LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6590 | **NOTE PREPARED:** Apr 8, 2011
BILL NUMBER: SB 159 | **BILL AMENDED:** Apr 7, 2011

SUBJECT: Streamlined Environmental Rulemaking Procedures.

FIRST AUTHOR: Sen. Gard | **BILL STATUS:** As Passed House
FIRST SPONSOR: Rep. Wolkins

FUNDS AFFECTED: X **GENERAL** | **IMPACT:** State & Local
DEDICATED
FEDERAL

Summary of Legislation: This bill provides that if the Commissioner of the Department of Environmental Management (IDEM) determines that a proposed rule constitutes an adoption or incorporation by reference of a federal law, regulation, or rule: (1) the proposed rule may not be adopted if after the Commissioner's determination the federal law, regulation, or rule on which the proposed rule is based is repealed, is invalidated by judicial, legislative, or regulatory action, or has its enforcement stayed; and (2) the Commissioner may not enforce the adopted rule if after the adoption the federal law, regulation, or rule on which the proposed rule is based is repealed, is invalidated by judicial, legislative, or regulatory action, or has its enforcement stayed. The bill specifies how legislative, administrative, or judicial action related to a federal law, rule, or regulation affects a state rule based on the federal law, rule, or regulation. The bill establishes that a state rule be affected by that specific part of the invalidated law or regulation. The state or federal court affecting a rule adopted by IDEM has jurisdiction over Indiana laws and regulations.

The bill provides that certain environmental rulemaking procedures do not apply to a proposed rule that constitutes an amendment to an existing Indiana rule if the primary and intended purpose of the rule is to clarify the existing rule.

Effective Date: Upon passage.

Explanation of State Expenditures: The impact that this bill could have on state and local governments is indeterminable and will depend on determinations of the Commissioner, the nature of the rules to which the bill applies, and if, as a result of the Commissioner's determination, the state or local government adopts a course of action that affects expenditures and that would have been different without the determination.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of State Expenditures*.

Explanation of Local Revenues:

State Agencies Affected: IDEM.

Local Agencies Affected: Potentially all.

Information Sources:

Fiscal Analyst: Bernadette Bartlett, 317-232-9586.