

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 311 be amended to read as follows:

- 1 Page 1, delete lines 15 through 17, begin a new paragraph and
2 insert:
3 "**(c) In preparing a cost benefit analysis under this section, the**
4 **OMB shall consider in its analysis any verified data provided**
5 **voluntarily by interested parties and regulated persons. A cost**
6 **benefit analysis prepared under this section is a public document,**
7 **subject to the following:**
8 **(1) This subsection does not empower the OMB or an agency**
9 **to require an interested party or a regulated person to**
10 **provide any materials, documents, or other information in**
11 **connection with a cost benefit analysis under this section. If an**
12 **interested party or a regulated person voluntarily provides**
13 **materials, documents, or other information to the OMB or an**
14 **agency in connection with a cost benefit analysis under this**
15 **section, the OMB or the agency, as applicable, shall ensure the**
16 **adequate protection of any:**
17 **(A) information that is confidential under IC 5-14-3-4; or**
18 **(B) confidential and proprietary business plans and other**
19 **confidential information.**
20 **The OMB and any agency involved in proposing the rule, or**
21 **in administering the rule upon the rule's adoption, shall**
22 **exercise all necessary caution to avoid disclosure of any**
23 **confidential information supplied to the OMB or the agency**
24 **by an interested party or a regulated person.**
25 **(2) The OMB shall make the cost benefit analysis and other**
26 **related public documents available to interested parties and**
27 **regulated persons at least thirty (30) days before presenting**
28 **the cost benefit analysis to the governor and the**
29 **administrative rules oversight committee under subsection**
30 **(a)."**

- 1 Page 2, delete lines 1 through 4.
- 2 Page 2, line 7, delete "This section applies to a rule that has been"
- 3 and insert "**(a) This section applies to a rule that:**
- 4 **(1) has been adopted under IC 4-22-2 or IC 13-14-9; and**
- 5 **(2) has taken effect;**
- 6 **after December 31, 2011."**
- 7 Page 2, delete lines 8 through 11.
- 8 Page 2, line 17, delete "date on" and insert "**rule's effective date."**
- 9 Page 2, line 18, delete "which the rule was finally adopted."
- 10 Page 2, line 23, delete "date" and insert "**rule's effective date."**
- 11 Page 2, delete line 24.
- 12 Page 2, line 29, delete "final".
- 13 Page 3, delete lines 8 through 14, begin a new paragraph and insert:
- 14 "**(e) In preparing a cost benefit analysis under this section, the**
- 15 **OMB shall consider in its analysis any verified data provided**
- 16 **voluntarily by interested parties and regulated persons. A cost**
- 17 **benefit analysis prepared under this section is a public document,**
- 18 **subject to the following:**
- 19 **(1) This subsection does not empower the OMB or an agency**
- 20 **to require an interested party or a regulated person to**
- 21 **provide any materials, documents, or other information. If an**
- 22 **interested party or a regulated person voluntarily provides**
- 23 **materials, documents, or other information to the OMB or an**
- 24 **agency in connection with a cost benefit analysis under this**
- 25 **section, the OMB or the agency, as applicable, shall ensure the**
- 26 **adequate protection of any:**
- 27 **(A) information that is confidential under IC 5-14-3-4; or**
- 28 **(B) confidential and proprietary business plans and other**
- 29 **confidential information.**
- 30 **The OMB and any agency involved in administering the rule**
- 31 **shall exercise all necessary caution to avoid disclosure of any**
- 32 **confidential information supplied to the OMB or the agency**
- 33 **by an interested party or a regulated person.**

1 **(2) The OMB shall make the cost benefit analysis and other**
2 **related public documents available to interested parties and**
3 **regulated persons at least thirty (30) days before presenting**
4 **the cost benefit analysis to the governor and the committee**
5 **under subsection (c)."**

(Reference is to SB 311 as printed January 18, 2012.)

Senator HERSHMAN