

Adopted	Rejected
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# COMMITTEE REPORT

<b>YES:</b>	<b>21</b>
<b>NO:</b>	<b>4</b>

## MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred Senate Bill 345, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2           paragraph and insert:
- 3           "SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011,
- 4           SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5           JULY 1, 2012]: Sec. 37.1. (a) This section applies to a rulemaking
- 6           action resulting in any of the following rules:
- 7           (1) An order adopted by the commissioner of the Indiana
- 8           department of transportation under IC 9-20-1-3(d) or
- 9           IC 9-21-4-7(a) and designated by the commissioner as an
- 10          emergency rule.
- 11          (2) An action taken by the director of the department of natural
- 12          resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 13          (3) An emergency temporary standard adopted by the
- 14          occupational safety standards commission under

- 1 IC 22-8-1.1-16.1.
- 2 (4) An emergency rule adopted by the solid waste management  
3 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 4 (5) A rule, other than a rule described in subdivision (6), adopted  
5 by the department of financial institutions under IC 24-4.5-6-107  
6 and declared necessary to meet an emergency.
- 7 (6) A rule required under IC 24-4.5-1-106 that is adopted by the  
8 department of financial institutions and declared necessary to  
9 meet an emergency under IC 24-4.5-6-107.
- 10 (7) A rule adopted by the Indiana utility regulatory commission to  
11 address an emergency under IC 8-1-2-113.
- 12 (8) An emergency rule adopted by the state lottery commission  
13 under IC 4-30-3-9.
- 14 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the  
15 executive board of the state department of health declares is  
16 necessary to meet an emergency.
- 17 (10) An emergency rule adopted by the Indiana finance authority  
18 under IC 8-21-12.
- 19 (11) An emergency rule adopted by the insurance commissioner  
20 under IC 27-1-23-7 or IC 27-1-12.1.
- 21 (12) An emergency rule adopted by the Indiana horse racing  
22 commission under IC 4-31-3-9.
- 23 (13) An emergency rule adopted by the air pollution control  
24 board, the solid waste management board, or the water pollution  
25 control board under IC 13-15-4-10(4) or to comply with a  
26 deadline required by or other date provided by federal law,  
27 provided:
- 28 (A) the variance procedures are included in the rules; and  
29 (B) permits or licenses granted during the period the  
30 emergency rule is in effect are reviewed after the emergency  
31 rule expires.
- 32 (14) An emergency rule adopted by the Indiana election  
33 commission under IC 3-6-4.1-14.
- 34 (15) An emergency rule adopted by the department of natural  
35 resources under IC 14-10-2-5.
- 36 (16) An emergency rule adopted by the Indiana gaming  
37 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,  
38 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

- 1 (17) An emergency rule adopted by the alcohol and tobacco  
2 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or  
3 IC 7.1-3-20-24.4.
- 4 (18) An emergency rule adopted by the department of financial  
5 institutions under IC 28-15-11.
- 6 (19) An emergency rule adopted by the office of the secretary of  
7 family and social services under IC 12-8-1-12.
- 8 (20) An emergency rule adopted by the office of the children's  
9 health insurance program under IC 12-17.6-2-11.
- 10 (21) An emergency rule adopted by the office of Medicaid policy  
11 and planning under IC 12-15-41-15.
- 12 (22) An emergency rule adopted by the Indiana state board of  
13 animal health under IC 15-17-10-9.
- 14 (23) An emergency rule adopted by the board of directors of the  
15 Indiana education savings authority under IC 21-9-4-7.
- 16 (24) An emergency rule adopted by the Indiana board of tax  
17 review under IC 6-1.1-4-34 (repealed).
- 18 (25) An emergency rule adopted by the department of local  
19 government finance under IC 6-1.1-4-33 (repealed).
- 20 (26) An emergency rule adopted by the boiler and pressure vessel  
21 rules board under IC 22-13-2-8(c).
- 22 (27) An emergency rule adopted by the Indiana board of tax  
23 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule  
24 adopted by the department of local government finance under  
25 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 26 (28) An emergency rule adopted by the board of the Indiana  
27 economic development corporation under IC 5-28-5-8.
- 28 (29) A rule adopted by the department of financial institutions  
29 under IC 34-55-10-2.5.
- 30 (30) A rule adopted by the Indiana finance authority:  
31 (A) under IC 8-15.5-7 approving user fees (as defined in  
32 IC 8-15.5-2-10) provided for in a public-private agreement  
33 under IC 8-15.5;  
34 (B) under IC 8-15-2-17.2(a)(10):  
35 (i) establishing enforcement procedures; and  
36 (ii) making assessments for failure to pay required tolls;  
37 (C) under IC 8-15-2-14(a)(3) authorizing the use of and  
38 establishing procedures for the implementation of the

- 1 collection of user fees by electronic or other nonmanual  
 2 means; or  
 3 (D) to make other changes to existing rules related to a toll  
 4 road project to accommodate the provisions of a public-private  
 5 agreement under IC 8-15.5.
- 6 (31) An emergency rule adopted by the board of the Indiana  
 7 health informatics corporation under IC 5-31-5-8.
- 8 (32) An emergency rule adopted by the department of child  
 9 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or  
 10 IC 31-27-4-3.
- 11 (33) An emergency rule adopted by the Indiana real estate  
 12 commission under IC 25-34.1-2-5(15).
- 13 (34) A rule adopted by the department of financial institutions  
 14 under IC 24-4.4-1-101 and determined necessary to meet an  
 15 emergency.
- 16 (35) An emergency rule adopted by the state board of pharmacy  
 17 regarding returning unused medication under IC 25-26-23.
- 18 (36) An emergency rule adopted by the department of local  
 19 government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
- 20 (37) An emergency rule adopted by the office of the secretary of  
 21 family and social services or the office of Medicaid policy and  
 22 planning concerning the following:
- 23 (A) Federal Medicaid waiver program provisions.  
 24 (B) Federal programs administered by the office of the  
 25 secretary.
- 26 **(38) An emergency rule adopted by the statewide 911 board**  
 27 **under IC 36-8-16.7-37.**
- 28 (b) The following do not apply to rules described in subsection (a):  
 29 (1) Sections 24 through 36 of this chapter.  
 30 (2) IC 13-14-9.
- 31 (c) After a rule described in subsection (a) has been adopted by the  
 32 agency, the agency shall submit the rule to the publisher for the  
 33 assignment of a document control number. The agency shall submit the  
 34 rule in the form required by section 20 of this chapter and with the  
 35 documents required by section 21 of this chapter. The publisher shall  
 36 determine the format of the rule and other documents to be submitted  
 37 under this subsection.
- 38 (d) After the document control number has been assigned, the

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

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

7 (1) accept the rule for filing; and

8 (2) electronically record the date and time that the rule is  
 9 accepted.

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

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

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

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

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

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

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

35 (2) IC 13-14-9;

36 as applicable.

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

- 1 (1) The expiration date stated by the adopting agency in the rule.  
 2 (2) The date that the rule is amended or repealed by a later rule  
 3 adopted under sections 24 through 36 of this chapter or this  
 4 section.  
 5 (i) This section may not be used to readopt a rule under IC 4-22-2.5.  
 6 (j) A rule described in subsection (a)(24) or (a)(25) expires not later  
 7 than January 1, 2006.  
 8 (k) A rule described in subsection (a)(28) expires on the expiration  
 9 date stated by the board of the Indiana economic development  
 10 corporation in the rule.  
 11 (l) A rule described in subsection (a)(30) expires on the expiration  
 12 date stated by the Indiana finance authority in the rule.  
 13 (m) A rule described in subsection (a)(5) or (a)(6) expires on the  
 14 date the department is next required to issue a rule under the statute  
 15 authorizing or requiring the rule."  
 16 Page 2, line 20, delete "July 1, 2016" and insert "**January 1, 2017**".  
 17 Page 5, line 6, delete "July 1, 2016" and insert "**January 1, 2017**".  
 18 Page 5, line 31, delete "July 1, 2016" and insert "**January 1, 2017**".  
 19 Page 7, line 29, delete "July 1, 2016" and insert "**January 1, 2017**".  
 20 Page 11, line 27, after ";" insert "**or**".  
 21 Page 11, between lines 27 and 28, begin a new line block indented  
 22 and insert:  
 23 "**(2) a communications service provider (as defined in**  
 24 **IC 8-1-2.6-13)**".  
 25 Page 11, strike line 28.  
 26 Page 11, line 29, strike "(3) a CMRS provider (as defined".  
 27 Page 11, line 29, delete "in".  
 28 Page 11, delete line 30.  
 29 Page 12, line 32, strike "telephone company;" and insert  
 30 "**communications service provider (as defined in IC 8-1-2.6-13)**";".  
 31 Page 12, line 33, strike "(3) a CMRS provider (as defined in".  
 32 Page 12, delete line 34.  
 33 Page 12, line 35, strike "(4)" and insert "**(3)**".  
 34 Page 12, line 36, strike "(5)" and insert "**(4)**".  
 35 Page 14, line 35, delete "IC 36-8-15-4)" and insert "IC 36-8-15-4".  
 36 Page 14, line 36, delete "July 1, 2016);" and insert "**January 1,**  
 37 **2017))**";".  
 38 Page 14, line 38, delete "July 1, 2016" and insert "**January 1,**

- 1 **2017"**.
- 2 Page 16, line 35, delete "July" and insert "**January**".
- 3 Page 16, line 36, delete "2016" and insert "**2017**".
- 4 Page 16, line 42, delete "July" and insert "**January**".
- 5 Page 17, line 1, delete "2016" and insert "**2017**".
- 6 Page 17, line 4, delete "July 1, 2016" and insert "**January 1, 2017**".
- 7 Page 17, line 6, delete "July 1, 2016" and insert "**January 1, 2017**".
- 8 Page 17, line 9, delete "July 1, 2016" and insert "**January 1, 2017**".
- 9 Page 17, line 11, delete "July" and insert "**January**".
- 10 Page 17, line 12, delete "2016" and insert "**2017**".
- 11 Page 17, line 15, delete "July 1, 2016" and insert "**January 1,**
- 12 **2017**".
- 13 Page 17, line 17, delete "July 1, 2016" and insert "**January 1,**
- 14 **2017**".
- 15 Page 17, line 18, delete "benefits" and insert "**benefit**".
- 16 Page 17, line 19, delete "July 1, 2016" and insert "**January 1,**
- 17 **2017**".
- 18 Page 17, line 22, delete "July 1, 2016" and insert "**January 1,**
- 19 **2017**".
- 20 Page 17, line 23, delete "July 1, 2016" and insert "**January 1,**
- 21 **2017**".
- 22 Page 17, line 24, delete "July" and insert "**January**".
- 23 Page 17, line 25, delete "2016" and insert "**2017**".
- 24 Page 17, line 28, delete "July 1, 2016" and insert "**January 1,**
- 25 **2017**".
- 26 Page 17, line 31, delete "July 1, 2016" and insert "**January 1,**
- 27 **2017**".
- 28 Page 17, line 32, delete "July" and insert "**January**".
- 29 Page 17, line 33, delete "2016" and insert "**2017**".
- 30 Page 17, line 36, delete "July 1, 2016" and insert "**January 1,**
- 31 **2017**".
- 32 Page 17, line 39, delete "July 1, 2016" and insert "**January 1,**
- 33 **2017**".
- 34 Page 17, line 40, delete "July" and insert "**January**".
- 35 Page 17, line 41, delete "2016" and insert "**2017**".
- 36 Page 17, line 42, delete "June 30" and insert "**December 31**".
- 37 Page 18, line 2, delete "July 1, 2016" and insert "**January 1, 2017**".

- 1 Page 18, line 4, delete "July 1, 2016)" and insert "**January 1,**  
2 **2017)**".
- 3 Page 18, line 4, delete "July 1, 2016." and insert "**January 1,**  
4 **2017.**".
- 5 Page 18, line 5, before "public" delete "each" and insert "a".
- 6 Page 18, line 6, delete "or" and insert "**created by IC 36-8-15-7**  
7 **(before its expiration on January 1, 2017) and**".
- 8 Page 18, line 7, delete "a" and insert "**each**".
- 9 Page 18, line 7, delete "by" and insert "**under**".
- 10 Page 18, line 8, delete "July 1, 2016" and insert "**January 1, 2017**".
- 11 Page 18, line 12, delete "July 1, 2016" and insert "**January 1,**  
12 **2017**".
- 13 Page 18, line 14, delete "subsection," and insert "**section,**".
- 14 Page 18, line 16, delete "July 1, 2016" and insert "**January 1,**  
15 **2017**".
- 16 Page 19, line 2, delete "fifty" and insert "**seventy-five**".
- 17 Page 19, line 3, delete "\$0.50" and insert "**\$0.75**".
- 18 Page 20, line 25, after "system" insert "**using voice**  
19 **communications**".
- 20 Page 20, line 29, after "communications" insert "**using voice**  
21 **communications**".
- 22 Page 21, line 14, after "three" insert "**(3)**".
- 23 Page 22, line 9, delete "and".
- 24 Page 22, line 10, delete "provider." and insert "**provider; and**  
25 **(3) in the case of mobile communications service, determined**  
26 **in the manner provided by IC 6-8.1-15.**".
- 27 Page 22, line 15, after "information" insert "**, including but not**  
28 **limited to information subject to protection under 47 U.S.C. 222**".
- 29 Page 23, line 15, after "system" insert "**approved by the board**  
30 **under section 40 of this chapter**".
- 31 Page 23, line 36, after "The" insert "**facility based**".
- 32 Page 24, between lines 12 and 13, begin a new line block indented  
33 and insert:  
34 **"(8) The Midwest Association of Competitive**  
35 **Communications, Inc. shall recommend one (1) member**  
36 **representing a competitive local exchange carrier.**".
- 37 Page 24, line 13, delete "thirteen (13)" and insert "**fourteen (14)**".

- 1 Page 25, line 22, delete "One (1) member who represents a  
2 department or agency" and insert "**The state fire marshal or the state  
3 fire marshal's designee.**"
- 4 Page 25, delete line 23.
- 5 Page 25, between lines 25 and 26, begin a new line block indented  
6 and insert:  
7 "**(12) One (1) member who represents competitive local  
8 exchange carriers and is appointed by the governor after  
9 considering the recommendation of the Midwest Association  
10 of Competitive Communications, Inc. under subsection  
11 (b)(8).**"
- 12 Page 26, delete line 6.
- 13 Page 26, line 41, after "Administer" insert "**the statewide 911  
14 fund.**"
- 15 Page 27, line 9, delete "(a)".
- 16 Page 27, line 9, delete "treasurer of state" and insert "**board**".
- 17 Page 27, line 21, delete "treasurer of state" and insert "**board**".
- 18 Page 27, delete lines 23 through 25.
- 19 Page 28, line 30, delete "(c) and (e), and" and insert "**(b) and (d),**".
- 20 Page 28, line 31, delete "subject to subsection (b),".
- 21 Page 28, line 33, delete "(as defined in section 16 of this chapter,  
22 and as determined in".
- 23 Page 28, line 34, delete "the manner provided by IC 6-8.1-15)".
- 24 Page 28, line 34, delete "that:" and insert "**of seventy-five cents  
25 (\$0.75).**".
- 26 Page 28, delete lines 35 through 42.
- 27 Page 29, delete lines 1 through 6.
- 28 Page 29, line 7, delete "(c)" and insert "**(b)**".
- 29 Page 29, line 9, delete "(d)" and insert "**(c)**".
- 30 Page 29, line 14, delete "(e)" and insert "**(d)**".
- 31 Page 30, line 11, delete "Subject to subsection (b), the" and insert  
32 "**The**".
- 33 Page 30, delete lines 13 through 18, begin a new line block indented  
34 and insert:  
35 "**(1) The board may retain in each state fiscal year the lesser  
36 of:  
37 (A) seven percent (7%) of the statewide 911 fees deposited  
38 in the fund in that state fiscal year; or**"

1           **(B) five million six hundred thousand dollars (\$5,600,000);**  
2           **to pay the board's expenses in administering this chapter and**  
3           **to develop, operate, and maintain a statewide 911 system. The**  
4           **board may decrease the amount of fees retained by the**  
5           **board."**

6           Page 30, line 31, delete ";" and insert ".".

7           Page 30, delete lines 32 through 38, begin a new paragraph and  
8           insert:

9           **"(b) After review by the budget committee, the board shall**  
10          **adopt an emergency rule under IC 4-22-2-37.1 before September**  
11          **15, 2012, to establish a distribution formula. The formula must be**  
12          **included in a later rule adopted by the board under IC 4-22-2-24**  
13          **through IC 4-22-2-36.**

14          **(c) The board shall publish the formula established under this**  
15          **section on the board's Internet web site.**

16          **(d) The board shall annually reexamine the distribution formula**  
17          **to ensure that revenue is equitably distributed among the PSAPs**  
18          **operated in Indiana."**

19          Page 31, delete line 5.

20          Page 31, line 6, delete "(5)" and insert "(4)".

21          Page 31, between lines 11 and 12, begin a new line block indented  
22          and insert:

23               **"If a facility or equipment is shared with any entity that is not**  
24               **engaged in the PSAP operation, a PSAP must allocate any**  
25               **costs described in this subdivision between the entity and the**  
26               **PSAP. Only that part of the costs incurred by the PSAP**  
27               **operation may be paid from a distribution under this**  
28               **chapter."**

29          Page 31, line 12, delete "(6)" and insert "(5)".

30          Page 31, line 12, after "system" insert "**approved by the board**".

31          Page 31, line 14, delete "(7)" and insert "(6)".

32          Page 31, line 16, delete "(8)" and insert "(7)".

33          Page 31, delete lines 19 through 24, begin a new line block indented  
34          and insert:

35               **"(8) The payment of debt service on bonds issued under**  
36               **IC 36-8-16 (before its repeal). The repeal of IC 36-8-16 does**  
37               **not relieve any unit of the obligation to repay any debt**  
38               **incurred under IC 36-8-16 (before its repeal)."**

- 1 Page 32, line 11, delete "37(2)" and insert "**37(a)(2)**".
- 2 Page 32, line 38, delete "A" and insert "**With the approval of the**
- 3 **board, a**".
- 4 Page 33, between lines 14 and 15, begin a new paragraph and insert:
- 5 "**(d) The board shall prescribe the necessary standards, forms,**
- 6 **and procedures for the consideration of county proposals to**
- 7 **establish an emergency notification system. The board may**
- 8 **approve any proposal meeting the standards developed by the**
- 9 **board.**".
- 10 Page 33, line 21, delete "use (as determined in the manner" and
- 11 insert "**use; or**".
- 12 Page 33, delete line 22.
- 13 Page 33, line 40, delete "(as determined in".
- 14 Page 33, line 41, delete "the manner provided by IC 6-8.1-15)".
- 15 Page 35, line 26, delete "July 1, 2016" and insert "**January 1,**
- 16 **2017**".
- 17 Page 37, between lines 18 and 19, begin a new paragraph and insert:
- 18 "**Sec. 48. Before August 1, 2013, and each year thereafter, the**
- 19 **board shall annually report to the budget committee on the**
- 20 **following:**
- 21 (1) **The expenses incurred by the board in carrying out its**
- 22 **duties under this chapter.**
- 23 (2) **The total amount of fees deposited in the fund during the**
- 24 **most recent state fiscal year.**
- 25 (3) **The total amount of fees distributed to PSAPs during the**
- 26 **most recent state fiscal year.**
- 27 (4) **The board's annual analysis of the distribution formula**
- 28 **established under section 37 of this chapter.**
- 29 **Sec. 49. This chapter expires January 1, 2017.**".
- 30 Page 37, line 24, delete "IC 36-8-15-4)" and insert "IC 36-8-15-4".
- 31 Page 37, line 25, delete "July 1, 2016)." and insert "**January 1,**
- 32 **2017))**".
- 33 Page 37, line 26, delete "IC 36-8-15-3(1))" and insert "IC
- 34 36-8-15-3(1)".

- 1 Page 37, line 27, delete "July 1, 2016)." and insert "**January 1,**
- 2 **2017))**".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 345 as reprinted January 31, 2012.)

**and when so amended that said bill do pass.**

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Representative Espich