

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WITHDRAWN	Noes _____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 16, between lines 9 and 10, begin a new paragraph and insert:
- 2 "SECTION 21. IC 4-22-2-37.1, AS AMENDED BY P.L.1-2004,
- 3 SECTION 1, AND AS AMENDED BY P.L.23-2004, SECTION 1, IS
- 4 CORRECTED AND AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies
- 6 to a rulemaking action resulting in any of the following rules:
- 7 (1) An order adopted by the commissioner of the Indiana
- 8 department of transportation under IC 9-20-1-3(d) or
- 9 IC 9-21-4-7(a) and designated by the commissioner as an
- 10 emergency rule.
- 11 (2) An action taken by the director of the department of natural
- 12 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 13 (3) An emergency temporary standard adopted by the
- 14 occupational safety standards commission under IC 22-8-1.1-16.1.
- 15 (4) An emergency rule adopted by the solid waste management
- 16 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 17 (5) A rule, other than a rule described in subdivision (6), adopted
- 18 by the department of financial institutions under IC 24-4.5-6-107
- 19 and declared necessary to meet an emergency.
- 20 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 21 department of financial institutions and declared necessary to meet
- 22 an emergency under IC 24-4.5-6-107.
- 23 (7) A rule adopted by the Indiana utility regulatory commission to
- 24 address an emergency under IC 8-1-2-113.
- 25 (8) An emergency rule jointly adopted by the water pollution

- 1 control board and the budget agency under IC 13-18-13-18.  
2 (9) An emergency rule adopted by the state lottery commission  
3 under IC 4-30-3-9.  
4 (10) A rule adopted under IC 16-19-3-5 that the executive board  
5 of the state department of health declares is necessary to meet an  
6 emergency.  
7 (11) An emergency rule adopted by the Indiana transportation  
8 finance authority under IC 8-21-12.  
9 (12) An emergency rule adopted by the insurance commissioner  
10 under IC 27-1-23-7.  
11 (13) An emergency rule adopted by the Indiana horse racing  
12 commission under IC 4-31-3-9.  
13 (14) An emergency rule adopted by the air pollution control  
14 board, the solid waste management board, or the water pollution  
15 control board under IC 13-15-4-10(4) or to comply with a  
16 deadline required by federal law, provided:  
17 (A) the variance procedures are included in the rules; and  
18 (B) permits or licenses granted during the period the  
19 emergency rule is in effect are reviewed after the emergency  
20 rule expires.  
21 (15) An emergency rule adopted by the Indiana election  
22 commission under IC 3-6-4.1-14.  
23 (16) An emergency rule adopted by the department of natural  
24 resources under IC 14-10-2-5.  
25 (17) An emergency rule adopted by the Indiana gaming  
26 commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.  
27 (18) An emergency rule adopted by the alcohol and tobacco  
28 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or  
29 IC 7.1-3-20-24.4.  
30 (19) An emergency rule adopted by the department of financial  
31 institutions under IC 28-15-11.  
32 (20) An emergency rule adopted by the office of the secretary of  
33 family and social services under IC 12-8-1-12.  
34 (21) An emergency rule adopted by the office of the children's  
35 health insurance program under IC 12-17.6-2-11.  
36 (22) An emergency rule adopted by the office of Medicaid policy  
37 and planning under IC 12-15-41-15.  
38 (23) An emergency rule adopted by the Indiana state board of  
39 animal health under IC 15-2.1-18-21.  
40 (24) An emergency rule adopted by the board of directors of the  
41 Indiana education savings authority under IC 21-9-4-7.  
42 (25) An emergency rule adopted by the Indiana board of tax  
43 review under IC 6-1.1-4-34.  
44 (26) An emergency rule adopted by the department of local  
45 government finance under IC 6-1.1-4-33.  
46 (27) An emergency rule adopted by the boiler and pressure vessel  
47 rules board under IC 22-13-2-8(c).

1 (28) An emergency rule adopted by the Indiana board of tax  
 2 review under IC 6-1.1-4-37(l) or an emergency rule adopted by  
 3 the department of local government finance under IC 6-1.1-4-36(j)  
 4 or IC 6-1.1-22.5-20.

5 **(29) An emergency rule adopted by the board of the Indiana**  
 6 **economic development corporation under IC 5-28-5-8.**

7 (b) The following do not apply to rules described in subsection (a):

8 (1) Sections 24 through 36 of this chapter.

9 (2) IC 13-14-9.

10 (c) After a rule described in subsection (a) has been adopted by the  
 11 agency, the agency shall submit the rule to the publisher for the  
 12 assignment of a document control number. The agency shall submit the  
 13 rule in the form required by section 20 of this chapter and with the  
 14 documents required by section 21 of this chapter. The publisher shall  
 15 determine the number of copies of the rule and other documents to be  
 16 submitted under this subsection.

17 (d) After the document control number has been assigned, the  
 18 agency shall submit the rule to the secretary of state for filing. The  
 19 agency shall submit the rule in the form required by section 20 of this  
 20 chapter and with the documents required by section 21 of this chapter.  
 21 The secretary of state shall determine the number of copies of the rule  
 22 and other documents to be submitted under this subsection.

23 (e) Subject to section 39 of this chapter, the secretary of state shall:

24 (1) accept the rule for filing; and

25 (2) file stamp and indicate the date and time that the rule is  
 26 accepted on every duplicate original copy submitted.

27 (f) A rule described in subsection (a) takes effect on the latest of the  
 28 following dates:

29 (1) The effective date of the statute delegating authority to the  
 30 agency to adopt the rule.

31 (2) The date and time that the rule is accepted for filing under  
 32 subsection (e).

33 (3) The effective date stated by the adopting agency in the rule.

34 (4) The date of compliance with every requirement established by  
 35 law as a prerequisite to the adoption or effectiveness of the rule.

36 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,  
 37 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), *and except as provided in*  
 38 *subsection subsections (j) and (k)*, a rule adopted under this section  
 39 expires not later than ninety (90) days after the rule is accepted for  
 40 filing under subsection (e). Except for a rule adopted under subsection  
 41 (a)(14), (a)(25), (a)(26), or (a)(28), the rule may be extended by  
 42 adopting another rule under this section, but only for one (1) extension  
 43 period. **The extension period for a rule adopted under subsection**  
 44 **(a)(29) may not exceed the period for which the original rule was**  
 45 **in effect.** A rule adopted under subsection (a)(14) may be extended for  
 46 two (2) extension periods. *Subject to subsection (j), a rule adopted*  
 47 *under subsection (a)(25), (a)(26), or (a)(28) may be extended for an*

1 *unlimited number of extension periods.* Except for a rule adopted under  
 2 subsection (a)(14), for a rule adopted under this section to be effective  
 3 after one (1) extension period, the rule must be adopted under:

4 (1) sections 24 through 36 of this chapter; or

5 (2) IC 13-14-9;

6 as applicable.

7 (h) A rule described in subsection (a)(6), (a)(9), or (a)(13) expires  
 8 on the earlier of the following dates:

9 (1) The expiration date stated by the adopting agency in the rule.

10 (2) The date that the rule is amended or repealed by a later rule  
 11 adopted under sections 24 through 36 of this chapter or this  
 12 section.

13 (i) This section may not be used to readopt a rule under IC 4-22-2.5.

14 (j) *A rule described in subsection (a)(25) or (a)(26) expires not later*  
 15 *than January 1, 2006.*

16 **(k) A rule described in subsection (a)(29) expires on the**  
 17 **expiration date stated by the board of the Indiana economic**  
 18 **development corporation in the rule."**

19 Page 37, line 5, delete "2(2)" and insert "**2(a)(2)**".

20 Page 38, line 4, after "ethics commission." delete "commission.".

21 Page 38, line 17, after "IC 4-22-2." insert "**However, the board**  
 22 **may adopt emergency rules under IC 4-22-2-37.1 to carry out its**  
 23 **duties under this article."**

24 Renumber all SECTIONS consecutively.

(Reference is to HB 1003 as printed January 7, 2005.)

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Representative Borrer