

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 259, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 10, line 29, delete "13)" and insert "**(13)**".
- 2 Page 12, line 19, delete "and".
- 3 Page 12, line 21, after ";" insert "**and**".
- 4 Page 12, between lines 21 and 22, begin a new line block indented
- 5 and insert:
6 **"(4) is published in the Indiana Register and the Indiana**
- 7 **Administrative Code before July 1, 2007, under the authority**
- 8 **of SEA 259-2005 or otherwise;"**.
- 9 Page 31, line 40, delete "Subject to subsection (d) and not" and
- 10 insert "**Not**".
- 11 Page 32, line 10, delete "and".
- 12 Page 32, line 11, after ";" insert "**and**".
- 13 Page 32, between lines 11 and 12, begin a new line block indented
- 14 and insert:
15 **"(4) has not been published:**
- 16 **(A) as a final rule in the Indiana Register; or**
- 17 **(B) in the Indiana Administrative Code or a supplement to**
- 18 **the Indiana Administrative Code;**
- 19 **before July 1, 2005;"**.
- 20 Page 32, line 12, delete "attorney general for review under
- 21 subsection (e)." and insert "**publisher for the assignment of a**

1 **document control number."**

2 Page 32, line 14, delete "attorney".

3 Page 32, line 15, delete "general" and insert "**publisher**".

4 Page 32, line 16, delete "attorney general" and insert "**publisher**".

5 Page 32, between lines 19 and 20, begin a new paragraph and insert:

6 **"(d) After a document control number has been assigned to the**
 7 **rule under subsection (c), the instrumentality of state government**
 8 **shall submit the rule to the secretary of state for filing. A rule**
 9 **submitted under this subsection is exempt from the requirements**
 10 **established by the publisher under IC 4-22-2-42. The secretary of**
 11 **state shall determine the number of copies of the rule to be**
 12 **submitted to the secretary of state under this subsection. If a rule**
 13 **submitted under this subsection incorporates matters described in**
 14 **IC 4-22-2-21(a), the instrumentality may incorporate the matters**
 15 **into the rule by reference, as allowed under IC 4-22-2-21. The**
 16 **secretary of state shall accept a rule for filing under subsection (e)**
 17 **if the instrumentality of state government submits the number of**
 18 **copies required by the secretary of state under this subsection and**
 19 **each copy of the rule includes:**

- 20 (1) a reference to the document control number assigned to
 21 the rule by the publisher under subsection (c); and
 22 (2) a statement that the instrumentality of state government
 23 submits the rule under the authority of SEA 259-2005.

24 (e) Notwithstanding IC 4-22-2-39(a)(3), the secretary of state
 25 shall:

- 26 (1) accept a rule submitted under subsection (d) for filing if
 27 the rule complies with subsection (d)(1) through (d)(2); and
 28 (2) file stamp and indicate the date and time the rule is
 29 accepted on every duplicate copy submitted.

30 **The secretary of state shall comply with IC 4-22-7-5 upon accepting**
 31 **a rule for filing under this subsection. However, notwithstanding**
 32 **IC 4-22-2-7(d)(2), the secretary of state shall distribute two (2)**
 33 **duplicate copies of the rule to the attorney general not later than**
 34 **one (1) business day after the date the secretary of state accepts a**
 35 **rule for filing under this subsection."**

36 Page 32, delete lines 20 through 35.

37 Page 32, line 36, delete "(e)" and insert "**(f)**".

38 Page 32, line 36, delete "under subsection (c) and the".

39 Page 32, line 37, delete "accompanying documentation required
 40 under subsection (d)," and insert "**from the secretary of state under**
 41 **subsection (e),"**

42 Page 32, line 38, delete "shall" and insert "**may**".

- 1 Page 32, line 39, delete "shall approve or" and insert "**may**".
- 2 Page 32, line 40, delete "that is timely submitted under subsection
3 (c)" and insert "**reviewed under this subsection**".
- 4 Page 32, line 40, delete "notify" and insert "**send notice, by
5 certified mail, of the attorney general's determination to the
6 secretary of state, the publisher, and the instrumentality of state
7 government**".
- 8 Page 32, delete lines 41 through 42.
- 9 Page 33, line 1, before "the" insert "**Subject to subsection (g)**".
- 10 Page 33, line 1, delete "shall" and insert "**may**".
- 11 Page 33, line 12, delete "(f)" and insert "**(g)**".
- 12 Page 33, line 12, after "of" delete "the" and insert "**a**".
- 13 Page 33, line 12, delete "(e)," and insert "**(f)**".
- 14 Page 33, line 14, delete "(e)(4)," and insert "**(f)(4)**".
- 15 Page 33, between lines 18 and 19, begin a new paragraph and insert:
16 "**(h) A rule disapproved by the attorney general under
17 subsection (f) is invalid and does not have the effect of law until:
18 (1) the rule is adopted in conformity with IC 4-22-2; and
19 (2) any defect described in subsection (f)(1) through (f)(4) is
20 remedied.**
- 21 **(i) If the attorney general does not issue a notice of disapproval
22 under subsection (f) before April 2, 2006, a rule submitted by an
23 instrumentality of state government under subsection (c) is
24 considered approved, and the publisher may proceed to publish the
25 rule under subsection (j).**
- 26 **(j) After April 1, 2006, and in any case not later than June 30,
27 2007, the publisher shall publish in the Indiana Register a rule:
28 (1) that is distributed to the publisher by the secretary of state
29 under IC 4-22-7-5(b);
30 (2) that contains a statement described in subsection (d)(2);
31 and
32 (3) for which the publisher has not received a notice of
33 disapproval from the attorney general under subsection (f);
34 subject to the publisher's then existing deadline for the submission
35 of a rule for publication."**
- 36 Page 33, delete lines 19 through 42.
- 37 Page 34, delete lines 1 through 28.
- 38 Page 34, line 29, before "publishing" begin a new paragraph and
39 insert:
40 "**(k) In**".
- 41 Page 34, line 29, delete "this subsection," and insert "**subsection
42 (j)**".

- 1 Page 34, line 35, delete "(k)," and insert "**(l)**".
- 2 Page 34, line 38, delete "its" and insert "**the rule's**".
- 3 Page 34, line 39, delete "(k)" and insert "**(l)**".
- 4 Page 34, line 39, delete "(j)(2)" and insert "**(k)(2)**".
- 5 Page 34, line 42, delete "(j)(2)," and insert "**(k)(2)**".
- 6 Page 35, line 6, delete "(c) or" and insert "**(c); and**".
- 7 Page 35, delete line 7.
- 8 Page 35, line 12, delete "(l)" and insert "**(m)**".
- 9 Page 35, line 17, delete "(m)" and insert "**(n)**".
- 10 Page 35, line 20, delete "filed with the attorney".
- 11 Page 35, line 21, delete "general" and insert "**submitted to the**
- 12 **publisher**".
- 13 Page 34, line 23, delete "sent to the" and insert "**issued by the**
- 14 **attorney general**".
- 15 Page 34, line 24, delete "instrumentality of state government".
- 16 Page 34, line 24, delete "(e) or" and insert "**(f), if the rule is**
- 17 **submitted to the publisher**".
- 18 Page 34, line 25, delete "(g), if the rule is sent to the attorney
- 19 general".
- 20 Page 34, line 27, delete "(e) or (g)." and insert "**(f)**".
- 21 Page 34, line 28, delete "(n)" and insert "**(o)**".

- 1 Page 34, line 35, delete "(o)" and insert "**(p)**".
- 2 Page 34, line 35, delete "December 31, 2006." and insert "**July 1,**
- 3 **2007.**"
(Reference is to SB 259 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 0.

Senator Riegsecker, Chairperson