEDURES	
PERSONNEL STANDARDS AND EDUCATION		Structural Collapse Rescuer-Awareness 655 IAC 1-2.1-75.4	28 IR 1021	Patron Dispute Procedures Patron dispute process 68 IAC 18-1-2	27 IR 3114 28 IR 531
General Administrative Rule		Structural Collapse Rescuer-Operations 655 IAC 1-2.1-102	28 IR 1024	Reports by the executive director 68 IAC 18-1-6	27 IR 3114 28 IR 532
Certifications under this rule; requirements 655 IAC 1-1-5.1	28 IR 1009	Structural Collapse Rescuer-Technician 655 IAC 1-2.1-103	28 IR 1025	ETHICS	
Mandatory Training Requirements		Swift Water Rescuer-Awareness 655 IAC 1-2.1-76.1	28 IR 1022	Restriction on Gaming Reports by the executive director 68 IAC 9-4-8	27 IR 3110 28 IR 527
General requirements for firefighter mandatory training 655 IAC 1-4-2	28 IR 1028	Swift Water Rescuer-Operations 655 IAC 1-2.1-106	28 IR 1026	GAMING EQUIPMENT	
Training for Voluntary Certification Program (1996)		Swift Water Rescuer-Technician 655 IAC 1-2.1-107	28 IR 1027	Chip Specifications Destruction of chips 68 IAC 14-4-8	27 IR 3112 28 IR 529
Basic Firefighter requirements		Trench Rescuer-Awareness 655 IAC 1-2.1-75.5	28 IR 1021		
655 IAC 1-2.1-3	28 IR 1012	Trench Rescuer-Operations 655 IAC 1-2.1-104	28 IR 1025		
Confined Space Rescuer-Awareness 655 IAC 1-2.1-75.3	28 IR 1020	Trench Rescuer-Technician 655 IAC 1-2.1-105	28 IR 1026		
Confined Space Rescuer-Operations 655 IAC 1-2.1-100	28 IR 1023	Vehicle and Machinery Rescuer-Awareness 655 IAC 1-2.1-75.2	28 IR 1020		
Confined Space Rescuer-Technician 655 IAC 1-2.1-101	28 IR 1024	Vehicle and Machinery Rescuer-Operations 655 IAC 1-2.1-98	28 IR 1023		
Driver/Operator-Aerial 655 IAC 1-2.1-6.1	28 IR 1013	Vehicle and Machinery Rescuer-Technician 655 IAC 1-2.1-99	28 IR 1023		
Driver/Operator-Aircraft Crash and Rescue 655 IAC 1-2.1-6.3	28 IR 1014	Wilderness Rescuer-Awareness 655 IAC 1-2.1-108	28 IR 1027		
Driver/Operator-Mobile Water Supply 655 IAC 1-2.1-6.4	28 IR 1014				
Driver/Operator-Pumper 655 IAC 1-2.1-6	28 IR 1013				
Driver/Operator-Wildland Fire Apparatus 655 IAC 1-2.1-6.2	28 IR 1013				
Firefighter I 655 IAC 1-2.1-4	28 IR 1012				
Firefighter II 655 IAC 1-2.1-5	28 IR 1012				

CITATIONS TO FINAL RULES ARE IN BOLD TYPE

Token Specifications					
Destruction of tokens					
68 IAC 14-5-6	27 IR 3112				
	28 IR 529				
GENERAL PROVISIONS					
Transfer of Ownership					
Obligation to report certain events					
68 IAC 1-5-1	27 IR 3115				
	28 IR 532				
INTERNAL CONTROL PROCEDURES					
General Provisions					
Reports by the executive director					
68 IAC 11-1-8	27 IR 3110				
	28 IR 528				
Soft Count Procedure					
General Provisions					
68 IAC 11-3-1	27 IR 3110				
	28 IR 528				
LICENSES AND APPROVAL OF ASSOCIATED EQUIPMENT					
Associated Equipment					
Reports by the executive director					
68 IAC 2-7-12	27 IR 3109				
	28 IR 526				
Electronic Gaming Device Rules					
Reports by the executive director					
68 IAC 2-6-49	27 IR 3109				
	28 IR 526				
Occupational Licenses					
Duty to maintain suitability; duty to disclose					
68 IAC 2-3-9	27 IR 3118				
	28 IR 535				
Identification badge					
68 IAC 2-3-6	27 IR 3117				
	28 IR 535				
Licensing procedures					
68 IAC 2-3-5	27 IR 3115				
	28 IR 533				
MOVEMENT OF GAMING EQUIPMENT					
Electronic Gaming Device Movements					
Reports by the executive director					
68 IAC 17-1-5	27 IR 3114				
	28 IR 531				
Live Gaming Device Movements					
Reports by the executive director					
68 IAC 17-2-6	27 IR 3114				
	28 IR 531				
PUBLIC SAFETY AND EXCURSIONS					
Excursions, Routes, and Public Safety					
Reports by the executive director					
68 IAC 8-1-11	27 IR 3110				
	28 IR 527				
Medical Services; Emergency Response					
Reports by the executive director					
68 IAC 8-2-29	27 IR 3110				
	28 IR 527				
SECURITY AND SURVEILLANCE					
General Provisions for Surveillance System					
Reports by the executive director					
68 IAC 12-1-15	27 IR 3111				
	28 IR 529				
TRANSFER OF OWNERSHIP					
Debt Acquisition					
Commission approval required; approval process					
68 IAC 5-3-2	27 IR 3109				
	28 IR 526				
Reports by the executive director					
68 IAC 5-3-7	27 IR 3109				
	28 IR 527				
GEOLOGISTS, INDIANA BOARD OF LICENSURE FOR PROFESSIONAL PROFESSIONAL GEOLOGISTS					
Code of Ethics					
305 IAC 1-5	27 IR 217				
	28 IR 13				
Definitions					
"Professional geological work" defined					
305 IAC 1-2-6	27 IR 216				
	28 IR 12				
Issuance, Renewal, and Denial of Geologist					
Licensure					
Issuance of a renewal certificate					
305 IAC 1-3-4	27 IR 216				
	28 IR 12				
Special Provisions					
Publication of roster; responsibility of a licensed professional geologist to maintain a current address with the Indiana geological survey					
305 IAC 1-4-2	27 IR 217				
	28 IR 13				
Seal and responsibilities of licensed professional geologist for documents					
305 IAC 1-4-1	27 IR 216				
	28 IR 12				
HEALTH, INDIANA STATE DEPARTMENT OF					
FOOD AND DRUGS					
Schedule of civil penalties					
410 IAC 7-23-1	27 IR 3301				
	28 IR 908				
Sanitary Standards for the Operation of Retail Food Establishments					
410 IAC 7-24	27 IR 3216				
	28 IR 822				
HEALTH FACILITIES; LICENSING AND OPERATIONAL STANDARDS					
Comprehensive Care Facilities					
Dining assistants					
410 IAC 16.2-3.1-53	27 IR 2545				
	28 IR 192				
Licenses					
410 IAC 16.2-3.1-2	27 IR 2536				
	28 IR 182				
Personnel					
410 IAC 16.2-3.1-14	27 IR 2542				
	28 IR 189				
Definitions					
"Dining assistant" defined					
410 IAC 16.2-1.1-19.3	27 IR 2542				
	28 IR 189				
Resident Care Facilities					
Dining assistants					
410 IAC 16.2-5-13	27 IR 2548				
	28 IR 194				
Licenses					
410 IAC 16.2-5-1.1	27 IR 2539				
	28 IR 185				
Personnel					
410 IAC 16.2-5-1.4	27 IR 2547				
	28 IR 193				
REPORTING					
Birth Problems Registry					
Reportable birth problems					
410 IAC 21-3-9	28 IR 656				
Reporting requirements					
410 IAC 21-3-8	28 IR 656				
SANITARY ENGINEERING					
Plan Review, Construction Permits, and Fees for Services					
"Absorption field" defined					
410 IAC 6-12-1	27 IR 3212				
	28 IR 818				
Applicability					
410 IAC 6-12-0.5	27 IR 3212				
	28 IR 818				
Application for construction permit					
410 IAC 6-12-8	27 IR 3213				
	28 IR 819				
"Commissioner" defined					
410 IAC 6-12-3	27 IR 3213				
	28 IR 818				
"Community wastewater disposal facility" defined					
410 IAC 6-12-3.1	27 IR 3213				
	28 IR 818				
Construction permit revocations and modifications					
410 IAC 6-12-13	27 IR 3215				
	28 IR 820				
Denial of an application for construction permit					
410 IAC 6-12-14	27 IR 3215				
	28 IR 821				
"Department" defined					
410 IAC 6-12-3.2	27 IR 3213				
	28 IR 818				
Fees					
410 IAC 6-12-17	27 IR 3216				
	28 IR 821				
Official's signature; effective date					
410 IAC 6-12-10	27 IR 3214				
	28 IR 820				
Permit conditions					
410 IAC 6-12-11	27 IR 3215				
	28 IR 820				
Permit requirement					
410 IAC 6-12-7	27 IR 3213				
	28 IR 818				
"Person" defined					
410 IAC 6-12-4	27 IR 3213				
	28 IR 818				
Right of entry					
410 IAC 6-12-9	27 IR 3214				
	28 IR 820				
Standards for issuance					
410 IAC 6-12-12	27 IR 3215				
	28 IR 820				
HOME INSPECTORS LICENSING BOARD					
878 IAC	28 IR 1060				
INFORMATION TECHNOLOGY OVERSIGHT COMMISSION, STATE					
28 IAC	28 IR 986				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

INSURANCE, DEPARTMENT OF					
GENERAL PROVISIONS					
Continuing Education					
Application requirements					
760 IAC 1-50-4	27 IR 4136				
	28 IR 1482				
Continuing education credit hour defined					
760 IAC 1-50-3	27 IR 4136				
	28 IR 1482				
Requirements for self-study continuing education courses					
760 IAC 1-50-5	27 IR 4137				
	28 IR 1483				
Health Maintenance Organization Plan for Continuation of Benefits in the Event of Receivership					
760 IAC 1-70	27 IR 2560				
	28 IR 314				
	28 IR 1480				
Medical Malpractice Insurance					
Definitions					
760 IAC 1-21-2	28 IR 1311				
Establishment of financial responsibility by ancillary provider or physician					
760 IAC 1-21-3	28 IR 1311				
Filings by health facilities					
760 IAC 1-21-11	28 IR 1313				
Financial responsibility of hospital					
760 IAC 1-21-5	28 IR 1311				
Payment into patient's compensation fund; annual surcharge					
760 IAC 1-21-8	28 IR 1312				
Retention of deposit during liability					
760 IAC 1-21-4	28 IR 1311				
Scope of coverage					
760 IAC 1-21-10	28 IR 1313				
LONG TERM CARE INSURANCE COVERAGE					
Application Forms and Replacement Coverage					
Any other health insurance policies					
760 IAC 2-8-2	27 IR 3314				
	28 IR 571				
Direct response solicitations					
760 IAC 2-8-4	27 IR 3315				
	28 IR 572				
Life insurance policies					
760 IAC 2-8-6	27 IR 3315				
	28 IR 572				
Notice regarding replacement of accident and sickness or long term care insurance					
760 IAC 2-8-3	27 IR 3314				
	28 IR 571				
Questions					
760 IAC 2-8-1	27 IR 3314				
	28 IR 570				
Definitions					
"Activities of daily living" defined					
760 IAC 2-2-1.5	27 IR 3306				
	28 IR 563				
"Bathing" defined					
760 IAC 2-2-3.1	27 IR 3307				
	28 IR 563				
"Cognitive impairment" defined					
760 IAC 2-2-3.2	27 IR 3307				
	28 IR 563				
"Continence" defined					
760 IAC 2-2-3.3	27 IR 3307				
	28 IR 564				
"Department of insurance" defined					
760 IAC 2-2-3.4	27 IR 3307				
	28 IR 564				
"Dressing" defined					
760 IAC 2-2-3.5	27 IR 3307				
	28 IR 564				
"Eating" defined					
760 IAC 2-2-3.6	27 IR 3307				
	28 IR 564				
"Federally tax-qualified long term care insurance contract" defined					
760 IAC 2-2-3.7	27 IR 3307				
	28 IR 564				
"Hands-on assistance" defined					
760 IAC 2-2-3.8	27 IR 3308				
	28 IR 565				
"Skilled nursing care", intermediate care", "personal care", "home care", and "other services" defined					
760 IAC 2-2-8	27 IR 3308				
	28 IR 565				
General Provisions					
Applicability and scope					
760 IAC 2-1-1	27 IR 3306				
	28 IR 563				
Indiana Long Term Care Program					
Auditing and correcting deficiencies in issuer record keeping					
760 IAC 2-20-42	27 IR 3335				
	28 IR 591				
"Case management agency" defined					
760 IAC 2-20-10	27 IR 3329				
	28 IR 585				
Determining asset protection					
760 IAC 2-20-38.1	27 IR 3334				
	28 IR 590				
Minimum benefit standards for qualifying policies, certificates, and riders					
760 IAC 2-20-35	27 IR 3332				
	28 IR 588				
Minimum benefit standards and required policy and certificate provisions for integrated policies					
760 IAC 2-20-36.1	27 IR 3332				
	28 IR 589				
Minimum benefit standards and required policy and certificate provisions for long term care facility policies					
760 IAC 2-20-36.2	27 IR 3333				
	28 IR 590				
Reporting of insurance producer data					
760 IAC 2-20-37.2	27 IR 3334				
	28 IR 590				
Reporting of sales data					
760 IAC 2-20-37.3	27 IR 3334				
	28 IR 590				
"Residential care facility" defined					
760 IAC 2-20-31.1	27 IR 3329				
	28 IR 586				
Standards for marketing					
760 IAC 2-20-34	27 IR 3329				
	28 IR 586				
Inflation Protection Offer					
General provisions					
760 IAC 2-7-1	27 IR 3313				
	28 IR 570				
Licensing					
Licensing					
760 IAC 2-10-1	27 IR 3316				
	28 IR 573				
Loss Ratio					
Relevant factors					
760 IAC 2-13-1	27 IR 3317				
	28 IR 573				
Marketing					
Standards					
760 IAC 2-15-1	27 IR 3317				
	28 IR 574				
Nonforfeiture Benefit Requirement					
760 IAC 2-16.1	27 IR 3320				
	28 IR 576				
Outline of Coverage					
Standard					
760 IAC 2-17-1	27 IR 3323				
	28 IR 580				
Penalties					
Other sanctions					
760 IAC 2-19-2	27 IR 3325				
	28 IR 582				
Policy Practices and Provisions					
Electronic enrollment					
760 IAC 2-3-7	27 IR 3310				
	28 IR 567				
Exclusions					
760 IAC 2-3-2	27 IR 3308				
	28 IR 565				
Group long term care policies					
760 IAC 2-3-4	27 IR 3309				
	28 IR 566				
Individual long term care policies					
760 IAC 2-3-1	27 IR 3308				
	28 IR 565				
Premiums					
760 IAC 2-3-6	27 IR 3310				
	28 IR 567				
Unintentional lapse					
760 IAC 2-3-8	27 IR 3311				
	28 IR 567				
Purchase or Replacement					
Appropriateness of recommended purchase					
760 IAC 2-16-1	27 IR 3320				
	28 IR 576				
Reporting Requirements					
Reporting					
760 IAC 2-9-1	27 IR 3316				
	28 IR 572				
Required Disclosure Provisions					
Renewability provisions					
760 IAC 2-4-1	27 IR 3311				
	28 IR 568				
Required disclosure of rating practices to consumers					
760 IAC 2-4-2	27 IR 3312				
	28 IR 569				
Shopper's Guide					
Delivery					
760 IAC 2-18-1	27 IR 3325				
	28 IR 582				
Standard Forms					
760 IAC 2-19.5	27 IR 3325				
	28 IR 582				
Suitability					
760 IAC 2-15.5	27 IR 3319				
	28 IR 575				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

**LAND SURVEYORS, STATE BOARD OF
REGISTRATION FOR
GENERAL PROVISIONS**

Fees
Fees charged by board
865 IAC 1-11-1 27 IR 2570
28 IR 605
28 IR 1059

LOCAL GOVERNMENT FINANCE, DEPARTMENT OF

ANNUAL ADJUSTMENTS
50 IAC 21 27 IR 4050
28 IR 1452
REMUNERATION FOR INITIAL TRAINING
AND CONTINUING EDUCATION SESSIONS
50 IAC 20 27 IR 3603
28 IR 1458

LOTTERY COMMISSION, STATE

PULL-TAB GAMES
Specific Pull-Tab Games
Pull-tab game 020
LSA Document #04-250(E) **28 IR 227**
Pull-tab game 021
LSA Document #04-251(E) **28 IR 228**
Pull-tab game 022
LSA Document #04-265(E) **28 IR 613**
Pull-tab game 023
LSA Document #04-266(E) **28 IR 614**
Pull-tab game 024
LSA Document #04-306(E) **28 IR 1192**
Pull-tab game 025
LSA Document #04-305(E) **28 IR 1191**
Pull-tab game 026
LSA Document #04-331(E) **28 IR 1495**
Pull-tab game 027
LSA Document #04-332(E) **28 IR 1496**

SCRATCH-OFF GAMES
Scratch-Off Game 723
LSA Document #04-238(E) **28 IR 217**
Scratch-Off Game 724
LSA Document #04-239(E) **28 IR 218**
Scratch-Off Game 725
LSA Document #04-240(E) **28 IR 219**
Scratch-Off Game 726
65 IAC 4-348 **28 IR 221**
Scratch-Off Game 727
LSA Document #04-242(E) **28 IR 223**
Scratch-Off Game 728
LSA Document #04-243(E) **28 IR 224**
Scratch-Off Game 729
65 IAC 4-350 **28 IR 229**
Scratch-Off Game 730
LSA Document #04-244(E) **28 IR 226**
Scratch-Off Game 731
LSA Document #04-280(E) **28 IR 972**
Scratch-Off Game 732
LSA Document #04-281(E) **28 IR 973**
Scratch-Off Game 733
LSA Document #04-282(E) **28 IR 974**
Scratch-Off Game 734
65 IAC 4-349 **28 IR 975**
Scratch-Off Game 735
65 IAC 4-352 **28 IR 978**
Scratch-Off Game 736
LSA Document #04-301(E) **28 IR 1186**
Scratch-Off Game 737
LSA Document #04-302(E) **28 IR 1187**

Scratch-Off Game 738
LSA Document #04-303(E) **28 IR 1188**
Scratch-Off Game 739
LSA Document #04-304(E) **28 IR 1189**
Scratch-Off Game 740
LSA Document #04-326(E) **28 IR 1488**
Scratch-Off Game 741
LSA Document #04-327(E) **28 IR 1489**
Scratch-Off Game 742
LSA Document #04-328(E) **28 IR 1491**
Scratch-Off Game 743
65 IAC 4-353 **28 IR 1492**

THE COMMISSION

Ethics
Contractor ethics restrictions
65 IAC 1-4-5.5 **28 IR 217**

MANUFACTURED HOME INSTALLER LICENSING BOARD

879 IAC 28 IR 1548

**MEDICAL LICENSING BOARD OF INDIANA
HYPNOTIST COMMITTEE**

Standards of Competent Practice of Hypnotism
Professional practice
844 IAC 12-5-4 28 IR 316

OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

Certification
Mandatory registration; renewal
844 IAC 10-4-1 27 IR 2568
28 IR 211

PHYSICAL THERAPISTS AND PHYSICAL THERAPISTS' ASSISTANTS

Admission to Practice
Applications for licensure as a physical therapist or certification as a physical therapist's assistant
844 IAC 6-3-4 27 IR 1637
28 IR 204

Licensure by endorsement
844 IAC 6-3-1 27 IR 1636
28 IR 203

Licensure by examination
844 IAC 6-3-2 27 IR 1636
28 IR 204

Social Security numbers
844 IAC 6-3-6 27 IR 1638
28 IR 205

Temporary permits
844 IAC 6-3-5 27 IR 1637
28 IR 205

General Provisions
Accreditation of educational programs
844 IAC 6-1-4 27 IR 1635
28 IR 203

Definitions
844 IAC 6-1-2 27 IR 1284
28 IR 209

Registration of Licensed Physical Therapists and Physical Therapists' Assistants
Reinstatement of delinquent license
844 IAC 6-4-3 27 IR 1638
28 IR 206

Reinstatement of Suspended License
Duties of suspended licensees, certificate holders
844 IAC 6-6-3 27 IR 1638
28 IR 206

Protection of patients' interest
844 IAC 6-6-4 27 IR 1639
28 IR 206

Standards of Professional Conduct
Standards of professional conduct and competent practice
844 IAC 6-7-2 27 IR 1639
28 IR 206

MENTAL HEALTH AND ADDICTION, DIVISION OF

RESIDENTIAL LIVING FACILITIES FOR INDIVIDUALS WITH PSYCHIATRIC DISORDERS OR ADDICTIONS

Definitions
Definitions
440 IAC 7.5-1-1 28 IR 657

Fire and Life Safety Standards for Congregate Residences for Persons with a Psychiatric Disorder or an Addiction
Adoption by reference

440 IAC 7.5-10-3 28 IR 667

Application
440 IAC 7.5-10-2 28 IR 667

Scope
440 IAC 7.5-10-1 28 IR 667

Fire and Life Safety Standards for Facilities Located in Apartment Buildings for Persons with a Psychiatric Disorder or an Addiction
Adoption by reference

440 IAC 7.5-8-3 28 IR 666

Application
440 IAC 7.5-8-2 28 IR 666

Scope
440 IAC 7.5-8-1 28 IR 666

Fire and Life Safety Standards for One and Two Family Dwellings for Persons with a Psychiatric Disorder or an Addiction
Adoption by reference

440 IAC 7.5-9-3 28 IR 667

Application
440 IAC 7.5-9-2 28 IR 666

Scope
440 IAC 7.5-9-1 28 IR 666

Fire and Life Safety Standards for Secure or Locked Sub-Acute Facilities for Persons with a Psychiatric Disorder or an Addiction That Meets the Fire Prevention and Building Safety Commission Requirements for an I-3 Occupancy
440 IAC 7.5-11 28 IR 667

Requirements for All Residential Living Facilities in This Article
General overview
440 IAC 7.5-2-1 28 IR 660

Physical requirements
440 IAC 7.5-2-12 28 IR 661

Resident health and treatment
440 IAC 7.5-2-8 28 IR 661

Safety requirements
440 IAC 7.5-2-13 28 IR 662

Requirements Specific for Managed Care Providers and Community Mental Health Centers
Allowable expenses
440 IAC 7.5-3-7 28 IR 664

Calculation of resident living allowance
440 IAC 7.5-3-4 28 IR 664

Resident living allowance
440 IAC 7.5-3-3 28 IR 663

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Sub-Acute and Supervised Group Living Facilities		Hunting deer by bow and arrows		Special purpose salvage permit	
Requirements specific to a sub-acute facility		LSA Document #04-285(E)	28 IR 981	312 IAC 9-10-13.5	27 IR 1963
440 IAC 7.5-4-7	28 IR 664	312 IAC 9-3-4	27 IR 1948		28 IR 553
Requirements specific to a supervised group living facility			28 IR 538	Wild animal rehabilitation permit	
440 IAC 7.5-4-8	28 IR 665		28 IR 1523	312 IAC 9-10-9	27 IR 1960
Transitional Residential Facilities for Individuals with a Psychiatric Disorder or an Addiction		Hunting deer by bow and arrows by authority			28 IR 550
Transitional residential facility		of an extra deer license		Sport Fishing	
440 IAC 7.5-5-1	28 IR 665	312 IAC 9-3-5	28 IR 1523	Black bass	
		Hunting deer by firearms		312 IAC 9-7-6	27 IR 1959
		312 IAC 9-3-3	27 IR 1947		28 IR 549
			28 IR 537	Sport fishing methods, except on the Ohio River	
		Minks, muskrats, and long-tailed weasels		312 IAC 9-7-2	27 IR 1957
		312 IAC 9-3-13	27 IR 1950		28 IR 547
			28 IR 540	Trout and salmon	
		Opossums and raccoons		312 IAC 9-7-13	27 IR 1960
		312 IAC 9-3-14	27 IR 1950		28 IR 550
			28 IR 540	Sport Fishing, Commercial Fishing; Definitions, Restrictions, and Standards	
		Squirrels		Endangered and threatened species of fish	
		312 IAC 9-3-17	27 IR 1950	312 IAC 9-6-9	27 IR 1957
			28 IR 540		28 IR 547
		Taking beavers, minks, muskrats, long-tailed weasels, red foxes, gray foxes, opossums, skunks, raccoons, or squirrels to protect property		Wild Animal Possession Permits	
		312 IAC 9-3-15	27 IR 1950	Applicability	
			28 IR 540	312 IAC 9-11-1	27 IR 1964
		Reptiles and Amphibians			28 IR 554
		Collection and possession of reptiles and amphibians native to Indiana		First permit to possess a wild animal	
		312 IAC 9-5-6	27 IR 1953	312 IAC 9-11-2	27 IR 1965
			28 IR 543		28 IR 555
		Endangered and threatened species; reptiles and amphibians		Maintaining a wild animal possessed under this rule	
		312 IAC 9-5-4	27 IR 1953	312 IAC 9-11-14	27 IR 1965
			28 IR 542		28 IR 555
			28 IR 1525	GREAT LAKES BASIN WATER MANAGEMENT	
		Reptile captive breeding license		312 IAC 6.2	27 IR 3119
		312 IAC 9-5-9	27 IR 1955		28 IR 1459
			28 IR 545	LAKE CONSTRUCTION ACTIVITIES	
		Sale and transport for sale of reptiles and amphibians native to Indiana		Definitions	
		312 IAC 9-5-7	27 IR 1953	"Bulkhead seawall" defined	
			28 IR 543	312 IAC 11-2-5	28 IR 1521
			28 IR 1526	"Group pier" defined	
		Special purpose turtle possession permit		312 IAC 11-2-11.5	27 IR 4095
		312 IAC 9-5-11	27 IR 1956	Temporary Structures and Permanent Structures	
			28 IR 546	General licenses for qualified temporary structures; dry hydrants; glacial stone refaces	
		Restrictions and Standards Applicable to Wild Animals		312 IAC 11-3-1	27 IR 4095
		Possession of endangered species of mammals, nonmigratory birds, reptiles, amphibians, fish, and crayfish		LAW ENFORCEMENT	
		312 IAC 9-2-15	28 IR 1522	Other Standards and Practices	
		Sale of endangered species		Insurance board	
		312 IAC 9-2-14	28 IR 1522	312 IAC 4-6-6	28 IR 625
		Special Licenses; Permits and Standards		OFF-ROAD VEHICLES AND SNOWMOBILES	
		Aquaculture permit		312 IAC 6.5	27 IR 2767
		312 IAC 9-10-17	27 IR 1964		28 IR 15
			28 IR 554	OIL AND GAS	
		Hunting permit for persons with disabilities		Permits	
		312 IAC 9-10-10	27 IR 1962	Permit applications	
			28 IR 552	312 IAC 16-3-2	27 IR 4097
		Special purpose educational permit		Permit transfer	
		312 IAC 9-10-9.5	27 IR 1961	312 IAC 16-3-8	27 IR 4099
			28 IR 551	OTHER PETROLEUM REGULATION	
				Geophysical Surveying	
				Applications	
				312 IAC 17-3-3	27 IR 2532
					28 IR 557

Index

Bond type 312 IAC 17-3-6	27 IR 2533 28 IR 558	First aid equipment; emergency procedures 312 IAC 5-14-18	27 IR 4105 28 IR 1466	Curriculum; licensed practical nurse programs 848 IAC 1-2-18	27 IR 2872 28 IR 600
Definitions 312 IAC 17-3-2	27 IR 2532 28 IR 557	Fixed fuel tanks 312 IAC 5-14-7	27 IR 4102 28 IR 1463	Curriculum; registered nurse programs 848 IAC 1-2-17	27 IR 2872 28 IR 600
General provisions and application of definitions 312 IAC 17-3-1	27 IR 2532 28 IR 557	Gasoline engines; ventilation 312 IAC 5-14-5.1	27 IR 4101 28 IR 1462	Educational resources 848 IAC 1-2-20	27 IR 2873 28 IR 601
Permit issuance, expiration, revocation, denial, transfer, and review 312 IAC 17-3-4	27 IR 2533 28 IR 558	Inspections of watercraft carrying passengers for hire 312 IAC 5-14-2	27 IR 4100 28 IR 1461	Eligible institutions 848 IAC 1-2-7	27 IR 2868 28 IR 596
Reports 312 IAC 17-3-9	27 IR 2534 28 IR 558	Main and auxiliary engines 312 IAC 5-14-4	27 IR 4100 28 IR 1462	Faculty 848 IAC 1-2-12	27 IR 2869 28 IR 598
Shothole plugging; surface reclamation 312 IAC 17-3-8	27 IR 2534 28 IR 558	Main engine gauges 312 IAC 5-14-15	27 IR 4103 28 IR 1465	Faculty qualifications; licensed practical nurse programs 848 IAC 1-2-14	27 IR 2870 28 IR 599
PROCEDURES AND DELEGATIONS		Personal flotation devices (life preservers or life jackets) 312 IAC 5-14-16	27 IR 4104 28 IR 1465	Faculty qualifications; registered nurse programs 848 IAC 1-2-13	27 IR 2870 28 IR 598
Organized Activities and Tournaments on Designated Public Waters; Administration License application 312 IAC 2-4-6	28 IR 626	Pilot's license on waters of concurrent jurisdiction 312 IAC 5-14-22	27 IR 4106 28 IR 1468	Opening a program 848 IAC 1-2-1	27 IR 2866 28 IR 594
Limitations on fishing tournaments at lakes administered by the division of state parks and reservoirs 312 IAC 2-4-12	27 IR 3604 28 IR 1460	Portable battery operated light (flashlight) 312 IAC 5-14-20	27 IR 4106 28 IR 1467	Organization and administration 848 IAC 1-2-10	27 IR 2869 28 IR 597
Limitations on organized boating activities at Sylvan Lake, Noble County 312 IAC 2-4-14	28 IR 626	Portable fuel tanks 312 IAC 5-14-8	27 IR 4102 28 IR 1464	Philosophy, mission, and objectives 848 IAC 1-2-9	27 IR 2869 28 IR 597
PUBLIC USE OF NATURAL AND RECREATIONAL AREAS		Reciprocity for a Michigan certification 312 IAC 5-14-27	27 IR 4109 28 IR 1470	Progression and graduation 848 IAC 1-2-21	27 IR 2873 28 IR 601
LSA Document #04-262(E) 28 IR 616		Watercraft carrying more than six passengers for hire 312 IAC 5-14-25	27 IR 4108 28 IR 1469	Records 848 IAC 1-2-24	27 IR 2874 28 IR 602
WATERCRAFT OPERATIONS ON PUBLIC WATERS OF INDIANA		Watercraft carrying passengers for hire; application; delegation; exemptions; maintenance of equipment in a good and serviceable condition 312 IAC 5-14-1	27 IR 4100 28 IR 1461	Records and program catalog 848 IAC 1-2-22	27 IR 2874 28 IR 602
Specified Navigable Waterways Other Than Lake Michigan; Restrictions LSA Document #04-262(E) 28 IR 616		Watercraft carrying six or fewer passengers for hire on waters of concurrent jurisdiction 312 IAC 5-14-24	27 IR 4107 28 IR 1468	Reports to the board 848 IAC 1-2-23	27 IR 2874 28 IR 602
Specified public freshwater lakes; restrictions Lake James Chain of Lakes; special watercraft zones 312 IAC 5-6-5	28 IR 240			Survey visits 848 IAC 1-2-6	27 IR 2867 28 IR 595
Lake Manitou; special watercraft zones 312 IAC 5-6-5.5	28 IR 989			Transfer of program to another controlling organization 848 IAC 1-2-8.5	27 IR 2868 28 IR 596
Watercraft Carrying Passengers for Hire				Definitions; Administration Definitions 848 IAC 1-1-2.1	27 IR 2865 28 IR 593
Bilge pumps and bailout devices 312 IAC 5-14-11	27 IR 4103 28 IR 1464	NURSING, INDIANA STATE BOARD OF REGISTERED NURSES AND PRACTICAL NURSES		Licensure by endorsement 848 IAC 1-1-7	28 IR 675
Certificate of inspection; issuance; posting; revocation 312 IAC 5-14-21	27 IR 4106 28 IR 1467	Accreditation Accreditation status 848 IAC 1-2-5	27 IR 2866 28 IR 594	Licensure by examination 848 IAC 1-1-6	28 IR 674
Cooking, heating, and lighting 312 IAC 5-14-19	27 IR 4105 28 IR 1467	Change of ownership 848 IAC 1-2-8	27 IR 2868 28 IR 596	OPINIONS OF THE ATTORNEY GENERAL (See Cumulative Table of Executive Orders and Attorney General's Opinions at 28 IR 1412)	
Diesel engines; ventilation 312 IAC 5-14-6.1	27 IR 4102 28 IR 1463	Clinical experience; all programs 848 IAC 1-2-19	27 IR 2873 28 IR 601	PERSONNEL DEPARTMENT, STATE MERIT EMPLOYEES	
Electrical systems 312 IAC 5-14-9	27 IR 4103 28 IR 1464	Curriculum; all programs 848 IAC 1-2-16	27 IR 2871 28 IR 599	Hours and Leave Sick leave 31 IAC 2-11-4	27 IR 4049
Fire extinguishers 312 IAC 5-14-17	27 IR 4104 28 IR 1465				

[illegible]

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

“Change-in-service” defined 329 IAC 9-1-10.4	26 IR 1209 27 IR 3177 28 IR 146	Closure procedure 329 IAC 9-6-2.5	26 IR 1230 27 IR 3200 28 IR 168	Notification requirements 329 IAC 9-2-2	26 IR 1214 27 IR 3182 28 IR 150
“Chemical of concern” defined 329 IAC 9-1-10.6	26 IR 1209 27 IR 3178 28 IR 146	Closure records 329 IAC 9-6-4	26 IR 1234 27 IR 3204 28 IR 173	Release Detection General requirements for all UST systems 329 IAC 9-7-1	26 IR 1235 27 IR 3205 28 IR 173
“Closure” defined 329 IAC 9-1-10.8	26 IR 1210 27 IR 3178 28 IR 146	Temporary closure 329 IAC 9-6-5	26 IR 1235 27 IR 3205 28 IR 173	Methods of release detection for piping 329 IAC 9-7-5	27 IR 3209 28 IR 177
“Consumptive use” defined 329 IAC 9-1-14	26 IR 1210 27 IR 3178 28 IR 146	General Operating Requirements Compatibility 329 IAC 9-3.1-3	26 IR 1219 27 IR 3188 28 IR 156	Methods of release detection for tanks 329 IAC 9-7-4	26 IR 1237 27 IR 3206 28 IR 175
“Contaminant” defined 329 IAC 9-1-14.3	26 IR 1210 27 IR 3178 28 IR 146	Operation and maintenance of corrosion protection 329 IAC 9-3.1-2	26 IR 1219 27 IR 3187 28 IR 155	Requirements for petroleum UST systems 329 IAC 9-7-2	26 IR 1236 27 IR 3206 28 IR 174
“Corrective action” defined 329 IAC 9-1-14.5	26 IR 1210 27 IR 3178 28 IR 146	Repairs and maintenance allowed 329 IAC 9-3.1-4	26 IR 1219 27 IR 3188 28 IR 156	Releases Release investigations and confirmation steps 329 IAC 9-4-3	26 IR 1220 27 IR 3189 28 IR 157
“Corrective action plan” defined 329 IAC 9-1-14.7	26 IR 1210 27 IR 3178 28 IR 146	Spill and overfill control 329 IAC 9-3.1-1	26 IR 1218 27 IR 3187 28 IR 155	Reporting and cleanup of spills and overfills 329 IAC 9-4-4	26 IR 1221 27 IR 3189 28 IR 158
“Hazardous substance UST system” defined 329 IAC 9-1-25	26 IR 1210 27 IR 3178 28 IR 146	Initial Response, Site Investigation, and Correc- tive Action Applicability for release response and correc- tive action 329 IAC 9-5-1	26 IR 1221 27 IR 3190 28 IR 158	Reporting and Record Keeping Electronic reporting and submittal 329 IAC 9-3-2	26 IR 1218 27 IR 3187 28 IR 155
“Hydraulic lift tank” defined 329 IAC 9-1-27	26 IR 1210 27 IR 3178 28 IR 147	Corrective action plan 329 IAC 9-5-7	26 IR 1227 27 IR 3196 28 IR 165	Reporting and record keeping 329 IAC 9-3-1	26 IR 1216 27 IR 3184 28 IR 152
“Petroleum UST system” defined 329 IAC 9-1-36	26 IR 1210 27 IR 3179 28 IR 147	Free product removal 329 IAC 9-5-4.2	26 IR 1224 27 IR 3192 28 IR 160	Upgrading of Existing UST Systems Upgrading of existing UST systems 329 IAC 9-2.1-1	26 IR 1215 27 IR 3183 28 IR 151
“Piezometer” defined 329 IAC 9-1-36.5	27 IR 3179 28 IR 177	Further site investigations for soil and ground water cleanup 329 IAC 9-5-6	26 IR 1226 27 IR 3196 28 IR 164	USED OIL MANAGEMENT Applicability Applicability 329 IAC 13-3-1	26 IR 1673 27 IR 3978 27 IR 4115
“Removal closure” defined 329 IAC 9-1-39.5	26 IR 1211 27 IR 3179 28 IR 147	Initial abatement measures and site check 329 IAC 9-5-3.2	26 IR 1223 27 IR 3191 28 IR 160	Marketing used oil containing any quantifi- able level of PCB 329 IAC 13-3-4	27 IR 4116
“SARA” defined 329 IAC 9-1-41.5	26 IR 1211 27 IR 3179 28 IR 147	Initial response 329 IAC 9-5-2	26 IR 1223 27 IR 3191 28 IR 160	Used Oil Fuel Marketers Tracking 329 IAC 13-9-5	27 IR 4117
“Underground release” defined 329 IAC 9-1-47	26 IR 1211 27 IR 3179 28 IR 147	Initial site characterization 329 IAC 9-5-5.1	26 IR 1224 27 IR 3193 28 IR 161	TAX REVIEW, INDIANA BOARD OF LSA Document #04-261(E) LSA Document #04-330(E)	28 IR 612 28 IR 1487
Closure Applicability 329 IAC 9-6-1	26 IR 1229 27 IR 3199 28 IR 168	Performance Standards New UST systems 329 IAC 9-2-1	26 IR 1211 27 IR 3179 28 IR 147	UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD PAYMENT OF CORRECTIVE ACTION AND THIRD PARTY LIABILITY CLAIMS FROM THE EXCESS LIABILITY TRUST FUND Claims	
Applicability to previously closed UST sys- tems 329 IAC 9-6-3	26 IR 1234 27 IR 3204 28 IR 172				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Applications for payment of reimbursable costs		Prioritization of Claims		Customer complaints to the commission	
328 IAC 1-5-1	27 IR 2795	Discontinuation of prioritization		170 IAC 7-1.3-9	27 IR 4084
	28 IR 142	328 IAC 1-4-5	28 IR 141	Customer complaints to the utility	
Deemed approved; reimbursement of costs		General procedure for prioritization		170 IAC 7-1.3-8	27 IR 4083
328 IAC 1-5-3	27 IR 2796	328 IAC 1-4-1	27 IR 2791	Customer payments	
	28 IR 143		28 IR 137	170 IAC 7-1.3-10	27 IR 4085
Fund payment procedures; eligibility preapproval		Monthly reimbursement		Definitions	
328 IAC 1-5-2	27 IR 2796	328 IAC 1-4-4	27 IR 2795	170 IAC 7-1.3-2	27 IR 4080
	28 IR 142		28 IR 141	WATER UTILITIES	
Definitions and References		Recategorization of releases		Distribution System Improvement Charges (DSIC)	
“Administrator” defined		328 IAC 1-4-3	27 IR 2794	170 IAC 6-1.1	28 IR 1518
328 IAC 1-1-2	27 IR 2778		28 IR 140	Water Customer Service Rights and Responsibilities	
	28 IR 123	Transition to the prioritization procedure under this rule		170 IAC 6-1.2	27 IR 4073
“Corrective action” defined		328 IAC 1-4-1.5	28 IR 140		
328 IAC 1-1-3	27 IR 2778	Scope and Fund Management		VETERINARY MEDICAL EXAMINERS, INDIANA BOARD OF	
	28 IR 123	Applicability		PROFESSIONAL COMPETENCE	
“Deductible amount” defined		328 IAC 1-2-1	27 IR 2779	Application for License as a Veterinarian	
328 IAC 1-1-4	27 IR 2778		28 IR 125	Application content; examination applicant; application deadline	
	28 IR 124	Obligation of monies		888 IAC 1.1-6-1	27 IR 2875
“Emergency measures” defined		328 IAC 1-2-3	27 IR 2780		28 IR 607
328 IAC 1-1-5.1	27 IR 2778		28 IR 125		27 IR 3704
	28 IR 124	Third Party Liability Claims			28 IR 607
“Off-site” defined		Applications for payment of third party liability claims		VICTIM SERVICES DIVISION	
328 IAC 1-1-7.5	27 IR 2779	328 IAC 1-6-1	27 IR 2796	203 IAC	27 IR 2526
	28 IR 124		28 IR 143		28 IR 6
“Reasonable” defined		Fund payment procedures for third party liability		WATER POLLUTION CONTROL BOARD	
328 IAC 1-1-8.3	27 IR 2779	328 IAC 1-6-2	27 IR 2796	GENERAL PROVISIONS	
	28 IR 124		28 IR 143	Provisions Applicable Throughout Title 327	
“Site characterization” defined		UTILITY REGULATORY COMMISSION, INDIANA		References to Federal Act	
328 IAC 1-1-8.5	27 IR 2779	ELECTRIC UTILITIES		327 IAC 1-1-1	27 IR 3608
	28 IR 125	Electric Customer Service Rights and Responsibilities		References to the Code of Federal Regulations	
“Substantial compliance” defined		170 IAC 4-1.2	27 IR 4057	327 IAC 1-1-2	27 IR 3608
328 IAC 1-1-9	27 IR 2779	Net Metering		Severability	
	28 IR 125	170 IAC 4-4.2	27 IR 2312	327 IAC 1-1-3	27 IR 3608
“Third party liability” defined			28 IR 786	INDUSTRIAL WASTEWATER PRETREATMENT PROGRAMS AND NPDES	
328 IAC 1-1-10	27 IR 2779	Standards of Service		Basic NPDES Requirements	
	28 IR 125	Interruptions of service; timing; records		Establishment of water quality-based effluent limitations for dischargers not discharging to waters within the Great Lakes system	
Financial Assurance		170 IAC 4-1-23	27 IR 2765	327 IAC 5-2-11.1	27 IR 3664
Termination of financial assurance			28 IR 789	Great Lakes system dischargers determination of reasonable potential to exceed water quality standards	
328 IAC 1-7-2	27 IR 2797	GAS UTILITIES		327 IAC 5-2-11.5	27 IR 3679
	28 IR 144	Gas Customer Service Rights and Responsibilities		Great Lakes system dischargers establishment of water quality-based effluent limitations (WQBELs)	
Fund Coverage and Eligibility		170 IAC 5-1.2	27 IR 4065	327 IAC 5-2-11.6	27 IR 3689
Amount of coverage		SEWAGE DISPOSAL SERVICES		Great Lakes system dischargers total maximum daily loads; wasteload allocations for point sources; load allocations for nonpoint sources; preliminary wasteload allocations	
328 IAC 1-3-4	27 IR 2783	Customer Rights and Responsibilities		327 IAC 5-2-11.4	27 IR 3669
	28 IR 129	Applicability and scope; billing for service		Incorporation by reference	
Cost effectiveness of corrective action		170 IAC 8.5-2-1	27 IR 4086	327 IAC 5-2-1.5	27 IR 3663
328 IAC 1-3-1.3	27 IR 2780	Complaints and review		Monitoring	
	28 IR 126	170 IAC 8.5-2-5	27 IR 4092	327 IAC 5-2-13	27 IR 3694
Costs		Creditworthiness guidelines; deposit to ensure payment of bill			
328 IAC 1-3-5	27 IR 2784	170 IAC 8.5-2-3	27 IR 4087		
	28 IR 129	Disconnection and prohibited disconnections			
Eligibility requirements		170 IAC 8.5-2-4	27 IR 4089		
328 IAC 1-3-3	27 IR 2781	TELEPHONE UTILITIES			
	28 IR 127	Telecommunications Customer Service Rights and Responsibilities			
Fund access		Creditworthiness of residential customer; deposit; refund			
328 IAC 1-3-1	27 IR 2780	170 IAC 7-1.3-3	27 IR 4081		
	28 IR 126				
Fund disbursement					
328 IAC 1-3-2	27 IR 2781				
	28 IR 127				
Limitation of liability					
328 IAC 1-3-6	27 IR 2791				
	28 IR 137				
Preapproval of costs					
328 IAC 1-3-1.6	27 IR 2781				
	28 IR 127				

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

Public notice of comment period and public meetings for site-specific modification of water quality criteria and values; implementation of antidegradation; alternate mixing zone demonstrations; variances 327 IAC 5-2-11.2 27 IR 3668	Collection of samples for organic chemical testing other than volatile organic compounds and total trihalomethanes 327 IAC 8-2-5.1 28 IR 1220	Determination of acute aquatic criteria (AAC) 327 IAC 2-1-8.2 27 IR 3618
Reporting requirements 327 IAC 5-2-15 27 IR 3694	Collection of samples for volatile organic compound testing other than total trihalomethanes; community and nontransient noncommunity water systems 327 IAC 8-2-5.5 28 IR 1224	Determination of chronic aquatic criterion (CAC) 327 IAC 2-1-8.3 27 IR 3620
Definitions “Waters of the state of Indiana” or “waters of the state” defined 327 IAC 5-1.5-72 27 IR 3663	Definitions 327 IAC 8-2-1 28 IR 1206	Development of site-specific aquatic life criteria using the recalculation procedure 327 IAC 2-1-13 27 IR 3627
Streamlined Mercury Variance Requirements and Application Process 327 IAC 5-3.5 28 IR 650	Inorganic chemicals; maximum contaminant levels 327 IAC 8-2-4 28 IR 1210	Exception to quality standards applicability 327 IAC 2-1-5 27 IR 3608
PUBLIC WATER SUPPLY	Maximum contaminant level goals; inorganic contaminants 327 IAC 8-2-34 28 IR 1239	Incorporation by reference 327 IAC 2-1-12 27 IR 3627
Consumer Confidence Reports	Maximum contaminant level goals; radionuclides 327 IAC 8-2-34.1 28 IR 1240	Methods of analysis 327 IAC 2-1-8 27 IR 3617
Content of the reports 327 IAC 8-2.1-3 28 IR 1244	Monitoring frequency for radioactivity; community water systems 327 IAC 8-2-10.2 28 IR 1233	Minimum surface water quality standards 327 IAC 2-1-6 27 IR 3609
Drinking water violations; other situations requiring public notice 327 IAC 8-2.1-16 28 IR 1257	Radium-226, radium-228, gross alpha particle radioactivity, and uranium; maximum contaminant levels 327 IAC 8-2-9 28 IR 1230	Site-specific modifications to criteria 327 IAC 2-1-8.9 27 IR 3621
Drinking water violations; standard health effects language for public notice 327 IAC 8-2.1-17 28 IR 1261	Reporting requirements; lead and copper 327 IAC 8-2-46 28 IR 1242	Water Quality Standards Applicable to All State Waters Within the Great Lakes System
Other required information 327 IAC 8-2.1-6 28 IR 1248	Reporting requirements; test results and failure to comply 327 IAC 8-2-13 28 IR 1239	Bioaccumulative chemicals of concern 327 IAC 2-1.5-6 27 IR 3637
Required additional health information 327 IAC 8-2.1-4 28 IR 1247	Requirement for filtration and disinfection 327 IAC 8-2-8.5 28 IR 1228	Definitions 327 IAC 2-1.5-2 27 IR 3631
Special notice for nitrate exceedances above MCL by noncommunity water systems; granted permission by the commissioner under 327 IAC 8-2-4(b) 327 IAC 8-2.1-14 28 IR 1257	Enhanced Filtration and Disinfection	Determination of Tier I aquatic life criteria 327 IAC 2-1.5-11 27 IR 3651
Tier 1 public notice; form, manner, and frequency of notice 327 IAC 8-2.1-8 28 IR 1255	Disinfection profiling and benchmarking for systems serving a population of at least 10,000 individuals 327 IAC 8-2-6-2 28 IR 1269	Incorporation by reference 327 IAC 2-1.5-20 27 IR 3662
Tier 2 notice; form, manner, and frequency of notice 327 IAC 8-2.1-9 28 IR 1256	Disinfection profiling and benchmarking for systems serving a population of fewer than 10,000 individuals beginning January 1, 2005 327 IAC 8-2-6-2.1 28 IR 1271	Methods of analysis 327 IAC 2-1.5-10 27 IR 3650
Drinking Water Standards	Enhanced filtration 327 IAC 8-2-6-3 28 IR 1273	Minimum surface water quality criteria 327 IAC 2-1.5-8 27 IR 3638
Analytical and monitoring requirements; fecal coliform, total coliform, turbidity, disinfection 327 IAC 8-2-8.7 28 IR 1229	Enhanced filtration and disinfection reporting and record keeping requirements 327 IAC 8-2-6-5 28 IR 1274	Site-specific modifications to Tier I criteria and Tier II values 327 IAC 2-1.5-16 27 IR 3660
Analytical methods for inorganic chemical testing 327 IAC 8-2-4.2 28 IR 1217	Filtration sampling requirements 327 IAC 8-2-6-4 28 IR 1274	WETLAND ACTIVITY PERMITS 327 IAC 17 28 IR 1288
Analytical methods for organic chemical testing other than volatile organic compounds and total trihalomethanes 327 IAC 8-2-5.2 28 IR 1222	General requirements; enhanced filtration and disinfection 327 IAC 8-2-6-1 28 IR 1268	WORKFORCE DEVELOPMENT, DEPARTMENT OF
Analytical methods for radioactivity 327 IAC 8-2-10.1 28 IR 1230	WATER QUALITY STANDARDS	INDIANA EMPLOYMENT SECURITY ACT; ADMINISTRATION
Analytical methods; lead and copper 327 IAC 8-2-45 28 IR 1240	Waste Treatment Control Facilities; Discharge into State Waters; Monthly Reports	Contributions; Reports; Sickness and Accident Disability; Group Accounts
Best available technologies, small systems compliance technologies (SSCTs), and compliance technologies by system size category for radionuclides 327 IAC 8-2-10.3 28 IR 1237	Sampling frequency; methods of analysis 327 IAC 2-4-3 27 IR 3663	Initial and wage reporting requirements for professional employer organizations; separate location accounts; notice of termination 646 IAC 3-1-12 27 IR 2857
Collection of samples for inorganic chemical testing 327 IAC 8-2-4.1 28 IR 1212	Water Quality Standards Applicable to All State Waters Except Waters of the State Within the Great Lakes System	28 IR 560
	Calculation of criteria for toxic substances; general 327 IAC 2-1-8.1 27 IR 3617	Responsibility of professional employer organization to pay unemployment contributions; resumption of liability by client business entity upon termination of agreement between professional employer organization and client 646 IAC 3-1-13 27 IR 2858
	Definitions 327 IAC 2-1-9 27 IR 3622	28 IR 560
		Qualifying as an Employee Corporate officers and directors 646 IAC 3-5-1 27 IR 2859
		28 IR 561
		Qualifying as an Employer “Professional employer organization” defined 646 IAC 3-4-11 27 IR 2858
		28 IR 561

Indiana Register

The **Indiana Register** is an official source of the text of proposed and final rules and notices of rulemaking activity. For keeping up to date on rules and participating in the rulemaking process, the **Indiana Register** is a necessary tool. If you would like further information, call the Legislative Services Agency at (317) 232-9557.

ORDER FORM

☐ Change of address.

☐ Enclosed is my check for \$60 as payment in advance for the **CD-ROM version of the Indiana Register** (October 2004 through September 2005, **Volume 28**).

☐ Enclosed is my check for \$25.60 (\$25 plus \$0.60 postage) as payment in advance for the **2005 edition of the CD-ROM version of the Indiana Administrative Code**.



name or firm

address

city

state

zip code

(_____)_____
telephone

Please make checks payable to:
Legislative Services Agency

Mail to:

LEGISLATIVE SERVICES AGENCY
ATTN: LIC
200 West Washington Street, Suite 302
Indianapolis, IN 46204-2789

Indiana Register subscriptions \$60
Indiana Administrative Code orders are being accepted.

The **Indiana Administrative Code** and the **Indiana Register** are available on the Internet at:
http://www.in.gov/legislative/ic_iac

Indiana Register

Indiana Register
Legislative Services Agency
200 West Washington Street, Suite 302
Indianapolis, IN 46204-2789