



Adopted	Rejected
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COMMITTEE REPORT

YES: 9
NO: 1

MR. SPEAKER:

Your Committee on Government and Regulatory Reform, to which was referred House Bill 1623, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 3, between lines 35 and 36, begin a new paragraph and insert:
- 2 "SECTION 4. IC 4-22-2-0.1, AS AMENDED BY P.L.53-2014,
- 3 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2023]: Sec. 0.1. **(a)** The amendments made to this chapter by
- 5 P.L.44-1995 apply as follows:
- 6 (1) The amendments made to sections 13, 19, 23, 25, and 28 of
- 7 this chapter apply to a rulemaking action that commences after
- 8 June 30, 1995.
- 9 (2) The addition of sections 23.1 and 46 (repealed) of this chapter
- 10 applies to a rulemaking action that commences after June 30,
- 11 1995.
- 12 **(b) This chapter (as effective January 1, 2023) continues to**
- 13 **apply after June 30, 2023, to a rulemaking action that is**
- 14 **commenced under this chapter before July 1, 2023, and is pending**
- 15 **on July 1, 2023."**

- 1 Page 4, line 36, delete "or 37.2" and insert "**37.2, or 37.3**".
- 2 Page 4, line 40, delete "or 37.2" and insert "**37.2, or 37.3**".
- 3 Page 5, line 14, after "17.5." insert "**(a)**".
- 4 Page 5, between lines 19 and 20, begin a new paragraph and insert:
- 5 "**(b) If requested in the manner specified by the legislative**
- 6 **council or the personnel subcommittee of the legislative council**
- 7 **acting for the legislative council, an agency shall provide to the**
- 8 **legislative services agency any data, studies, or analyses relied on**
- 9 **by the agency to develop a regulatory analysis or a revised**
- 10 **regulatory analysis. The agency shall comply with any policies**
- 11 **adopted by the legislative council or the personnel subcommittee**
- 12 **of the legislative council governing the format, timing, and manner**
- 13 **of delivery of the data, studies, or analyses."**
- 14 Page 7, line 5, after "or section" insert "**37.2 or**".
- 15 Page 7, line 11, delete "the first" and insert "**a**".
- 16 Page 7, line 12, delete "23" and insert "**23, 37.2,**".
- 17 Page 7, line 32, reset in roman "or".
- 18 Page 7, line 33, delete "or".
- 19 Page 7, delete line 34.
- 20 Page 8, line 29, delete "analysis, including supporting" and insert
- 21 "**analysis**".
- 22 Page 8, line 30, delete "data,".
- 23 Page 9, line 42, after "chapter," insert "**if**".
- 24 Page 10, line 1, delete "may" and insert "**elects to adopt a rule**
- 25 **subject to section 23 of this chapter or IC 13-14-9, the agency**
- 26 **shall**".
- 27 Page 11, line 4, after "budget" insert "**a revised regulatory analysis**
- 28 **with**".
- 29 Page 11, line 28, delete "analysis, including" and insert "**analysis**".
- 30 Page 11, line 29, delete "supporting data and studies,".
- 31 Page 14, line 35, delete "(including any".
- 32 Page 14, delete line 36.
- 33 Page 14, line 37, delete "referenced in the regulatory analysis)".
- 34 Page 15, line 23, after "A" insert "**summary of the written**
- 35 **comments received by the agency during the first comment period**
- 36 **and a**".
- 37 Page 17, line 3, strike "of".
- 38 Page 17, line 3, reset in roman "in the Indiana Register".

1 Page 17, line 5, after "chapter" insert "**of**".

2 Page 17, between lines 28 and 29, begin a new paragraph and insert:

3 "SECTION 18. IC 4-22-2-27 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 27. The individual or
5 group of individuals who will finally adopt the rule under section 29 of
6 this chapter shall fully consider **written** comments received **by the**
7 **agency during each comment period and comments received** at the
8 public hearing required by section 26 of this chapter and may consider
9 any other information before adopting the rule. Attendance at the
10 public hearing or review of a written record or summary of the public
11 hearing is sufficient to constitute full consideration.

12 SECTION 19. IC 4-22-2-27.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
14 [EFFECTIVE JULY 1, 2023]: **Sec. 27.5. In addition to the**
15 **information submitted to the attorney general under section 31 of**
16 **this chapter, to the governor under section 33 of this chapter, and**
17 **to the publisher under section 35 of this chapter, an agency shall**
18 **submit to the attorney general, the governor, and the publisher a**
19 **summary of the comments received by the agency during each**
20 **comment period and public hearing under sections 23, 24, and 26**
21 **of this chapter or IC 13-14-9 and a summary of the response of the**
22 **agency to the comments. The publisher shall publish the**
23 **summaries with the final adopted and approved rule."**

24 Page 26, line 7, delete "the approval of" and insert "**a**
25 **determination from**".

26 Page 28, between lines 25 and 26, begin a new line blocked left and
27 insert:

28 "**A notice of objection to an emergency rule by the attorney general**
29 **must include findings that explain the basis for the determination.**
30 **The notice of objection shall be provided to the agency in an**
31 **electronic format."**

32 Page 28, line 42, after "authority" insert "**with a single comment**
33 **period of at least thirty (30) days in length**".

34 Page 29, line 19, delete "the approval of" and insert "**a**
35 **determination from**".

36 Page 29, delete lines 29 through 36, begin a new paragraph and
37 insert:

38 "**(c) An agency shall notify the public of its intention to adopt an**

1 interim rule by complying with the publication requirements in
2 this section. The agency shall cause a notice of a public comment
3 period and the full text of the agency's proposed interim rule
4 (excluding the full text of a matter incorporated by reference under
5 section 21 of this chapter) to be published once in the Indiana
6 Register. The publisher shall review materials submitted under this
7 section and determine the date that the publisher intends to include
8 the material in the Indiana Register. After establishing the
9 intended publication date and receiving the public comment period
10 information from the agency, the publisher shall provide a written
11 or an electronic mail authorization to proceed to the agency.

12 (d) The agency shall include the following in the notice of the
13 public comment period:

14 (1) A general description of the subject matter of the proposed
15 interim rule, including the document control number.

16 (2) A statement justifying any requirement or cost that is:

17 (A) imposed on a regulated entity under the interim rule;
18 and

19 (B) not expressly required by the statute authorizing the
20 agency to adopt rules or any other state or federal law.

21 The statement required under this subdivision must include
22 a reference to any data, studies, or analyses relied upon by the
23 agency in determining that the imposition of the requirement
24 or cost is necessary and where and how a person may inspect
25 and copy or electronically download the data, studies, or
26 analyses.

27 (3) A date that is thirty (30) days after the notice is published
28 in the Indiana Register by which written comments are due
29 and a statement explaining that any person may submit
30 written comments concerning the proposed expedited rule
31 during the public comment period and instructions on when,
32 where, and how the person may submit written comments.

33 However, inadequacy or insufficiency of the subject matter
34 description under subdivision (1) or a statement of justification
35 under subdivision (2) in a notice does not invalidate a rulemaking
36 action. An agency may continue the comment period by publishing
37 a subsequent notice in the Indiana Register extending the comment
38 period.

1 **(e) Before adopting the interim rule, the agency shall prepare a**
 2 **written response to comments received by the agency, including the**
 3 **reasons for rejecting any recommendations made in the comments.**

4 **(f) After an agency has completed the initial public comment**
 5 **period of at least thirty (30) days in length and complied with**
 6 **subsection (e), the agency may:**

7 **(1) adopt a rule that is identical to a proposed interim rule**
 8 **published in the Indiana Register under this section; or**

9 **(2) adopt a revised version of a proposed interim rule**
 10 **published under this section and include provisions that did**
 11 **not appear in the initially published proposed version.**

12 **An agency may not adopt an interim rule that substantially differs**
 13 **from the version of the proposed interim rule published in the**
 14 **Indiana Register under this section, unless it is a logical outgrowth**
 15 **of any proposed interim rule as supported by any written**
 16 **comments submitted during the public comment period.**

17 **(g) After the agency adopts the interim rule, the agency shall**
 18 **submit the following to the publisher for filing:".**

19 Page 29, between lines 39 and 40, begin a new line block indented
 20 and insert:

21 **"(2) A summary of the comments received by the agency**
 22 **during the comment period and the agency's response to the**
 23 **comments."**

24 Page 29, line 40, delete "(2)" and insert "(3)".

25 Page 30, line 1, delete "(3)" and insert "(4)".

26 Page 30, line 3, delete "(4)" and insert "(5)".

27 Page 30, line 5, delete "The".

28 Page 30, delete lines 6 through 7.

29 Page 30, line 8, delete "governor.".

30 Page 30, line 10, delete "(e)" and insert "(h)".

31 Page 30, line 10, delete "(d)" and insert "(g)".

32 Page 30, line 17, delete "(f)" and insert "(i)".

33 Page 30, line 22, delete "(e)." and insert "(h)".

34 Page 30, delete lines 30 through 38, begin a new paragraph and
 35 insert:

36 **"(j) An agency may amend an interim rule with another interim**
 37 **rule by following the procedures in this section for adoption of an**
 38 **interim rule. An interim rule and all subsequent rules on the same**

1 subject adopted under section 37.1 or 37.3 of this chapter or this
 2 section expire not later than four hundred twenty-five (425) days
 3 after the initial interim rule is accepted for filing under subsection
 4 (h). The interim rule, including all subsequent interim rules
 5 adopted under section 37.1 or 37.3 of this chapter or this section on
 6 the same subject, may not be subsequently extended under section
 7 37.1 or 37.3 of this chapter or this section after four hundred
 8 twenty-five (425) days."

9 Page 30, line 39, delete "(h)" and insert "(k)".

10 Page 30, line 39, delete "(i)," and insert "(I)".

11 Page 31, line 1, delete "(e)." and insert "(h)."

12 Page 31, line 7, delete "(i)" and insert "(I)".

13 Page 31, line 8, delete "emergency" and insert "interim".

14 Page 31, line 8, delete "(h)" and insert "(k)".

15 Page 31, line 9, delete "emergency" and insert "interim".

16 Page 31, between lines 11 and 12, begin a new line blocked left and
 17 insert:

18 "A notice of objection to an interim rule by the attorney general
 19 must include findings that explain the basis for the determination.
 20 The notice of objection shall be provided to the agency in an
 21 electronic format."

22 Page 31, line 19, delete "on a subject for which the" and insert
 23 "described in IC 4-22-2.3".

24 Page 31, line 20, delete "agency has rulemaking authority".

25 Page 31, line 24, delete "is:" and insert "is appropriate for a rule
 26 described in IC 4-22-2.3".

27 Page 31, delete lines 25 through 29.

28 Page 31, line 30, delete "the approval of" and insert "a
 29 determination from".

30 Page 31, line 31, delete "office of management and budget" and
 31 insert "governor".

32 Page 31, line 34, delete "office of management and budget" and
 33 insert "governor".

34 Page 31, line 35, delete "office of management and budget." and
 35 insert "governor".

36 Page 31, line 36, delete "office of management and budget" and
 37 insert "governor".

38 Page 32, line 26, after "A" insert "date that is thirty (30) days after

- 1 the notice is published in the Indiana Register by which written
2 comments are due and a".
- 3 Page 32, line 33, after "action." insert "An agency may continue
4 the comment period by publishing a subsequent notice in the
5 Indiana Register extending the comment period."
- 6 Page 32, line 38, delete "a public comment period of" and insert
7 "the comment period under this section".
- 8 Page 32, line 39, delete "at least thirty (30) days in length".
- 9 Page 33, line 24, after "subsection." insert "The substantive text of
10 the adopted expedited rule must be substantially similar to the text
11 of the proposed expedited rule submitted to the governor. An
12 expedited rule may suspend but not repeal a rule approved by the
13 governor under section 34 of this chapter."
- 14 Page 34, line 4, delete "expires:" and insert "expires as provided in
15 IC 4-22-2.3. An agency may continue an expedited rule for an
16 additional period after it would otherwise expire only as permitted
17 in IC 4-22-2.3."
- 18 Page 34, delete lines 5 through 8.
- 19 Page 34, line 20, delete "emergency" and insert "expedited".
- 20 Page 34, line 21, delete "emergency" and insert "expedited".
- 21 Page 34, between lines 23 and 24, begin a new line blocked left and
22 insert:
23 "A notice of objection to an expedited rule by the attorney general
24 must include findings that explain the basis for the determination.
25 The notice of objection shall be provided to the agency in an
26 electronic format."
- 27 Page 40, line 7, delete "section sets" and insert "subsection and
28 subsection (b) set".
- 29 Page 41, line 17, after "IC 4-22-2-37.3." insert "An expedited rule
30 described in this section may not be continued in another expedited
31 rule after the expiration of the initial expedited rule."
- 32 Page 41, line 23, after "Register." insert "An expedited rule
33 described in this section may be continued in another expedited
34 rule only if the governor determines under IC 4-22-2-37.3(b) that
35 the policy options available to the agency are so limited that use of
36 the additional notice, comment, and review procedures in
37 IC 4-22-2-23 through IC 4-22-2-36 would provide no benefit to
38 persons regulated or otherwise affected by the rule."

1 Page 41, line 30, after "Register." insert **"An expedited rule**
2 **described in this section may not be continued in another expedited**
3 **rule after the expiration of the initial expedited rule."**

4 Page 41, line 35, after "Register." insert **"An expedited rule**
5 **described in this section may not be continued in another expedited**
6 **rule after the expiration of the initial expedited rule."**

7 Page 42, line 12, delete "that" and insert **"after"**.

8 Page 42, line 15, after "under" insert **"IC 24-4.4-1-101 (licensing**
9 **system for creditors and mortgage loan originators) or"**.

10 Page 42, between lines 19 and 20, begin a new paragraph and insert:

11 **"(c) The department of financial institutions shall adopt rules**
12 **under IC 4-22-2-37.3 in the same manner provided in subsection**
13 **(a) for the adjustments required under IC 24-9-2-8 concerning high**
14 **cost home loans. The rule expires not later than January 1 of the**
15 **next odd-numbered year after the department of financial**
16 **institutions is required to issue the rule.**

17 **(d) The department of financial institutions may adopt rules**
18 **described in 34-55-10-2 (bankruptcy exemptions; limitations) and**
19 **IC 34-55-10-2.5 in conformity with the procedures in IC 4-22-2-23**
20 **through IC 4-22-2-36 or the expedited procedures in**
21 **IC 4-22-2-37.3. A rule adopted under IC 4-22-2-37.3 expires not**
22 **later than two (2) years after the adopted rule is accepted for filing**
23 **by the publisher of the Indiana Register.**

24 **(e) An expedited rule described in this section may be continued**
25 **in another expedited rule only if the governor determines under**
26 **IC 4-22-2-37.3(b) that the policy options available to the agency are**
27 **so limited that use of the additional notice, comment, and review**
28 **procedures in IC 4-22-2-23 through IC 4-22-2-36 would provide no**
29 **benefit to persons regulated or otherwise affected by the rule."**

30 Page 42, line 37, after "Register." insert **"An expedited rule**
31 **described in this section may not be continued in another expedited**
32 **rule after the expiration of the initial expedited rule."**

33 Page 45, line 16, after "publisher" insert **"not later than the first**
34 **regular business day in September of the year preceding the year**
35 **in which the rule expires under this chapter"**.

36 Page 45, line 24, delete "at least".

37 Page 46, line 12, after "period" insert **"under section 5 of this**
38 **chapter"**.

1 Page 55, delete lines 31 through 41, begin a new line block indented
2 and insert:

3 "(1) that has been preliminarily adopted by a board in a form that
4 is:

5 (A) identical to; or

6 (B) not substantively different from;

7 the proposed rule published in a second notice under section 4 of
8 this chapter; or

9 (2) for which the commissioner has made a determination and
10 prepared written findings under section 7 or 8 of this chapter;

11 a board may not adopt a rule under this chapter until the board has
12 conducted a third public comment period that is at least ~~twenty-one~~
13 **(21) thirty (30)** days in length."

14 Page 57, line 15, reset in roman "In addition to the requirements of
15 section 8 of".

16 Page 57, line 16, reset in roman "this chapter,".

17 Page 57, line 16, delete "The" and insert "the".

18 Page 58, between lines 5 and 6, begin a new paragraph and insert:

19 "SECTION 47. IC 13-14-9-16 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2023]: **For a rule document subject to this**
22 **chapter, the one (1) year period established under IC 4-22-2-25 in**
23 **which to adopt a rule and obtain the approval or deemed approval**
24 **of the governor commences on the date that the initial comment**
25 **period notice for the rule document is published in the Indiana**
26 **Register under section 3 of this chapter, (if the section 3 comment**
27 **period is waived under section 7 of this chapter) section 4 of this**
28 **chapter, section 8 of this chapter, or section 14 of this chapter (as**
29 **applicable). If an agency determines that a rule cannot be adopted**
30 **within one (1) year after the publication of the notice, the agency**
31 **shall, before two hundred fifty (250) days following the publication**
32 **of the notice, notify the publisher by electronic means:**

33 (1) the reasons why the rule was not adopted and the expected
34 date the rule will be completed; and

35 (2) the expected date the rule will be approved or deemed
36 approved by the governor or withdrawn under IC 4-22-2-41.

37 (b) If a rule is not approved before the later of:

38 (1) one (1) year after the agency publishes the initial notice of

1 **intent under this chapter; or**
 2 **(2) the expected date contained in a notice concerning the rule**
 3 **that is provided to the publisher under subsection (a);**
 4 **a later approval or deemed approval is ineffective, and the rule**
 5 **may become effective only through another rulemaking action**
 6 **initiated under this chapter."**

7 Page 58, between lines 7 and 8, begin a new paragraph and insert:
 8 "SECTION 49. IC 13-19-3-3, AS AMENDED BY P.L.120-2022,
 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 3. (a) As used in this section and section 3.1
 11 of this chapter, "coal combustion residuals" means fly ash, bottom ash,
 12 boiler slag, and flue gas desulfurization materials generated from
 13 burning coal for the purpose of generating electricity by electric
 14 utilities and independent power producers.

15 (b) ~~As used in~~ **The following definitions apply throughout** this
 16 section:

17 **(1) "Federal CCR rule" refers to 40 CFR 257, Subpart D, the**
 18 **federal standards for the disposal of coal combustion residuals in**
 19 **landfills and surface impoundments.**

20 **(2) "Legacy generation resource" means an electric**
 21 **generating facility that is directly or indirectly owned by a**
 22 **corporation that was originally formed for the purpose of**
 23 **providing power to the federal government for use in the**
 24 **nation's defense or in furtherance of national interests. The**
 25 **term includes the Ohio Valley Electric Corporation.**

26 (c) The board ~~may~~ **shall** adopt rules under section 1(a)(1) of this
 27 chapter **concerning coal combustion residuals. The rules adopted**
 28 **under this subsection:**

29 **(1) that are shall be** consistent with the regulations of the United
 30 States Environmental Protection Agency concerning standards for
 31 the disposal of coal combustion residuals in landfills and surface
 32 impoundments, as set forth in the federal CCR rule;

33 **(2) shall not impose a restriction or requirement that is more**
 34 **stringent than the corresponding restriction or requirement**
 35 **imposed under the federal CCR rule; and**

36 **(3) shall not impose a restriction or requirement that is not**
 37 **imposed by the federal CCR rule.**

38 (d) The department shall do the following:

1 (1) Establish a state permit program under Section 2301 of the
2 federal Water Infrastructure Improvements for the Nation Act (42
3 U.S.C. 6945(d)) for the implementation in Indiana of the federal
4 CCR rule.

5 (2) Submit to the administrator of the United States
6 Environmental Protection Agency under 42 U.S.C. 6945(d)(1)(A)
7 evidence of the state permit program.

8 (3) Take other necessary or appropriate actions to obtain approval
9 of the state permit program.

10 (e) Not later than May 15, 2021, the department shall notify the
11 United States Environmental Protection Agency of its intention to
12 establish a state permit program described in subsection (d)(1) and to
13 seek approval of the state permit program under 42 U.S.C. 6945(d)(1).

14 (f) Under IC 4-22-2 and IC 13-14-9:

15 (1) the department shall initiate rulemaking for the establishment
16 of the state permit program not more than sixty (60) days after the
17 effective date of the SECTION of Senate Enrolled Act 271-2021
18 amending this section; and

19 (2) the board shall adopt a final rule for the establishment of the
20 state permit program not more than sixteen (16) months after
21 initiation of the rulemaking under subdivision (1).

22 (g) The state permit program established under this section must not
23 establish requirements for any surface impoundment of coal
24 combustion residuals unless and until the state permit program is
25 approved by the administrator of the United States Environmental
26 Protection Agency under 42 U.S.C. 6945(d)(1). **The authority of the
27 department to establish requirements under the state permit
28 program established under this section is the only authority the
29 department has to establish requirements for a surface
30 impoundment of coal combustion residuals located on the grounds
31 of a legacy generation resource.**

32 (h) The definitions set forth in Section 257.53 of the federal CCR
33 rule, as in effect January 1, 2021, apply throughout subsection (i).

34 (i) The department shall charge the following fees under the state
35 permit program established under this section:

36 (1) An initial one (1) time permit fee of twenty thousand five
37 hundred dollars (\$20,500) for each surface impoundment of coal
38 combustion residuals regulated under the state permit program.

1 (2) An annual fee of twenty thousand five hundred dollars
2 (\$20,500) for each surface impoundment of coal combustion
3 residuals regulated under the state permit program that has not
4 completed closure in accordance with Section 257.102 of the
5 federal CCR rule. The duty to pay the fee established by this
6 subdivision does not apply on an annual basis until three hundred
7 sixty-five (365) days after the initial one (1) time permit fee
8 established by subdivision (1) has been assessed.

9 (3) An annual fee of ten thousand dollars (\$10,000) for each
10 surface impoundment of coal combustion residuals regulated
11 under the state permit program that has been closed and for which
12 post-closure care has been initiated and is still required in
13 accordance with Section 257.104 of the federal CCR rule. The
14 duty to pay the fee established by this subdivision does not apply
15 on an annual basis until three hundred sixty-five (365) days after
16 the initial one (1) time permit fee established by subdivision (1)
17 has been assessed.

18 Fees collected under this subsection shall be deposited in the CCR
19 program fund established by section 3.2 of this chapter.

20 (j) Not later than July 1, 2027, and before the end of each
21 succeeding period of five (5) years, the board shall review the:

22 (1) costs to the department of operating the state permit program
23 established under this section; and

24 (2) revenue from the fees charged under subsection (i);
25 as provided in IC 13-16-1-4. If the board determines that the revenue
26 described in subdivision (2) is inadequate or excessive in relation to the
27 costs described in subdivision (1), the board shall, under IC 13-16-1-2,
28 change the amount of one (1) or more of the fees established under
29 subsection (i).

30 (k) Upon the effective date that the board adopts rules to implement
31 the federal CCR rule and subject to subsection (i), annual fees for CCR
32 landfills that were previously regulated as restricted waste sites shall
33 be deposited in the CCR program fund established by section 3.2 of
34 this chapter.

35 SECTION 50. IC 25-1-5.3 IS ADDED TO THE INDIANA CODE
36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2023]:

38 **Chapter 5.3. Failure to Enact Licensure Rules**

- 1 **Sec. 1. The following definitions apply throughout this chapter:**
- 2 **(1) "Agency" has the meaning set forth in IC 25-1-5-2.**
- 3 **(2) "Board" has the meaning set forth in IC 25-1-5-2.**
- 4 **(3) "Compliant", with respect to a licensure rule, means a**
- 5 **licensure rule that the agency or a board has adopted.**
- 6 **(4) "Enactment date" means the date on which a statute**
- 7 **requires rulemaking for a licensure rule to commence.**
- 8 **(5) "Executive director" refers to the individual described in**
- 9 **IC 25-1-5-5.**
- 10 **(6) "Licensee" has the meaning set forth in IC 25-1-5-11.**
- 11 **(7) "Licensure rule" means a rule that:**
 - 12 **(A) relates to the issuance of a license, certificate,**
 - 13 **registration, or permit, or a requirement or prerequisite**
 - 14 **for obtaining a license, or keeping a license in good**
 - 15 **standing; and**
 - 16 **(B) is required by statute to be adopted by the agency or a**
 - 17 **board.**
- 18 **(8) "Noncompliant", with respect to a licensure rule, means**
- 19 **a licensure rule that the agency or a board has not adopted**
- 20 **within eighteen (18) months of the enactment date.**
- 21 **Sec. 2. (a) If a licensee believes that the agency or a board has**
- 22 **failed to adopt a licensure rule within eighteen (18) months of the**
- 23 **enactment date, the licensee may request in writing that the**
- 24 **executive director determine that the licensure rule is**
- 25 **noncompliant. The executive director shall issue the determination**
- 26 **of noncompliance or compliance in writing.**
- 27 **(b) If the executive director determines that the licensure rule**
- 28 **is noncompliant, the licensee is entitled to the relief described in**
- 29 **section 3 of this chapter.**
- 30 **(c) If:**
 - 31 **(1) the executive director determines that the licensure rule is**
 - 32 **compliant; or**
 - 33 **(2) at least thirty (30) days have passed since the licensee**
 - 34 **requested the executive director to confirm that the licensure**
 - 35 **rule is noncompliant and the executive director has not issued**
 - 36 **a determination;**
- 37 **the licensee may request that the governor or the attorney general**
- 38 **determine that the licensure rule is a noncompliant. A licensee may**

1 not request that both the governor and the attorney general make
2 a determination under this subsection.

3 (d) If the governor or the attorney general determines that the
4 licensure rule is noncompliant, the licensee is entitled to the relief
5 described in section 3 of this chapter.

6 Sec. 3. (a) If the executive director, governor, or attorney
7 general determines that a licensure rule is noncompliant, the
8 licensee:

9 (1) is not required to pay the license fee to which the licensure
10 rule relates from the enactment date to the date the licensure
11 rule becomes compliant (if applicable); and

12 (2) is entitled to a refund of any license fee to which the
13 licensure rule relates from the enactment date to the date the
14 licensure rule becomes compliant (if applicable).

15 (b) The failure to pay a license fee as authorized under this
16 section does not affect the validity of the license.

17 Sec. 4. (a) If the executive director has determined under section
18 2 of this chapter that a licensure rule is noncompliant, and the
19 agency later adopts a licensure rule, the executive director may,
20 upon the request of any person, including the executive director,
21 make a new determination concerning the licensure rule. The
22 executive director shall issue the determination in writing.

23 (b) If the executive director determines that the licensure rule
24 is compliant, a licensee who disagrees with the determination may
25 request, not later than thirty (30) days after issuance of the new
26 determination, that the governor or attorney general review the
27 determination. The licensee may not request that both the
28 governor and the attorney general review the determination. If the
29 governor or attorney general determines that the licensure rule is
30 noncompliant, the determination of the governor or attorney
31 general controls.

32 Sec. 5. If the governor or attorney general determined that a
33 licensure rule was noncompliant under section 2 of this chapter,
34 and the agency later adopts a licensure rule, upon the request of
35 any person, the governor or attorney general may make a new
36 determination concerning the licensure rule. The governor or
37 attorney general shall issue the determination in writing.

38 Sec. 6. If the executive director, under section 4 of this chapter,

1 or the governor or attorney general, under section 5 of this
2 chapter, determines that a formerly noncompliant licensure rule
3 is now compliant, a licensee is required to pay the license fee to
4 which the licensure rule relates, beginning:
5 (1) from the date the new determination was issued; or
6 (2) if the new determination was issued by the executive
7 director under section 4(a) of this chapter and the licensee
8 sought review by the governor or attorney general under
9 section 4(b) of this chapter, from the date the governor
10 attorney general issued a determination;
11 whichever is later."
12 Renumber all SECTIONS consecutively.
(Reference is to HB 1623 as introduced.)

and when so amended that said bill do pass.

Representative Miller D