



March 27, 2013

ENGROSSED HOUSE BILL No. 1055

DIGEST OF HB 1055 (Updated March 25, 2013 4:47 pm - DI 44)

Citations Affected: IC 4-22; IC 4-30; IC 4-31; IC 5-28; IC 6-1.1; IC 8-15; IC 8-15.5; IC 9-20; IC 9-21; IC 12-8; IC 13-14; IC 13-15; IC 14-22; IC 16-19; IC 24-4.5; IC 28-15; IC 34-55; noncode.

Synopsis: Emergency rulemaking statute. Removes from the statute providing the procedure by which Indiana administrative agencies may adopt emergency rules (emergency rules statute) a list enumerating the statutes that convey emergency rulemaking authority, and codifies in substantive administrative law emergency rulemaking authority that is currently codified only in this list. Relocates exceptions and conditions applicable only to certain emergency rules from the emergency rules statute to the statute establishing the authority for adoption of the emergency rule to which the exception or condition applies. Provides that the publisher of the Indiana administrative code shall annually publish a list of agencies authorized to adopt rules under the emergency rules statute. Makes other technical corrections. (The introduced version of this bill was prepared by the code revision commission.)

Effective: Upon passage.

McMillin, Bartlett, Kersey, Wesco

(SENATE SPONSORS — YOUNG R MICHAEL, ZAKAS)

January 7, 2013, read first time and referred to Committee on Government and Regulatory Reform.

January 15, 2013, reported — Do Pass.

January 17, 2013, read second time, ordered engrossed. Engrossed.

January 22, 2013, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Commerce, Economic Development and Technology.

March 26, 2013, amended, reported favorably — Do Pass.

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March 27, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1055

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

- 1 SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.25-2012,
2 SECTION 1, P.L.48-2012, SECTION 2, P.L.78-2012, SECTION 1,
3 P.L.160-2012, SECTION 6, P.L.77-2012, SECTION 1, AND
4 P.L.133-2012, SECTION 9, IS CORRECTED AND AMENDED TO
5 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a)
6 This section applies to a rulemaking action resulting in any of the
7 following rules:
8 (1) An order adopted by the commissioner of the Indiana
9 department of transportation under IC 9-20-1-3(d) or
10 IC 9-21-4-7(a) and designated by the commissioner as an
11 emergency rule.
12 (2) An action taken by the director of the department of natural
13 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
14 (3) An emergency temporary standard adopted by the
15 occupational safety standards commission under
16 IC 22-8-1.1-16.1.
17 (4) An emergency rule adopted by the *solid waste management*

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- 1 *environmental rules* board under IC 13-22-2-3 and classifying a
 2 waste as hazardous.
- 3 (5) A rule, other than a rule described in subdivision (6), adopted
 4 by the department of financial institutions under IC 24-4.5-6-107
 5 and declared necessary to meet an emergency.
- 6 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
 7 department of financial institutions and declared necessary to
 8 meet an emergency under IC 24-4.5-6-107.
- 9 (7) A rule adopted by the Indiana utility regulatory commission to
 10 address an emergency under IC 8-1-2-113.
- 11 (8) An emergency rule adopted by the state lottery commission
 12 under IC 4-30-3-9.
- 13 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
 14 executive board of the state department of health declares is
 15 necessary to meet an emergency.
- 16 (10) An emergency rule adopted by the Indiana finance authority
 17 under IC 8-21-12.
- 18 (11) An emergency rule adopted by the insurance commissioner
 19 under IC 27-1-23-7 or IC 27-1-12.1.
- 20 (12) An emergency rule adopted by the Indiana horse racing
 21 commission under IC 4-31-3-9.
- 22 (13) An emergency rule adopted by the *air pollution control*
 23 *board; the solid waste management board; or the water pollution*
 24 *control environmental rules* board under IC 13-15-4-10(4) or to
 25 comply with a deadline required by or other date provided by
 26 federal law, provided:
- 27 (A) the variance procedures are included in the rules; and
 28 (B) permits or licenses granted during the period the
 29 emergency rule is in effect are reviewed after the emergency
 30 rule expires.
- 31 (14) An emergency rule adopted by the Indiana election
 32 commission under IC 3-6-4.1-14.
- 33 (15) An emergency rule adopted by the department of natural
 34 resources under IC 14-10-2-5.
- 35 (16) An emergency rule adopted by the Indiana gaming
 36 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
 37 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
- 38 (17) An emergency rule adopted by the alcohol and tobacco
 39 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
 40 IC 7.1-3-20-24.4.
- 41 (18) An emergency rule adopted by the department of financial
 42 institutions under IC 28-15-11.

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- 1 (19) An emergency rule adopted by the office of the secretary of
 2 family and social services under *IC 12-8-1-12*; *IC 12-8-1.5-11*.
 3 (20) An emergency rule adopted by the office of the children's
 4 health insurance program under *IC 12-17.6-2-11*.
 5 (21) An emergency rule adopted by the office of Medicaid policy
 6 and planning under *IC 12-15-41-15*.
 7 (22) An emergency rule adopted by the Indiana state board of
 8 animal health under *IC 15-17-10-9*.
 9 (23) An emergency rule adopted by the board of directors of the
 10 Indiana education savings authority under *IC 21-9-4-7*.
 11 (24) An emergency rule adopted by the Indiana board of tax
 12 review under *IC 6-1.1-4-34* (repealed).
 13 (25) An emergency rule adopted by the department of local
 14 government finance under *IC 6-1.1-4-33* (repealed).
 15 (26) An emergency rule adopted by the boiler and pressure vessel
 16 rules board under *IC 22-13-2-8(e)*.
 17 (27) An emergency rule adopted by the Indiana board of tax
 18 review under *IC 6-1.1-4-37(i)* (repealed) or an emergency rule
 19 adopted by the department of local government finance under
 20 *IC 6-1.1-4-36(j)* (repealed) or *IC 6-1.1-22.5-20*.
 21 (28) An emergency rule adopted by the board of the Indiana
 22 economic development corporation under *IC 5-28-5-8*.
 23 (29) A rule adopted by the department of financial institutions
 24 under *IC 34-55-10-2.5*.
 25 (30) A rule adopted by the Indiana finance authority:
 26 (A) under *IC 8-15.5-7* approving user fees (as defined in
 27 *IC 8-15.5-2-10*) provided for in a public-private agreement
 28 under *IC 8-15.5*;
 29 (B) under *IC 8-15-2-17.2(a)(10)*:
 30 (i) establishing enforcement procedures; and
 31 (ii) making assessments for failure to pay required tolls;
 32 (C) under *IC 8-15-2-14(a)(3)* authorizing the use of and
 33 establishing procedures for the implementation of the
 34 collection of user fees by electronic or other nonmanual
 35 means; or
 36 (D) to make other changes to existing rules related to a toll
 37 road project to accommodate the provisions of a public-private
 38 agreement under *IC 8-15.5*.
 39 (31) An emergency rule adopted by the board of the Indiana
 40 health informatics corporation under *IC 5-31-5-8*.
 41 (32) (31) An emergency rule adopted by the department of child
 42 services under *IC 31-25-2-21*, *IC 31-27-2-4*, *IC 31-27-4-2*, or

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1 *IC 31-27-4-3. IC 31-28-5-8.*

2 *(33) (32) An emergency rule adopted by the Indiana real estate*
3 *commission under IC 25-34.1-2-5(15).*

4 *(34) (33) A rule adopted by the department of financial*
5 *institutions under IC 24-4.4-1-101 and determined necessary to*
6 *meet an emergency.*

7 *(35) (34) An emergency rule adopted by the state board of*
8 *pharmacy regarding returning unused medication under*
9 *IC 25-26-23.*

10 *(36) (35) An emergency rule adopted by the department of local*
11 *government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.*

12 *(37) (38) An emergency rule adopted by the office of the secretary*
13 *of family and social services or the office of Medicaid policy and*
14 *planning concerning the following:*

15 *(A) Federal Medicaid waiver program provisions.*

16 *(B) Federal programs administered by the office of the*
17 *secretary.*

18 *The authority of the office of the secretary of family and social*
19 *services and the office of Medicaid policy and planning to adopt*
20 *a rule described in this subdivision expires December 31, 2012.*

21 *(38) An emergency rule adopted by the Indiana board of*
22 *accountancy or the executive director of the Indiana professional*
23 *licensing agency under IC 25-2.1-2-16.*

24 *(38) An emergency rule adopted by the Indiana board of*
25 *pharmacy declaring a substance to be a synthetic drug under*
26 *IC 25-26-13-4.1.*

27 *(38) An emergency rule adopted by the Indiana emergency*
28 *medical services commission under IC 16-31-3-24.*

29 *(b) (a) The following do not apply to rules described in subsection*
30 *(a): a rule adopted under this section:*

31 *(1) Sections 24 through 36 of this chapter.*

32 *(2) IC 13-14-9.*

33 *(b) A rule may be adopted under this section if a statute*
34 *delegating authority to an agency to adopt rules authorizes*
35 *adoption of such a rule:*

36 *(1) under this section; or*

37 *(2) in the manner provided by this section.*

38 *(c) After a rule described in subsection (a) has been adopted by the*
39 *agency, an agency adopts a rule under this section, the agency shall*
40 *submit the rule to the publisher for the assignment of a document*
41 *control number. The agency shall submit the rule in the form required*
42 *by section 20 of this chapter and with the documents required by*



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1 section 21 of this chapter. The publisher shall determine the format of
2 the rule and other documents to be submitted under this subsection.

3 (d) After the document control number has been assigned, the
4 agency shall submit the rule to the publisher for filing. The agency
5 shall submit the rule in the form required by section 20 of this chapter
6 and with the documents required by section 21 of this chapter. The
7 publisher shall determine the format of the rule and other documents
8 to be submitted under this subsection.

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

10 (1) accept the rule for filing; and

11 (2) electronically record the date and time that the rule is
12 accepted.

13 (f) A rule ~~described in subsection (a)~~ **adopted by an agency under**
14 **this section** takes effect on the latest of the following dates:

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

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

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

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

22 (5) *The statutory effective date for an emergency rule set forth in*
23 *the statute authorizing the agency to adopt emergency rules.*

24 (g) Subject to subsection (h); ~~(n)~~; IC 14-10-2-5; IC 14-22-2-6;
25 IC 22-8-1.1-16.1; *and IC 22-13-2-8(c); IC 22-13-2-8(d); and*
26 *IC 25-2.1-2-16(c) (as added by SEA 330-2012)*; and except as provided
27 in subsections (j); (k); *and (l); and (m)*; **Unless otherwise provided by**
28 **the statute authorizing adoption of the rule:**

29 (1) a rule adopted under this section expires not later than ninety
30 (90) days after the rule is accepted for filing under subsection (e);
31 ~~Except for a rule adopted under subsection (a)(13); (a)(24);~~
32 ~~(a)(25); or (a)(27); the~~

33 (2) **a rule adopted under this section** may be extended by
34 adopting another rule under this section, but only for one (1)
35 extension period; ~~The extension period for a rule adopted under~~
36 ~~subsection (a)(28) may not exceed the period for which the~~
37 ~~original rule was in effect. A rule adopted under subsection~~
38 ~~(a)(13) may be extended for two (2) extension periods. Subject to~~
39 ~~subsection (j); a rule adopted under subsection (a)(24); (a)(25); or~~
40 ~~(a)(27) may be extended for an unlimited number of extension~~
41 ~~periods. Except for a rule adopted under subsection (a)(13); and~~

42 (3) for a rule adopted under this section to be effective after one

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(1) extension period, the rule must be adopted under:

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

(2) (B) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8); (a)(12); ~~(a)(19); (a)(20); (a)(21); (a)(29); or (a)(37); or (a)(38)~~ (a)(36) expires on the earlier of the following dates:

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

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

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

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

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

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

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

(n) A rule described in subsection (a)(38) expires on June 30 of the year following the year in which it is filed with the publisher under this section.

(n) This subsection applies to a rule described in subsection (a)(37). A rule adopted before January 1, 2013, expires on the earliest of the following:

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

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

(3) June 30, 2013, at 11:59 p.m.

(i) The publisher of the Indiana administrative code shall annually publish a list of agencies authorized to adopt rules under this section.

SECTION 2. IC 4-30-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The commission may adopt emergency rules under IC 4-22-2-37.1.

(b) An emergency rule adopted by the commission under this section expires on the earlier of the following dates:

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1 **(1) The expiration date stated in the emergency rule.**

2 **(2) The date the emergency rule is amended or repealed by a**
 3 **later rule adopted under IC 4-22-2-24 through IC 4-22-2-36**
 4 **or under IC 4-22-2-37.1.**

5 SECTION 3. IC 4-31-3-9, AS AMENDED BY P.L.6-2012,
 6 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 9. **(a)** Subject to section 14 of this chapter, the
 8 commission may:

9 (1) adopt rules under IC 4-22-2, including emergency rules under
 10 IC 4-22-2-37.1, to implement this article, including rules that
 11 prescribe:

12 (A) the forms of wagering that are permitted;

13 (B) the number of races;

14 (C) the procedures for wagering;

15 (D) the wagering information to be provided to the public;

16 (E) fees for the issuance and renewal of:

17 (i) permits under IC 4-31-5;

18 (ii) satellite facility licenses under IC 4-31-5.5; and

19 (iii) licenses for racetrack personnel and racing participants
 20 under IC 4-31-6;

21 (F) investigative fees;

22 (G) fines and penalties; and

23 (H) any other regulation that the commission determines is in
 24 the public interest in the conduct of recognized meetings and
 25 wagering on horse racing in Indiana;

26 (2) appoint employees and fix their compensation, subject to the
 27 approval of the budget agency under IC 4-12-1-13;

28 (3) enter into contracts necessary to implement this article; and

29 (4) receive and consider recommendations from an advisory a
 30 development advisory committee established under IC 4-31-11.

31 **(b) An emergency rule adopted by the commission under**
 32 **subsection (a) expires on the earlier of the following dates:**

33 **(1) The expiration date stated in the emergency rule.**

34 **(2) The date the emergency rule is amended or repealed by a**
 35 **later rule adopted under IC 4-22-2-24 through IC 4-22-2-36**
 36 **or under IC 4-22-2-37.1.**

37 SECTION 4. IC 5-28-5-8, AS ADDED BY P.L.4-2005, SECTION
 38 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 39 PASSAGE]: Sec. 8. **(a)** The corporation shall adopt rules under
 40 IC 4-22-2 to carry out its duties under this article. The board may also
 41 adopt emergency rules under IC 4-22-2-37.1 to carry out its duties
 42 under this article.



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1 **(b) An emergency rule adopted under subsection (a) expires on**
2 **the expiration date stated in the rule.**

3 **(c) An emergency rule adopted under subsection (a) may be**
4 **extended as provided in IC 4-22-2-37.1(g), but the extension period**
5 **may not exceed the period for which the original rule was in effect.**

6 SECTION 5. IC 6-1.1-22.5-20, AS AMENDED BY P.L.112-2012,
7 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 20. For purposes of a provisional statement
9 under section 6 of this chapter, the department of local government
10 finance may adopt emergency rules under IC 4-22-2-37.1 to do any of
11 the following:

12 (1) Provide a methodology for a county treasurer to issue
13 provisional statements with respect to real property, taking into
14 account new construction of improvements placed on the real
15 property, damage, and other losses related to the real property:

16 (A) after March 1 of the year preceding the assessment date to
17 which the provisional statement applies; and

18 (B) before the assessment date to which the provisional
19 statement applies.

20 (2) Carry out IC 6-1.1-22.6.

21 **The department of local government finance may extend an**
22 **emergency rule adopted under this section for an unlimited**
23 **number of extension periods by adopting another emergency rule**
24 **under IC 4-22-2-37.1.**

25 SECTION 6. IC 8-15-2-5, AS AMENDED BY P.L.133-2007,
26 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 UPON PASSAGE]: Sec. 5. The authority may do the following:

28 (1) Construct, maintain, repair, police, and operate toll road
29 projects (as defined in this chapter), public improvements, and
30 arterial streets and roads under section 1 of this chapter and
31 establish rules for the use of any such toll road project, public
32 improvement, or arterial street or road.

33 (2) Issue toll road revenue bonds of the state, payable solely from
34 an allocation of money from the rural transportation road fund
35 under IC 8-9.5-8-16 or from revenues or from the proceeds of
36 bonds issued under this chapter and earnings thereon, or from all
37 three (3), for the purpose of paying all or any part of the cost of
38 any one (1) or more toll road projects or for the purpose of
39 refunding any other toll road revenue bonds.

40 (3) Establish reserves from the proceeds of the sale of bonds or
41 from other funds, or both, to secure the payment of the bonds.

42 (4) Fix and revise from time to time and charge and collect tolls

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1 for transit over each toll road project constructed by it.
 2 (5) Acquire in the name of the state by purchase or otherwise, on
 3 such terms and conditions and in such manner as it may deem
 4 proper, or by the exercise of the right of condemnation in the
 5 manner as provided by this chapter, such public or private lands,
 6 including public parks, playgrounds or reservations, or parts
 7 thereof or rights therein, rights-of-way, property, rights,
 8 easements, and interests, as it may deem necessary for carrying
 9 out the provisions of this chapter. The authority may also:
 10 (A) sell, transfer, and convey any such land or any interest
 11 therein so acquired, or any portion thereof, whether by
 12 purchase, condemnation, or otherwise, and whether such land
 13 or interest therein had been public or private, when the same
 14 shall no longer be needed for such purposes; and
 15 (B) transfer and convey any such lands or interest therein as
 16 may be necessary or convenient for the construction and
 17 operation of any toll road project, or as otherwise required
 18 under the provisions of this chapter to a state agency or
 19 political subdivision.
 20 (6) Designate the locations and establish, limit, and control such
 21 points of ingress to and egress from each toll road project as may
 22 be necessary or desirable in the judgment of the authority to
 23 ensure the proper operation and maintenance of such projects, and
 24 to prohibit entrance to such project from any point not so
 25 designated. The authority shall not grant, for the operation of
 26 transient lodging facilities, either ingress to or egress from any
 27 project, including the service areas thereof on which are located
 28 service stations and restaurants, and including toll plazas and
 29 paved portions of the right-of-way. The authority shall cause to be
 30 erected, at its cost, at all points of ingress and egress, large and
 31 suitable signs facing traffic from each direction on the toll road.
 32 Such signs shall designate the number and other designations, if
 33 any, of all United States or state highways of ingress or egress, the
 34 names of all Indiana municipalities with a population of five
 35 thousand (5,000) or more within a distance of seventy-five (75)
 36 miles on such roads of ingress or egress, and the distance in miles
 37 to such designated municipalities.
 38 (7) Make and enter into all contracts and agreements necessary or
 39 incidental to the performance of its duties and the execution of its
 40 powers under this chapter, IC 8-9.5-8, or IC 8-15.5. When the cost
 41 under any such contract or agreement, other than:
 42 (A) a contract for compensation for personal services;

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1 (B) a contract with the department under IC 8-9.5-8-7;
 2 (C) a lease with the department under IC 8-9.5-8-8; or
 3 (D) a contract, a lease, or another agreement under IC 8-15.5;
 4 involves an expenditure of more than ten thousand dollars
 5 (\$10,000), the authority shall make a written contract with the
 6 lowest and best bidder after advertisement for not less than two
 7 (2) consecutive weeks in a newspaper of general circulation in
 8 Marion County, Indiana, and in such other publications as the
 9 authority shall determine. Such notice shall state the general
 10 character of the work and the general character of the materials to
 11 be furnished, the place where plans and specifications therefor
 12 may be examined, and the time and place of receiving bids. Each
 13 bid shall contain the full name of every person or company
 14 interested in it and shall be accompanied by a sufficient bond or
 15 certified check on a solvent bank that if the bid is accepted a
 16 contract will be entered into and the performance of its proposal
 17 secured. The authority may reject any and all bids. A bond with
 18 good and sufficient surety shall be required by the authority of all
 19 contractors in an amount equal to at least fifty percent (50%) of
 20 the contract price, conditioned upon the faithful performance of
 21 the contract. The authority shall require a bid, performance, and
 22 payment bond from a contractor for a project if the estimated cost
 23 of the project is more than two hundred thousand dollars
 24 (\$200,000). The authority may require a bid, performance, or
 25 payment bond from a contractor for a project if the estimated cost
 26 of the project is not more than two hundred thousand dollars
 27 (\$200,000).
 28 (8) Employ consulting engineers, superintendents, managers, and
 29 such other engineers, construction and accounting experts, bond
 30 counsel, other attorneys with the approval of the attorney general,
 31 and other employees and agents as may be necessary in its
 32 judgment to carry out the provisions of this chapter, and to fix
 33 their compensation. However, all such expenses shall be payable
 34 solely from the proceeds of toll road revenue bonds issued under
 35 the provisions of this chapter or from revenues.
 36 (9) Receive and accept from any federal agency, subject to
 37 IC 8-23-3, grants for or in aid of the construction of any toll road
 38 project, and receive and accept aid or contributions from any
 39 source of either money, property, labor, or other things of value,
 40 to be held, used, and applied only for the purposes for which such
 41 grants and contributions may be made, and repay any grant to the
 42 authority or to the department from a federal agency if such

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- 1 repayment is necessary to free the authority from restrictions
- 2 which the authority determines to be in the public interest to
- 3 remove.
- 4 (10) Establish fees, charges, terms, or conditions for any
- 5 expenditures, loans, or other form of financial participation in
- 6 projects authorized as public improvements on arterial streets and
- 7 roads under section 1 of this chapter.
- 8 (11) Accept gifts, devises, bequests, grants, loans, appropriations,
- 9 revenue sharing, other financing and assistance, and any other aid
- 10 from any source and agree to and comply with conditions attached
- 11 to the aid.
- 12 (12) Accept transfer of a state highway to the authority under
- 13 IC 8-23-7-23 and pay the cost of conversion of the state highway
- 14 to a toll road project.
- 15 (13) Enter into contracts or leases with the department under
- 16 IC 8-9.5-8-7 or IC 8-9.5-8-8 and in connection with the contracts
- 17 or leases agree with the department for coordination of the
- 18 operation and the repair and maintenance of toll road projects and
- 19 tollways which are contiguous parts of the same public road,
- 20 including joint toll collection facilities and equitable division of
- 21 tolls.
- 22 (14) Enter into public-private agreements under IC 8-15.5 and do
- 23 all acts and things necessary or proper to carry out the purposes
- 24 set forth in IC 8-15.5.
- 25 **(15) Adopt rules under IC 4-22-2-37.1 to make changes to**
- 26 **rules related to a toll road project to accommodate the**
- 27 **provisions of a public-private agreement under IC 8-15.5. A**
- 28 **rule adopted under this subdivision expires on the expiration**
- 29 **date stated in the rule.**
- 30 ~~(15)~~ **(16)** Do all acts and things necessary or proper to carry out
- 31 this chapter.
- 32 SECTION 7. IC 8-15-2-14, AS AMENDED BY P.L.47-2006,
- 33 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 34 UPON PASSAGE]: Sec. 14. (a) The authority may **do the following:**
- 35 (1) Fix, revise, charge, and collect tolls for the use of each toll
- 36 road project by any person, partnership, association, limited
- 37 liability company, or corporation desiring the use of any part
- 38 thereof, including the right-of-way adjoining the paved portion
- 39 and for placing thereon telephone, telegraph, electric light, or
- 40 power lines.
- 41 (2) Fix the terms, conditions, and rates of charge for such use,
- 42 including assessments for the failure to pay required tolls, subject,

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1 however, to the state's police power. ~~and~~
2 (3) Collect tolls, user fees, or other charges through manual or
3 nonmanual methods, including, but not limited to, automatic
4 vehicle identification systems, electronic toll collection systems,
5 and, to the extent permitted by law, including rules adopted by the
6 authority under IC 8-15-2-17.2(a)(10), global positioning systems
7 and photo or video based toll collection or toll collection
8 enforcement systems.
9 **(4) Adopt rules under IC 4-22-2-37.1 authorizing the use of**
10 **and establishing procedures for the implementation of the**
11 **collection of user fees by electronic or other nonmanual**
12 **means under subdivision (3). A rule adopted under this**
13 **subdivision expires on the expiration date stated by the**
14 **authority in the rule.**
15 (b) Notwithstanding subsection (a), no toll or charge shall be made
16 by the authority under this section or under a public-private agreement
17 entered into under IC 8-15.5 for:
18 (1) the operation of temporary lodging facilities located upon or
19 adjacent to any project, nor may the authority itself operate or
20 gratuitously permit the operation of such temporary lodging
21 facilities by other persons without any toll or charge; or
22 (2) placing in, on, along, over, or under such project, such
23 telephone, telegraph, electric light or power lines, equipment, or
24 facilities as may be necessary to serve establishments located on
25 the project or as may be necessary to interconnect any public
26 utility facilities on one (1) side of the toll road project with those
27 on the other side.
28 (c) All contracts executed by the authority shall be preserved in the
29 principal office of the authority.
30 (d) In the case of a toll road project that is not leased to the
31 department under IC 8-9.5-8-7, the tolls shall be fixed and adjusted for
32 each toll road project so that the aggregate of the tolls from the project,
33 together with other revenues that are available to the authority without
34 prior restriction or encumbrance, will at least be adequate to pay:
35 (1) the cost of operating, maintaining, and repairing the toll road
36 project, including major repairs, replacements, and
37 improvements;
38 (2) the principal of and the interest on bonds issued in connection
39 with the toll road project, as the principal and interest becomes
40 due and payable, including any reserve or sinking fund required
41 for the project; and
42 (3) the payment of principal of and interest on toll road bonds

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1 issued by the authority in connection with any other toll road
2 project, including any reserve or sinking fund required for the
3 project, but only to the extent that the authority provides by
4 resolution and subject to the provisions of any trust agreement
5 relating to the project.

6 (e) Not less than one (1) year before the date that final payment of
7 all such bonds, interest, and reimbursement is expected by the
8 chairman of the authority to be completed, the chairman shall notify the
9 state budget committee in writing of the expected date of final
10 payment.

11 (f) Such tolls shall not be subject to supervision or regulation by any
12 other commission, board, bureau, or agency of the state.

13 (g) The tolls, rents, and all other revenues derived by the authority
14 from the toll road project, except those received in accordance with a
15 public-private agreement under IC 8-15.5, shall be used as follows:

16 (1) To pay the cost of operating, maintaining, and repairing the
17 toll road project, including major repairs, replacements, and
18 improvements, to the extent that those costs are not paid out of
19 other funds.

20 (2) To the extent provided for in the resolution authorizing the
21 issuance of bonds under this chapter or in the trust agreement
22 securing the bonds, to pay:

23 (A) the principal of and interest on any bonds as the principal
24 and interest become due; or

25 (B) the redemption price or purchase price of the bonds retired
26 by call or purchase.

27 (3) Except as prohibited by the resolution authorizing the issuance
28 of bonds under this chapter or the trust agreement securing them,
29 for any purpose relating to any toll road project, including the
30 subject toll road project, as the authority provides by resolution.

31 (h) Neither the resolution nor any trust agreement by which a pledge
32 is created needs to be filed or recorded except in the records of the
33 authority.

34 (i) The use and disposition of moneys to the credit of any sinking
35 fund shall be subject to the provisions of any resolution or resolutions
36 authorizing the issuance of any bonds or of any trust agreement. Except
37 as may otherwise be provided in this chapter or in any resolution or any
38 trust agreement, any sinking fund shall be a fund for all bonds without
39 distinction or priority of one over another, subject, however, to such
40 priorities as may arise from prior pledges.

41 (j) In the case of a toll road project that is leased to the department
42 under IC 8-9.5-8-8, the lease must require that the department fix tolls

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1 for the toll road project that comply with IC 8-9.5-8-8(c)(6).

2 (k) User fees (as defined in IC 8-15.5-2-10) for a toll road project
3 that is subject to a public-private agreement under IC 8-15.5 shall be
4 set in accordance with IC 8-15.5-7.

5 SECTION 8. IC 8-15-2-17.2, AS AMENDED BY P.L.47-2006,
6 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 17.2. (a) Notwithstanding IC 9, the authority
8 may adopt rules:

9 (1) Establishing weight and size limitations for vehicles using a
10 toll road project, subject to the following:

11 (A) The operator of any vehicle exceeding any of the
12 maximum allowable dimensions or weights as set out by the
13 authority in rules and regulations shall apply to the authority
14 in writing, for an application for a special hauling permit,
15 which application must be in compliance with all the terms
16 thereof, and which application must be received at least seven
17 (7) days prior to the time of permitted entry should such permit
18 be granted. Such permit, if granted, will be returned to the
19 applicant in duplicate, properly completed and numbered, and
20 the driver of the vehicle shall have a copy to present to the toll
21 attendant on duty at the point of entry.

22 (B) The authority shall assess a fee for issuing a special
23 hauling permit. In assessing the fee, the authority shall take
24 into consideration the following factors:

- 25 (i) The administrative cost of issuing the permit.
- 26 (ii) The potential damage the vehicle represents to the
27 project.
- 28 (iii) The potential safety hazard the vehicle represents.

29 (2) Establishing the minimum speed that a motor vehicle may be
30 driven on the interstate defense network of dual highways.

31 (3) Designating one-way traffic lanes on a toll road project.

32 (4) Determining the manner of operation of motor vehicles
33 entering and leaving traffic lanes on a toll road project.

34 (5) Determining the regulation of U-turns, of crossing or entering
35 medians, of stopping, parking, or standing, and of passing motor
36 vehicles on a toll road project.

37 (6) Determining the establishment and enforcement of traffic
38 control signs and signals for motor vehicles in traffic lanes,
39 acceleration and deceleration lanes, toll plazas, and interchanges
40 on a toll road project.

41 (7) Determining the limitation of entry to and exit from a toll road
42 project to designated entrances and exits.

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- 1 (8) Determining the limitation on use of a toll road project by
- 2 pedestrians and aircraft and by vehicles of a type specified in such
- 3 rules and regulations.
- 4 (9) Regulating commercial activity on a toll road project,
- 5 including but not limited to:
- 6 (A) the offering or display of goods or services for sale;
- 7 (B) the posting, distributing, or displaying of signs,
- 8 advertisements, or other printed or written material; and
- 9 (C) the operation of a mobile or stationary public address
- 10 system.
- 11 (10) Establishing enforcement procedures and making
- 12 assessments for the failure to pay required tolls. **The authority**
- 13 **may adopt rules under this subdivision under IC 4-22-2-37.1.**
- 14 **A rule under this subdivision adopted under IC 4-22-2-37.1**
- 15 **expires on the expiration date stated in the rule.**
- 16 (b) A person who violates a rule adopted under this section commits
- 17 a Class C infraction. However, a violation of a weight limitation
- 18 established by the authority under this section is:
- 19 (1) a Class B infraction if the total of all excesses of weight under
- 20 those limitations is more than five thousand (5,000) pounds but
- 21 not more than ten thousand (10,000) pounds; and
- 22 (2) a Class A infraction if the total of all excesses of weight under
- 23 those limitations is more than ten thousand (10,000) pounds.
- 24 (c) It is a defense to the charge of violating a weight limitation
- 25 established by the authority under this section that the total of all
- 26 excesses of weight under those limitations is less than one thousand
- 27 (1,000) pounds.
- 28 (d) The court may suspend the registration of a vehicle that violated:
- 29 (1) a size or weight limitation established by the authority under
- 30 this section; or
- 31 (2) a rule adopted under subsection (a)(10);
- 32 for a period of not more than ninety (90) days.
- 33 (e) Upon the conviction of a person for a violation of a weight or
- 34 size limitation established by the authority under this section, the court
- 35 may recommend suspension of the person's current chauffeur's license
- 36 only if the violation was committed knowingly.
- 37 SECTION 9. IC 8-15.5-7-8, AS ADDED BY P.L.47-2006,
- 38 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 UPON PASSAGE]: Sec. 8. **(a) The authority may fix user fees under**
- 40 **this chapter by rule under IC 4-22-2-37.1. A rule adopted under**
- 41 **this subsection expires on the expiration date stated in the rule.**
- 42 **(b) Any action to contest the validity of user fees fixed under this**

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1 chapter may not be brought after the fifteenth day following the
2 effective date of a rule fixing the user fees adopted under
3 ~~IC 4-22-2-37.1(a)(30)~~: **subsection (a).**

4 SECTION 10. IC 9-20-1-3 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This
6 subsection does not apply to any highway or street in the state highway
7 system. Except as provided in subsection (e), local authorities, with
8 respect to highways under their jurisdiction, may by ordinance:

- 9 (1) prohibit the operation of vehicles upon any highway; or
- 10 (2) impose restrictions as to the weight of vehicles to be operated
11 upon any highway;

12 for a total period not to exceed ninety (90) days in any one (1) year,
13 whenever any highway by reason of deterioration, rain, snow, or other
14 climatic conditions will be seriously damaged or destroyed without the
15 regulation of vehicles.

16 (b) A local authority adopting an ordinance under subsection (a)
17 shall erect or cause to be erected and maintained signs specifying the
18 terms of the ordinance at each end of that part of any highway affected
19 by the ordinance and at intersecting highways. The ordinance may not
20 be enforced until the signs are erected and maintained.

21 (c) Except as provided in subsection (e), local authorities with
22 respect to highways under their jurisdiction, except highways in the
23 state highway system and state maintained routes through cities and
24 towns, may by ordinance do the following:

- 25 (1) Prohibit the operation of trucks or other commercial vehicles.
- 26 (2) Impose limitations as to the weight, size, or use of those
27 vehicles on designated highways.

28 The prohibitions and limitations must be designated by appropriate
29 signs placed on the highways.

30 (d) The Indiana department of transportation has the same authority
31 granted to local authorities in subsections (a) and (c) to determine by
32 executive order and to impose restrictions as to weight, size, and use of
33 vehicles operated upon a highway in the state highway system,
34 including state maintained routes through cities and towns. These
35 restrictions may not be enforced until signs giving notice of the
36 restrictions are erected upon the highway or part of the highway
37 affected by the order.

38 **(e) The commissioner of the Indiana department of**
39 **transportation may designate an order adopted under subsection**
40 **(d) as an emergency rule and adopt the order in the same manner**
41 **as emergency rules are adopted under IC 4-22-2-37.1.**

42 ~~(e)~~ (f) A local authority may not, in an ordinance passed under

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1 subsection (a) or (c), prohibit the operation of buses that are not more
2 than forty-five (45) feet in length on any segment of the primary system
3 (as defined in IC 8-23-1-33) that was in existence on June 1, 1991.

4 SECTION 11. IC 9-21-4-7 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Whenever,
6 under this article, the Indiana department of transportation designates
7 or determines the location of, necessity for, and extent of:

- 8 (1) traffic control devices;
- 9 (2) state speed limits, other than maximum limits;
- 10 (3) speed limits on elevated structures;
- 11 (4) no passing zones;
- 12 (5) one-way roadways;
- 13 (6) certain lanes for slow moving traffic;
- 14 (7) course of turning movements at intersections;
- 15 (8) dangerous railroad crossings requiring stops;
- 16 (9) through highways and stop intersections;
- 17 (10) angle parking; or
- 18 (11) restrictions on the use of highways for certain periods or for
19 certain vehicles, including low speed vehicles;

20 the designation or determination shall be by order of the commissioner
21 of the Indiana department of transportation and shall, except for
22 subdivision (1), be evidenced by official signs or markings under this
23 article. **The commissioner of the Indiana department of**
24 **transportation may designate an order adopted under this**
25 **subsection as an emergency rule and adopt the order in the same**
26 **manner as emergency rules are adopted under IC 4-22-2-37.1.**

27 (b) At a trial of a person charged with a violation of the restrictions
28 imposed by subsection (a) and in all civil actions, oral evidence of the
29 location and content of the signs or markings is prima facie evidence
30 of the adoption and application of the restriction by the Indiana
31 department of transportation and the validity of the adoption and
32 application of the restriction. The Indiana department of transportation
33 shall, upon request by a party in an action at law, furnish, under the seal
34 of the Indiana department of transportation, a certification of the order
35 establishing the restriction in question. A certification under this
36 subsection shall be accepted by any court as conclusive proof of the
37 designation or determination by the commissioner of the Indiana
38 department of transportation. Certified copies shall be furnished
39 without cost to the parties to a court action involving the restriction
40 upon request.

41 (c) Whenever, under this article, a permit or permission of the
42 Indiana department of transportation is required, the permit must be in

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1 writing and under the seal of the Indiana department of transportation.

2 SECTION 12. IC 12-8-1.5-9.1 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: **Sec. 9.1. (a) A rule adopted under**
5 **section 9(b) of this chapter, before the expiration of section 9(b) of**
6 **this chapter on December 31, 2012, expires on the earliest of the**
7 **following:**

- 8 (1) **The expiration date stated in the rule.**
- 9 (2) **The date that the rule is amended or repealed by a later**
10 **rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or**
11 **under IC 4-22-2-37.1.**
- 12 (3) **June 30, 2013, at 11:59 p.m.**
- 13 (b) **This section expires July 1, 2013.**

14 SECTION 13. IC 13-14-8-1, AS AMENDED BY P.L.133-2012,
15 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 1. (a) The board may:

- 17 (1) adopt;
- 18 (2) repeal;
- 19 (3) rescind; or
- 20 (4) amend;

21 rules and standards by proceeding in the manner prescribed in
22 IC 4-22-2 and IC 13-14-9.

23 (b) **The board may adopt an emergency rule under**
24 **IC 4-22-2-37.1 to comply with a deadline required by or other date**
25 **provided by federal law if:**

- 26 (1) **the variance procedures are included in the rule; and**
- 27 (2) **permits or licenses granted during the period the**
28 **emergency rule is in effect are reviewed after the emergency**
29 **rule expires.**

30 **An emergency rule adopted under this subsection may be extended**
31 **for two (2) extension periods by adopting another rule under**
32 **IC 4-22-2-37.1. IC 4-22-2-37.1(g)(3) does not apply to an**
33 **emergency rule adopted under this subsection.**

34 SECTION 14. IC 13-15-4-3 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A board may
36 adopt a rule under IC 4-22-2 that changes a period described under
37 section 1 of this chapter within which the commissioner must approve
38 or deny an application:

- 39 (1) if:
- 40 (A) the general assembly enacts a statute;
- 41 (B) a board adopts a rule; or
- 42 (C) the federal government enacts a statute or adopts a

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1 regulation;
 2 that imposes a new requirement concerning a class of applications
 3 that makes it infeasible for the commissioner to approve or deny
 4 the application within the period;
 5 (2) if:
 6 (A) the general assembly enacts a statute;
 7 (B) a board adopts a rule; or
 8 (C) the federal government enacts a statute or adopts a
 9 regulation;
 10 that establishes a new permit program for which a period is not
 11 described under section 1 of this chapter; or
 12 (3) if some other significant factor concerning a class of
 13 applications makes it infeasible for the commissioner to approve
 14 or deny the application within the period.

15 **(b) A board may adopt a rule described in subsection (a) as an**
 16 **emergency rule under IC 4-22-2-37.1, if:**

- 17 **(1) the variance procedures are included in the rule; and**
- 18 **(2) permits or licenses granted during the period the**
 19 **emergency rule is in effect are reviewed after the emergency**
 20 **rule expires.**

21 If a board adopts an emergency rule under this ~~section~~, **subsection**, the
 22 period described in section 1 of this chapter is suspended during the
 23 emergency rulemaking process. **An emergency rule adopted under**
 24 **this subsection may be extended for two (2) extension periods by**
 25 **adopting another emergency rule under IC 4-22-2-37.1.**
 26 **IC 4-22-2-37.1(g)(3) does not apply to an emergency rule adopted**
 27 **under this subsection.**

28 SECTION 15. IC 13-15-4-10, AS AMENDED BY P.L.235-2005,
 29 SECTION 130, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: Sec. 10. The commissioner may
 31 suspend the processing of an application, and the period described
 32 under sections 1 through 6 of this chapter is suspended, if one (1) of the
 33 following occurs:

- 34 (1) The department determines that the application is incomplete
 35 and has mailed a notice of deficiency to the applicant that
 36 specifies the parts of the application that:
 37 (A) do not contain adequate information for the department to
 38 process the application; or
 39 (B) are not consistent with applicable law.

40 The period described under sections 1 through 6 of this chapter
 41 shall be suspended during the first two (2) notices of deficiency
 42 sent to an applicant under this subdivision. If more than two (2)

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1 notices of deficiency are issued on an application, the period may
 2 not be suspended unless the applicant agrees in writing to defer
 3 processing of the application pending the applicant's response to
 4 the notice of deficiency. A notice of deficiency may include a
 5 request for the applicant to conduct tests or sampling to provide
 6 information necessary for the department to process the
 7 application. If an applicant's response does not contain complete
 8 information to satisfy all deficiencies described in a notice of
 9 deficiency, the department shall notify the applicant not later than
 10 thirty (30) working days after receiving the response. The
 11 commissioner shall resume processing the application, and the
 12 period described under sections 1 through 6 of this chapter
 13 resumes on the earlier of the date the department receives and
 14 stamps as received the applicant's complete information or the
 15 date marked by the department on a certified mail return receipt
 16 accompanying the applicant's complete information.

17 (2) The commissioner receives a written request from an
 18 applicant to:

- 19 (A) withdraw; or
 - 20 (B) defer processing of;
- 21 the application for the purposes of resolving an issue related to a
 22 permit or to provide additional information concerning the
 23 application.

24 (3) The department is required by federal law or by an agreement
 25 with the United States Environmental Protection Agency for a
 26 federal permit program to transmit a copy of the proposed permit
 27 to the administrator of the United States Environmental Protection
 28 Agency for review and possible objections before the permit may
 29 be issued. The period described under sections 1 through 6 of this
 30 chapter shall be suspended from the time the department submits
 31 the proposed permit to the administrator for review until:

- 32 (A) the department receives the administrator's concurrence or
 33 objection to the issuance of the proposed permit; or
- 34 (B) the period established in federal law by which the
 35 administrator is required to make objections expires without
 36 the administrator having filed an objection.

37 (4) A board initiates emergency rulemaking under
 38 ~~IC 4-22-2-37.1(a)(13)~~ **section 3(b) of this chapter** to revise the
 39 period described under sections 1 through 6 of this chapter.

40 SECTION 16. IC 14-22-6-13, AS AMENDED BY P.L.18-2009,
 41 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 UPON PASSAGE]: Sec. 13. (a) If the director:

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- 1 (1) determines that a species of wild animal present within a state
- 2 park poses an unusual hazard to the health or safety of one (1) or
- 3 more individuals;
- 4 (2) determines, based upon the opinion of a professional biologist,
- 5 that it is likely that:
- 6 (A) a species of wild animal present within a state park will
- 7 cause obvious and measurable damage to the ecological
- 8 balance within the state park; and
- 9 (B) the ecological balance within the state park will not be
- 10 maintained unless action is taken to control the population of
- 11 the species within the state park; or

12 (3) is required under a condition of a lease from the federal
 13 government to manage a particular wild animal species;
 14 the director shall establish a controlled hunt for the species within the
 15 state park.

16 (b) An order issued by the director under this section must set forth
 17 the conditions of the hunt.

18 **(c) The director may issue an order under this section under**
 19 **IC 4-21.5-4.**

20 SECTION 17. IC 16-19-3-5 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The
 22 executive board may adopt rules on behalf of the state department for
 23 the efficient enforcement of this title, except as otherwise provided.
 24 However, fees for inspections relating to weight and measures may not
 25 be established by the rules.

26 **(b) The executive board may declare that a rule described in**
 27 **subsection (a) is necessary to meet an emergency and adopt the**
 28 **rule under IC 4-22-2-37.1.**

29 SECTION 18. IC 24-4.5-1-106 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 106. (1) The dollar
 31 amounts in this article designated as subject to change shall change, as
 32 provided in this section, according to the Consumer Price Index for
 33 Urban Wage Earners and Clerical Workers: U.S. City Average, All
 34 Items, 1957-59 equals 100, compiled by Bureau of Labor Statistics,
 35 United States Department of Labor, and referred to in this section as
 36 the Index. The Index for October, 1971, is the Reference Base Index.

37 (2) The dollar amounts shall change on July 1 of each
 38 even-numbered year if the percentage of change, calculated to the
 39 nearest whole percentage point, between the Index at the end of the
 40 preceding year and the Reference Base Index is ten percent (10%) or
 41 more, except that:

- 42 (a) the portion of the percentage change in the Index in excess of

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1 a multiple of ten percent (10%) shall be disregarded and the
 2 dollar amounts shall change only in multiples of ten percent
 3 (10%) of the amounts on March 5, 1971;
 4 (b) the dollar amounts shall not change if the amounts required by
 5 this section are those currently in effect pursuant to this article as
 6 a result of earlier application of the section; and
 7 (c) in no event shall the dollar amounts be reduced below the
 8 amounts appearing in this article on March 5, 1971.

9 (3) If the Index is revised after December 1967, the percentage of
 10 change shall be calculated on the basis of the revised Index. If the
 11 revision of the Index changes the Reference Base Index, a revised
 12 Reference Base Index shall be determined by multiplying the
 13 Reference Base Index by the ratio of the revised Index to the current
 14 Index, as each was for the first month in which the revised Index is
 15 available. If the Index is superseded, the Index is the one represented
 16 by the Bureau of Labor Statistics as reflecting most accurately changes
 17 in the purchasing power of the dollar for consumers.

18 (4) The department shall issue an emergency rule **under**
 19 **IC 4-22-2-37.1** announcing:

20 (a) on or before April 30 of each year in which dollar amounts are
 21 to change, the changes in dollar amounts required by subsection
 22 (2); and

23 (b) promptly after the changes occur, changes in the Index
 24 required by subsection (3), including, when applicable, the
 25 numerical equivalent of the Reference Base Index under a revised
 26 Reference Base Index and the designation or title of any index
 27 superseding the Index.

28 **An emergency rule adopted under this subsection expires on the**
 29 **date the department is next required to issue a rule under this**
 30 **subsection.**

31 (5) A person does not violate this article through a transaction
 32 otherwise complying with this article if the person relies on dollar
 33 amounts either determined according to subsection (2) or appearing in
 34 the last rule of the department announcing the then current dollar
 35 amounts.

36 SECTION 19. IC 24-4.5-6-107, AS AMENDED BY P.L.35-2010,
 37 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 107. (1) Except as otherwise provided,
 39 IC 4-21.5-3 governs all agency action taken by the department under
 40 this chapter or IC 24-4.5-3-501 through IC 24-4.5-3-513. All
 41 proceedings for administrative review under IC 4-21.5-3 or judicial
 42 review under IC 4-21.5-5 shall be held in Marion County. The

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1 provisions of IC 4-22-2 prescribing procedures for the adoption of rules
 2 by agencies shall apply to the adoption of rules by the department of
 3 financial institutions under this article. However, if the department
 4 declares an emergency in the document containing the rule, it may
 5 adopt rules permitted by this chapter under IC 4-22-2-37.1.

6 **(2) A rule under subsection (1) adopted under IC 4-22-2-37.1**
 7 **expires on the date the department is next required to issue a rule**
 8 **under the statute authorizing or requiring the rule.**

9 SECTION 20. IC 28-15-11-17, AS AMENDED BY P.L.27-2012,
 10 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Any statement,
 12 disclosure, or notification required by this chapter with respect to an
 13 alternative mortgage loan may be made in the form prescribed by the
 14 primary federal regulator or its successor for a similar alternative
 15 mortgage loan made by a federal savings association.

16 (b) In addition to the disclosures required by this chapter, the
 17 department may adopt rules under IC 4-22-2, **including emergency**
 18 **rules under IC 4-22-2-37.1**, or policies that require additional
 19 disclosures for alternative mortgage loans.

20 SECTION 21. IC 34-55-10-2.5, AS ADDED BY P.L.179-2005,
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 2.5. (a) The department of financial
 23 institutions shall adopt a rule under IC 4-22-2 establishing the amount
 24 for each exemption under section 2(c)(1) through 2(c)(3) of this
 25 chapter to take effect not earlier than January 1, 2010, and not later
 26 than March 1, 2010.

27 (b) The department of financial institutions shall adopt a rule under
 28 IC 4-22-2 establishing new amounts for each exemption under section
 29 2(c)(1) through 2(c)(3) of this chapter every six (6) years after
 30 exemption amounts are established under subsection (a). The rule
 31 establishing new exemption amounts under this subsection must take
 32 effect not earlier than January 1 and not later than March 1 of the sixth
 33 calendar year immediately following the most recent adjustments to the
 34 exemption amounts.

35 (c) The department of financial institutions shall determine the
 36 amount of each exemption under subsections (a) and (b) based on
 37 changes in the Consumer Price Index for All Urban Consumers,
 38 published by the United States Department of Labor, for the most
 39 recent six (6) year period.

40 (d) The department of financial institutions shall round the amount
 41 of an exemption determined under subsections (a) and (b) to the
 42 nearest fifty dollars (\$50).



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- 1 (e) A rule establishing amounts for exemptions under this section
- 2 may not reduce an exemption amount below the exemption amount on
- 3 July 1, 2005.
- 4 (f) **The department of financial institutions may adopt a rule**
- 5 **under subsection (a) or subsection (b) as an emergency rule under**
- 6 **IC 4-22-2-37.1.**
- 7 (g) **An emergency rule adopted by the department of financial**
- 8 **institutions under this section expires on the earlier of the following**
- 9 **dates:**
 - 10 (1) **The expiration date stated in the emergency rule.**
 - 11 (2) **The date the emergency rule is amended or repealed by a**
 - 12 **later rule adopted under IC 4-22-2-24 through IC 4-22-2-36**
 - 13 **or under IC 4-22-2-37.1.**
- 14 **SECTION 22. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1055, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MAHAN, Chair

Committee Vote: yeas 13, nays 0.

 COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Economic Development and Technology, to which was referred House Bill No. 1055, 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 4, line 33, delete "the" and insert "a".

Page 4, line 34, before "agency" delete "the" and insert "an".

Page 4, line 34, delete "the rule" and insert "rules".

Page 4, line 35, delete "the" and insert "such a".

Page 18, delete lines 2 through 20, begin a new paragraph and insert:

"SECTION 12. IC 12-8-1.5-9.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.1. (a) A rule adopted under section 9(b) of this chapter, before the expiration of section 9(b) of this chapter on December 31, 2012, expires on the earliest of the following:**

- (1) **The expiration date stated in the rule.**
- (2) **The date that the rule is amended or repealed by a later rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under IC 4-22-2-37.1.**

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(3) June 30, 2013, at 11:59 p.m.

(b) This section expires July 1, 2013."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1055 as printed January 15, 2013.)

BUCK, Chairperson

Committee Vote: Yeas 7, Nays 0.

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