

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 330 be amended to read as follows:

- 1           Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2           "SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011,
- 3           SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4           UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking
- 5           action resulting in any of the following rules:
- 6           (1) An order adopted by the commissioner of the Indiana
- 7           department of transportation under IC 9-20-1-3(d) or
- 8           IC 9-21-4-7(a) and designated by the commissioner as an
- 9           emergency rule.
- 10          (2) An action taken by the director of the department of natural
- 11          resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 12          (3) An emergency temporary standard adopted by the
- 13          occupational safety standards commission under
- 14          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
- 22          meet 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 adopted by the state lottery commission
- 26          under IC 4-30-3-9.
- 27          (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
- 28          executive board of the state department of health declares is
- 29          necessary to meet an emergency.
- 30          (10) An emergency rule adopted by the Indiana finance authority

- 1 under IC 8-21-12.
- 2 (11) An emergency rule adopted by the insurance commissioner  
3 under IC 27-1-23-7 or IC 27-1-12.1.
- 4 (12) An emergency rule adopted by the Indiana horse racing  
5 commission under IC 4-31-3-9.
- 6 (13) An emergency rule adopted by the air pollution control  
7 board, the solid waste management board, or the water pollution  
8 control board under IC 13-15-4-10(4) or to comply with a  
9 deadline required by or other date provided by federal law,  
10 provided:
- 11 (A) the variance procedures are included in the rules; and  
12 (B) permits or licenses granted during the period the  
13 emergency rule is in effect are reviewed after the emergency  
14 rule expires.
- 15 (14) An emergency rule adopted by the Indiana election  
16 commission under IC 3-6-4.1-14.
- 17 (15) An emergency rule adopted by the department of natural  
18 resources under IC 14-10-2-5.
- 19 (16) An emergency rule adopted by the Indiana gaming  
20 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,  
21 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
- 22 (17) An emergency rule adopted by the alcohol and tobacco  
23 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or  
24 IC 7.1-3-20-24.4.
- 25 (18) An emergency rule adopted by the department of financial  
26 institutions under IC 28-15-11.
- 27 (19) An emergency rule adopted by the office of the secretary of  
28 family and social services under IC 12-8-1-12.
- 29 (20) An emergency rule adopted by the office of the children's  
30 health insurance program under IC 12-17.6-2-11.
- 31 (21) An emergency rule adopted by the office of Medicaid policy  
32 and planning under IC 12-15-41-15.
- 33 (22) An emergency rule adopted by the Indiana state board of  
34 animal health under IC 15-17-10-9.
- 35 (23) An emergency rule adopted by the board of directors of the  
36 Indiana education savings authority under IC 21-9-4-7.
- 37 (24) An emergency rule adopted by the Indiana board of tax  
38 review under IC 6-1.1-4-34 (repealed).
- 39 (25) An emergency rule adopted by the department of local  
40 government finance under IC 6-1.1-4-33 (repealed).
- 41 (26) An emergency rule adopted by the boiler and pressure vessel  
42 rules board under IC 22-13-2-8(c).
- 43 (27) An emergency rule adopted by the Indiana board of tax  
44 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule  
45 adopted by the department of local government finance under  
46 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

- 1 (28) An emergency rule adopted by the board of the Indiana  
2 economic development corporation under IC 5-28-5-8.
- 3 (29) A rule adopted by the department of financial institutions  
4 under IC 34-55-10-2.5.
- 5 (30) A rule adopted by the Indiana finance authority:  
6 (A) under IC 8-15.5-7 approving user fees (as defined in  
7 IC 8-15.5-2-10) provided for in a public-private agreement  
8 under IC 8-15.5;  
9 (B) under IC 8-15-2-17.2(a)(10):  
10 (i) establishing enforcement procedures; and  
11 (ii) making assessments for failure to pay required tolls;  
12 (C) under IC 8-15-2-14(a)(3) authorizing the use of and  
13 establishing procedures for the implementation of the  
14 collection of user fees by electronic or other nonmanual  
15 means; or  
16 (D) to make other changes to existing rules related to a toll  
17 road project to accommodate the provisions of a public-private  
18 agreement under IC 8-15.5.
- 19 (31) An emergency rule adopted by the board of the Indiana  
20 health informatics corporation under IC 5-31-5-8.
- 21 (32) An emergency rule adopted by the department of child  
22 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or  
23 IC 31-27-4-3.
- 24 (33) An emergency rule adopted by the Indiana real estate  
25 commission under IC 25-34.1-2-5(15).
- 26 (34) A rule adopted by the department of financial institutions  
27 under IC 24-4.4-1-101 and determined necessary to meet an  
28 emergency.
- 29 (35) An emergency rule adopted by the state board of pharmacy  
30 regarding returning unused medication under IC 25-26-23.
- 31 (36) An emergency rule adopted by the department of local  
32 government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
- 33 (37) An emergency rule adopted by the office of the secretary of  
34 family and social services or the office of Medicaid policy and  
35 planning concerning the following:  
36 (A) Federal Medicaid waiver program provisions.  
37 (B) Federal programs administered by the office of the  
38 secretary.
- 39 **(38) An emergency rule adopted by the Indiana board of**  
40 **accountancy or the executive director of the Indiana**  
41 **professional licensing agency under IC 25-2.1-2-16.**
- 42 (b) The following do not apply to rules described in subsection (a):  
43 (1) Sections 24 through 36 of this chapter.  
44 (2) IC 13-14-9.
- 45 (c) After a rule described in subsection (a) has been adopted by the  
46 agency, the agency shall submit the rule to the publisher for the

1 assignment of a document control number. The agency shall submit the  
 2 rule in the form required by section 20 of this chapter and with the  
 3 documents required by section 21 of this chapter. The publisher shall  
 4 determine the format of the rule and other documents to be submitted  
 5 under this subsection.

6 (d) After the document control number has been assigned, the  
 7 agency shall submit the rule to the publisher for filing. The agency  
 8 shall submit the rule in the form required by section 20 of this chapter  
 9 and with the documents required by section 21 of this chapter. The  
 10 publisher shall determine the format of the rule and other documents  
 11 to be submitted under this subsection.

12 (e) Subject to section 39 of this chapter, the publisher shall:

13 (1) accept the rule for filing; and

14 (2) electronically record the date and time that the rule is  
 15 accepted.

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

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

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

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

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

25 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,  
 26 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in  
 27 subsections (j), (k), and (l), a rule adopted under this section expires  
 28 not later than ninety (90) days after the rule is accepted for filing under  
 29 subsection (e). Except for a rule adopted under subsection (a)(13),  
 30 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting  
 31 another rule under this section, but only for one (1) extension period.  
 32 The extension period for a rule adopted under subsection (a)(28) may  
 33 not exceed the period for which the original rule was in effect. A rule  
 34 adopted under subsection (a)(13) may be extended for two (2)  
 35 extension periods. Subject to subsection (j), a rule adopted under  
 36 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited  
 37 number of extension periods. Except for a rule adopted under  
 38 subsection (a)(13), for a rule adopted under this section to be effective  
 39 after one (1) extension period, the rule must be adopted under:

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

41 (2) IC 13-14-9;

42 as applicable.

43 (h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20),  
 44 (a)(21), (a)(29), or (a)(37), or **(a)(38)** expires on the earlier of the  
 45 following dates:

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

- 1           (2) The date that the rule is amended or repealed by a later rule
- 2           adopted under sections 24 through 36 of this chapter or this
- 3           section.
- 4           (i) This section may not be used to readopt a rule under IC 4-22-2.5.
- 5           (j) A rule described in subsection (a)(24) or (a)(25) expires not later
- 6           than January 1, 2006.
- 7           (k) A rule described in subsection (a)(28) expires on the expiration
- 8           date stated by the board of the Indiana economic development
- 9           corporation in the rule.
- 10          (l) A rule described in subsection (a)(30) expires on the expiration
- 11          date stated by the Indiana finance authority in the rule.
- 12          (m) A rule described in subsection (a)(5) or (a)(6) expires on the
- 13          date the department is next required to issue a rule under the statute
- 14          authorizing or requiring the rule."
- 15          Delete page 2.
- 16          Page 3, delete lines 1 through 7.
- 17          Page 3, line 11, delete "IC 4-22-2-38 to bring another rule into
- 18          conformity with part or all" and insert "**IC 4-22-2-37.1 to incorporate**
- 19          **by reference into a rule the latest statement, edition, or**
- 20          **compilation"**.
- 21          Page 3, line 25, delete "IC 4-22-2-38" and insert "**IC 4-22-2-37.1"**.
- 22          Page 3, line 32, delete "IC 4-22-2-38" and insert "**IC 4-22-2-37.1"**.
- 23          ReNUMBER all SECTIONS consecutively.
- (Reference is to SB 330 as printed January 20, 2012.)

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Senator YODER