

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1003 be amended to read as follows:

- 1 Page 15, between lines 12 and 13, begin a new paragraph and insert:
- 2 "SECTION 20. IC 4-22-2-3 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) "Agency"
- 4 means any officer, board, commission, department, division, bureau,
- 5 committee, or other governmental entity exercising any of the executive
- 6 (including the administrative) powers of state government. **The term**
- 7 **includes the Indiana economic development corporation**
- 8 **established by IC 5-28-3-1.** The term does not include the judicial or
- 9 legislative departments of state government or a political subdivision
- 10 as defined in IC 36-1-2-13.
- 11 (b) "Rule" means the whole or any part of an agency statement of
- 12 general applicability that:
- 13 (1) has or is designed to have the effect of law; and
- 14 (2) implements, interprets, or prescribes:
- 15 (A) law or policy; or
- 16 (B) the organization, procedure, or practice requirements of an
- 17 agency.
- 18 (c) "Rulemaking action" means the process of formulating or
- 19 adopting a rule. The term does not include an agency action.
- 20 (d) "Agency action" has the meaning set forth in IC 4-21.5-1-4.
- 21 (e) "Person" means an individual, corporation, limited liability
- 22 company, partnership, unincorporated association, or governmental
- 23 entity.
- 24 (f) "Publisher" refers to the publisher of the Indiana Register and
- 25 Indiana Administrative Code, which is the legislative council, or the

1 legislative services agency operating under the direction of the council.

2 (g) The definitions in this section apply throughout this article.

3 SECTION 21. IC 4-22-2-37.1, AS AMENDED BY P.L.1-2004,
4 SECTION 1, AND AS AMENDED BY P.L.23-2004, SECTION 1, IS
5 CORRECTED AND AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies
7 to a rulemaking action resulting in any of the following rules:

8 (1) An order adopted by the commissioner of the Indiana
9 department of transportation under IC 9-20-1-3(d) or
10 IC 9-21-4-7(a) and designated by the commissioner as an
11 emergency rule.

12 (2) An action taken by the director of the department of natural
13 resources under IC 14-22-2-6(d) or IC 14-22-6-13.

14 (3) An emergency temporary standard adopted by the
15 occupational safety standards commission under IC 22-8-1.1-16.1.

16 (4) An emergency rule adopted by the solid waste management
17 board under IC 13-22-2-3 and classifying a waste as hazardous.

18 (5) A rule, other than a rule described in subdivision (6), adopted
19 by the department of financial institutions under IC 24-4.5-6-107
20 and declared necessary to meet an emergency.

21 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
22 department of financial institutions and declared necessary to meet
23 an emergency under IC 24-4.5-6-107.

24 (7) A rule adopted by the Indiana utility regulatory commission to
25 address an emergency under IC 8-1-2-113.

26 (8) An emergency rule jointly adopted by the water pollution
27 control board and the budget agency under IC 13-18-13-18.

28 (9) An emergency rule adopted by the state lottery commission
29 under IC 4-30-3-9.

30 (10) A rule adopted under IC 16-19-3-5 that the executive board
31 of the state department of health declares is necessary to meet an
32 emergency.

33 (11) An emergency rule adopted by the Indiana transportation
34 finance authority under IC 8-21-12.

35 (12) An emergency rule adopted by the insurance commissioner
36 under IC 27-1-23-7.

37 (13) An emergency rule adopted by the Indiana horse racing
38 commission under IC 4-31-3-9.

39 (14) An emergency rule adopted by the air pollution control
40 board, the solid waste management board, or the water pollution
41 control board under IC 13-15-4-10(4) or to comply with a
42 deadline required by federal law, provided:

43 (A) the variance procedures are included in the rules; and

44 (B) permits or licenses granted during the period the
45 emergency rule is in effect are reviewed after the emergency
46 rule expires.

47 (15) An emergency rule adopted by the Indiana election

- 1 commission under IC 3-6-4.1-14.
- 2 (16) An emergency rule adopted by the department of natural
3 resources under IC 14-10-2-5.
- 4 (17) An emergency rule adopted by the Indiana gaming
5 commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.
- 6 (18) An emergency rule adopted by the alcohol and tobacco
7 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
8 IC 7.1-3-20-24.4.
- 9 (19) An emergency rule adopted by the department of financial
10 institutions under IC 28-15-11.
- 11 (20) An emergency rule adopted by the office of the secretary of
12 family and social services under IC 12-8-1-12.
- 13 (21) An emergency rule adopted by the office of the children's
14 health insurance program under IC 12-17.6-2-11.
- 15 (22) An emergency rule adopted by the office of Medicaid policy
16 and planning under IC 12-15-41-15.
- 17 (23) An emergency rule adopted by the Indiana state board of
18 animal health under IC 15-2.1-18-21.
- 19 (24) An emergency rule adopted by the board of directors of the
20 Indiana education savings authority under IC 21-9-4-7.
- 21 (25) An emergency rule adopted by the Indiana board of tax
22 review under IC 6-1.1-4-34.
- 23 (26) An emergency rule adopted by the department of local
24 government finance under IC 6-1.1-4-33.
- 25 (27) An emergency rule adopted by the boiler and pressure vessel
26 rules board under IC 22-13-2-8(c).
- 27 (28) An emergency rule adopted by the Indiana board of tax
28 review under IC 6-1.1-4-37(l) or an emergency rule adopted by
29 the department of local government finance under IC 6-1.1-4-36(j)
30 or IC 6-1.1-22.5-20.
- 31 **(29) An emergency rule adopted by the Indiana economic**
32 **development corporation under IC 5-28.**
- 33 (b) The following do not apply to rules described in subsection (a):
34 (1) Sections 24 through 36 of this chapter.
35 (2) IC 13-14-9.
- 36 (c) After a rule described in subsection (a) has been adopted by the
37 agency, the agency shall submit the rule to the publisher for the
38 assignment of a document control number. The agency shall submit the
39 rule in the form required by section 20 of this chapter and with the
40 documents required by section 21 of this chapter. The publisher shall
41 determine the number of copies of the rule and other documents to be
42 submitted under this subsection.
- 43 (d) After the document control number has been assigned, the
44 agency shall submit the rule to the secretary of state for filing. The
45 agency shall submit the rule in the form required by section 20 of this
46 chapter and with the documents required by section 21 of this chapter.
47 The secretary of state shall determine the number of copies of the rule

- 1 and other documents to be submitted under this subsection.
- 2 (e) Subject to section 39 of this chapter, the secretary of state shall:
- 3 (1) accept the rule for filing; and
- 4 (2) file stamp and indicate the date and time that the rule is
- 5 accepted on every duplicate original copy submitted.
- 6 (f) A rule described in subsection (a) takes effect on the latest of the
- 7 following dates:
- 8 (1) The effective date of the statute delegating authority to the
- 9 agency to adopt the rule.
- 10 (2) The date and time that the rule is accepted for filing under
- 11 subsection (e).
- 12 (3) The effective date stated by the adopting agency in the rule.
- 13 (4) The date of compliance with every requirement established by
- 14 law as a prerequisite to the adoption or effectiveness of the rule.
- 15 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,
- 16 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), *and except as provided in*
- 17 *subsection (j)*, a rule adopted under this section expires not later than
- 18 ninety (90) days after the rule is accepted for filing under subsection
- 19 (e). Except for a rule adopted under subsection (a)(14), (a)(25), (a)(26),
- 20 or (a)(28), the rule may be extended by adopting another rule under this
- 21 section, but only for one (1) extension period. A rule adopted under
- 22 subsection (a)(14) may be extended for two (2) extension periods.
- 23 *Subject to subsection (j), a rule adopted under subsection (a)(25),*
- 24 *(a)(26), or (a)(28) may be extended for an unlimited number of*
- 25 *extension periods.* Except for a rule adopted under subsection (a)(14),
- 26 for a rule adopted under this section to be effective after one (1)
- 27 extension period, the rule must be adopted under:
- 28 (1) sections 24 through 36 of this chapter; or
- 29 (2) IC 13-14-9;
- 30 as applicable.
- 31 (h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires
- 32 on the earlier of the following dates:
- 33 (1) The expiration date stated by the adopting agency in the rule.
- 34 (2) The date that the rule is amended or repealed by a later rule
- 35 adopted under sections 24 through 36 of this chapter or this
- 36 section.
- 37 (i) This section may not be used to readopt a rule under IC 4-22-2.5.
- 38 (j) *A rule described in subsection (a)(25) or (a)(26) expires not later*
- 39 *than January 1, 2006."*
- 40 Page 38, line 4, after "ethics commission." delete "commission."
- 41 Page 38, line 15, delete "rules, policies, and guidelines" and insert
- 42 **"rules under IC 4-22-2"**.
- 43 Page 38, line 16, after "duties" insert **"and exercise its powers"**.
- 44 Page 38, line 16, delete "article without complying with" and insert
- 45 **"article."**
- 46 Page 38, delete line 17.
- 47 Page 71, line 15, after "rules" insert **"under IC 4-22-2"**.

- 1 Page 121, line 17, after "rules" insert "**under IC 4-22-2**".
- 2 Page 132, line 2, delete ", policies, and guidelines".
- 3 Page 132, line 2, reset in roman "under IC 4-22-2".
- 4 Page 132, line 3, after "chapter" insert ".".
- 5 Page 132, line 3, delete "without complying with IC 4-22-2".
- 6 Page 132, line 3, delete ", policies,".
- 7 Page 132, line 4, delete "and guidelines".
- 8 Page 188, line 41, strike "after".
- 9 Page 189, line 42, after "fund" insert ".".
- 10 Renumber all SECTIONS consecutively.
(Reference is to HB 1003 as printed January 7, 2005.)

Representative Orentlicher