

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1032 be amended to read as follows:

- 1 Page 28, between lines 36 and 37, begin a new paragraph and insert:
2 "SECTION 43. IC 4-22-2-21, AS AMENDED BY P.L.90-2002,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2004]: Sec. 21. (a) If incorporation of the text in full would be
5 cumbersome, expensive, or otherwise inexpedient, an agency may
6 incorporate by reference into a rule part or all of any of the following
7 matters:
8 (1) A federal or state statute, rule, or regulation.
9 (2) A code, manual, or other standard adopted by an agent of the
10 United States, a state, or a nationally recognized organization or
11 association.
12 (3) A manual of the department of local government finance
13 adopted in a rule described in IC 6-1.1-31-9.
14 (b) Each matter incorporated by reference under subsection (a) must
15 be fully and exactly described.
16 (c) An agency may refer to a matter that is directly or indirectly
17 referred to in a primary matter by fully and exactly describing the
18 primary matter.
19 (d) Whenever an agency submits a rule to the attorney general, the
20 governor, or the secretary of state under this chapter, the agency shall
21 also submit a copy of the full text of each matter incorporated by
22 reference under subsection (a) into the rule, other than the following:
23 (1) An Indiana statute or rule.
24 (2) A form or instructions for a form numbered by the
25 commission on public records under IC 5-15-5.1-6.
26 (3) The source of a statement that is quoted or paraphrased in full
27 in the rule.
28 (4) Any matter that has been filed with the secretary of state
29 before the date that the rule containing the incorporation is filed.
30 (5) Any matter referred to in subsection (c) as a matter that is

1 directly or indirectly referred to in a primary matter.

2 **(e) An agency may comply with subsection (d) by submitting a**
 3 **paper or an electronic copy of the full text of the matter**
 4 **incorporated by reference.**

5 SECTION 44. IC 4-22-7-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) **Except as**
 7 **provided in subsection (f)**, the secretary of state shall retain a
 8 duplicate original copy of each rule that has been accepted for filing by
 9 the secretary of state (including documents filed with the secretary of
 10 state under IC 4-22-2-21). The secretary of state has official custody
 11 of an agency's adopted rules.

12 (b) Within one (1) business day after the date that the secretary of
 13 state accepts a rule for filing, the secretary of state shall distribute two
 14 (2) duplicate copies of the rule to the publisher in paper form. However,
 15 the secretary of state may distribute the rule without including the full
 16 text of any matter incorporated into the rule.

17 (c) When the copies are distributed under subsection (b), the
 18 secretary of state shall include a notice briefly describing the
 19 incorporated matters.

20 (d) Within ninety (90) days after the secretary of state accepts a rule
 21 for filing, the secretary of state may distribute duplicate originals of the
 22 rule, as follows:

- 23 (1) To the governor, one (1) copy.
- 24 (2) To the attorney general, one (1) copy.
- 25 (3) To the Indiana library and historical department, two (2)
 26 copies.
- 27 (4) After December 31, 1987, to the commission on public
 28 records, the number of copies needed by the commission for its
 29 archive program under IC 5-15-5.1.

30 (e) The secretary of state may distribute copies under subsection (d)
 31 in micrographic or electronic form. The micrographic copies shall be
 32 prepared under IC 4-5-1-2.

33 **(f) If a final rule includes material that has been incorporated**
 34 **by reference under IC 4-22-2-21, the secretary of state may:**

- 35 **(1) retain custody of the secretary of state's original copy of**
 36 **the material; or**
- 37 **(2) transfer the secretary of state's original copy of the**

1 **material to the Indiana library and historical department**
2 **when the secretary of state transfers two (2) copies of the**
3 **duplicate original rule to the Indiana library and historical**
4 **department under this section."**

5 Renumber all SECTIONS consecutively.

(Reference is to EH 1032 as printed February 17, 2004.)

Senator GARD