

# COMMITTEE REPORT

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## MADAM PRESIDENT:

**The Senate Committee on Public Policy, to which was referred House Bill No. 1002, 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:**

- 1           Page 6, between lines 28 and 29, begin a new paragraph and insert:  
2           "SECTION 6. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011,  
3           SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2012]: Sec. 37.1. (a) This section applies to a rulemaking  
5           action resulting in any of the following rules:  
6           (1) An order adopted by the commissioner of the Indiana  
7           department of transportation under IC 9-20-1-3(d) or  
8           IC 9-21-4-7(a) and designated by the commissioner as an  
9           emergency rule.  
10          (2) An action taken by the director of the department of natural  
11          resources under IC 14-22-2-6(d) or IC 14-22-6-13.  
12          (3) An emergency temporary standard adopted by the  
13          occupational safety standards commission under  
14          IC 22-8-1.1-16.1.  
15          (4) An emergency rule adopted by the solid waste management  
16          board under IC 13-22-2-3 and classifying a waste as hazardous.  
17          (5) A rule, other than a rule described in subdivision (6), adopted  
18          by the department of financial institutions under IC 24-4.5-6-107  
19          and declared necessary to meet an emergency.  
20          (6) A rule required under IC 24-4.5-1-106 that is adopted by the  
21          department of financial institutions and declared necessary to

- 1 meet an emergency under IC 24-4.5-6-107.
- 2 (7) A rule adopted by the Indiana utility regulatory commission to
- 3 address an emergency under IC 8-1-2-113.
- 4 (8) An emergency rule adopted by the state lottery commission
- 5 under IC 4-30-3-9.
- 6 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
- 7 executive board of the state department of health declares is
- 8 necessary to meet an emergency.
- 9 (10) An emergency rule adopted by the Indiana finance authority
- 10 under IC 8-21-12.
- 11 (11) An emergency rule adopted by the insurance commissioner
- 12 under IC 27-1-23-7 or IC 27-1-12.1.
- 13 (12) An emergency rule adopted by the Indiana horse racing
- 14 commission under IC 4-31-3-9.
- 15 (13) An emergency rule adopted by the air pollution control
- 16 board, the solid waste management board, or the water pollution
- 17 control board under IC 13-15-4-10(4) or to comply with a
- 18 deadline required by or other date provided by federal law,
- 19 provided:
- 20 (A) the variance procedures are included in the rules; and
- 21 (B) permits or licenses granted during the period the
- 22 emergency rule is in effect are reviewed after the emergency
- 23 rule expires.
- 24 (14) An emergency rule adopted by the Indiana election
- 25 commission under IC 3-6-4.1-14.
- 26 (15) An emergency rule adopted by the department of natural
- 27 resources under IC 14-10-2-5.
- 28 (16) An emergency rule adopted by the Indiana gaming
- 29 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
- 30 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
- 31 (17) An emergency rule adopted by the alcohol and tobacco
- 32 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
- 33 IC 7.1-3-20-24.4.
- 34 (18) An emergency rule adopted by the department of financial
- 35 institutions under IC 28-15-11.
- 36 (19) An emergency rule adopted by the office of the secretary of
- 37 family and social services under IC 12-8-1-12.
- 38 (20) An emergency rule adopted by the office of the children's
- 39 health insurance program under IC 12-17.6-2-11.
- 40 (21) An emergency rule adopted by the office of Medicaid policy
- 41 and planning under IC 12-15-41-15.
- 42 (22) An emergency rule adopted by the Indiana state board of

- 1 animal health under IC 15-17-10-9.
- 2 (23) An emergency rule adopted by the board of directors of the
- 3 Indiana education savings authority under IC 21-9-4-7.
- 4 (24) An emergency rule adopted by the Indiana board of tax
- 5 review under IC 6-1.1-4-34 (repealed).
- 6 (25) An emergency rule adopted by the department of local
- 7 government finance under IC 6-1.1-4-33 (repealed).
- 8 (26) An emergency rule adopted by the boiler and pressure vessel
- 9 rules board under IC 22-13-2-8(c).
- 10 (27) An emergency rule adopted by the Indiana board of tax
- 11 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
- 12 adopted by the department of local government finance under
- 13 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 14 (28) An emergency rule adopted by the board of the Indiana
- 15 economic development corporation under IC 5-28-5-8.
- 16 (29) A rule adopted by the department of financial institutions
- 17 under IC 34-55-10-2.5.
- 18 (30) A rule adopted by the Indiana finance authority:
- 19 (A) under IC 8-15.5-7 approving user fees (as defined in
- 20 IC 8-15.5-2-10) provided for in a public-private agreement
- 21 under IC 8-15.5;
- 22 (B) under IC 8-15-2-17.2(a)(10):
- 23 (i) establishing enforcement procedures; and
- 24 (ii) making assessments for failure to pay required tolls;
- 25 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
- 26 establishing procedures for the implementation of the
- 27 collection of user fees by electronic or other nonmanual
- 28 means; or
- 29 (D) to make other changes to existing rules related to a toll
- 30 road project to accommodate the provisions of a public-private
- 31 agreement under IC 8-15.5.
- 32 ~~(31) An emergency rule adopted by the board of the Indiana~~
- 33 ~~health informatics corporation under IC 5-31-5-8.~~
- 34 ~~(32) (31)~~ An emergency rule adopted by the department of child
- 35 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or
- 36 IC 31-27-4-3.
- 37 ~~(33) (32)~~ An emergency rule adopted by the Indiana real estate
- 38 commission under IC 25-34.1-2-5(15).
- 39 ~~(34) (33)~~ A rule adopted by the department of financial
- 40 institutions under IC 24-4.4-1-101 and determined necessary to
- 41 meet an emergency.
- 42 ~~(35) (34)~~ An emergency rule adopted by the state board of

- 1 pharmacy regarding returning unused medication under  
 2 IC 25-26-23.
- 3 ~~(36)~~ **(35)** An emergency rule adopted by the department of local  
 4 government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
- 5 ~~(37)~~ **(36)** An emergency rule adopted by the office of the secretary  
 6 of family and social services or the office of Medicaid policy and  
 7 planning concerning the following:
- 8 (A) Federal Medicaid waiver program provisions.
- 9 (B) Federal programs administered by the office of the  
 10 secretary.
- 11 (b) The following do not apply to rules described in subsection (a):
- 12 (1) Sections 24 through 36 of this chapter.
- 13 (2) IC 13-14-9.
- 14 (c) After a rule described in subsection (a) has been adopted by the  
 15 agency, the agency shall submit the rule to the publisher for the  
 16 assignment of a document control number. The agency shall submit the  
 17 rule in the form required by section 20 of this chapter and with the  
 18 documents required by section 21 of this chapter. The publisher shall  
 19 determine the format of the rule and other documents to be submitted  
 20 under this subsection.
- 21 (d) After the document control number has been assigned, the  
 22 agency shall submit the rule to the publisher for filing. The agency  
 23 shall submit the rule in the form required by section 20 of this chapter  
 24 and with the documents required by section 21 of this chapter. The  
 25 publisher shall determine the format of the rule and other documents  
 26 to be submitted under this subsection.
- 27 (e) Subject to section 39 of this chapter, the publisher shall:
- 28 (1) accept the rule for filing; and
- 29 (2) electronically record the date and time that the rule is  
 30 accepted.
- 31 (f) A rule described in subsection (a) takes effect on the latest of the  
 32 following dates:
- 33 (1) The effective date of the statute delegating authority to the  
 34 agency to adopt the rule.
- 35 (2) The date and time that the rule is accepted for filing under  
 36 subsection (e).
- 37 (3) The effective date stated by the adopting agency in the rule.
- 38 (4) The date of compliance with every requirement established by  
 39 law as a prerequisite to the adoption or effectiveness of the rule.
- 40 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,  
 41 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in  
 42 subsections (j), (k), and (l), a rule adopted under this section expires

1 not later than ninety (90) days after the rule is accepted for filing under  
 2 subsection (e). Except for a rule adopted under subsection (a)(13),  
 3 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting  
 4 another rule under this section, but only for one (1) extension period.  
 5 The extension period for a rule adopted under subsection (a)(28) may  
 6 not exceed the period for which the original rule was in effect. A rule  
 7 adopted under subsection (a)(13) may be extended for two (2)  
 8 extension periods. Subject to subsection (j), a rule adopted under  
 9 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited  
 10 number of extension periods. Except for a rule adopted under  
 11 subsection (a)(13), for a rule adopted under this section to be effective  
 12 after one (1) extension period, the rule must be adopted under:

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

14 (2) IC 13-14-9;

15 as applicable.

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

18 (1) The expiration date stated by the adopting agency in the rule.

19 (2) The date that the rule is amended or repealed by a later rule  
 20 adopted under sections 24 through 36 of this chapter or this  
 21 section.

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

23 (j) A rule described in subsection (a)(24) or (a)(25) expires not later  
 24 than January 1, 2006.

25 (k) A rule described in subsection (a)(28) expires on the expiration  
 26 date stated by the board of the Indiana economic development  
 27 corporation in the rule.

28 (l) A rule described in subsection (a)(30) expires on the expiration  
 29 date stated by the Indiana finance authority in the rule.

30 (m) A rule described in subsection (a)(5) or (a)(6) expires on the  
 31 date the department is next required to issue a rule under the statute  
 32 authorizing or requiring the rule."

33 Page 6, between lines 31 and 32, begin a new paragraph and insert:

34 "SECTION 8. IC 4-23-2.5-4 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The Indiana arts  
 36 commission trust fund is established to support the programs and the  
 37 administrative budget of the commission.

38 (b) The fund consists of the following:

39 (1) Appropriations of the general assembly from revenue sources  
 40 determined by the general assembly and in an amount determined  
 41 by the general assembly.

42 (2) Donations to the fund from public or private sources.

- 1 (3) Interest and dividends on assets of the fund.  
 2 (4) Money transferred to the fund from other funds.  
 3 (5) Fees from the Indiana arts trust license plate issued under  
 4 IC 9-18-41.  
 5 (6) Money from other sources that the ~~board~~ **commission** may  
 6 acquire."

7 Page 11, between lines 17 and 18, begin a new paragraph and insert:  
 8 "SECTION 25. IC 4-23-28-10 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Funding for the  
 10 commission shall be derived from funds appropriated to the ~~department~~  
 11 ~~of workforce development~~ **civil rights commission**.

12 (b) If money is appropriated under subsection (a), the money does  
 13 not revert to the state general fund at the end of a state fiscal year but  
 14 remains available to the ~~department of workforce development~~ **civil**  
 15 **rights commission** until the purpose for which it was appropriated is  
 16 fulfilled."

17 Page 11, line 19, delete "TO".

18 Page 11, line 19, after "CHAPTER" insert "TO".

19 Page 27, delete lines 21 through 22.

20 Page 29, delete lines 4 through 5, begin a new paragraph and insert:

21 "SECTION 52. IC 6-3.1-13.5-14 IS ADDED TO THE INDIANA  
 22 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2012]: **Sec. 14. (a) A tax credit may not be**  
 24 **awarded under this chapter for a capital investment made after**  
 25 **December 31, 2016. However, this subsection may not be construed**  
 26 **to prevent a taxpayer from carrying over to a taxable year**  
 27 **beginning after December 31, 2016, an unused tax credit**  
 28 **attributable to a taxable year beginning before January 1, 2017.**

29 **(b) This chapter expires January 1, 2020."**

30 Page 30, line 38, strike "the board or".

31 Page 37, between lines 31 and 32, begin a new paragraph and insert:

32 "SECTION 71. IC 14-8-2-279.5 IS REPEALED [EFFECTIVE  
 33 JULY 1, 2012]. ~~Sec. 279.5: "Task force"~~, for purposes of:

34 ~~(1) IC 14-25-14, has the meaning set forth in IC 14-25-14-1; and~~

35 ~~(2) IC 14-25-16, has the meaning set forth in IC 14-25-16-1."~~

36 Page 46, between lines 41 and 42, begin a new paragraph and insert:

37 "SECTION 97. IC 20-40-15-6, AS ADDED BY P.L.2-2006,  
 38 SECTION 163, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Before February 15 of each  
 40 year, each school corporation shall file a report with the state  
 41 superintendent's special assistant for technology.

42 (b) A report filed under this section must:

- 1 (1) be prepared in the form prescribed by the special assistant for  
 2 technology; and  
 3 (2) include a list of expenditures made by the school corporation  
 4 during the preceding calendar year from the school corporation's:  
 5 (A) fund for purposes described in this chapter;  
 6 (B) capital projects fund for purposes described in  
 7 IC 20-40-8-13; and  
 8 (C) debt service fund to provide financing for any equipment  
 9 or facilities used to provide educational technology programs.  
 10 (c) Before April 1 of each year, the special assistant for technology  
 11 shall  
 12 (+) compile the information contained in the reports filed under  
 13 this section. ~~and~~  
 14 (2) ~~present that compilation to the educational technology~~  
 15 ~~council".~~  
 16 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1002 as reprinted January 28, 2012.)

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

Committee Vote: Yeas 10, Nays 0.

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**Senator Alting, Chairperson**