COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 311, 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:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-22-13, AS ADDED BY P.L.246-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) The OMB shall perform a cost benefit analysis upon each proposed rule and provide to:

(1) the governor; and

(2) the administrative rules oversight committee established under IC 2-5-18;

an assessment of the rule's effect on Indiana business.

(b) After June 30, 2005, the cost benefit analysis performed by the OMB under this section with respect to any proposed rule that has an impact of at least five hundred thousand dollars ($500,000) shall replace and be used for all purposes under IC 4-22-2 in lieu of the fiscal analysis previously performed by the legislative services agency under IC 4-22-2.

(c) In preparing a cost benefit analysis under this section, the OMB shall include in its analysis verified data gathered from interested parties. A cost benefit analysis prepared under this section is a public document. The OMB shall make public documents available to interested parties at least thirty (30) days before presenting the cost benefit analysis to the governor and the

administrative rules oversight committee under subsection (a).

SECTION 2. IC 4-3-22-13.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 13.1. This section applies to a rule that has been finally adopted under:**

(1) IC 4-22-2; and

(2) IC 13-4-9;

after June 30, 2012.

(b) As used in this section, "committee" refers to the administrative rules oversight committee established by IC 2-5-18-4.

(c) For each rule to which this section applies, the OMB shall perform a cost benefit analysis of the rule with respect to the period encompassing the first three (3) years following the date on which the rule was finally adopted. Except as otherwise required by the governor or the committee under subsection (f), the OMB shall submit a cost benefit analysis prepared under this section to:

(1) the governor; and

(2) the committee;

not later than six (6) months after the third anniversary of the date on which the rule was finally adopted.

(d) A cost benefit analysis prepared under this section must include the following with respect to the three (3) year period covered by the analysis:

(1) The cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's final adoption, including the information required by Financial Management Circular #2010-4.

(2) A statement of the number of regulated persons, classified by industry sector, subject to the rule.

(3) A comparison of:

(A) the cost benefit analysis for the rule prepared under section 13 of this chapter before the rule's implementation; and

(B) the actual costs and benefits of the rule during the first three (3) years of the rule's implementation.

(4) For each element of the rule that is also the subject of restrictions or requirements imposed under federal law, a comparison of:

(A) the restrictions or requirements imposed under the rule; and

(B) the restrictions or requirements imposed under federal

law.

(5) Any other information that the governor or the committee may require with respect to a cost benefit analysis under this section.

(e) In preparing a cost benefit analysis under this section, the OMB shall include in its analysis verified data gathered from interested parties. A cost benefit analysis prepared under this section is a public document. The OMB shall make public documents available to interested parties at least thirty (30) days before presenting the cost benefit analysis to the governor and the committee under subsection (c).

(f) The governor or the committee, or both, may prescribe:

(1) the form of a cost benefit analysis; and

(2) the process, deadlines, and other requirements for submitting a cost benefit analysis;

required under this section.

(Reference is to SB 311 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Gard, Chairperson