

# SENATE BILL No. 109

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-22-2.5; IC 13-14-9.5.

**Synopsis:** Expiration of administrative rules. Provides that an administrative rule expires on July 1 of the year after the rule's adoption unless the general assembly continues the administrative rule by statute. (Current law provides that a rule expires January 1 of the seventh year after the rule's adoption.) Provides that an agency may not readopt an administrative rule that expires unless the general assembly authorizes the agency to readopt the rule. Provides that a rule the general assembly has continued by statute or that is authorized by the general assembly for readoption does not expire on July 1 of the year after the continued or readopted rule takes effect unless the general assembly specifies that the continued or readopted rule expires or  
(Continued next page)

**Effective:** July 1, 1998.

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Meeks

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January 8, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Digest Continued

unless the agency subsequently amends the continued or readopted rule. Provides that an administrative rule in force on December 31, 1997, expires not later than July 1, 2000. Repeals statutes that authorize: (1) agencies to readopt expired rules through the administrative rulemaking process; or (2) the governor to extend the expiration date of a rule.



Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## SENATE BILL No. 109

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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 4-22-2.5-1, AS ADDED BY P.L.17-1996,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 1. (a) This chapter does not apply to the  
4 following:  
5 (1) Rules adopted by the department of state revenue.  
6 (2) Rules adopted by the state board of tax commissioners.  
7 (3) Rules adopted under IC 13-14-9 by the department of  
8 environmental management or a board that has rulemaking  
9 authority under IC 13.  
10 (4) A rule that incorporates a federal regulation by reference or  
11 adopts under a federal mandate a federal regulation in its entirety  
12 without substantive additions.  
13 (b) **Except as provided in subsection (c), and notwithstanding**  
14 **section 2(a) of this chapter, a rule that the general assembly:**  
15 (1) **continues under section 2(b) of this chapter; or**



1           **(2) authorizes an agency to readopt under section 3(a) of this**  
 2           **chapter;**

3           **does not expire under this chapter.**

4           **(c) A rule described in subsection (b) is subject to this chapter**  
 5           **only if one (1) of the following applies:**

6           **(1) The general assembly provides that the continued or**  
 7           **readopted rule is subject to this chapter.**

8           **(2) The agency amends the rule after the rule is continued or**  
 9           **readopted.**

10          SECTION 2. IC 4-22-2.5-2, AS ADDED BY P.L.17-1996,  
 11          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12          JULY 1, 1998]: Sec. 2. (a) Except as provided in ~~subsection~~  
 13          **subsections (b) and (c)**, an administrative rule adopted under  
 14          IC 4-22-2 expires ~~January~~ **July 1** of the ~~seventh~~ year after the year in  
 15          which the rule takes effect, unless the rule **or the statute under which**  
 16          **the rule is adopted** contains an earlier expiration date.

17          **(b) A rule does not expire under this section if the general**  
 18          **assembly authorizes continuation of the rule by statute. An agency**  
 19          **may amend or repeal a rule continued by the general assembly.**

20          ~~(b)~~ (c) An administrative rule that:

21               (1) was adopted under IC 4-22-2; and

22               (2) is in force on December 31, ~~1995~~; **1997**;

23          expires not later than ~~January 1, 2002~~; **July 1, 2000**.

24          SECTION 3. IC 4-22-2.5-3, AS ADDED BY P.L.17-1996,  
 25          SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26          JULY 1, 1998]: Sec. 3. (a) An agency ~~that wishes to~~ **may not** readopt  
 27          a rule that is subject to expiration under this chapter ~~must follow the~~  
 28          ~~procedure for adoption of administrative rules under IC 4-22-2.~~ **unless**  
 29          **the general assembly specifically authorizes readoption of the rule**  
 30          **by statute.**

31          ~~(b)~~ An agency may adopt a rule under IC 4-22-2 in anticipation of  
 32          a rule's expiration under this chapter:

33          ~~(c)~~ **(b)** An agency may not use IC 4-22-2-37.1 to readopt a rule that  
 34          is subject to expiration under this chapter.

35          SECTION 4. IC 13-14-9.5-1, AS ADDED BY P.L.17-1996,  
 36          SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37          JULY 1, 1998]: Sec. 1. **(a)** This chapter does not apply to a rule that  
 38          incorporates a federal regulation by reference or adopts under a federal  
 39          mandate a federal regulation in its entirety without substantive  
 40          additions.

41          **(b) Except as provided in subsection (c), and notwithstanding**  
 42          **section 2(a) of this chapter, a rule that the general assembly:**



1           (1) continues under section 2(b) of this chapter; or  
 2           (2) authorizes the department or a board to readopt under  
 3           section 3(a) of this chapter;  
 4       **does not expire under this chapter.**

5           (c) A rule described in subsection (b) is subject to this chapter  
 6       only if one (1) of the following applies:

7           (1) The general assembly provides that the continued or  
 8           readopted rule is subject to this chapter.

9           (2) The department or board amends the rule after the rule is  
 10          continued or readopted.

11       SECTION 5. IC 13-14-9.5-2, AS ADDED BY P.L.17-1996,  
 12       SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13       JULY 1, 1998]: Sec. 2. (a) Except as provided in ~~subsection~~  
 14       **subsections (b) and (c)**, an administrative rule adopted under  
 15       IC 13-14-9 expires ~~January~~ **July** 1 of the ~~seventh~~  
 16       year after the year in which the rule takes effect, unless the rule **or the statute under which**  
 17       **the rule is adopted** contains an earlier expiration date.

18       (b) **A rule does not expire under this section if the general**  
 19       **assembly authorizes continuation of the rule by statute. The**  
 20       **department or a board may amend or repeal a rule continued by**  
 21       **the general assembly.**

22       ~~(b)~~ (c) An administrative rule that:

23           (1) was adopted under a provision of IC 13 that has been repealed  
 24           by a recodification of IC 13; and

25           (2) is in force on December 31, ~~1995;~~ **1997;**

26       expires not later than ~~January 1, 2002;~~ **July 1, 2000.**

27       SECTION 6. IC 13-14-9.5-3, AS ADDED BY P.L.17-1996,  
 28       SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29       JULY 1, 1998]: Sec. 3. (a) The department or a board that has  
 30       rulemaking authority under this title may ~~adopt a rule under IC 13-14-9~~  
 31       ~~in anticipation of a rule's~~ **not readopt a rule that is subject to**  
 32       expiration under this chapter **unless the general assembly specifically**  
 33       **authorizes readoption of the rule by statute.**

34       (b) ~~Except as provided in section 5 of this chapter,~~ The department  
 35       or a board that has rulemaking authority under this title may not use  
 36       emergency rule procedures to readopt a rule that is subject to expiration  
 37       under this chapter.

38       SECTION 7. IC 13-14-9.5-6, AS ADDED BY P.L.17-1996,  
 39       SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40       JULY 1, 1998]: Sec. 6. ~~Except as provided in section 4(a) of this~~  
 41       ~~chapter,~~ The publisher shall remove all rules that have expired under  
 42       this chapter from the Indiana Administrative Code.



1           SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE  
2           JULY 1, 1998]: IC 4-22-2.5-4; IC 4-22-2.5-5; IC 13-14-9.5-4;  
3           IC 13-14-9.5-5.

