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HOUSE BILL No. 1623

AM162312 has been incorporated into February 14, 2023 printing.

Synopsis: Administrative rulemaking.

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February 14, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1623

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-3-22-13, AS AMENDED BY P.L.5-2015,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2023]: Sec. 13. (a) ~~Except as provided in subsection (c), the~~
 4 ~~OMB shall perform a cost benefit analysis upon each proposed rule and~~
 5 ~~provide to:~~
 6 (1) ~~the governor; and~~
 7 (2) ~~the legislative council;~~
 8 ~~an assessment of the rule's effect on Indiana business. The OMB shall~~
 9 ~~submit the cost benefit analysis to the legislative council in an~~
 10 ~~electronic format under IC 5-14-6.~~
 11 (b) ~~After June 30, 2005, the cost benefit analysis performed by the~~
 12 ~~OMB under this section with respect to any proposed rule that has an~~
 13 ~~impact of at least five hundred thousand dollars (\$500,000) shall~~
 14 ~~replace and be used for all purposes under IC 4-22-2 in lieu of the~~

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1 fiscal analysis previously performed by the legislative services agency
2 under IC 4-22-2.

3 ~~(c) The OMB and the budget agency shall review a regulatory~~
4 ~~analysis and proposed rule submitted by an agency under~~
5 ~~IC 4-22-2-22.8. In preparing a cost benefit reviewing a regulatory~~
6 ~~analysis and proposed rule under this section, the OMB shall consider~~
7 ~~in its analysis any verified data provided voluntarily by interested~~
8 ~~parties, regulated persons, and nonprofit corporations whose members~~
9 ~~may be affected by the proposed rule. A cost benefit analysis prepared~~
10 ~~under this section is a public document. subject to the following: (1)~~
11 ~~This subsection However, this section does not empower the OMB or~~
12 ~~an agency to require an interested party or a regulated person to~~
13 ~~provide any materials, documents, or other information. in connection~~
14 ~~with a cost benefit analysis under this section: If an interested party or~~
15 ~~a regulated person voluntarily provides materials, documents, or other~~
16 ~~information to the OMB or an agency, in connection with a cost benefit~~
17 ~~analysis under this section, the OMB or the agency, as applicable, shall~~
18 ~~ensure the adequate protection of any:~~

- 19 (A) (1) information that is confidential under IC 5-14-3-4; or
20 (B) (2) confidential and proprietary business plans and other
21 confidential information.

22 If an agency has adopted rules to implement IC 5-14-3-4, interested
23 parties and regulated persons must submit the information in
24 accordance with the confidentiality rules adopted by the agency to
25 ensure proper processing of confidentiality claims. The OMB and any
26 agency involved in proposing the rule, or in administering the rule
27 upon the rule's adoption, shall exercise all necessary caution to avoid
28 disclosure of any confidential information supplied to the OMB or the
29 agency by an interested party or a regulated person.

- 30 (2) ~~The OMB shall make the cost benefit analysis and other~~
31 ~~related public documents available to interested parties,~~
32 ~~regulated persons, and nonprofit corporations whose members~~
33 ~~may be affected by the proposed rule at least thirty (30) days~~
34 ~~before presenting the cost benefit analysis to the governor and~~
35 ~~the legislative council under subsection (a):~~

36 (d) ~~If the OMB or an agency is unable to obtain verified data for~~
37 ~~the cost benefit analysis described in subsection (c), the OMB shall~~
38 ~~state in the cost benefit analysis which data were unavailable for~~
39 ~~purposes of the cost benefit analysis:~~

- 40 (e) ~~If the OMB finds that a proposed rule is:~~
41 ~~(1) an adoption or incorporation by reference of a federal law;~~
42 ~~regulation; or rule that has no substantive effect on the scope or~~

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1 intended application of the federal law or rule; or
 2 (2) a technical amendment with no substantive effect on an
 3 existing Indiana rule;
 4 the OMB may not prepare a cost benefit analysis of the rule under this
 5 section. The agency shall submit the proposed rule to the OMB with a
 6 statement explaining how the proposed rule meets the requirements of
 7 this subsection. If the OMB finds that the rule meets the requirements
 8 of this subsection, the OMB shall provide its findings to the governor
 9 and to the legislative council in an electronic format under IC 5-14-6.
 10 If the agency amends or modifies the proposed rule after the OMB
 11 finds that a cost benefit analysis may not be prepared for the rule, the
 12 agency shall resubmit the proposed rule to the OMB either for a new
 13 determination that the rule meets the requirements of this subsection,
 14 or for the OMB to prepare a cost benefit analysis of the rule under this
 15 section.

16 SECTION 2. IC 4-21.5-2-8 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2023]: **Sec. 8. The amendments made to IC 4-21.5-3-27.5 in the**
 19 **2023 session of the general assembly only apply to agency actions**
 20 **commenced under IC 4-21.5-3 after June 30, 2023.**

21 SECTION 3. IC 4-21.5-3-27.5, AS ADDED BY P.L.199-2021,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 27.5. In a proceeding under this chapter
 24 concerning an agency action, the administrative law judge shall order
 25 the agency to pay the reasonable attorney's fees incurred in the
 26 proceeding by the party challenging the agency action if the party
 27 challenging the agency action proves, by a preponderance of the
 28 evidence, that:

- 29 (1) the agency's action was frivolous or groundless; or
- 30 (2) the agency pursued the action in bad faith;
- 31 **(3) the agency has failed to demonstrate that the agency**
- 32 **action is based on a standard or an interpretation of a**
- 33 **standard that has the force of law; or**
- 34 **(4) the agency has failed to demonstrate that the agency**
- 35 **acted within its legal authority.**

36 SECTION 4. IC 4-22-2-0.1, AS AMENDED BY P.L.53-2014,
 37 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: Sec. 0.1. **(a)** The amendments made to this chapter by
 39 P.L.44-1995 apply as follows:

- 40 (1) The amendments made to sections 13, 19, 23, 25, and 28 of
- 41 this chapter apply to a rulemaking action that commences after
- 42 June 30, 1995.

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1 (2) The addition of sections 23.1 and 46 (repealed) of this
2 chapter applies to a rulemaking action that commences after
3 June 30, 1995.

4 **(b) This chapter (as effective January 1, 2023) continues to**
5 **apply after June 30, 2023, to a rulemaking action that is**
6 **commenced under this chapter before July 1, 2023, and is pending**
7 **on July 1, 2023.**

8 SECTION 5. IC 4-22-2-13, AS AMENDED BY P.L.2-2007,
9 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2023]: Sec. 13. (a) Subject to subsections (b), (c), and (d), this
11 chapter applies to the addition, amendment, or repeal of a rule in every
12 rulemaking action.

13 (b) This chapter does not apply to the following agencies:

- 14 (1) Any military officer or board.
- 15 (2) Any state educational institution.

16 (c) This chapter does not apply to a rulemaking action that results
17 in any of the following rules:

18 (1) A resolution or directive of any agency that relates solely to
19 internal policy, internal agency organization, or internal
20 procedure and does not have the effect of law.

21 (2) A restriction or traffic control determination of a purely local
22 nature that:

23 (A) is ordered by the commissioner of the Indiana
24 department of transportation;

25 (B) is adopted under IC 9-20-1-3(d), IC 9-21-4-7, or
26 IC 9-20-7; and

27 (C) applies only to one (1) or more particularly described
28 intersections, highway portions, bridge causeways, or
29 viaduct areas.

30 (3) A rule adopted by the secretary of state under
31 IC 26-1-9.1-526.

32 (4) An executive order or proclamation issued by the governor.

33 **(5) A rule adopted by the board of trustees of the Indiana**
34 **public retirement system, as provided in IC 5-10.5-4-2.**
35 **However, the board shall submit rules adopted by the board**
36 **to the publisher for publication in the Indiana Register.**

37 (d) Except as specifically set forth in IC 13-14-9, **IC 13-14-9**
38 **provides alternative procedures for notice and public comment**
39 **concerning proposed rules for the environmental rules board and**
40 **the underground storage tank financial assurance board. The**
41 **department of environmental management, the environmental**
42 **rules board, and the underground storage tank financial assurance**

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1 **board shall comply with the procedures in IC 13-14-9 in lieu of**
 2 **complying with** sections 23, 24, 26, 27, and 29 of this chapter. ~~do not~~
 3 ~~apply to rulemaking actions under IC 13-14-9.~~ **In adopting rules, all**
 4 **other provisions of IC 4-22-2 apply to these agencies, including**
 5 **sections 22.7 and 22.8 of this chapter.**

6 SECTION 6. IC 4-22-2-15 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. Any rulemaking
 8 action that this chapter allows or requires an agency to perform, other
 9 than final adoption of a rule under section 29, ~~or 37.1, 37.2, or 37.3~~ of
 10 this chapter **or IC 13-14-9**, may be performed by the individual or
 11 group of individuals with the statutory authority to adopt rules for the
 12 agency, a member of the agency's staff, or another agent of the agency.
 13 Final adoption of a rule under section 29, ~~or 37.1, 37.2, or 37.3~~ of this
 14 chapter **or IC 13-14-9**, including readoption of a rule that is subject to
 15 sections 24 through 36 or to section 37.1 of this chapter and recalled
 16 for further consideration under section 40 of this chapter, may be
 17 performed only by the individual or group of individuals with the
 18 statutory authority to adopt rules for the agency.

19 SECTION 7. IC 4-22-2-17 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) IC 5-14-3
 21 applies to the text of a rule that an agency intends to adopt from the
 22 earlier of the date that the agency takes any action under ~~section 24~~
 23 **section 23** of this chapter, otherwise notifies the public of its intent to
 24 adopt a rule under any statute, or adopts the rule.

25 (b) IC 5-14-3 applies both to a rule and to the full text of a matter
 26 directly or indirectly incorporated by reference into the rule.

27 SECTION 8. IC 4-22-2-17.5 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2023]: **Sec. 17.5. (a) The legislative services**
 30 **agency shall provide electronic summaries or electronic copies of**
 31 **documents submitted to the publisher under this article or**
 32 **IC 13-14-9 to legislators and legislative committees in the manner**
 33 **and on the schedule specified by the legislative council or the**
 34 **personnel subcommittee of the legislative council acting for the**
 35 **legislative council.**

36 (b) **If requested in the manner specified by the legislative**
 37 **council or the personnel subcommittee of the legislative council**
 38 **acting for the legislative council, an agency shall provide to the**
 39 **legislative services agency any data, studies, or analyses relied on**
 40 **by the agency to develop a regulatory analysis or a revised**
 41 **regulatory analysis. The agency shall comply with any policies**
 42 **adopted by the legislative council or the personnel subcommittee**

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1 **of the legislative council governing the format, timing, and manner**
2 **of delivery of the data, studies, or analyses.**

3 SECTION 9. IC 4-22-2-19.5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 19.5. (a) To the extent
5 possible, a rule adopted under this article ~~or under IC 13-14-9.5~~ shall
6 comply with the following:

- 7 (1) Minimize the expenses to:
 - 8 (A) regulated entities that are required to comply with the
 - 9 rule;
 - 10 (B) persons who pay taxes or pay fees for government
 - 11 services affected by the rule; and
 - 12 (C) consumers of products and services of regulated entities
 - 13 affected by the rule.
- 14 (2) Achieve the regulatory goal in the least restrictive manner.
- 15 (3) Avoid duplicating standards found in state or federal laws.
- 16 (4) Be written for ease of comprehension.
- 17 (5) Have practicable enforcement.

18 (b) Subsection (a) does not apply to a rule that must be adopted in
19 a certain form to comply with federal law.

20 SECTION 10. IC 4-22-2-21, AS AMENDED BY P.L.204-2016,
21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2023]: Sec. 21. (a) If incorporation of the text in full would be
23 cumbersome, expensive, or otherwise inexpedient, an agency may
24 incorporate by reference into a rule part or all of any of the following
25 matters:

- 26 (1) A federal or state statute, rule, or regulation.
- 27 (2) A code, manual, or other standard adopted by an agent of the
- 28 United States, a state, or a nationally recognized organization or
- 29 association.
- 30 (3) A manual of the department of local government finance
- 31 adopted in a rule described in IC 6-1.1-31-9.
- 32 (4) The following requirements:
 - 33 (A) The schedule, electronic formatting, and standard data,
 - 34 field, and record coding requirements for:
 - 35 (i) the electronic data file under IC 6-1.1-4-25
 - 36 concerning the parcel characteristics and parcel
 - 37 assessments of all parcels and personal property return
 - 38 characteristics and assessments; and
 - 39 (ii) the electronic data file under IC 36-2-9-20
 - 40 concerning the tax duplicate.
 - 41 (B) The schedule, electronic formatting, and standard data,
 - 42 field, and record coding requirements for data required to

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1 be submitted under IC 6-1.1-5.5-3 or IC 6-1.1-11-8.

2 (C) Data export and transmission format requirements for
3 information described in clauses (A) and (B).

4 (b) Each matter incorporated by reference under subsection (a)
5 must be fully and exactly described.

6 (c) An agency may refer to a matter that is directly or indirectly
7 referred to in a primary matter by fully and exactly describing the
8 primary matter.

9 (d) **Except as otherwise provided in this article**, whenever an
10 agency submits a rule to the attorney general, the governor, or the
11 publisher under this chapter, the agency shall also submit a copy of the
12 full text of each matter incorporated by reference under subsection (a)
13 into the rule, other than the following:

14 (1) An Indiana statute or rule.

15 (2) A form or instructions for a form numbered by the Indiana
16 archives and record administration under IC 5-15-5.1-6.

17 (3) The source of a statement that is quoted or paraphrased in
18 full in the rule.

19 (4) Any matter that has been previously filed with the:

20 (A) secretary of state before July 1, 2006; or

21 (B) publisher after June 30, 2006.

22 (5) Any matter referred to in subsection (c) as a matter that is
23 directly or indirectly referred to in a primary matter.

24 (e) An agency may comply with subsection (d) by submitting a
25 paper or an electronic copy of the full text of the matter incorporated
26 by reference.

27 SECTION 11. IC 4-22-2-22.5, AS AMENDED BY P.L.72-2014,
28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2023]: Sec. 22.5. (a) This section applies to a rule that an
30 agency intends to:

31 (1) adopt under sections 24 through 36 of this chapter **or section**
32 **37.2 or 37.3 of this chapter; and**

33 (2) **readopt under IC 4-22-2.6.**

34 (b) As used in this section, "pending rulemaking action" means
35 any rulemaking action in which:

36 (1) either:

37 (A) a notice of ~~intent~~ **a public comment period** has been
38 published under section 23, **37.2, or 37.3** of this chapter; ~~or~~

39 (B) a rulemaking action has been commenced under
40 IC 13-14-9; ~~and~~ **or**

41 (C) **a rulemaking action has been commenced under**
42 **IC 4-22-2.6; and**

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- 1 (2) the rule has not become effective under section 36 of this
- 2 chapter.
- 3 (c) Each agency shall maintain a current rulemaking docket that
- 4 is indexed.
- 5 (d) A current rulemaking docket must list each pending
- 6 rulemaking action. The docket must state or contain:
- 7 (1) the subject matter of the proposed rule;
- 8 (2) notices related to the proposed rule, or links to the Indiana
- 9 Register where these notices may be viewed;
- 10 (3) how comments may be made;
- 11 (4) the time within which comments may be made;
- 12 (5) where comments and the agency's written response to those
- 13 comments may be inspected;
- 14 (6) the date, time, and place where a public hearing required
- 15 under:
- 16 (A) section 26 of this chapter; or
- 17 (B) IC 13-14-9;
- 18 will be held;
- 19 (7) a description of relevant scientific and technical findings
- 20 related to the proposed rule, if applicable; and
- 21 (8) a reasonable estimate of the timetable for action, updated
- 22 periodically as circumstances change, if necessary.
- 23 (e) The agency shall maintain the rulemaking docket on the
- 24 agency's ~~Internet web site.~~ **website.** The information must be in an
- 25 open format that can be easily searched and downloaded. Access to the
- 26 docket shall, to the extent feasible and permitted by law, provide an
- 27 opportunity for public comment on the pertinent parts of the
- 28 rulemaking docket, including relevant scientific and technical findings.
- 29 Upon request, the agency shall provide a written rulemaking docket.
- 30 SECTION 12. IC 4-22-2-22.7 IS ADDED TO THE INDIANA
- 31 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
- 32 **[EFFECTIVE JULY 1, 2023]: Sec. 22.7. (a) Before complying with**
- 33 **section 22.8 of this chapter, an agency shall conduct a regulatory**
- 34 **analysis for the proposed rule. The regulatory analysis must**
- 35 **evaluate whether the proposed rule does the following:**
- 36 **(1) Minimizes expenses to:**
- 37 **(A) regulated entities that are required to comply with**
- 38 **the rule;**
- 39 **(B) persons who pay taxes or pay fees for government**
- 40 **services affected by the rule; and**
- 41 **(C) consumers of products and services of regulated**
- 42 **entities affected by the rule.**

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- 1 (2) Achieves the regulatory goal in the least restrictive
2 manner.
- 3 (3) Has benefits that exceed the fiscal and economic costs of
4 the proposed rule.
- 5 (4) Avoids duplicating and conflicting standards with other
6 federal, state, or local laws, rules, regulations, or ordinances.
- 7 (5) Is written for ease of comprehension.
- 8 (6) Has practicable enforcement.
- 9 (b) The office of management and budget shall set standards
10 for the criteria, analytical method, treatment technology,
11 economic, fiscal, and other background data to be used by an
12 agency in the regulatory analysis. The regulatory analysis must be
13 submitted in a form that can be easily loaded into commonly used
14 business analysis software and published in the Indiana Register
15 using the format jointly developed by the publisher, the office of
16 management and budget, and the budget agency. The office of
17 management and budget may provide more stringent requirements
18 for rules with fiscal impacts and costs above a threshold amount
19 determined by the office of management and budget. At a
20 minimum, the regulatory analysis must include findings and any
21 supporting data, studies, or analyses prepared for a rule that
22 demonstrate compliance with the following:
- 23 (1) A requirement in IC 4-3-22-13 explaining how the
24 proposed rule meets the cost benefit requirements in
25 IC 4-3-22-13.
- 26 (2) A requirement in section 19.5 of this chapter to minimize
27 the expenses to regulated entities that are required to comply
28 with the rule.
- 29 (3) A statement justifying any requirement or cost that is:
- 30 (A) imposed on a regulated entity under the rule; and
- 31 (B) not expressly required by:
- 32 (i) the statute authorizing the agency to adopt the
33 rule; or
- 34 (ii) any other state or federal law.
- 35 The statement required under this subdivision must include
36 a reference to any data, studies, or analyses relied upon by
37 the agency in determining that the imposition of the
38 requirement or cost is necessary.
- 39 (4) A requirement in IC 4-22-2.1-5 to prepare a statement
40 that describes the annual economic impact of a rule on all
41 small businesses after the rule is fully implemented.
- 42 (5) A requirement in IC 4-22-2.6 to conduct a review to

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- 1 consider whether there are any alternative methods of
- 2 achieving the purpose of the rule that are less costly or less
- 3 intrusive, or that would otherwise minimize the economic
- 4 impact of the proposed rule on small businesses.
- 5 (6) A requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish
- 6 information concerning the fiscal or economic impact of a
- 7 rule or alternatives to a rule subject to these provisions.
- 8 (7) A requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish
- 9 information concerning differences between the rule and
- 10 federal law or the annual fiscal and economic impact of any
- 11 element of the proposed rule that imposes a restriction or
- 12 requirement that is more stringent than a restriction or
- 13 requirement imposed under federal law or that applies in a
- 14 subject area in which federal law does not impose
- 15 restrictions or requirements.
- 16 (8) A requirement under any other law to conduct an
- 17 analysis of the cost, benefits, economic impact, or fiscal
- 18 impact of a rule.
- 19 (c) If an agency has made a good faith effort to comply with
- 20 this section, a rule is not invalid solely because the regulatory
- 21 analysis for the proposed rule is insufficient or inaccurate.
- 22 SECTION 13. IC 4-22-2-22.8 IS ADDED TO THE INDIANA
- 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2023]: Sec. 22.8. (a) After conducting a
- 25 regulatory analysis under section 22.7 of this chapter, if an agency
- 26 elects to adopt a rule subject to section 23 of this chapter or
- 27 IC 13-14-9, the agency shall submit a request to the budget agency
- 28 and the office of management and budget to authorize
- 29 commencement of the first and second public comment periods
- 30 under this chapter or IC 13-14-9 (as applicable). The request must
- 31 include the following:
- 32 (1) A general description of the subject matter of the
- 33 proposed rule.
- 34 (2) The full text of the proposed rule (including a copy of any
- 35 matter incorporated by reference under section 21 of this
- 36 chapter) in the form required by the publisher, including
- 37 citations to any related authorizing and affected Indiana
- 38 statutes.
- 39 (3) The analysis, including supporting data, prepared under
- 40 section 22.7 of this chapter.
- 41 (4) Any other information required by the office of
- 42 management and budget.

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1 (b) The budget agency and the office of management and
2 budget shall expedite the review of the request to adopt a rule. The
3 budget agency and the office of management and budget may do
4 the following:

5 (1) Return the request to the agency with a statement
6 describing any additional information needed to authorize or
7 disapprove further rulemaking actions on one (1) or more of
8 the rules in the request.

9 (2) Authorize the commencement of the first and second
10 public comment periods on one (1) or more of the rules in the
11 request with or without changes.

12 (3) Disapprove commencement of the first and second public
13 comment periods on one (1) or more of the rules with a
14 statement of reasons for the disapproval.

15 (c) If an agency has requested authorization for more than one
16 (1) rule in the same request, the budget agency and the office of
17 management and budget may make separate determinations with
18 respect to some or all of the rules in the request. Approval of a
19 request shall be treated as a determination that the review
20 conducted and findings made by the agency comply with the
21 requirements of section 22.7 of this chapter and this section.

22 (d) Notice of the determination shall be provided to the agency
23 in an electronic format required by the publisher. The budget
24 agency and the office of management and budget may return to the
25 agency any copy of a matter incorporated by reference under
26 section 21 of this chapter that was submitted with the request.

27 (e) If an agency revises a proposed rule after the budget
28 agency and the office of management and budget authorize
29 commencement of the first and second public comment periods, the
30 agency shall resubmit to the publisher, the budget agency, and the
31 office of management and budget a revised regulatory analysis
32 with sufficient information for the budget agency and the office of
33 management and budget to determine the impact the revisions
34 have on the regulatory analysis previously reviewed by the budget
35 agency and the office of management and budget.

36 SECTION 14, IC 4-22-2-23, AS AMENDED BY P.L.152-2012,
37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2023]: Sec. 23. (a) This section does not apply to rules
39 adopted under IC 4-22-2-37.1. An agency may not adopt a proposed
40 rule until the agency has conducted at least two (2) public comment
41 periods, each of which must be at least thirty (30) days in length.

42 (b) At least twenty-eight (28) days before an agency notifies the

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1 public of the agency's intention to adopt a rule under section 24 of this
2 chapter, the agency shall notify the public of its intention to adopt a
3 rule by publishing a notice of intent to adopt a rule in the Indiana
4 Register. An agency shall provide notice in the Indiana Register of
5 the first public comment period required by subsection (a). To
6 publish notice of the first comment period in the Indiana Register,
7 the agency must submit the following to the publisher:

8 (1) The full text of the agency's proposed rule (excluding the
9 full text of a matter incorporated by reference under section
10 21 of this chapter). The agency shall submit the rule in the
11 form required by section 20 of this chapter and with the
12 documents required by section 21 of this chapter.

13 (2) The latest version of the regulatory analysis submitted to
14 the budget agency and the office of management and budget
15 under section 22.8 of this chapter.

16 (3) The determination of the budget agency and the office of
17 management and budget authorizing commencement of the
18 first and second public comment periods on the proposed
19 rule.

20 (4) The notice required under subsection (c).

21 (c) The publication notice of the first comment period must
22 include the following:

23 (1) A general description of the subject matter of the
24 proposed rule.

25 (2) An overview of the intent and scope of the proposed rule and
26 the statutory authority for the rule.

27 (3) The latest version of the regulatory analysis submitted to
28 the budget agency and the office of management and budget
29 under section 22.8 of this chapter, excluding any appendices
30 containing any data, studies, or analysis referenced in the
31 regulatory analysis.

32 (4) Information concerning where, when, and how a person
33 may submit written comments on the proposed rule,
34 including contact information concerning the small business
35 regulatory coordinator required by section 28.1 of this
36 chapter.

37 (5) Information concerning where, when, and how a person
38 may inspect and copy the regulatory analysis, and any data,
39 studies, or analyses referenced under subdivision (3).

40 (6) Information concerning where, when, and how a person
41 may inspect any documents incorporated by reference into
42 the proposed rule under section 21 of this chapter.

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1 (7) An indication that the notice is for the first of two (2)
2 thirty (30) day periods in which the public may comment on
3 the proposed rule.

4 **Inadequacy or insufficiency of the published description or**
5 **regulatory analysis published under this section does not invalidate**
6 **a rulemaking action.**

7 (c) The requirement to publish a notice of intent to adopt a rule
8 under subsection (b) does not apply to rulemaking under IC 13-14-9.

9 (d) In addition to the procedures required by this article, an agency
10 may solicit comments from the public on the need for a rule, the
11 drafting of a rule, or any other subject related to a rulemaking action,
12 including members of the public who are likely to be affected because
13 they are the subject of the potential rulemaking or are likely to benefit
14 from the potential rulemaking. The procedures that the agency may use
15 include the holding of conferences and the inviting of written
16 suggestions, facts, arguments, or views.

17 (e) The agency shall prepare a written response that contains a
18 summary of the comments received during any part of the rulemaking
19 process. The written response is a public document. The agency shall
20 make the written response available to interested parties upon request.

21 (d) The publisher shall review materials submitted under this
22 section and determine the date that the publisher intends to publish
23 the text of the proposed rule and the notice in the Indiana Register.
24 If the submitted material complies with this section, the publisher
25 shall establish the intended publication date, assign a document
26 control number to the proposed rule, and provide a written or an
27 electronic mail authorization to proceed to the agency. The
28 publisher shall publish the following in the Indiana Register on the
29 intended publication date:

- 30 (1) The notice of the first comment period.
- 31 (2) The full text of the agency's proposed rule (excluding the
32 full text of a matter incorporated by reference under section
33 21 of this chapter).

34 SECTION 15. IC 4-22-2-23.1, AS AMENDED BY P.L.123-2006,
35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2023]: Sec. 23.1. (a) This section and section 19(b) of this
37 chapter do not apply to rules adopted under IC 4-22-2-37.1.

38 (b) Before or after an agency notifies the public of its intention to
39 adopt a rule under section 24 of this chapter, submits a request to the
40 budget agency and the office of management and budget under
41 section 22.8 of this chapter, the agency may solicit comments from all
42 or any segment of the public on the need for a rule, the drafting of a

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1 rule, or any other subject related to a rulemaking action. The
2 procedures that the agency may use include the holding of conferences
3 and the inviting of written suggestions, facts, arguments, or views. An
4 agency's failure to consider comments received under this section does
5 not invalidate a rule subsequently adopted.

6 SECTION 16. IC 4-22-2-24, AS AMENDED BY P.L.1-2006,
7 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2023]: Sec. 24. (a) An agency shall ~~notify the public of its~~
9 ~~intention to adopt a rule by complying with the publication~~
10 ~~requirements in subsections (b) and (c):~~ **provide notice in:**

11 **(1) one (1) newspaper of general circulation in Marion**
12 **County; and**

13 **(2) the Indiana Register;**

14 **of the second public comment period required by section 23 of this**
15 **chapter.**

16 (b) ~~The agency shall cause a notice of a public hearing to be~~
17 ~~published once in one (1) newspaper of general circulation in Marion~~
18 ~~County, Indiana. To publish the newspaper notice, the agency shall~~
19 ~~directly contract with the newspaper. The newspaper notice must~~
20 **contain the following information:**

21 **(1) A general description of the subject matter of the**
22 **proposed rule.**

23 **(2) Information indicating that the text of the proposed rule**
24 **has been published in the Indiana Register and where on the**
25 **Internet and by what document control number the**
26 **proposed rule can be found.**

27 **(3) A statement of the date, time, and place at which the**
28 **public hearing required by section 26 of this chapter will be**
29 **convened.**

30 **(4) Information concerning where, when, and how a person**
31 **may provide written comments on the proposed rule,**
32 **including contact information concerning the small business**
33 **regulatory coordinator required by section 28.1 of this**
34 **chapter.**

35 **(5) Information concerning where, when, and how a person**
36 **may inspect and copy the agency's regulatory analysis, and**
37 **any supporting data, studies, or analyses for the proposed**
38 **rule.**

39 **(6) Information concerning where, when, and how a person**
40 **may inspect any documents incorporated by reference into**
41 **the proposed rule under section 21 of this chapter.**

42 An agency may not contract for the publication of a notice under this

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1 chapter until the agency has received a written or an electronic
2 authorization to proceed from the publisher under subsection ~~(g)~~: **(f)**.

3 **(c) To publish a notice of the second comment period in the**
4 **Indiana Register, the agency must submit the following to the**
5 **publisher:**

6 **(1) The agency shall cause a notice of public hearing and** The
7 full text of the agency's proposed rule (excluding the full text of
8 a matter incorporated by reference under section 21 of this
9 chapter). ~~to be published once in the Indiana Register. To~~
10 ~~publish the notice and proposed rule in the Indiana Register; the~~
11 ~~agency shall submit the text to the publisher in accordance with~~
12 ~~subsection (g).~~ The agency shall submit the rule in the form
13 required by section 20 of this chapter and with the documents
14 required by section 21 of this chapter **(if the agency has not**
15 **previously provided the publisher with the documents).** The
16 publisher shall determine the number of copies of the rule and
17 other documents to be submitted under this ~~subsection.~~
18 **subdivision.**

19 **(2) Either a statement indicating that no changes in the**
20 **regulatory analysis have been made from the version of the**
21 **regulatory analysis published under section 23 of this**
22 **chapter or the latest version of the regulatory analysis**
23 **submitted to the budget agency and the office of**
24 **management and budget under section 22.8 of this chapter,**
25 **if any changes have been made in the regulatory analysis**
26 **after submitting the material under section 23 of this**
27 **chapter.**

28 **(3) The notice required under subsection (d).**

29 **(d) The agency shall include the following in the second comment**
30 **period notice required by subsections (b) and (c): published in the**
31 **Indiana Register:**

32 **(1) A statement of the date, time, and place at which the public**
33 **hearing required by section 26 of this chapter will be convened.**

34 **(2) A general description of the subject matter of the proposed**
35 **rule.**

36 **(3) In a notice published after June 30, 2005, a statement**
37 **justifying any requirement or cost that is:**

38 **(A) imposed on a regulated entity under the rule; and**

39 **(B) not expressly required by:**

40 **(i) the statute authorizing the agency to adopt the rule;**

41 **or**

42 **(ii) any other state or federal law.**

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1 The statement required under this subdivision must include a
 2 reference to any data, studies, or analyses relied upon by the
 3 agency in determining that the imposition of the requirement or
 4 cost is necessary.

5 (4) an explanation that:

6 (A) the proposed rule; and

7 (B) any data, studies, or analysis referenced in a statement
 8 under subdivision (3);

9 may be inspected and copied at the office of the agency.

10 (3) A summary of the written comments received by the
 11 agency during the first comment period and a summary of
 12 the response of the agency to written comments submitted
 13 under section 23 of this chapter during the first public
 14 comment period.

15 (4) Either a statement indicating that no changes in the
 16 regulatory analysis have been made from the version of the
 17 regulatory analysis published under section 23 of this
 18 chapter or the latest version of the regulatory analysis
 19 (excluding any appendices containing any data, studies, or
 20 analysis referenced in the regulatory analysis) submitted to
 21 the budget agency and the office of management and budget
 22 under section 22.8 of this chapter, if any changes have been
 23 made in the regulatory analysis after submitting the material
 24 to the publisher under section 23 of this chapter.

25 (5) An explanation of any differences between the text of the
 26 proposed rule published for the first comment period under
 27 section 23 of this chapter and the text of the proposed rule
 28 published for the second comment period under this section.

29 (6) Information concerning where, when, and how a person
 30 may submit written comments on the proposed rule,
 31 including contact information concerning the small business
 32 regulatory coordinator required by section 28.1 of this
 33 chapter.

34 (7) Information concerning where, when, and how a person
 35 may inspect and copy the regulatory analysis and any data,
 36 studies, or analyses referenced in a regulatory analysis
 37 referenced in subdivision (4).

38 (8) Information concerning where, when, and how a person
 39 may inspect any documents incorporated by reference into
 40 the proposed rule under section 21 of this chapter.

41 (9) An indication that the notice is for the second of two (2)
 42 thirty (30) day periods in which the public may comment on

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1 **the proposed rule and that following the second comment**
 2 **period the agency may adopt a version of the proposed rule**
 3 **that is the same as or does not substantially differ from the**
 4 **text of the proposed rule published under this section.**

5 However, Inadequacy or insufficiency of the ~~subject matter~~ description
 6 under subdivision (2) or a statement of justification under subdivision
 7 (3) or regulatory analysis in a notice **published under this section**
 8 does not invalidate a rulemaking action.

9 (e) Although the agency may comply with the publication
 10 requirements in this section on different days, the agency must comply
 11 with all of the publication requirements in this section at least
 12 ~~twenty-one (21)~~ **thirty (30)** days before the public hearing required by
 13 section 26 of this chapter is convened.

14 ~~(f) This section does not apply to the solicitation of comments~~
 15 ~~under section 23 of this chapter.~~

16 ~~(g) (f)~~ The publisher shall review materials submitted under this
 17 section and determine the date that the publisher intends to include the
 18 material in the Indiana Register. ~~After:~~

19 ~~(1) establishing the intended publication date; and~~

20 ~~(2) receiving the public hearing information specified in~~
 21 ~~subsection (d) from the agency;~~

22 **the publisher shall If the submitted material complies with this**
 23 **section, the publisher shall establish the intended publication date,**
 24 **assign a document control number to the proposed rule, and**
 25 **provide a written or an electronic mail authorization to proceed to the**
 26 **agency. The publisher shall publish the following in the Indiana**
 27 **Register on the intended publication date:**

28 **(1) The notice of the second comment period.**

29 **(2) The full text of the agency's proposed rule (excluding the**
 30 **full text of a matter incorporated by reference under section**
 31 **21 of this chapter).**

32 SECTION 17. IC 4-22-2-25, AS AMENDED BY P.L.5-2015,
 33 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2023]: Sec. 25. (a) An agency has one (1) year from the date
 35 that it publishes a notice of ~~intent to adopt a rule~~ in the Indiana Register
 36 ~~under section 23 of this chapter to comply with sections 26 through 33~~
 37 ~~of this chapter of the first public comment period under section 23~~
 38 **of this chapter to comply with sections 23 through 33 of this**
 39 **chapter** and obtain the approval or deemed approval of the governor.
 40 If an agency determines that a rule cannot be adopted within one (1)
 41 year after the publication of the notice of ~~intent to adopt a rule~~ **the first**
 42 **public comment period** under section 23 of this chapter, the agency

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1 shall, before the two hundred fiftieth day following the publication of
2 the notice of ~~intent to adopt a rule~~ **the first public comment period**
3 under section 23 of this chapter, notify the publisher by electronic
4 means:

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

7 (2) the expected date the rule will be approved or deemed
8 approved by the governor or withdrawn under section 41 of this
9 chapter.

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

11 (1) one (1) year after the agency publishes notice of ~~intent to~~
12 ~~adopt the rule~~ **the first public comment period** under section 23
13 of this chapter; or

14 (2) the expected date contained in a notice concerning the rule
15 that is provided to the publisher under subsection (a);

16 a later approval or deemed approval is ineffective, and the rule may
17 become effective only through another rulemaking action initiated
18 under this chapter.

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

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

40 SECTION 20. IC 4-22-2-28, AS AMENDED BY P.L.237-2017,
41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2023]: Sec. 28. (a) The following definitions apply throughout

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1 this section:

2 (1) "Ombudsman" refers to the small business ombudsman
3 designated under IC 5-28-17-6.

4 (2) "Total estimated economic impact" means the direct annual
5 economic impact of a rule on all regulated persons after the rule
6 is fully implemented under subsection (g).

7 (b) The ombudsman:

8 (1) shall review a proposed rule that

9 (A) imposes requirements or costs on small businesses (as
10 defined in IC 4-22-2.1-4); and

11 (B) is referred to the ombudsman by an agency under
12 IC 4-22-2.1-5(c); and

13 (2) may review a proposed rule that imposes requirements or
14 costs on businesses other than small businesses (as defined in
15 IC 4-22-2.1-4).

16 After conducting a review under subdivision (1) or (2), the ombudsman
17 may suggest alternatives to reduce any regulatory burden that the
18 proposed rule imposes on small businesses or other businesses. The
19 agency that intends to adopt the proposed rule shall respond in writing
20 to the ombudsman concerning the ombudsman's comments or
21 suggested alternatives before adopting the proposed rule under section
22 29 of this chapter.

23 (c) Subject to subsection (e) and not later than fifty (50) days
24 before the public hearing for a proposed rule required by section 26 of
25 this chapter, an agency shall submit the proposed rule to the office of
26 management and budget for a review under subsection (d); if the
27 agency proposing the rule determines that the rule will have a total
28 estimated economic impact greater than five hundred thousand dollars
29 (\$500,000) on all regulated persons. In determining the total estimated
30 economic impact under this subsection, the agency shall consider any
31 applicable information submitted by the regulated persons affected by
32 the rule. To assist the office of management and budget in preparing
33 the fiscal impact statement required by subsection (d), the agency shall
34 submit, along with the proposed rule, the data used and assumptions
35 made by the agency in determining the total estimated economic
36 impact of the rule.

37 (d) Except as provided in subsection (e), before the adoption of the
38 rule, and not more than forty-five (45) days after receiving a proposed
39 rule under subsection (c), the office of management and budget shall
40 prepare, using the data and assumptions provided by the agency
41 proposing the rule, along with any other data or information available
42 to the office of management and budget, a fiscal impact statement

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1 concerning the effect that compliance with the proposed rule will have
2 on:

- 3 (1) the state; and
4 (2) all persons regulated by the proposed rule.

5 The fiscal impact statement must contain the total estimated economic
6 impact of the proposed rule and a determination concerning the extent
7 to which the proposed rule creates an unfunded mandate on a state
8 agency or political subdivision. The fiscal impact statement is a public
9 document. The office of management and budget shall make the fiscal
10 impact statement available to interested parties upon request and to the
11 agency proposing the rule. The agency proposing the rule shall
12 consider the fiscal impact statement as part of the rulemaking process
13 and shall provide the office of management and budget with the
14 information necessary to prepare the fiscal impact statement, including
15 any economic impact statement prepared by the agency under
16 IC 4-22-2.1-5. The office of management and budget may also receive
17 and consider applicable information from the regulated persons
18 affected by the rule in preparation of the fiscal impact statement.

19 (e) With respect to a proposed rule subject to IC 13-14-9:

- 20 (1) the department of environmental management shall give
21 written notice to the office of management and budget of the
22 proposed date of preliminary adoption of the proposed rule not
23 less than sixty-six (66) days before that date; and
24 (2) the office of management and budget shall prepare the fiscal
25 impact statement referred to in subsection (d) not later than
26 twenty-one (21) days before the proposed date of preliminary
27 adoption of the proposed rule.

28 (f) In determining whether a proposed rule has a total estimated
29 economic impact greater than five hundred thousand dollars
30 (\$500,000), the agency proposing the rule shall consider the impact of
31 the rule on any regulated person that already complies with the
32 standards imposed by the rule on a voluntary basis.

33 (g) For purposes of this section, a rule is fully implemented after:

- 34 (1) the conclusion of any phase-in period during which:
35 (A) the rule is gradually made to apply to certain regulated
36 persons; or
37 (B) the costs of the rule are gradually implemented; and
38 (2) the rule applies to all regulated persons that will be affected
39 by the rule.

40 In determining the total estimated economic impact of a proposed rule
41 under this section, the agency proposing the rule shall consider the
42 annual economic impact on all regulated persons beginning with the

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1 first twelve (12) month period after the rule is fully implemented. The
 2 agency may use actual or forecasted data and may consider the actual
 3 and anticipated effects of inflation and deflation. The agency shall
 4 describe any assumptions made and any data used in determining the
 5 total estimated economic impact of a rule under this section.

6 (h) An agency shall provide the legislative council in an electronic
 7 format under IC 5-14-6 with any analysis, data, and description of
 8 assumptions submitted to the office of management and budget under
 9 this section or section 40 of this chapter at the same time the agency
 10 submits the information to the office of management and budget. The
 11 office of management and budget shall provide the legislative council
 12 in an electronic format under IC 5-14-6 any fiscal impact statement and
 13 related supporting documentation prepared by the office of
 14 management and budget under this section or section 40 of this chapter
 15 at the same time the office of management and budget provides the
 16 fiscal impact statement to the agency proposing the rule. Information
 17 submitted under this subsection must identify the rule to which the
 18 information is related by document control number assigned by the
 19 publisher.

20 (i) An agency shall provide the legislative council in an electronic
 21 format under IC 5-14-6 with any economic impact or fiscal impact
 22 statement, including any supporting data, studies, or analysis, prepared
 23 for a rule proposed by the agency or subject to readoption by the
 24 agency to comply with:

25 (1) a requirement in section 19.5 of this chapter to minimize the
 26 expenses to regulated entities that are required to comply with
 27 the rule;

28 (2) a requirement in section 24 of this chapter to publish a
 29 justification of any requirement or cost that is imposed on a
 30 regulated entity under the rule;

31 (3) a requirement in IC 4-22-2.1-5 to prepare a statement that
 32 describes the annual economic impact of a rule on all small
 33 businesses after the rule is fully implemented;

34 (4) a requirement in IC 4-22-2.5-3.1 to conduct a review to
 35 consider whether there are any alternative methods of achieving
 36 the purpose of the rule that are less costly or less intrusive, or
 37 that would otherwise minimize the economic impact of the
 38 proposed rule on small businesses;

39 (5) a requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish
 40 information concerning the fiscal impact of a rule or alternatives
 41 to a rule subject to these provisions; or

42 (6) a requirement under any other law to conduct an analysis of

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1 the cost, economic impact, or fiscal impact of a rule;
 2 regardless of whether the total estimated economic impact of the
 3 proposed rule is more than five hundred thousand dollars (\$500,000);
 4 as soon as practicable after the information is prepared. Information
 5 submitted under this subsection must identify the rule to which the
 6 information is related by document control number assigned by the
 7 publisher.

8 SECTION 21. IC 4-22-2-28.1, AS AMENDED BY P.L.237-2017,
 9 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2023]: Sec. 28.1. (a) This section applies to the following:

11 (1) A rule for which the notice required by section 23 of this
 12 chapter or by IC 13-14-9-3 is published by an agency or the
 13 board (as defined in IC 13-13-8-1).

14 (2) A rule for which:

15 (A) the notice required by IC 13-14-9-3; or

16 (B) an appropriate later notice for circumstances described
 17 in subsection (g);

18 is published by the department of environmental management
 19 after June 30, 2006.

20 (b) As used in this section, "coordinator" refers to the small
 21 business regulatory coordinator assigned to a rule by an agency under
 22 subsection (e).

23 (c) As used in this section, "director" refers to the director or other
 24 administrative head of an agency.

25 (d) As used in this section, "small business" has the meaning set
 26 forth in IC 5-28-2-6.

27 (e) For each rulemaking action and rule finally adopted as a result
 28 of a rulemaking action by an agency under this chapter, the agency
 29 shall assign one (1) staff person to serve as the agency's small business
 30 regulatory coordinator with respect to the proposed or adopted rule.
 31 The agency shall assign a staff person to a rule under this subsection
 32 based on the person's knowledge of, or experience with, the subject
 33 matter of the rule. A staff person may serve as the coordinator for more
 34 than one (1) rule proposed or adopted by the agency if the person is
 35 qualified by knowledge or experience with respect to each rule. Subject
 36 to subsection (f):

37 (1) in the case of a proposed rule, the notice of ~~intent to adopt~~
 38 ~~the rule~~ **the first public comment period** published under
 39 section 23 of this chapter; or

40 (2) in the case of a rule proposed by the department of
 41 environmental management or the board (as defined in
 42 IC 13-13-8-1), the notice published under IC 13-14-9-3 or the

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1 findings published under IC 13-14-9-8(b)(1), whichever applies;
2 must include the name, address, telephone number, and electronic mail
3 address of the small business coordinator for the proposed rule, the
4 name, address, telephone number, and electronic mail address of the
5 small business ombudsman designated under IC 5-28-17-6, and a
6 statement of the resources available to regulated entities through the
7 small business ombudsman designated under IC 5-28-17-6. Subject to
8 subsection (f), in the case of a rule finally adopted, the final rule, as
9 published in the Indiana Register, must include the name, address,
10 telephone number, and electronic mail address of the coordinator.

11 (f) This subsection applies to a rule adopted by the department of
12 environmental management or the board (as defined in IC 13-13-8-1)
13 under IC 13-14-9. Subject to subsection (g), the department shall
14 include in the notice provided under IC 13-14-9-3 or in the findings
15 published under IC 13-14-9-8(b)(1), whichever applies, and in the
16 publication of the final rule in the Indiana Register:

17 (1) a statement of the resources available to regulated entities
18 through the technical and compliance assistance program
19 established under IC 13-28-3;

20 (2) the name, address, telephone number, and electronic mail
21 address of the ombudsman designated under IC 13-28-3-2;

22 (3) if applicable, a statement of:

23 (A) the resources available to small businesses through the
24 small business stationary source technical assistance
25 program established under IC 13-28-5; and

26 (B) the name, address, telephone number, and electronic
27 mail address of the ombudsman for small business
28 designated under IC 13-28-5-2(3); and

29 (4) the information required by subsection (e).

30 The coordinator assigned to the rule under subsection (e) shall work
31 with the ombudsman described in subdivision (2) and the office of
32 voluntary compliance established by IC 13-28-1-1 to coordinate the
33 provision of services required under subsection (h) and IC 13-28-3. If
34 applicable, the coordinator assigned to the rule under subsection (e)
35 shall work with the ombudsman referred to in subdivision (3)(B) to
36 coordinate the provision of services required under subsection (h) and
37 IC 13-28-5.

38 (g) If the notice provided under IC 13-14-9-3 is not published as
39 allowed by IC 13-14-9-7, the department of environmental
40 management shall publish in the notice provided under IC 13-14-9-4
41 the information that subsection (f) would otherwise require to be
42 published in the notice under IC 13-14-9-3. If neither the notice under

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1 IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as allowed
 2 by IC 13-14-9-8, the department of environmental management shall
 3 publish in the commissioner's written findings under IC 13-14-9-8(b)
 4 the information that subsection (f) would otherwise require to be
 5 published in the notice under IC 13-14-9-3.

6 (h) The coordinator assigned to a rule under subsection (e) shall
 7 serve as a liaison between the agency and any small business subject
 8 to regulation under the rule. The coordinator shall provide guidance to
 9 small businesses affected by the rule on the following:

10 (1) Any requirements imposed by the rule, including any
 11 reporting, record keeping, or accounting requirements.

12 (2) How the agency determines or measures compliance with the
 13 rule, including any deadlines for action by regulated entities.

14 (3) Any penalties, sanctions, or fines imposed for noncompliance
 15 with the rule.

16 (4) Any other concerns of small businesses with respect to the
 17 rule, including the agency's application or enforcement of the
 18 rule in particular situations. However, in the case of a rule
 19 adopted under IC 13-14-9, the coordinator assigned to the rule
 20 may refer a small business with concerns about the application
 21 or enforcement of the rule in a particular situation to the
 22 ombudsman designated under IC 13-28-3-2 or, if applicable,
 23 under IC 13-28-5-2(3).

24 (i) The coordinator assigned to a rule under subsection (e) shall
 25 provide guidance under this section in response to questions and
 26 concerns expressed by small businesses affected by the rule. The
 27 coordinator may also issue general guidelines or informational
 28 pamphlets to assist small businesses in complying with the rule. Any
 29 guidelines or informational pamphlets issued under this subsection
 30 shall be made available:

31 (1) for public inspection and copying at the offices of the agency
 32 under IC 5-14-3; and

33 (2) electronically through electronic gateway access.

34 (j) The coordinator assigned to a rule under subsection (e) shall
 35 keep a record of all comments, questions, and complaints received
 36 from small businesses with respect to the rule. The coordinator shall
 37 deliver the record, along with any accompanying documents submitted
 38 by small businesses, to the director:

39 (1) not later than ten (10) days after the date on which the rule is
 40 submitted to the publisher under section 35 of this chapter; and

41 (2) before July 15 of each year during which the rule remains in
 42 effect.

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1 The coordinator and the director shall keep confidential any
2 information concerning a small business to the extent that the
3 information is exempt from public disclosure under IC 5-14-3-4.

- 4 (k) Not later than November 1 of each year, the director shall:
 - 5 (1) compile the records received from all of the agency's
 - 6 coordinators under subsection (j);
 - 7 (2) prepare a report that sets forth:
 - 8 (A) the number of comments, complaints, and questions
 - 9 received by the agency from small businesses during the
 - 10 most recent state fiscal year, categorized by the subject
 - 11 matter of the rules involved;
 - 12 (B) the number of complaints or questions reported under
 - 13 clause (A) that were resolved to the satisfaction of the
 - 14 agency and the small businesses involved;
 - 15 (C) the total number of staff serving as coordinators under
 - 16 this section during the most recent state fiscal year;
 - 17 (D) the agency's costs in complying with this section during
 - 18 the most recent state fiscal year; and
 - 19 (E) the projected budget required by the agency to comply
 - 20 with this section during the current state fiscal year; and
 - 21 (3) deliver the report to the legislative council in an electronic
 - 22 format under IC 5-14-6 and to the small business ombudsman
 - 23 designated under IC 5-28-17-6.

24 SECTION 22. IC 4-22-2-29, AS AMENDED BY P.L.237-2017,
25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2023]: Sec. 29. (a) As used in this section, "small business
27 ombudsman" refers to the small business ombudsman designated under
28 IC 5-28-17-6.

- 29 (b) After an agency has complied with sections ~~26, 27, and 22.8~~
30 **through** 28 of this chapter, the agency may:
 - 31 (1) adopt a rule that is identical to a proposed rule published in
 - 32 the Indiana Register under section 24 of this chapter;
 - 33 (2) subject to subsection (c), adopt a rule that consolidates part
 - 34 or all of two (2) or more proposed rules published in the Indiana
 - 35 Register under section 24 of this chapter and considered under
 - 36 section 27 of this chapter;
 - 37 (3) subject to subsection (c), adopt part of one (1) or more
 - 38 proposed rules described in subdivision (2) in two (2) or more
 - 39 separate adoption actions; or
 - 40 (4) subject to subsection (c), adopt a revised version of a
 - 41 proposed rule published under section 24 of this chapter and
 - 42 include provisions that did not appear in the published version,

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1 including any provisions recommended by the small business
2 ombudsman under IC 4-22-2.1-6(a), if applicable.

3 (c) An agency may not adopt a rule that substantially differs from
4 the version or versions of the proposed rule or rules published in the
5 Indiana Register under section 24 of this chapter, unless it is a logical
6 outgrowth of any proposed rule as supported by any written comments
7 submitted:

- 8 (1) during the public comment ~~period;~~ **periods;** or
9 (2) by the small business ombudsman under IC 4-22-2.1-6(a), if
10 applicable.

11 SECTION 23. IC 4-22-2-31, AS AMENDED BY P.L.123-2006,
12 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2023]: Sec. 31. After an agency has complied with section 29
14 of this chapter, or with IC 13-14-9-9(1) or IC 13-14-9-9(2), as
15 applicable, the agency shall submit its rule to the attorney general for
16 approval. The agency shall submit the following to the attorney
17 general:

- 18 (1) The rule in the form required by section 20 of this chapter.
19 (2) The documents required by section 21 of this chapter.
20 (3) Written authorization to proceed issued by the publisher
21 under ~~section 24(g)~~ **sections 23(d) and 24(f)** of this chapter.
22 (4) Any other documents specified by the attorney general.

23 The attorney general may require the agency to submit any supporting
24 documentation that the attorney general considers necessary for the
25 attorney general's review under section 32 of this chapter. The agency
26 may submit any additional supporting documentation the agency
27 considers necessary.

28 SECTION 24. IC 4-22-2-37.1, AS AMENDED BY P.L.140-2013,
29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2023]: Sec. 37.1. (a) The following do not apply to a rule
31 adopted under this section:

- 32 (1) Sections ~~24~~ **23** through ~~36~~ **27** of this chapter
33 ~~(2)~~ **or IC 13-14-9 (as applicable).**
34 **(2) Sections 28 through 36 of this chapter.**

35 **The amendments to this section made in the 2023 regular session**
36 **of the general assembly apply to emergency rules that are accepted**
37 **for filing by the publisher of the Indiana Register after June 30,**
38 **2023, regardless of whether the adopting agency initiated official**
39 **action to adopt the emergency rule before July 1, 2023. An action**
40 **taken before July 1, 2023, in conformity with this section (as**
41 **effective after June 30, 2023) is validated to the same extent as if**
42 **the action was taken after June 30, 2023.**

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1 (b) ~~An agency may adopt a rule may be adopted under on a~~
2 ~~subject for which the agency has rulemaking authority using the~~
3 ~~procedures in this section if a statute delegating authority to an agency~~
4 ~~to adopt rules authorizes adoption of such a rule:~~

- 5 (1) ~~under this section; or~~
- 6 (2) ~~in the manner provided by this section.~~

7 **the governor finds that the agency proposing to adopt the rule has**
8 **demonstrated to the satisfaction of the governor that use of**
9 **emergency rulemaking procedures under this section is necessary**
10 **to avoid:**

- 11 (1) **an imminent and substantial peril to public health, safety,**
12 **or welfare;**
- 13 (2) **an imminent and material loss of federal funds for an**
14 **agency program;**
- 15 (3) **an imminent and material deficit; or**
- 16 (4) **an imminent and substantial violation of a state or federal**
17 **law or the terms of a federal agreement or program.**

18 **To obtain a determination from the governor, an agency must**
19 **submit to the governor the text of the proposed emergency rule, a**
20 **statement justifying the need for emergency rulemaking**
21 **procedures, and any additional information required by the**
22 **governor in the form and in the manner required by the governor.**
23 **A notice of determination by the governor shall include findings**
24 **that explain the basis for the determination. The notice of**
25 **determination shall be provided to the agency in an electronic**
26 **format. Approval of a request shall be treated as a determination**
27 **that the rule meets the criteria in this subsection.**

28 (c) ~~After an agency adopts a rule under this section, the governor~~
29 ~~approves emergency rulemaking procedures for a rule, the agency~~
30 ~~shall submit the rule to the publisher for the assignment of obtain a~~
31 ~~document control number The agency shall submit the rule in the form~~
32 ~~required by section 20 of this chapter and with the documents required~~
33 ~~by section 21 of this chapter. from the publisher.~~ The publisher shall
34 determine the **documents and the** format of the rule and other
35 documents ~~to that must be submitted under this subsection. to the~~
36 **publisher to obtain a document control number.**

37 (d) After the document control number has been assigned **and the**
38 **agency adopts the rule,** the agency shall submit the ~~rule~~ **following**
39 **to the publisher for filing:**

- 40 (1) **The text of the adopted emergency rule.** The agency shall
41 submit the **emergency** rule in the form required by section 20 of
42 this chapter. ~~and with~~

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- 1 **(2) A signature page that indicates that the agency has**
- 2 **adopted the emergency rule in conformity with all**
- 3 **procedures required by law.**
- 4 **(3) The approval of the governor to use emergency**
- 5 **rulemaking procedures for the rule.**
- 6 **(4) The documents required by section 21 of this chapter.**
- 7 The publisher shall determine the format of the **emergency** rule and
- 8 other documents to be submitted under this subsection. **The**
- 9 **substantive text of the adopted emergency rule must be**
- 10 **substantially similar to the text of the proposed emergency rule**
- 11 **submitted to the governor. An emergency rule may suspend but not**
- 12 **repeal a rule approved by the governor under section 34 of this**
- 13 **chapter.**
- 14 (e) Subject to **subsection (d) and** section 39 of this chapter, the
- 15 publisher shall:
- 16 (1) accept the rule for filing; ~~and~~
- 17 (2) electronically record the date and time that the rule is
- 18 accepted; ~~and~~
- 19 **(3) publish the text of the adopted emergency rule and the**
- 20 **governor's approval in the Indiana Register.**
- 21 (f) ~~A~~ **An emergency** rule adopted by an agency under this section
- 22 takes effect on the latest of the following dates:
- 23 (1) The effective date of the statute delegating authority to the
- 24 agency to adopt the **emergency** rule.
- 25 (2) The date and time that the **emergency** rule is accepted for
- 26 filing under subsection (e).
- 27 (3) The effective date stated by the adopting agency in the
- 28 **emergency** rule.
- 29 (4) The date of compliance with every requirement established
- 30 by law as a prerequisite to the adoption or effectiveness of the
- 31 **emergency** rule.
- 32 (5) The statutory effective date for an emergency rule set forth
- 33 in the statute authorizing the agency to adopt emergency rules:
- 34 **law.**
- 35 (g) ~~Unless otherwise provided by the statute authorizing adoption~~
- 36 of the rule:
- 37 ~~(1) a rule adopted under this section expires not later than ninety~~
- 38 ~~(90) days after the rule is accepted for filing under subsection~~
- 39 ~~(e);~~
- 40 ~~(2) a rule adopted under this section may be extended by~~
- 41 ~~adopting another rule under this section, but only for one (1)~~
- 42 ~~extension period; and~~

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1 (3) for a rule adopted under this section to be effective after one
 2 (1) extension period; the rule must be adopted under:
 3 (A) sections 24 through 36 of this chapter; or
 4 (B) IC 13-14-9;
 5 as applicable.

6 (g) An agency may amend an emergency rule with another
 7 emergency rule by following the procedures in this section for the
 8 amending emergency rule. However, unless otherwise provided by
 9 IC 4-22-2.3, an emergency rule and all amendments of an
 10 emergency rule by another emergency rule expire not later than
 11 one hundred eighty (180) days after the initial emergency rule is
 12 accepted for filing under subsection (e). The subject of the
 13 emergency rule, including all amendments to the emergency rule,
 14 may not be subsequently extended under this section or section
 15 37.2 of this chapter. If the governor determines that the emergency
 16 that is the basis for using the procedures under this section ceases
 17 to exist, the governor may terminate the emergency rule before the
 18 lapse of one hundred eighty (180) days. The termination is effective
 19 when filed with the publisher. The publisher shall publish the
 20 termination notice in the Indiana Register.

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

23 (i) The publisher of the Indiana administrative code shall annually
 24 publish a list of agencies authorized to adopt rules under this section.

25 (h) Subject to subsection (i), the attorney general or the
 26 governor may file an objection to an emergency rule that is
 27 adopted under this section not later than forty-five (45) days after
 28 the date that an emergency rule or amendment to an emergency
 29 rule is accepted for filing under subsection (e). The objection must
 30 cite the document control number for the affected emergency rule
 31 and state the basis for the objection. When filed with the publisher,
 32 the objection has the effect of invalidating the emergency rule or
 33 amendment to an emergency rule. The publisher shall publish the
 34 objection in the Indiana Register.

35 (i) The attorney general may file a written objection to an
 36 emergency rule under subsection (h) only if the attorney general
 37 determines that the emergency rule has been adopted:

- 38 (1) without statutory authority; or
- 39 (2) without complying with this section.

40 A notice of objection to an emergency rule by the attorney general
 41 must include findings that explain the basis for the determination.
 42 The notice of objection shall be provided to the agency in an

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1 **electronic format.**

2 SECTION 25. IC 4-22-2-37.2 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2023]: Sec. 37.2. (a) The following do not
5 apply to a rule adopted under this section:

6 (1) Sections 23 through 27 of this chapter or IC 13-14-9 (as
7 applicable).

8 (2) Sections 28 through 36 of this chapter.

9 The amendments to this section made in the 2023 regular session
10 of the general assembly apply to interim rules that are accepted for
11 filing by the publisher of the Indiana Register after June 30, 2023,
12 regardless of whether the adopting agency initiated official action
13 to adopt the interim rule before July 1, 2023. An action taken
14 before July 1, 2023, in conformity with this section (as effective
15 after June 30, 2023) is validated to the same extent as if the action
16 was taken after June 30, 2023.

17 (b) An agency may adopt a rule on a subject for which the
18 agency has rulemaking authority with a single comment period of
19 at least thirty (30) days in length using the procedures in this
20 section if the governor finds that the agency proposing to adopt the
21 rule has demonstrated to the satisfaction of the governor that use
22 of interim rulemaking procedures under this section is necessary
23 to implement:

24 (1) a new state or federal law or program, rule of another
25 state agency, federal regulation, or federal grant or loan
26 agreement, or (if used by the agency to carry out the
27 agency's responsibilities) a building, an equipment, a
28 firefighting, a safety, or a professional code adopted by a
29 nationally recognized organization; or

30 (2) a change in a new state or federal law or program, rule of
31 another state agency, federal regulation, federal grant or
32 loan agreement, or (if used by the agency to carry out the
33 agency's responsibilities) a building, an equipment, a
34 firefighting, a safety, or a professional code adopted by a
35 nationally recognized organization;

36 before the time that a final rule approved by the governor under
37 section 34 of this chapter could reasonably take effect. To obtain a
38 determination from the governor, an agency must submit to the
39 governor the text of the proposed interim rule, a statement
40 justifying the need for interim rulemaking procedures, and any
41 additional information required by the governor in the form and
42 in the manner required by the governor. A notice of determination

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1 by the governor shall include findings that explain the basis for the
 2 determination. The notice of determination shall be provided to the
 3 agency in an electronic format. Approval of a request shall be
 4 treated as a determination that the rule meets the criteria in this
 5 subsection.

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

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

20 (1) A general description of the subject matter of the
 21 proposed interim rule, including the document control
 22 number.

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

24 (A) imposed on a regulated entity under the interim
 25 rule; and

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

28 The statement required under this subdivision must include
 29 a reference to any data, studies, or analyses relied upon by
 30 the agency in determining that the imposition of the
 31 requirement or cost is necessary and where and how a
 32 person may inspect and copy or electronically download the
 33 data, studies, or analyses.

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

40 However, inadequacy or insufficiency of the subject matter
 41 description under subdivision (1) or a statement of justification
 42 under subdivision (2) in a notice does not invalidate a rulemaking

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1 action. An agency may continue the comment period by publishing
2 a subsequent notice in the Indiana Register extending the comment
3 period.

4 (e) Before adopting the interim rule, the agency shall prepare
5 a written response to comments received by the agency, including
6 the reasons for rejecting any recommendations made in the
7 comments.

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

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

13 (2) adopt a revised version of a proposed interim rule
14 published under this section and include provisions that did
15 not appear in the initially published proposed version.

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

21 (g) After the agency adopts the interim rule, the agency shall
22 submit the following to the publisher for filing:

23 (1) The text of the adopted interim rule. The agency shall
24 submit the interim rule in the form required by section 20 of
25 this chapter.

26 (2) A summary of the comments received by the agency
27 during the comment period and the agency's response to the
28 comments.

29 (3) A signature page that indicates that the agency has
30 adopted the interim rule in conformity with all procedures
31 required by law.

32 (4) The approval of the governor to use interim rulemaking
33 procedures for the rule.

34 (5) The documents required by section 21 of this chapter.

35 The publisher shall determine the format of the interim rule and
36 other documents to be submitted under this subsection. An interim
37 rule may suspend but not repeal a rule approved by the governor
38 under section 34 of this chapter.

39 (h) Subject to subsection (g) and section 39 of this chapter, the
40 publisher shall:

41 (1) accept the rule for filing;

42 (2) electronically record the date and time that the rule is

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- 1 **accepted; and**
 2 **(3) publish the text of the adopted interim rule and the**
 3 **governor's approval in the Indiana Register.**
 4 **(i) An interim rule adopted by an agency under this section**
 5 **takes effect on the latest of the following dates:**
 6 **(1) The effective date of the statute delegating authority to**
 7 **the agency to adopt the interim rule.**
 8 **(2) The date and time that the interim rule is accepted for**
 9 **filing under subsection (h).**
 10 **(3) The effective date stated by the adopting agency in the**
 11 **interim rule.**
 12 **(4) The date of compliance with every requirement**
 13 **established by law as a prerequisite to the adoption or**
 14 **effectiveness of the interim rule.**
 15 **(5) The statutory effective date for an interim rule set forth**
 16 **in law.**
 17 **(j) An agency may amend an interim rule with another interim**
 18 **rule by following the procedures in this section for adoption of an**
 19 **interim rule. An interim rule and all subsequent rules on the same**
 20 **subject adopted under section 37.1 or 37.3 of this chapter or this**
 21 **section expire not later than four hundred twenty-five (425) days**
 22 **after the initial interim rule is accepted for filing under subsection**
 23 **(h). The interim rule, including all subsequent interim rules**
 24 **adopted under section 37.1 or 37.3 of this chapter or this section on**
 25 **the same subject, may not be subsequently extended under section**
 26 **37.1 or 37.3 of this chapter or this section after four hundred**
 27 **twenty-five (425) days.**
 28 **(k) Subject to subsection (l), the attorney general or the**
 29 **governor may file an objection to an interim rule that is adopted**
 30 **under this section not later than forty-five (45) days after the date**
 31 **that an interim rule or amendment to an interim rule is accepted**
 32 **for filing under subsection (h). The objection must cite the**
 33 **document control number for the affected interim rule and state**
 34 **the basis for the objection. When filed with the publisher, the**
 35 **objection has the effect of invalidating the interim rule or**
 36 **amendment to an interim rule. The publisher shall publish the**
 37 **objection in the Indiana Register.**
 38 **(l) The attorney general may file a written objection to an**
 39 **interim rule under subsection (k) only if the attorney general**
 40 **determines that the interim rule has been adopted:**
 41 **(1) without statutory authority; or**
 42 **(2) without complying with this section.**

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1 **A notice of objection to an interim rule by the attorney general**
 2 **must include findings that explain the basis for the determination.**
 3 **The notice of objection shall be provided to the agency in an**
 4 **electronic format.**

5 SECTION 26. IC 4-22-2-37.3 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2023]: **Sec. 37.3. (a) The following do not**
 8 **apply to a rule adopted under this section:**

9 **(1) Sections 23 through 27 of this chapter or IC 13-14-9 (as**
 10 **applicable).**

11 **(2) Sections 28 through 36 of this chapter.**

12 **(b) An agency may adopt a rule described in IC 4-22-2.3 with**
 13 **a single comment period of at least thirty (30) days in length using**
 14 **the procedures in this section if the governor finds that the agency**
 15 **proposing to adopt the rule has demonstrated to the satisfaction of**
 16 **the governor that use of expedited rulemaking procedures under**
 17 **this section is appropriate for a rule described in IC 4-22-2.3. To**
 18 **obtain a determination from the governor, an agency must submit**
 19 **to the governor the text of the proposed expedited rule, a statement**
 20 **justifying the need for expedited rulemaking procedures, and any**
 21 **additional information required by the governor in the form and**
 22 **in the manner required by the governor. A notice of determination**
 23 **by the governor shall include findings that explain the basis for the**
 24 **determination. The notice of determination shall be provided to the**
 25 **agency in an electronic format. Approval of a request shall be**
 26 **treated as a determination that the rule meets the criteria in this**
 27 **subsection.**

28 **(c) An agency shall notify the public of its intention to adopt a**
 29 **rule by complying with the publication requirements in this**
 30 **section. The agency shall cause a notice of a public comment period**
 31 **and the full text of the agency's proposed expedited rule (excluding**
 32 **the full text of a matter incorporated by reference under section 21**
 33 **of this chapter) to be published once in the Indiana Register. The**
 34 **publisher shall review materials submitted under this section and**
 35 **determine the date that the publisher intends to include the**
 36 **material in the Indiana Register. After establishing the intended**
 37 **publication date and receiving the public comment period**
 38 **information from the agency, the publisher shall provide a written**
 39 **or an electronic mail authorization to proceed to the agency.**

40 **(d) The agency shall include the following in the notice of the**
 41 **public comment period:**

42 **(1) A general description of the subject matter of the**

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1 proposed expedited rule, including the document control
 2 number.
 3 (2) A statement justifying any requirement or cost that is:
 4 (A) imposed on a regulated entity under the expedited
 5 rule; and
 6 (B) not expressly required by the statute authorizing the
 7 agency to adopt rules or any other state or federal law.
 8 The statement required under this subdivision must include
 9 a reference to any data, studies, or analyses relied upon by
 10 the agency in determining that the imposition of the
 11 requirement or cost is necessary and where and how a
 12 person may inspect and copy or electronically download the
 13 data, studies, or analysis.
 14 (3) A date that is thirty (30) days after the notice is published
 15 in the Indiana Register by which written comments are due
 16 and a statement explaining that any person may submit
 17 written comments concerning the proposed expedited rule
 18 during the public comment period and instructions on when,
 19 where, and how the person may submit written comments.
 20 However, inadequacy or insufficiency of the subject matter
 21 description under subdivision (1) or a statement of justification
 22 under subdivision (2) in a notice does not invalidate a rulemaking
 23 action. An agency may continue the comment period by publishing
 24 a subsequent notice in the Indiana Register extending the comment
 25 period.
 26 (e) Before adopting the expedited rule, the agency shall
 27 prepare a written response to comments received by the agency,
 28 including the reasons for rejecting any recommendations made in
 29 the comments.
 30 (f) After an agency has completed the comment period under
 31 this section and complied with subsection (e), the agency may:
 32 (1) adopt a rule that is identical to a proposed expedited rule
 33 published in the Indiana Register under this section; or
 34 (2) adopt a revised version of a proposed expedited rule
 35 published under this section and include provisions that did
 36 not appear in the published version.
 37 An agency may not adopt an expedited rule that substantially
 38 differs from the version of the proposed expedited rule published
 39 in the Indiana Register under this section, unless it is a logical
 40 outgrowth of any proposed expedited rule as supported by any
 41 written comments submitted during the public comment period.
 42 (g) After the agency adopts the expedited rule, the agency shall

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- 1 submit the following to the publisher for filing:
- 2 (1) The text of the adopted expedited rule. The agency shall
- 3 submit the expedited rule in the form required by section 20
- 4 of this chapter.
- 5 (2) A summary of the comments received by the agency
- 6 during the comment period and the agency's response to the
- 7 comments.
- 8 (3) A signature page that indicates that the agency has
- 9 adopted the expedited rule in conformity with all procedures
- 10 required by law.
- 11 (4) The approval of the governor to use expedited
- 12 rulemaking procedures for the rule.
- 13 (5) The documents required by section 21 of this chapter.
- 14 The publisher shall determine the format of the expedited rule and
- 15 other documents to be submitted under this subsection. The
- 16 substantive text of the adopted expedited rule must be substantially
- 17 similar to the text of the proposed expedited rule submitted to the
- 18 governor. An expedited rule may suspend but not repeal a rule
- 19 approved by the governor under section 34 of this chapter.
- 20 (h) Subject to subsection (g) and section 39 of this chapter, the
- 21 publisher shall:
- 22 (1) accept the expedited rule for filing;
- 23 (2) electronically record the date and time that the expedited
- 24 rule is accepted; and
- 25 (3) publish the text of the adopted expedited rule and the
- 26 governor's approval in the Indiana Register.
- 27 (i) An expedited rule adopted by an agency under this section
- 28 takes effect on the latest of the following dates:
- 29 (1) The effective date of the statute delegating authority to
- 30 the agency to adopt the expedited rule.
- 31 (2) The date and time that the expedited rule is accepted for
- 32 filing under subsection (h).
- 33 (3) The effective date stated by the adopting agency in the
- 34 expedited rule.
- 35 (4) The date of compliance with every requirement
- 36 established by law as a prerequisite to the adoption or
- 37 effectiveness of the expedited rule.
- 38 (5) The statutory effective date for an expedited rule set forth
- 39 in law.
- 40 (j) An expedited rule that has been accepted for filing under
- 41 subsection (h) expires as provided in IC 4-22-2.3. An agency may
- 42 continue an expedited rule for an additional period after it would

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1 otherwise expire only as permitted in IC 4-22-2.3.
 2 (k) Subject to subsection (l), the attorney general or the
 3 governor may file an objection to a rule that is adopted under this
 4 section not later than forty-five (45) days after the date and time
 5 that an expedited rule or amendment to an expedited rule is
 6 accepted for filing under subsection (h). The objection must cite the
 7 document control number for the affected expedited rule and state
 8 the basis for the objection. When filed with the publisher, the
 9 objection has the effect of invalidating the expedited rule or
 10 amendment to an expedited rule. The publisher shall publish the
 11 objection in the Indiana Register.

12 (l) The attorney general may file a written objection to an
 13 expedited rule under subsection (k) only if the attorney general
 14 determines that the expedited rule has been adopted:

- 15 (1) without statutory authority; or
- 16 (2) without complying with this section.

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

21 SECTION 27. IC 4-22-2-38, AS AMENDED BY P.L.123-2006,
 22 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 38. (a) This section applies to a rulemaking action
 24 resulting in any of the following rules:

- 25 (1) A rule that brings another rule into conformity with section
 26 20 of this chapter.
- 27 (2) A rule that amends another rule to replace an inaccurate
 28 reference to a statute, rule, regulation, other text, governmental
 29 entity, or location with an accurate reference, when the
 30 inaccuracy is the result of the rearrangement of a federal or state
 31 statute, rule, or regulation under a different citation number, a
 32 federal or state transfer of functions from one (1) governmental
 33 entity to another, a change in the name of a federal or state
 34 governmental entity, or a change in the address of an entity.
- 35 (3) A rule correcting any other typographical, clerical, or
 36 spelling error in another rule.

37 (b) Sections 24 through ~~37.1~~ 37.3 of this chapter do not apply to
 38 rules described in subsection (a).

39 (c) Notwithstanding any other statute, an agency may adopt a rule
 40 described by subsection (a) without complying with any statutory
 41 notice, hearing, adoption, or approval requirement. In addition, the
 42 governor may adopt a rule described in subsection (a) for an agency

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1 without the agency's consent or action.

2 (d) A rule described in subsection (a) shall be submitted to the
3 publisher for the assignment of a document control number. The
4 agency (or the governor, for the agency) shall submit the rule in the
5 form required by section 20 of this chapter and with the documents
6 required by section 21 of this chapter. The publisher shall determine
7 the number of copies of the rule and other documents to be submitted
8 under this subsection.

9 (e) After a document control number is assigned, the agency (or
10 the governor, for the agency) shall submit the rule to the publisher for
11 filing. The agency (or the governor, for the agency) shall submit the
12 rule in the form required by section 20 of this chapter and with the
13 documents required by section 21 of this chapter. The publisher shall
14 determine the format of the rule and other documents to be submitted
15 under this subsection.

16 (f) Subject to section 39 of this chapter, the publisher shall:

- 17 (1) accept the rule for filing; and
18 (2) electronically record the date and time that it is accepted.

19 (g) Subject to subsection (h), a rule described in subsection (a)
20 takes effect on the latest of the following dates:

- 21 (1) The date that the rule being corrected by a rule adopted under
22 this section becomes effective.
23 (2) The date that is forty-five (45) days from the date and time
24 that the rule adopted under this section is accepted for filing
25 under subsection (f).

26 (h) The governor or the attorney general may file an objection to
27 a rule that is adopted under this section before the date that is forty-five
28 (45) days from the date and time that the rule is accepted for filing
29 under subsection (f). When filed with the publisher, the objection has
30 the effect of invalidating the rule.

31 SECTION 28. IC 4-22-2-39, AS AMENDED BY P.L.123-2006,
32 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2023]: Sec. 39. (a) When an agency submits a rule for filing
34 under section 35, 37.1, **37.2, 37.3**, or 38 of this chapter, the publisher
35 may accept the rule for filing only if the following conditions are met:

- 36 (1) The following documents are submitted to allow the
37 publisher to comply with IC 4-22-7-5:
38 (A) One (1) electronic copy of the rule.
39 (B) One (1) copy of any matters incorporated by reference
40 under section 21 of this chapter in the format specified by
41 the publisher.
42 (C) One (1) copy of any supporting documentation

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1 submitted under section 31 of this chapter in the format
 2 specified by the publisher.
 3 (2) Each submitted copy includes a reference to the document
 4 control number assigned to the rule by the publisher.
 5 (3) Each submitted copy indicates that the agency has conducted
 6 its rulemaking action in conformity with all procedures required
 7 by law. However, if section 31 of this chapter applies to the rule,
 8 the publisher shall rely on the approval of the attorney general as
 9 the basis for determining that the agency has complied with all
 10 procedures required before the date of the approval.
 11 (b) If a rule includes a statement that the rule is not effective until:
 12 (1) an agency has complied with requirements established by the
 13 federal or state government;
 14 (2) a specific period of time has elapsed; or
 15 (3) a date has occurred;
 16 the agency has complied with subsection (a)(3) even if the described
 17 event or time has not occurred before the publisher reviews the rule
 18 under this section.
 19 (c) The publisher shall take no more than three (3) business days
 20 to complete the review of a rule under this section.
 21 SECTION 29. IC 4-22-2-40, AS AMENDED BY P.L.53-2014,
 22 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 40. (a) At any time before a rule is accepted for
 24 filing by the publisher under section 35, 37.1, 37.2, 37.3, or 38 of this
 25 chapter, the agency that adopted the rule may recall it. A rule may be
 26 recalled regardless of whether:
 27 (1) the rule has been disapproved by the attorney general under
 28 section 32 of this chapter; or
 29 (2) the rule has been disapproved by the governor under section
 30 34 of this chapter.
 31 (b) Sections 24 through 38 of this chapter do not apply to a recall
 32 action under this section. However, the agency shall distribute a notice
 33 of its recall action to the publisher for publication in the Indiana
 34 Register. Sections 24 and 26 of this chapter do not apply to a
 35 readoption action under subsection (c).
 36 (c) After an agency recalls a rule, the agency may reconsider its
 37 adoption action and adopt an identical rule or a revised rule. However,
 38 if sections 24 through 36 of this chapter apply to the recalled rule, the
 39 readopted rule must comply with the requirements under section 29 of
 40 this chapter.
 41 (d) The recall of a rule under this section voids any approval given
 42 after the rule was adopted and before the rule was recalled.

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1 (e) If a rule is:

2 (1) subject to sections 31 and 33 of this chapter;

3 (2) recalled under subsection (a); and

4 (3) readopted under subsection (c);

5 the agency shall resubmit the readopted version of the recalled rule to
6 the attorney general and the governor for approval. The attorney
7 general and the governor have the full statutory period to approve or
8 disapprove the readopted rule. ~~If the recalled rule was submitted to the~~
9 ~~office of management and budget under section 28 of this chapter,~~ The
10 agency shall resubmit the readopted version of a recalled rule to the
11 office of management and budget with sufficient information for the
12 office of management and budget to evaluate whether ~~its~~ **the** initial
13 **fiscal impact statement regulatory analysis submitted to the office**
14 **of management and budget** under section 28 **22.8** of this chapter
15 needs to be revised. ~~The office of management and budget shall revise~~
16 ~~a fiscal impact statement under section 28 of this chapter~~ If the fiscal
17 impact of the readopted rule is substantially different from the recalled
18 rule, **the agency shall submit the revised regulatory analysis to the**
19 **publisher for publication in the Indiana Register with the**
20 **document control number assigned by the publisher to the rule.**
21 The agency also shall comply with any other applicable approval
22 requirement provided by statute.

23 (f) The readopted version of a recalled rule is effective only after
24 the agency has complied with section 35, 37.1, **37.2, 37.3,** or 38 of this
25 chapter.

26 SECTION 30. IC 4-22-2-41, AS AMENDED BY P.L.123-2006,
27 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2023]: Sec. 41. (a) At any time before a rule is accepted by the
29 publisher for filing under section 35, 37.1, **37.2, 37.3,** or 38 of this
30 chapter, the agency that adopted the rule may withdraw it.

31 (b) Sections 24 through 40 of this chapter do not apply to a
32 withdrawal action. However, the withdrawing agency shall distribute
33 a notice of the withdrawal to the publisher for publication in the
34 Indiana Register.

35 (c) The withdrawal of a rule under this section terminates the
36 rulemaking action, and the withdrawn rule may become effective only
37 through another rulemaking action initiated under this chapter.

38 SECTION 31. IC 4-22-2.1-1, AS AMENDED BY P.L.139-2007,
39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2023]: Sec. 1. Except for a rule that is the subject of a
41 rulemaking action under IC 13-14-9, IC 22-12, IC 22-13, IC 22-14, or
42 IC 22-15, this chapter applies to a rule for which the notice **of the first**

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1 **public comment period** required by IC 4-22-2-23 is published by an
2 agency after June 30, 2005.

3 SECTION 32. IC 4-22-2.1-5, AS AMENDED BY P.L.109-2015,
4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2023]: Sec. 5. (a) If an agency intends to adopt a rule under
6 IC 4-22-2 that will impose requirements or costs on small businesses,
7 the agency shall prepare a statement that describes the annual
8 economic impact of a rule on all small businesses after the rule is fully
9 implemented. ~~as described in subsection (b).~~ The statement required by
10 this section must include the following:

11 (1) An estimate of the number of small businesses, classified by
12 industry sector, that will be subject to the proposed rule.

13 (2) An estimate of the average annual reporting, record keeping,
14 and other administrative costs that small businesses will incur to
15 comply with the proposed rule.

16 (3) An estimate of the total annual economic impact that
17 compliance with the proposed rule will have on all small
18 businesses subject to the rule. ~~The agency is not required to~~
19 ~~submit the proposed rule to the office of management and budget~~
20 ~~for a fiscal analysis under IC 4-22-2-28 unless the estimated~~
21 ~~economic impact of the rule is greater than five hundred~~
22 ~~thousand dollars (\$500,000) on all regulated entities, as set forth~~
23 ~~in IC 4-22-2-28.~~

24 (4) A statement justifying any requirement or cost that is:

25 (A) imposed on small businesses by the rule; and

26 (B) not expressly required by:

27 (i) the statute authorizing the agency to adopt the rule;

28 or

29 (ii) any other state or federal law.

30 The statement required by this subdivision must include a
31 reference to any data, studies, or analyses relied upon by the
32 agency in determining that the imposition of the requirement or
33 cost is necessary.

34 (5) A regulatory flexibility analysis that considers any less
35 intrusive or less costly alternative methods of achieving the
36 purpose of the proposed rule. The analysis under this subdivision
37 must consider the following methods of minimizing the
38 economic impact of the proposed rule on small businesses:

39 (A) The establishment of less stringent compliance or
40 reporting requirements for small businesses.

41 (B) The establishment of less stringent schedules or
42 deadlines for compliance or reporting requirements for

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- 1 small businesses.
- 2 (C) The consolidation or simplification of compliance or
- 3 reporting requirements for small businesses.
- 4 (D) The establishment of performance standards for small
- 5 businesses instead of design or operational standards
- 6 imposed on other regulated entities by the rule.
- 7 (E) The exemption of small businesses from part or all of
- 8 the requirements or costs imposed by the rule.

9 If the agency has made a preliminary determination not to
 10 implement one (1) or more of the alternative methods
 11 considered, the agency shall include a statement explaining the
 12 agency's reasons for the determination, including a reference to
 13 any data, studies, or analyses relied upon by the agency in
 14 making the determination.

15 (b) For purposes of subsection (a), a proposed rule will be fully
 16 implemented with respect to small businesses after:

- 17 (1) the conclusion of any phase-in period during which:
 - 18 (A) the rule is gradually made to apply to small businesses
 - 19 or certain types of small businesses; or
 - 20 (B) the costs of the rule are gradually implemented; and
- 21 (2) the rule applies to all small businesses that will be affected
 22 by the rule.

23 In determining the total annual economic impact of the rule under
 24 subsection (a)(3), the agency shall consider the annual economic
 25 impact on all small businesses beginning with the first twelve (12)
 26 month period after the rule is fully implemented. The agency may use
 27 actual or forecasted data and may consider the actual and anticipated
 28 effects of inflation and deflation. The agency shall describe any
 29 assumptions made and any data used in determining the total annual
 30 economic impact of a rule under subsection (a)(3).

- 31 (c) The agency shall:
 - 32 (1) publish the statement required under subsection (a) in the
 - 33 Indiana Register as required by IC 4-22-2-24; and
 - 34 (2) deliver a copy of the statement, along with the proposed rule,
 - 35 to the small business ombudsman not later than the date of
 - 36 publication under subdivision (1).

37 SECTION 33. IC 4-22-2.1-7, AS ADDED BY P.L.188-2005,
 38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2023]: Sec. 7. Before an agency may act under IC 4-22-2.5
 40 IC 4-22-2.6 to readopt a rule to which the chapter applies, the agency
 41 must conduct the review required under IC 4-22-2.5-3.1.
 42 IC 4-22-2.6-4.

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1 SECTION 34. IC 4-22-2.3 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2023]:

4 **Chapter 2.3. Transitional Provisions; Exceptions to**
 5 **Rulemaking Procedures**

6 **Sec. 1. (a) This subsection and subsection (b) set an expiration**
 7 **date for rules adopted under IC 4-22-2-37.1 (as effective before**
 8 **July 1, 2023) or IC 4-22-2-37 (before its repeal) that at the time of**
 9 **adoption were permitted by law to continue in effect for an**
 10 **indefinite period of time. The rules to which this subsection applies**
 11 **include rules that were permitted to continue until another**
 12 **emergency rule or a final rule was adopted to replace the**
 13 **emergency rule or the agency repealed the emergency rule. Subject**
 14 **to subsections (b) and (c), the rule expires not later than:**

15 (1) **October 1, 2023; or**

16 (2) **if the rule is included on a list described in subsection (d),**
 17 **October 1, 2024;**

18 **as applicable. An emergency rule that expires under this subsection**
 19 **may not be renewed under IC 4-22-2-37.1 (as effective after June**
 20 **30, 2023). If the rule meets the criteria in IC 4-22-2-37.2 for**
 21 **adoption as an interim rule, the rule may be readopted under**
 22 **IC 4-22-2-37.2.**

23 (b) **The text of an emergency rule adopted under**
 24 **IC 4-22-2-37.1 (as effective before July 1, 2023) or IC 4-22-2-37**
 25 **(before its repeal) that is:**

26 (1) **incorporated into a provision of the Indiana**
 27 **Administrative Code that before July 1, 2023, was amended**
 28 **under the procedures in IC 4-22-2-23 through IC 4-22-2-36**
 29 **or IC 13-14-9 (as applicable); or**

30 (2) **readopted as part of a provision of the Indiana**
 31 **Administrative Code that was readopted under IC 4-22-2.5**
 32 **(before its repeal) or IC 13-14-9.5 (before its repeal);**

33 **continues in effect to the extent that the text remains part of the**
 34 **provision of the Indiana Administrative Code into which the**
 35 **emergency rule text was incorporated.**

36 (c) **An emergency rule adopted under IC 4-22-2-37.1 (as**
 37 **effective before July 1, 2023) of the type described in sections 3**
 38 **through 9 of this chapter, expires as provided in the applicable**
 39 **provisions of sections 3 through 9 of this chapter.**

40 (d) **Not later than September 1, 2023, the governor may submit**
 41 **to the publisher a list of rules described in subsection (a) for which**
 42 **the expiration under this section is October 1, 2024, instead of**

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1 **October 1, 2023. The publisher shall publish a list submitted under**
 2 **this subsection in the Indiana Register.**

3 **Sec. 2. Before an emergency rule adopted under IC 4-22-2-37.1**
 4 **(as effective after June 30, 2023) expires, the governor by executive**
 5 **order may authorize the extension of the emergency rule under the**
 6 **expedited procedures in IC 4-22-2-37.3 if the governor determines**
 7 **and finds in the executive order that the emergency circumstances**
 8 **justifying the emergency rule continue to exist. A rule adopted**
 9 **under the authority of an extension under this section, expires not**
 10 **later than June 30 of the year following the year in which the rule**
 11 **is accepted for filing by the publisher of the Indiana Register.**

12 **Sec. 3. The office of the secretary of family and social services**
 13 **may adopt rules under IC 4-22-2-37.3 to implement IC 12-13-16-13**
 14 **(211 dialing code services). The rule expires not later than one (1)**
 15 **year after the adopted rule is accepted for filing under**
 16 **IC 4-22-2-37.3. An expedited rule described in this section may not**
 17 **be continued in another expedited rule after the expiration of the**
 18 **initial expedited rule.**

19 **Sec. 4. The department of natural resources (or to the extent**
 20 **permitted by IC 14-10-2, the natural resources commission) may**
 21 **adopt rules under IC 4-22-2-37.3 to carry out the duties of the**
 22 **department of natural resources under a law listed in IC 14-10-2-5.**
 23 **The rule expires not later than one (1) year after the adopted rule**
 24 **is accepted for filing by the publisher of the Indiana Register. An**
 25 **expedited rule described in this section may be continued in**
 26 **another expedited rule only if the governor determines under**
 27 **IC 4-22-2-37.3(b) that the policy options available to the agency are**
 28 **so limited that use of the additional notice, comment, and review**
 29 **procedures in IC 4-22-2-23 through IC 4-22-2-36 would provide no**
 30 **benefit to persons regulated or otherwise affected by the rule. A**
 31 **person who violates the rule commits a Class C infraction, unless**
 32 **otherwise specified under state law.**

33 **Sec. 5. The director of the department of natural resources**
 34 **may temporarily modify or suspend a rule described in**
 35 **IC 14-22-2-6 (fish and wildlife rules) under the procedures in**
 36 **IC 4-22-2-37.3. The adopted rule expires not later than one (1) year**
 37 **after the rule is accepted for filing by the publisher of the Indiana**
 38 **Register. An expedited rule described in this section may not be**
 39 **continued in another expedited rule after the expiration of the**
 40 **initial expedited rule.**

41 **Sec. 6. The Indiana education employment relations board**
 42 **may adopt rules under IC 4-22-2-37.3 to implement IC 20-29-6-6.1**

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1 (review of collective bargaining agreement). The rule expires not
 2 later than one (1) year after the adopted rule is accepted for filing
 3 by the publisher of the Indiana Register. An expedited rule
 4 described in this section may not be continued in another expedited
 5 rule after the expiration of the initial expedited rule.

6 Sec. 7. The Indiana state board of education may adopt rules
 7 under IC 4-22-2-37.3 for the provision of special education or
 8 related services to an eligible choice scholarship student who
 9 receives an amount under IC 20-51-4-4(a)(2). The rule expires not
 10 later than one (1) year after the adopted rule is accepted for filing
 11 by the publisher of the Indiana Register.

12 Sec. 8. (a) The department of financial institutions shall adopt
 13 rules under IC 4-22-2-37.3 announcing:

14 (1) sixty (60) days before January 1 of each odd-numbered
 15 year in which dollar amounts under IC 24-4.5 (Uniform
 16 Consumer Credit Code) are to change, the changes in dollar
 17 amounts required by IC 24-4.5-1-106(2); and

18 (2) promptly after the changes occur, changes in the Index
 19 required by IC 24-4.5-1-106(3), including, when applicable,
 20 the numerical equivalent of the Reference Base Index under
 21 a revised Reference Base Index and the designation or title
 22 of any index superseding the Index.

23 The rule expires not later than January 1 of the next
 24 odd-numbered year after the department of financial institutions
 25 is required to issue the rule.

26 (b) The department of financial institutions may adopt a rule
 27 permitted under IC 24-4.4-1-101 (licensing system for creditors
 28 and mortgage loan originators) or IC 24-4.5 (Uniform Consumer
 29 Credit Code) under IC 4-22-2-37.3 if the department of financial
 30 institutions declares an emergency. The rule expires not later than
 31 two (2) years after the adopted rule is accepted for filing by the
 32 publisher of the Indiana Register.

33 (c) The department of financial institutions shall adopt rules
 34 under IC 4-22-2-37.3 in the same manner provided in subsection
 35 (a) for the adjustments required under IC 24-9-2-8 concerning high
 36 cost home loans. The rule expires not later than January 1 of the
 37 next odd-numbered year after the department of financial
 38 institutions is required to issue the rule.

39 (d) The department of financial institutions may adopt rules
 40 described in 34-55-10-2 (bankruptcy exemptions; limitations) and
 41 IC 34-55-10-2.5 in conformity with the procedures in IC 4-22-2-23
 42 through IC 4-22-2-36 or the expedited procedures in

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1 IC 4-22-2-37.3. A rule adopted under IC 4-22-2-37.3 expires not
2 later than two (2) years after the adopted rule is accepted for filing
3 by the publisher of the Indiana Register.

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

11 Sec. 9. The Indiana board of pharmacy may adopt rules under
12 IC 4-22-2-37.3 to declare that a substance is a synthetic drug if the
13 board finds that the substance:

14 (1) has been scheduled or emergency scheduled by the United
15 States Drug Enforcement Administration;

16 (2) has been scheduled, emergency scheduled, or
17 criminalized by another state; or

18 (3) has:
19 (A) a high potential for abuse; and
20 (B) no accepted medical use in treatment in the United
21 States or lacks accepted safety for use in treatment
22 under medical supervision.

23 In making a determination, the Indiana board of pharmacy shall
24 consider the factors described in IC 25-26-13-4.1. Notwithstanding
25 IC 4-22-2-37.3, the rule becomes effective when the adopted rule is
26 published in the Indiana Register. The rule expires not later than
27 June 30 of the year following the year in which the rule is accepted
28 for filing by the publisher of the Indiana Register. An expedited
29 rule described in this section may not be continued in another
30 expedited rule after the expiration of the initial expedited rule.

31 SECTION 35. IC 4-22-2.5 IS REPEALED [EFFECTIVE JULY 1,
32 2023]. (Expiration and Readoption of Administrative Rules).

33 SECTION 36. IC 4-22-2.6 IS ADDED TO THE INDIANA CODE
34 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2023]:

36 Chapter 2.6. Expiration and Readoption of Administrative
37 Rules

38 Sec. 1. (a) Except as provided in this section and section 10 of
39 this chapter, a rule expires January 1 of the fifth year after the
40 year in which the rule takes effect, unless the rule expires or is
41 repealed on an earlier date. Except for an amendment made under
42 IC 4-22-2-38, the expiration date of a rule under this section is

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1 extended each time that a rule amending or readopting an
 2 unexpired rule takes effect. The rule, as amended or readopted,
 3 expires on January 1 of the fifth year after the year in which the
 4 amendment or readoption takes effect.

5 (b) If the latest version of a rule became effective:

6 (1) in calendar year 2017, the rule expires not later than
 7 January 1, 2024;

8 (2) in calendar year 2018, the rule expires not later than
 9 January 1, 2025;

10 (3) in calendar year 2019, the rule expires not later than
 11 January 1, 2026; or

12 (4) in calendar year 2020, the rule expires not later than
 13 January 1, 2027.

14 (c) If the latest version of a rule became effective before
 15 January 1, 2017, and:

16 (1) the rule was adopted by an agency established under
 17 IC 13, the rule expires not later than January 1, 2025;

18 (2) the rule was adopted by an agency established under
 19 IC 16, the rule expires not later than January 1, 2026; or

20 (3) the rule was adopted by an agency not described in
 21 subdivision (1) or (2), the rule expires not later than January
 22 1, 2027.

23 (d) A readoption rulemaking action under IC 4-22-2.5 (before
 24 its repeal) or IC 13-14-9.5 (before its repeal) that became effective
 25 before July 1, 2023, is validated to the same extent as if the
 26 rulemaking action had been conducted under the procedures in
 27 this chapter.

28 (e) The determination of whether an administrative rule
 29 expires under this chapter shall be applied at the level of an
 30 Indiana Administrative Code section.

31 **Sec. 2.** An agency that has rulemaking authority may readopt
 32 a rule in anticipation of a rule's expiration under section 1 of this
 33 chapter. To readopt a rule, an agency may readopt the rule either:

34 (1) without changes in conformity with the procedures in
 35 sections 3 through 9 of this chapter; or

36 (2) with or without changes in conformity with the
 37 procedures in IC 4-22-2-23 through IC 4-22-2-36 (as
 38 modified by IC 13-14-9, when applicable).

39 **Sec. 3.** (a) Except as provided in subsection (b), if an agency
 40 intends to readopt a rule, the agency shall, not later than January
 41 1 of the fourth year after the year in which the rule takes effect,
 42 provide an initial notice of the intended readoption in an electronic

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1 format designated by the publisher to legislators and legislative
 2 committees in the manner and on the schedule specified by the
 3 legislative council or the personnel subcommittee of the legislative
 4 council acting for the legislative council.

5 (b) An agency is not required to provide the initial notice
 6 under subsection (a) for a rule described in section 1(b)(1) of this
 7 chapter.

8 **Sec. 4. (a) To readopt a rule, an agency must conduct a review**
 9 **of the rule to consider the continued need for the rule and whether**
 10 **the rule, if readopted, will do the following:**

11 (1) Minimize expenses to:

12 (A) regulated entities that are required to comply with
 13 the rule;

14 (B) persons who pay taxes or pay fees for government
 15 services affected by the rule; and

16 (C) consumers of products and services of regulated
 17 entities affected by the rule.

18 (2) Achieve the regulatory goal in the least restrictive
 19 manner.

20 (3) Have benefits that exceed the fiscal and economic costs of
 21 the rule.

22 (4) Avoid duplicating and conflicting standards with other
 23 federal, state, or local laws, rules, regulations, or ordinances.

24 (5) Be written for ease of comprehension.

25 (6) Have practicable enforcement.

26 (b) In the review, the agency shall reexamine previous cost
 27 benefit, economic impact, fiscal impact, and regulatory burden
 28 statements prepared by the agency for the rule under IC 4-3-22-13,
 29 IC 4-3-27-12, IC 4-22-2-28, IC 4-22-2.1-5, or an executive order
 30 and revise the statements to reflect any change in circumstances
 31 that affect the analysis. The agency shall identify any alternative
 32 methods of achieving the purpose of the rule that are less costly or
 33 less intrusive, or that would otherwise minimize the economic
 34 impact of the proposed rule on small businesses (as defined in
 35 IC 4-22-2.1-4) and other regulated entities. The agency also shall
 36 consider the following:

37 (1) The nature of any complaints or comments received from
 38 the public, including small businesses (as defined in
 39 IC 4-22-2.1-4), concerning the rule or the rule's
 40 implementation by the agency.

41 (2) The complexity of the rule, including any difficulties
 42 encountered by:

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- 1 (A) the agency in administering the rule; or
- 2 (B) small businesses (as defined in IC 4-22-2.1-4) or
- 3 other regulated persons in complying with the rule.
- 4 (3) The degree to which technology, economic conditions, or
- 5 other factors have changed in the area affected by the rule
- 6 since the last time the rule was reviewed.
- 7 (c) The agency shall prepare written findings concerning the
- 8 agency's determinations under this section.
- 9 Sec. 5. (a) If an agency elects to readopt a rule under this
- 10 chapter, the agency shall submit a notice of proposed readoption
- 11 to the publisher not later than the first regular business day in
- 12 September of the year preceding the year in which the rule expires
- 13 under this chapter for publication in the Indiana Register. A
- 14 separate notice must be published for each board or other person
- 15 or entity with rulemaking authority.
- 16 (b) The notice must include the following:
- 17 (1) A general description of the subject matter of all rules
- 18 proposed to be readopted.
- 19 (2) A listing of rules that are proposed to be readopted, listed
- 20 by their titles and subtitles only.
- 21 (3) A written comment period of thirty (30) days and
- 22 instructions on how to submit written comments to the
- 23 agency.
- 24 (4) A request for comments on whether specific rules should
- 25 be reviewed through the regular rulemaking process under
- 26 IC 4-22-2-23 through IC 4-22-2-36 (as modified by
- 27 IC 13-14-9, when applicable).
- 28 (5) A summary of the agency's findings under section 4 of
- 29 this chapter.
- 30 (6) Any other information required by the publisher.
- 31 (c) The agency shall submit the material in the form required
- 32 by IC 4-22-2-20. The agency need not resubmit the documents
- 33 required by IC 4-22-2-21 if the publisher received a copy of the
- 34 documents when the rule was previously adopted or amended. The
- 35 publisher shall review the material submitted under this section
- 36 and determine the date that the publisher intends to include the
- 37 material in the Indiana Register. After:
- 38 (1) establishing the intended publication date; and
- 39 (2) receiving the material as required by this section;
- 40 the publisher shall assign a document control number, provide an
- 41 electronic mail authorization to proceed to the agency, and publish
- 42 the material on the intended publication date.

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1 **Sec. 6. (a) The agency shall prepare responses to all comments**
 2 **received during the comment period.**

3 **(b) The agency, after considering the written comments and**
 4 **responses, may do the following:**

5 **(1) Conduct one (1) or more additional comment periods in**
 6 **the manner provided in section 5 of this chapter on one (1) or**
 7 **more rules within the scope of the notice of proposed**
 8 **readoption. If a person submits to the agency during the**
 9 **initial comment period under section 5 of this chapter a**
 10 **written request stating a basis for considering a particular**
 11 **rule separately from other rules in the notice of proposed**
 12 **readoption, the agency may not readopt that rule under this**
 13 **chapter. The agency may readopt that rule with or without**
 14 **changes only through a rulemaking action initiated under**
 15 **IC 4-22-2-23 through IC 4-22-2-36 (as modified by**
 16 **IC 13-14-9, when applicable).**

17 **(2) Readopt one (1) or more rules within the scope of the**
 18 **notice of proposed readoption without change.**

19 **(3) Repeal one (1) or more rules within the scope of the**
 20 **notice of proposed readoption, if the need for the rule no**
 21 **longer exists. The adopting authority may repeal a rule**
 22 **without additional comment periods under section 5 of this**
 23 **chapter.**

24 **Sec. 7. (a) The agency shall immediately submit the**
 25 **rulemaking document containing the readopted rules to the**
 26 **publisher for filing along with documentation demonstrating that**
 27 **the agency has readopted the rules. The agency shall submit**
 28 **material in the form required by IC 4-22-2-20. The rulemaking**
 29 **document must make reference to the document control number**
 30 **assigned by the publisher.**

31 **(b) If the rulemaking document complies with this section, the**
 32 **publisher shall:**

33 **(1) accept the rule for filing; and**

34 **(2) electronically record the date and time the rule is**
 35 **accepted.**

36 **Sec. 8. A readopted rule that has been accepted for filing under**
 37 **section 7 of this chapter takes effect on the latest of the following**
 38 **dates:**

39 **(1) The date that is thirty (30) days from the date and time**
 40 **that the rule was accepted for filing under section 7 of this**
 41 **chapter.**

42 **(2) The effective date stated by the agency in the rule.**

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1 (3) The date of compliance with every requirement
2 established by law as a prerequisite to the readoption or
3 effectiveness of the rule.

4 **Sec. 9. An agency that terminates a rulemaking action to**
5 **readopt a rule with or without amendments shall submit a notice**
6 **of withdrawal of the readoption rulemaking action in the manner**
7 **provided in IC 4-22-2-41.**

8 **Sec. 10. If a rule is not readopted and the governor finds that**
9 **the failure to readopt the rule causes an emergency to exist, the**
10 **governor may, by executive order issued before the rule's**
11 **expiration date, postpone the expiration date of the rule until a**
12 **date that is not later than one (1) year after the date specified in**
13 **section 1 of this chapter.**

14 **Sec. 11. The publisher shall remove all rules that have expired**
15 **under this chapter from the Indiana Administrative Code.**
16 **However, a rule that has expired but is readopted under this**
17 **chapter (or IC 4-22-2.5 (before its repeal) or IC 13-14-9.5 (before**
18 **its repeal)) may not be removed from the Indiana Administrative**
19 **Code.**

20 SECTION 37. IC 12-10.5-1-9, AS AMENDED BY P.L.123-2006,
21 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2023]: Sec. 9. (a) Before finally adopting a rule under
23 IC 4-22-2 to implement this chapter, the division shall consult with and
24 fully consider any comments submitted by:

- 25 (1) caretakers providing care for a special needs individual under
26 this chapter;
27 (2) individuals with special needs receiving care from a
28 caretaker under this chapter;
29 (3) area agencies on aging;
30 (4) consumers and providers of home and community based
31 services under IC 12-10-10 and IC 12-10-11.5; and
32 (5) any other agency, volunteer group, faith based group, or
33 individual that the division considers appropriate;

34 to ensure that the rule complies with the requirements set forth in
35 subsection (b).

- 36 (b) Rules adopted under this chapter must:
37 (1) include protections for the rights, safety, and welfare of
38 individuals with special needs receiving care from a caretaker
39 under this chapter, including reasonable monitoring and
40 reporting requirements;
41 (2) serve distinct populations, including:
42 (A) the aged;

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- 1 (B) persons with developmental disabilities; and
 2 (C) persons with physical disabilities;
 3 in a manner that recognizes, and appropriately responds to, the
 4 particular needs of the population;
 5 (3) not create barriers to the availability of home and community
 6 based services under IC 12-10-10 and IC 12-10-11.5 by
 7 imposing costly or unduly burdensome requirements on
 8 caretakers or other service providers, including:
 9 (A) requirements for proof of financial responsibility; and
 10 (B) monitoring, enforcement, reporting, or other
 11 administrative requirements; and
 12 (4) otherwise comply with IC 12-10-10, IC 12-10-11.5, and this
 13 chapter.
 14 (c) Before submitting a rule adopted under this chapter to the
 15 attorney general for final approval under IC 4-22-2-31, the division
 16 shall submit to the publisher (as defined in IC 4-22-2-3(f)) for
 17 publication in the Indiana Register the division's written response ~~under~~
 18 ~~IC 4-22-2-23~~ to any comments received from the parties described in
 19 subsection (a). Submissions to the publisher shall be made in the
 20 electronic format specified by the publisher.
 21 SECTION 38. IC 12-10.5-2-3, AS AMENDED BY P.L.123-2006,
 22 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 3. (a) Before finally adopting a rule under
 24 IC 4-22-2 to implement this chapter, the division shall consult with and
 25 fully consider any comments submitted by:
 26 (1) continuum of care providers providing care under this
 27 chapter;
 28 (2) individuals receiving care under this chapter;
 29 (3) area agencies on aging;
 30 (4) consumers and providers of home and community based
 31 services under IC 12-10-10 and IC 12-10-11.5; and
 32 (5) any other agency, volunteer group, faith based group, or
 33 individual that the division considers appropriate;
 34 to ensure that the rule complies with the requirements set forth in
 35 subsection (b).
 36 (b) Rules adopted under this chapter must:
 37 (1) include protections for the rights, safety, and welfare of
 38 individuals receiving care under this chapter;
 39 (2) serve distinct populations, including:
 40 (A) the aged;
 41 (B) persons with developmental disabilities; and
 42 (C) persons with physical disabilities;

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1 in a manner that recognizes, and appropriately responds to, the
 2 particular needs of the population;
 3 (3) not create barriers to the availability of home and community
 4 based services under IC 12-10-10 and IC 12-10-11.5 by
 5 imposing costly or unduly burdensome requirements on
 6 continuum of care providers or other service providers,
 7 including:
 8 (A) requirements for proof of financial responsibility; and
 9 (B) monitoring, enforcement, reporting, or other
 10 administrative requirements; and
 11 (4) otherwise comply with IC 12-10-10, IC 12-10-11.5, and this
 12 chapter.

13 (c) Before submitting a rule adopted under this chapter to the
 14 attorney general for final approval under IC 4-22-2-31, the division
 15 shall submit to the publisher (as defined in IC 4-22-2-3(f)) for
 16 publication in the Indiana Register the division's written response ~~under~~
 17 ~~IC 4-22-2-23~~ to any comments received from the parties described in
 18 subsection (a). Submissions to the publisher shall be made in the
 19 electronic format specified by the publisher.

20 SECTION 39. IC 13-14-9-1, AS AMENDED BY P.L.133-2012,
 21 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2023]: Sec. 1. (a) Except as provided in sections 8 and 14 of
 23 this chapter, this chapter applies to the following:

- 24 (1) The board.
- 25 (2) The underground storage tank financial assurance board
- 26 established by IC 13-23-11-1.
- 27 (b) In addition to the requirements of IC 4-22-2 and IC 13-14-8, a
- 28 board may not adopt a rule except in accordance with this chapter.

29 (c) **This chapter (as effective January 1, 2023) continues to**
 30 **apply after June 30, 2023, to a rulemaking action that is**
 31 **commenced under this chapter before July 1, 2023.**

32 SECTION 40. IC 13-14-9-3, AS AMENDED BY P.L.100-2006,
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2023]: Sec. 3. (a) ~~Except as provided in subsection (b);~~ The
 35 department shall provide notice in the Indiana Register of the first
 36 public comment period required by section 2 of this chapter.

37 (b) **To publish notice of the first public comment period in the**
 38 **Indiana Register, the agency must submit the following to the**
 39 **publisher:**

- 40 (1) **The full text of the agency's proposed rule (excluding the**
- 41 **full text of a matter incorporated by reference under**
- 42 **IC 4-22-2-21). The agency shall submit the rule in the form**

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- 1 required by IC 4-22-2-20 and with the documents required
 2 by IC 4-22-2-21.
 3 **(2) The latest version of the regulatory analysis (including**
 4 **any appendices containing any data, studies, or analysis**
 5 **referenced in the regulatory analysis) submitted to the**
 6 **budget agency and the office of management and budget**
 7 **under IC 4-22-2-22.8, (3) The determination of the**
 8 **budget agency and the office of**
 9 **management and budget**
 10 **authorizing commencement of**
 11 **the first and second public**
 12 **comment periods on the proposed**
 13 **rule under IC 4-22-2-22.8.**
 14 **(4) The notice required under subsection (c).**
 15 **(c) A notice provided under this section must do the following:**
 16 (1) Identify the authority under which the proposed rule is to be
 17 adopted.
 18 (2) Describe the subject matter and the basic purpose of the
 19 proposed rule. The description required by this subdivision must:
 20 (A) list all alternatives being considered by the department
 21 at the time of the notice;
 22 (B) state whether each alternative listed under clause (A)
 23 creates:
 24 (i) a restriction or requirement more stringent than a
 25 restriction or requirement imposed under federal law;
 26 or
 27 (ii) a restriction or requirement in a subject area in
 28 which federal law does not impose restrictions or
 29 requirements;
 30 (C) state the extent to which each alternative listed under
 31 clause (A) differs from federal law;
 32 (D) include any information known to the department about
 33 the potential fiscal impact of each alternative under clause
 34 (A) that creates:
 35 (i) a restriction or requirement more stringent than a
 36 restriction or requirement imposed under federal law;
 37 or
 38 (ii) a restriction or requirement in a subject area in
 39 which federal law does not impose restrictions or
 40 requirements; and
 41 (E) set forth the basis for each alternative listed under
 42 clause (A).

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- 1 (3) Describe the relevant statutory or regulatory requirements or
- 2 restrictions relating to the subject matter of the proposed rule
- 3 that exist before the adoption of the proposed rule.
- 4 (4) Request the submission of alternative ways to achieve the
- 5 purpose of the proposed rule.
- 6 (5) Request the submission of comments, including suggestions
- 7 of specific language for the proposed rule.
- 8 (6) Include a detailed statement of the issue to be addressed by
- 9 adoption of the proposed rule.
- 10 **(7) Include the latest version of the regulatory analysis**
- 11 **(excluding any appendices containing any data, studies, or**
- 12 **analysis referenced in the regulatory analysis) submitted to**
- 13 **the budget agency and the office of management and budget**
- 14 **under IC 4-22-2-22.8.**
- 15 **(8) Include information concerning where, when, and how a**
- 16 **person may submit written comments on the proposed rule,**
- 17 **including contact information concerning the small business**
- 18 **regulatory coordinator required by IC 4-22-2-28.1.**
- 19 **(9) Include information concerning where, when, and how a**
- 20 **person may inspect and copy any data, studies, or analyses**
- 21 **referenced in a regulatory analysis under subdivision (7).**
- 22 **(10) Include information concerning where, when, and how**
- 23 **a person may inspect any documents incorporated by**
- 24 **reference into the proposed rule under IC 4-22-2-21.**
- 25 **(11) Include an indication that the notice is for the first of**
- 26 **two (2) thirty (30) day periods in which the public may**
- 27 **comment on the proposed rule.**
- 28 **Inadequacy or insufficiency of the published description or**
- 29 **regulatory analysis does not invalidate a rulemaking action.**
- 30 ~~(b)~~ **(d) This section does not apply to rules adopted under**
- 31 **IC 13-18-22-2, IC 13-18-22-3, or IC 13-18-22-4.**
- 32 ~~(c)~~ **(e) The notice required under subsection (a) shall be published**
- 33 **electronically in the Indiana Register under procedures established by**
- 34 **the publisher. The publisher shall review materials submitted under**
- 35 **this section and determine the date that the publisher intends to**
- 36 **publish the text of the proposed rule and the notice in the Indiana**
- 37 **Register. If the submitted material complies with this section, the**
- 38 **publisher shall establish the intended publication date, assign a**
- 39 **document control number to the proposed rule, and provide a**
- 40 **written or an electronic mail authorization to proceed to the**
- 41 **agency. The publisher shall publish the following in the Indiana**
- 42 **Register on the intended publication date:**

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- 1 **(1) The notice of the first comment period.**
- 2 **(2) The full text of the agency's proposed rule (excluding the**
- 3 **full text of a matter incorporated by reference under**
- 4 **IC 4-22-2-21).**
- 5 SECTION 41. IC 13-14-9-4, AS AMENDED BY P.L.218-2016,
- 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2023]: Sec. 4. (a) The department shall provide notice in the
- 8 Indiana Register of the second public comment period required by
- 9 section 2 of this chapter.
- 10 **(b) To publish a notice of the second public comment period in**
- 11 **the Indiana Register, the agency must submit the following to the**
- 12 **publisher:**
- 13 **(1) The full text of the agency's proposed rule (excluding the**
- 14 **full text of a matter incorporated by reference under**
- 15 **IC 4-22-2-21). The agency shall submit the rule in the form**
- 16 **required by IC 4-22-2-20 and with the documents required**
- 17 **by IC 4-22-2-21, if these documents have not already been**
- 18 **submitted to the publisher.**
- 19 **(2) Either a statement indicating that no changes in the**
- 20 **regulatory analysis have been made from the version of the**
- 21 **regulatory analysis published under section 3 of this chapter**
- 22 **or the latest version of the regulatory analysis (including any**
- 23 **appendices containing any data, studies, or analysis**
- 24 **referenced in the regulatory analysis) submitted to the**
- 25 **budget agency and the office of management and budget**
- 26 **under IC 4-22-2-22.8, if any changes have been made in the**
- 27 **regulatory analysis after submitting the material under**
- 28 **section 3 of this chapter.**
- 29 **(3) The notice required under subsection (c).**
- 30 **(c) A notice provided under this section must do the following:**
- 31 **(1) Contain the full text of the proposed rule; to the extent**
- 32 **required under IC 4-22-2-24(c).**
- 33 **(2) (1) Contain a summary of the response of the department to**
- 34 **written comments submitted under section 3 of this chapter**
- 35 **during the first public comment period.**
- 36 **(2) Request the submission of comments, including**
- 37 **suggestions of specific amendments to the language contained**
- 38 **in the proposed rule and indicate where, when, and how a**
- 39 **person may submit written comments on the proposed rule,**
- 40 **including contact information concerning the small business**
- 41 **regulatory coordinator required by IC 4-22-2-28.1.**
- 42 **(3) Contain the full text of the commissioner's written**

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- 1 findings under section 7 of this chapter, if applicable. **Include a**
 2 **statement indicating the date, time, and place at which the**
 3 **public hearing on the proposed rule will be convened.**
 4 ~~(5)~~ (4) Identify each element of the proposed rule that imposes
 5 a restriction or requirement on persons to whom the proposed
 6 rule applies that:
 7 (A) is more stringent than a restriction or requirement
 8 imposed under federal law; or
 9 (B) applies in a subject area in which federal law does not
 10 impose a restriction or requirement.
 11 ~~(6)~~ (5) With respect to each element identified under subdivision
 12 ~~(5)~~; (4), identify:
 13 (A) the environmental circumstance or hazard that dictates
 14 the imposition of the proposed restriction or requirement to
 15 protect human health and the environment;
 16 (B) examples in which federal law is inadequate to provide
 17 the protection referred to in clause (A); and
 18 (C) the:
 19 (i) estimated fiscal impact; and
 20 (ii) expected benefits;
 21 based on the extent to which the proposed rule is more
 22 stringent than the restrictions or requirements of federal
 23 law, or on the creation of restrictions or requirements in a
 24 subject area in which federal law does not impose
 25 restrictions or requirements.
 26 ~~(7)~~ (6) For any element of the proposed rule that imposes a
 27 restriction or requirement that is more stringent than a restriction
 28 or requirement imposed under federal law or that applies in a
 29 subject area in which federal law does not impose restrictions or
 30 requirements, describe the availability for public inspection of
 31 all materials relied upon by the department in the development
 32 of the proposed rule, including, if applicable:
 33 (A) health criteria;
 34 (B) analytical methods;
 35 (C) treatment technology;
 36 (D) economic impact data;
 37 (E) environmental assessment data;
 38 (F) analyses of methods to effectively implement the
 39 proposed rule; and
 40 (G) other background data.
 41 (7) **Either a statement indicating that no changes in the**
 42 **regulatory analysis have been made from the version of the**

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1 regulatory analysis published under section 3 of this chapter
 2 or the latest version of the regulatory analysis (excluding any
 3 appendices containing any data, studies, or analysis
 4 referenced in the regulatory analysis) submitted to the
 5 budget agency and the office of management and budget
 6 under IC 4-22-2-22.8, if any changes have been made in the
 7 regulatory analysis after submitting the material under
 8 section 3 of this chapter.

9 (8) Include an explanation of any differences between the
 10 text of the proposed rule published for the first comment
 11 period under section 3 of this chapter and the text of the
 12 proposed rule published for the second comment period
 13 under this section.

14 (9) Include information concerning where, when, and how a
 15 person may inspect and copy the regulatory analysis and any
 16 data, studies, or analyses referenced in subdivision (7).

17 (10) Include information concerning where, when, and how
 18 a person may inspect any documents incorporated by
 19 reference into the proposed rule under IC 4-22-2-21.

20 (11) Include an indication that the notice is for the second of
 21 two (2) thirty (30) day periods in which the public may
 22 comment on the proposed rule and that following the second
 23 comment period the agency may adopt a version of the
 24 proposed rule that is the same as or does not substantially
 25 differ from the text of the proposed rule published under this
 26 section.

27 **Inadequacy or insufficiency of the subject matter description or**
 28 **summary of the regulatory analysis in the published notice does**
 29 **not invalidate a rulemaking action.**

30 (b) (d) The notice required under subsection (a):

31 (1) shall be published electronically in the Indiana Register
 32 under procedures established by the publisher; and

33 (2) if any element of the proposed rule to which the notice
 34 relates imposes a restriction or requirement that is more stringent
 35 than a restriction or requirement imposed under federal law;
 36 shall be submitted in an electronic format under IC 5-14-6 to the
 37 executive director of the legislative services agency, who shall
 38 present the notice to the legislative council established by
 39 IC 2-5-1.1-1.

40 **The publisher shall review materials submitted under this section**
 41 **and determine the date that the publisher intends to publish the**
 42 **text of the proposed rule and the notice in the Indiana Register. If**

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1 the submitted material complies with this section, the publisher
2 shall establish the intended publication date, assign a document
3 control number to the proposed rule, and provide a written or an
4 electronic mail authorization to proceed to the agency. The
5 publisher shall publish the following in the Indiana Register on the
6 intended publication date:

- 7 (1) The notice of the second comment period.
- 8 (2) The full text of the agency's proposed rule (excluding the
- 9 full text of a matter incorporated by reference under
- 10 IC 4-22-2-21).

11 ~~(e)~~ (e) If the notice provided by the department concerning a
12 proposed rule identifies ~~under subsection (a)(5)~~, an element of the
13 proposed rule that imposes a restriction or requirement more stringent
14 than a restriction or requirement imposed under federal law, the
15 proposed rule shall not become effective under this chapter until the
16 adjournment sine die of the regular session of the general assembly that
17 begins after the department provides the notice.

18 ~~(d)~~ (f) Subsections ~~(b)(2)~~ and Subsection ~~(e)~~ (e) ~~do~~ does not
19 prohibit or restrict the commissioner, the department, or the board
20 from:

- 21 (1) adopting emergency rules under IC 4-22-2-37.1;
- 22 (2) taking emergency action under IC 13-14-10; or
- 23 (3) temporarily:
 - 24 (A) altering ordinary operating policies or procedures; or
 - 25 (B) implementing new policies or procedures;

26 in response to an emergency situation.

27 SECTION 42. IC 13-14-9-4.2, AS AMENDED BY P.L.123-2006,
28 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2023]: Sec. 4.2. Not less than fourteen (14) days before the
30 date of preliminary adoption of a proposed rule by a board, the
31 department shall make available to the board the ~~final impact~~
32 **statement latest version of the regulatory analysis** prepared by the
33 ~~office of management and budget with respect to~~ **for** the proposed rule.
34 ~~under IC 4-22-2-28(e).~~

35 SECTION 43. IC 13-14-9-4.5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4.5. (a) Except for a
37 rule

- 38 (1) that has been preliminarily adopted by a board in a form that
- 39 is:
 - 40 (A) identical to; or
 - 41 (B) not substantively different from;
- 42 the proposed rule published in a second notice under section 4

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1 of this chapter; or
2 (2) for which the commissioner has made a determination and
3 prepared written findings under section 7 or 8 of this chapter;
4 a board may not adopt a rule under this chapter until the board has
5 conducted a third public comment period that is at least ~~twenty-one~~
6 **(21) thirty (30)** days in length.

7 (b) The department shall publish notice of a third public comment
8 period with the
9 ~~(1) text;~~
10 ~~(2) summary; and~~
11 ~~(3) fiscal analysis;~~

12 **information that are is** required to be published in the Indiana Register
13 under section 5(a)(2) of this chapter.

14 (c) ~~The notice of a third public comment period that must be~~
15 ~~published in the Indiana Register under subsection (b) must request the~~
16 ~~submission of comments, including suggestions of specific~~
17 ~~amendments, that concern only the portion of the preliminarily adopted~~
18 ~~rule that is substantively different from the language contained in the~~
19 ~~proposed rule published in a second notice under section 4 of this~~
20 ~~chapter.~~

21 SECTION 44. IC 13-14-9-5, AS AMENDED BY P.L.123-2006,
22 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2023]: Sec. 5. (a) A board may not adopt a rule until all of the
24 following occur:

- 25 (1) The board holds a board meeting on the proposed rule.
- 26 (2) The department, after approval of the proposed rule by the
27 board under subsection (c), publishes the **following information**
28 in the Indiana Register as **provided in IC 4-22-2-24(c):**

29 (A) ~~The full text of the proposed rule, including any~~
30 ~~amendments arising from the comments received before or~~
31 ~~during the meeting held under subdivision (1):~~

32 (B) ~~A summary of the response of the department to all~~
33 ~~comments received at the meeting held under subdivision~~
34 ~~(1):~~

35 (C) ~~For a proposed rule with an estimated economic impact~~
36 ~~on regulated entities that is greater than five hundred~~
37 ~~thousand dollars (\$500,000); a copy of the office of~~
38 ~~management and budget fiscal analysis required under~~
39 ~~IC 4-22-2-28: required by section 4 of this chapter.~~
40 **However, a notice of a third public comment period**
41 **under section 4.5 of this chapter must request the**
42 **submission of comments, including suggestions of**

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1 **specific amendments, that concern only the portion of**
2 **the preliminarily adopted rule that is substantively**
3 **different from the language contained in the proposed**
4 **rule published in a second notice under section 4 of this**
5 **chapter.**

6 (3) The board, after publication of the notice under subdivision
7 (2), holds another board meeting on the proposed rule.

8 (4) If a third public comment period is required under section 4.5
9 of this chapter, the department publishes notice of the third
10 public comment period in the Indiana Register.

11 (b) Board meetings held under subsection (a)(1) and (a)(3) shall
12 be conducted in accordance with IC 4-22-2-26(b) through
13 IC 4-22-2-26(d).

14 (c) At a board meeting held under subsection (a)(1), the board
15 shall determine whether the proposed rule will:

16 (1) proceed to publication under subsection (a)(2);

17 (2) be subject to additional comments under section 3 or 4 of this
18 chapter, considering any written finding made by the
19 commissioner under section 7 or 8 of this chapter; or

20 (3) be reconsidered at a subsequent board meeting in accordance
21 with IC 4-22-2-26(d).

22 SECTION 45. IC 13-14-9-6, AS AMENDED BY P.L.123-2006,
23 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2023]: Sec. 6. In addition to the requirements of section 8 of
25 this chapter, the department shall include the following in the written
26 materials to be considered at the board meetings held under section
27 5(a)(1) and 5(a)(3) of this chapter:

28 (1) The full text of the proposed rule, as most recently prepared
29 by the department.

30 (2) The written responses of the department to all comments
31 received:

32 (A) during the immediately preceding comment period for
33 a board meeting held under section 5(a)(1) of this chapter;

34 (B) during the immediately preceding board meeting under
35 section 5(a)(1) of this chapter for a board meeting held
36 under section 5(a)(3) of this chapter if a third public
37 comment period is not required under section 4.5 of this
38 chapter; or

39 (C) during:

40 (i) a third public comment period that address the
41 portion of the preliminarily adopted rule that is
42 substantively different from the language contained in

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1 the proposed rule published in a second notice under
 2 section 4 of this chapter; and
 3 (ii) the immediately preceding board meeting held
 4 under section 5(a)(1) of this chapter;
 5 for a board meeting held under section 5(a)(3) of this
 6 chapter if a third public comment period is required under
 7 section 4.5 of this chapter.

8 (3) The full text of the ~~office of management and budget fiscal~~
 9 ~~latest version of regulatory~~ analysis if a ~~fiscal analysis is~~
 10 ~~required under IC 4-22-2-28: prepared under IC 4-22-2-22.7.~~

11 SECTION 46. IC 13-14-9-15 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2023]: **Sec. 15. Rules adopted in accordance**
 14 **with this chapter by the department of environmental management**
 15 **or a board that has rulemaking authority under IC 13 expire as**
 16 **provided in IC 4-22-2.6.**

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

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

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

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

36 (1) one (1) year after the agency publishes the initial notice
 37 of intent under this chapter; or

38 (2) the expected date contained in a notice concerning the
 39 rule that is provided to the publisher under subsection (a);

40 a later approval or deemed approval is ineffective, and the rule
 41 may become effective only through another rulemaking action
 42 initiated under this chapter.

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1 SECTION 48. IC 13-14-9.5 IS REPEALED [EFFECTIVE JULY
 2 1, 2023]. (Expiration and Readoption of Administrative Rules).
 3 SECTION 49. IC 13-19-3-3, AS AMENDED BY P.L.120-2022,
 4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 3. (a) As used in this section and section 3.1
 6 of this chapter, "coal combustion residuals" means fly ash, bottom ash,
 7 boiler slag, and flue gas desulfurization materials generated from
 8 burning coal for the purpose of generating electricity by electric
 9 utilities and independent power producers.
 10 (b) ~~As used in~~ **The following definitions apply throughout this**
 11 **section:**
 12 (1) "Federal CCR rule" refers to 40 CFR 257, Subpart D, the
 13 federal standards for the disposal of coal combustion residuals
 14 in landfills and surface impoundments.
 15 (2) **"Legacy generation resource" means an electric**
 16 **generating facility that is directly or indirectly owned by a**
 17 **corporation that was originally formed for the purpose of**
 18 **providing power to the federal government for use in the**
 19 **nation's defense or in furtherance of national interests. The**
 20 **term includes the Ohio Valley Electric Corporation.**
 21 (c) The board ~~may~~ **shall** adopt rules under section 1(a)(1) of this
 22 chapter **concerning coal combustion residuals. The rules adopted**
 23 **under this subsection:**
 24 (1) ~~that are~~ **shall be** consistent with the regulations of the United
 25 States Environmental Protection Agency concerning standards
 26 for the disposal of coal combustion residuals in landfills and
 27 surface impoundments, as set forth in the federal CCR rule;
 28 (2) **shall not impose a restriction or requirement that is more**
 29 **stringent than the corresponding restriction or requirement**
 30 **imposed under the federal CCR rule; and**
 31 (3) **shall not impose a restriction or requirement that is not**
 32 **imposed by the federal CCR rule.**
 33 (d) The department shall do the following:
 34 (1) Establish a state permit program under Section 2301 of the
 35 federal Water Infrastructure Improvements for the Nation Act
 36 (42 U.S.C. 6945(d)) for the implementation in Indiana of the
 37 federal CCR rule.
 38 (2) Submit to the administrator of the United States
 39 Environmental Protection Agency under 42 U.S.C.
 40 6945(d)(1)(A) evidence of the state permit program.
 41 (3) Take other necessary or appropriate actions to obtain
 42 approval of the state permit program.

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- 1 (e) Not later than May 15, 2021, the department shall notify the
- 2 United States Environmental Protection Agency of its intention to
- 3 establish a state permit program described in subsection (d)(1) and to
- 4 seek approval of the state permit program under 42 U.S.C. 6945(d)(1).
- 5 (f) Under IC 4-22-2 and IC 13-14-9:
- 6 (1) the department shall initiate rulemaking for the establishment
- 7 of the state permit program not more than sixty (60) days after
- 8 the effective date of the SECTION of Senate Enrolled Act
- 9 271-2021 amending this section; and
- 10 (2) the board shall adopt a final rule for the establishment of the
- 11 state permit program not more than sixteen (16) months after
- 12 initiation of the rulemaking under subdivision (1).
- 13 (g) The state permit program established under this section must
- 14 not establish requirements for any surface impoundment of coal
- 15 combustion residuals unless and until the state permit program is
- 16 approved by the administrator of the United States Environmental
- 17 Protection Agency under 42 U.S.C. 6945(d)(1). **The authority of the**
- 18 **department to establish requirements under the state permit**
- 19 **program established under this section is the only authority the**
- 20 **department has to establish requirements for a surface**
- 21 **impoundment of coal combustion residuals located on the grounds**
- 22 **of a legacy generation resource.**
- 23 (h) The definitions set forth in Section 257.53 of the federal CCR
- 24 rule, as in effect January 1, 2021, apply throughout subsection (i).
- 25 (i) The department shall charge the following fees under the state
- 26 permit program established under this section:
- 27 (1) An initial one (1) time permit fee of twenty thousand five
- 28 hundred dollars (\$20,500) for each surface impoundment of coal
- 29 combustion residuals regulated under the state permit program.
- 30 (2) An annual fee of twenty thousand five hundred dollars
- 31 (\$20,500) for each surface impoundment of coal combustion
- 32 residuals regulated under the state permit program that has not
- 33 completed closure in accordance with Section 257.102 of the
- 34 federal CCR rule. The duty to pay the fee established by this
- 35 subdivision does not apply on an annual basis until three
- 36 hundred sixty-five (365) days after the initial one (1) time permit
- 37 fee established by subdivision (1) has been assessed.
- 38 (3) An annual fee of ten thousand dollars (\$10,000) for each
- 39 surface impoundment of coal combustion residuals regulated
- 40 under the state permit program that has been closed and for
- 41 which post-closure care has been initiated and is still required in
- 42 accordance with Section 257.104 of the federal CCR rule. The

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1 duty to pay the fee established by this subdivision does not apply
 2 on an annual basis until three hundred sixty-five (365) days after
 3 the initial one (1) time permit fee established by subdivision (1)
 4 has been assessed.

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

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

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

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

17 (k) Upon the effective date that the board adopts rules to
 18 implement the federal CCR rule and subject to subsection (i), annual
 19 fees for CCR landfills that were previously regulated as restricted waste
 20 sites shall be deposited in the CCR program fund established by section
 21 3.2 of this chapter.

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

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

26 **Sec. 1. The following definitions apply throughout this**
 27 **chapter:**

28 (1) "Agency" has the meaning set forth in IC 25-1-5-2.

29 (2) "Board" has the meaning set forth in IC 25-1-5-2.

30 (3) "Compliant", with respect to a licensure rule, means a
 31 licensure rule that the agency or a board has adopted.

32 (4) "Enactment date" means the date on which a statute
 33 requires rulemaking for a licensure rule to commence.

34 (5) "Executive director" refers to the individual described in
 35 IC 25-1-5-5.

36 (6) "Licensee" has the meaning set forth in IC 25-1-5-11.

37 (7) "Licensure rule" means a rule that:

38 (A) relates to the issuance of a license, certificate,
 39 registration, or permit, or a requirement or prerequisite
 40 for obtaining a license, or keeping a license in good
 41 standing; and

42 (B) is required by statute to be adopted by the agency or



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a board.

(8) "Noncompliant", with respect to a licensure rule, means a licensure rule that the agency or a board has not adopted within eighteen (18) months of the enactment date.

Sec. 2. (a) If a licensee believes that the agency or a board has failed to adopt a licensure rule within eighteen (18) months of the enactment date, the licensee may request in writing that the executive director determine that the licensure rule is noncompliant. The executive director shall issue the determination of noncompliance or compliance in writing.

(b) If the executive director determines that the licensure rule is noncompliant, the licensee is entitled to the relief described in section 3 of this chapter.

(c) If:

(1) the executive director determines that the licensure rule is compliant; or

(2) at least thirty (30) days have passed since the licensee requested the executive director to confirm that the licensure rule is noncompliant and the executive director has not issued a determination;

the licensee may request that the governor or the attorney general determine that the licensure rule is a noncompliant. A licensee may not request that both the governor and the attorney general make a determination under this subsection.

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

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

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

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

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

Sec. 4. (a) If the executive director has determined under section 2 of this chapter that a licensure rule is noncompliant, and the agency later adopts a licensure rule, the executive director may, upon the request of any person, including the executive director,

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1 make a new determination concerning the licensure rule. The
2 executive director shall issue the determination in writing.

3 (b) If the executive director determines that the licensure rule
4 is compliant, a licensee who disagrees with the determination may
5 request, not later than thirty (30) days after issuance of the new
6 determination, that the governor or attorney general review the
7 determination. The licensee may not request that both the
8 governor and the attorney general review the determination. If the
9 governor or attorney general determines that the licensure rule is
10 noncompliant, the determination of the governor or attorney
11 general controls.

12 Sec. 5. If the governor or attorney general determined that a
13 licensure rule was noncompliant under section 2 of this chapter,
14 and the agency later adopts a licensure rule, upon the request of
15 any person, the governor or attorney general may make a new
16 determination concerning the licensure rule. The governor or
17 attorney general shall issue the determination in writing.

18 Sec. 6. If the executive director, under section 4 of this chapter,
19 or the governor or attorney general, under section 5 of this
20 chapter, determines that a formerly noncompliant licensure rule
21 is now compliant, a licensee is required to pay the license fee to
22 which the licensure rule relates, beginning:

- 23 (1) from the date the new determination was issued; or
- 24 (2) if the new determination was issued by the executive
25 director under section 4(a) of this chapter and the licensee
26 sought review by the governor or attorney general under
27 section 4(b) of this chapter, from the date the governor
28 attorney general issued a determination;

29 whichever is later.

30 SECTION 51. [EFFECTIVE UPON PASSAGE] (a) After June
31 30, 2023, a rule may be adopted as an emergency rule only for the
32 purposes and through the procedures in IC 4-22-2-37.1 (as effective
33 after June 30, 2023). Any additional authority in a statute outside
34 IC 4-22 to adopt rules through the emergency rulemaking
35 procedures in IC 4-22-2-37.1 (as effective before July 1, 2023, or
36 after June 30, 2023) is void. The code revision commission shall
37 provide in calendar year 2023 for the preparation of a bill for
38 introduction in the 2024 regular session of the general assembly
39 that removes language outside IC 4-22 permitting the adoption of
40 emergency rules.

41 (b) This SECTION expires January 1, 2024.

42 SECTION 52. An emergency is declared for this act.

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