



Reprinted
February 23, 1999

SENATE BILL No. 241

DIGEST OF SB241 (Updated February 22, 1999 4:53 pm - DI 78)

Citations Affected: IC 13-14.

Synopsis: IDEM rulemaking procedures. Requires the department of environmental management to publish the legislative services agency fiscal analysis of certain proposed rules in the Indiana Register before the air pollution control board, the water pollution control board, or the solid waste management board can adopt the rules. Requires the text of the fiscal analysis to be among the written materials considered at a board meeting held before the adoption of certain rules.

Effective: July 1, 1999.

Gard

January 5, 1999, read first time and referred to Committee on Environmental Affairs.
February 16, 1999, amended, reported favorably — Do Pass.
February 22, 1999, read second time, amended, ordered engrossed.

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SB 241—LS 6960/DI 78+



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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

SENATE BILL No. 241

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

- 1 SECTION 1. IC 13-14-9-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A board may not
3 adopt a rule until all of the following occur:
4 (1) The board holds a board meeting on the proposed rule.
5 (2) The department, after approval of the proposed rule by the
6 board under subsection (c), publishes the following in the Indiana
7 Register as provided in IC 4-22-2-24(c):
8 (A) The full text of the proposed rule, including any
9 amendments arising from the comments received before or
10 during the meeting held under subdivision (1).
11 (B) A summary of the response of the department to all
12 comments received at the meeting held under subdivision (1).
13 (C) **For a proposed rule with an estimated economic**
14 **impact on regulated entities that is greater than five**
15 **hundred thousand dollars (\$500,000), a copy of the**
16 **legislative services agency fiscal analysis required under**
17 **IC 4-22-2-28.**

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

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

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

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

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

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

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

17 SECTION 2. IC 13-14-9-6 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. In addition to the
19 requirements of section 8 of this chapter, the department shall include
20 the following in the written materials to be considered at the board
21 meetings held under section 5(a)(1) and 5(a)(3) of this chapter:

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

24 (2) The written responses of the department to all comments
25 received:

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

28 (B) during the immediately preceding board meeting under
29 section 5(a)(1) of this chapter for a board meeting held under
30 section 5(a)(3) of this chapter if a third public comment period
31 is not required under section 4.5 of this chapter; or

32 (C) during:

33 (i) a third public comment period that address the portion of
34 the preliminarily adopted rule that is substantively different
35 from the language contained in the proposed rule published
36 in a second notice under section 4 of this chapter; **or and**

37 (ii) the immediately preceding board meeting held under
38 section 5(a)(1) of this chapter;

39 for a board meeting held under section 5(a)(3) of this chapter
40 if a third public comment period is required under section 4.5
41 of this chapter.

42 **(3) The full text of the legislative services agency fiscal**

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1 **analysis if a fiscal analysis is required under IC 4-22-2-28.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 37, strike "or" and insert "**and**".

and when so amended that said bill do pass.

(Reference is to SB 241 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 241 be amended to read as follows:

Page 2, line 33, reset in roman "address".

Page 2, line 33, delete "addresses".

(Reference is to SB 241 as printed February 17, 1999.)

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