

Proper Rulemaking Action

The rulemaking action intended by an agency must be accurate in the Preamble, table of contents, and body of the rules. It matters because the rulemaking action is reflected in the Historical Note and the index of the *Register*. The types of rulemaking action listed in the Preamble are the following: Repeal, Renumber, Amend, and New Section (or Article).

The maximum number of actions on a Section is three, taken as applicable in this order: Repeal, Renumber, Amend, New Section.

Single Rulemaking Action

For a **single** rulemaking action, follow these guidelines:

Repeal -- If all of the text of a Section and all of the Section heading is stricken, it is a simple repeal. The Section number is not stricken, and the word **Repealed** (underlined) is placed after the stricken heading. The Preamble uses the word *Repeal*.

Renumber -- If a Section is renumbered to another Section number, and no text is going in the old place, it is a simple renumber. The Section number is not stricken, and the word **Renumbered** (underlined) is placed after the stricken heading. The Preamble uses the word *Renumber*.

Amend -- If the only rulemaking action on a Section is amend, it is a simple amend. Note, however, that if all of the text of a Section is stricken but the heading remains unchanged (or partly unchanged), the rulemaking action is Amend, not Repeal.

New Section -- If the text of a Section is brand new (it hasn't existed somewhere else before), it is a simple New Section. If the Section number is not currently in the Code, underline the number in the table of contents and the body of the rules. If the Section number currently exists in the Code, with the word *Repealed*, *Renumbered*, or *Expired* next to it, do not underline the number, and strike the word *Repealed*, *Renumbered*, or *Expired*.

Double Rulemaking Action

For a **double** rulemaking action, follow these guidelines:

Repeal - Renumber -- In this case, Section *x* is repealed and Section *y* is renumbered into the place of Section *x*, with no amendments. Here's how item #1 of the Preamble and the table of contents should appear:

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R1-1-101	Repeal
R1-1-101	Renumber
R1-1-102	Renumber

Section
~~R1-1-101. Definitions~~
~~R1-1-102. R1-1-101. Certificates~~
R1-1-102. Renumbered

Repeal - New Section -- In this case, Section *x* is repealed and a brand new Section is put into the place of Section *x*.

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R1-1-101	Repeal
R1-1-101	New Section

Section
R1-1-101. ~~Definitions~~ Certificates

Renumber - Amend -- In this case, Section *x* is renumbered, and Section *y* is renumbered into the place of old Section *x* and amended. Therefore, the rulemaking action Renumber applies to what's happening to the Section leaving *and* to what's happening to the Section coming in.

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R1-1-101	Renumber (moving to R1-1-130, and receiving R1-1-102)
R1-1-101	Amend
R1-1-102	Renumber (moving to R1-1-101)
R1-1-130	Renumber (coming from R1-1-101)

Section
~~R1-1-102. R1-1-101. Certificates~~
R1-1-102. Renumbered
~~R1-1-101. R1-1-130. Definitions~~

Triple Rulemaking Action

For a **triple** rulemaking action, follow these guidelines:

Repeal - Renumber - Amend -- In the previous example, R1-1-101 only had two rule-making actions listed in the Preamble, but in effect three actions took place. A repeal-renumber-amend is the only occasion in which all three rulemaking actions appear in the Preamble. In this case, Section *x* is repealed, and Section *y* is renumbered into the place of Section *x* and amended.

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R1-1-101	Repeal
R1-1-101	Renumber (<i>coming from R1-1-102</i>)
R1-1-101	Amend
R1-1-102	Renumber (<i>going to R1-1-101</i>)

Section
~~R1-1-101. Definitions~~
~~R1-1-102. R1-1-101. Certificates and Licenses~~
R1-1-102. Renumbered