

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1024 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 2-5-18-5 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The
- 5 committee consists of the following ~~eight (8)~~ members: ~~of the general~~
- 6 ~~assembly:~~
- 7 (1) **Before July 1, 2013, the following eight (8) members of the**
- 8 **general assembly:**
- 9 (A) Four (4) members of the house of representatives
- 10 appointed by the speaker of the house of representatives. Not
- 11 more than two (2) members appointed under this ~~subdivision~~
- 12 **clause** may be members of the same political party.
- 13 (2) ~~(2)~~ **(B) Four (4) members of the senate appointed by the**
- 14 **president pro tempore of the senate. Not more than two (2)**
- 15 **members appointed under this ~~subdivision~~ clause** may be
- 16 **members of the same political party.**
- 17 **(2) After June 30, 2013, the following five (5) members:**
- 18 **(A) Two (2) members of the house of representatives**
- 19 **appointed by the speaker of the house of representatives.**
- 20 **The two (2) members appointed under this clause may not**
- 21 **be members of the same political party.**
- 22 **(B) Two (2) members of the senate appointed by the**
- 23 **president pro tempore of the senate. The two (2) members**
- 24 **appointed under this clause may not be members of the**
- 25 **same political party.**

- 1 **(C) Either of the following:**
 2 **(i) The governor.**
 3 **(ii) The governor's designee, who may not be a member**
 4 **of the general assembly. A designee appointed by the**
 5 **governor serves during the tenure of office of the**
 6 **governor, subject to replacement by the governor for any**
 7 **reason.**
- 8 **(b) This subsection applies to the appointment of the members**
 9 **set forth in subsection (a), other than an appointment of a designee**
 10 **by the governor under subsection (a)(2)(C). The appointing**
 11 **authorities shall make the appointments set forth in subsection (a) as**
 12 **follows:**
- 13 **(1) In 2013:**
 14 **(A) after the adjournment sine die of the first regular**
 15 **session of the one hundred eighteenth general assembly;**
 16 **and**
 17 **(B) before July 1, 2013.**
- 18 **(2) In each even-numbered year, beginning in 2014:**
 19 **(A) after the election of the general assembly; and**
 20 **(B) before December 1. of each even-numbered year. The**
 21 **appointments remain**
- 22 **Subject to subsection (c), an appointment made under this**
 23 **subdivision remains in effect until the election of the next**
 24 **general assembly and a subsequent appointment under this**
 25 **subdivision.**
- 26 **(c) Any vacancy occurring on the committee must be filled by the**
 27 **appointing authority for the unexpired term.**
- 28 **SECTION 2. IC 2-5-18-6 IS AMENDED TO READ AS**
 29 **FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A**
 30 **committee chair shall be appointed from the committee members**
 31 **who are also members of the general assembly as follows:**
- 32 **(1) In 2013:**
 33 **(A) after the adjournment sine die of the first regular**
 34 **session of the one hundred eighteenth general assembly;**
 35 **and**
 36 **(B) before July 15;**
- 37 **the speaker of the house of representatives shall appoint a**
 38 **member of the committee to be chair of the committee during**
 39 **the second regular session of the one hundred eighteenth**
 40 **general assembly.**
- 41 **(2) In each even-numbered year, beginning in 2014:**
 42 **(A) after the election of the general assembly and the**
 43 **appointment of members to the committee under section**
 44 **5(b)(2) of this chapter; and**
 45 **(B) before December 1;**
- 46 **the speaker of the house president pro tempore of**

1 ~~representatives the senate~~ shall appoint a member of the
 2 committee to be the chair of the committee during the first regular
 3 session of ~~each the~~ general assembly **that was elected in**
 4 **November of that calendar year.** The member appointed to be
 5 chair by the ~~speaker~~ **president pro tempore** serves as chair until
 6 the ~~beginning of the second~~ **first** regular session of that general
 7 assembly ~~(b) is adjourned sine die and a chair is appointed~~
 8 **under subdivision (3) for the second regular session of that**
 9 **general assembly.**

10 **(3) In each odd-numbered year, beginning in 2015:**

11 **(A) after the adjournment sine die of the first regular**
 12 **session of the general assembly elected in November of the**
 13 **immediately preceding calendar year; and**

14 **(B) before December 1;**

15 the ~~president pro tempore speaker~~ of the ~~senate house of~~
 16 **representatives** shall appoint a member of the committee to be
 17 chair of the committee during the second regular session of ~~each~~
 18 **the** general assembly **that was elected in November of the**
 19 **immediately preceding calendar year.** The member appointed
 20 to be chair by the ~~president pro tempore speaker~~ serves as chair
 21 until the election of the next general assembly **is elected and an**
 22 **appointment is made under subdivision (2) for the next elected**
 23 **general assembly.**

24 ~~(c)~~ **(b)** The committee shall meet to organize on the call of the chair
 25 not later than:

26 **(1) July 15, 2013; and**

27 **(2) December 15 of each year thereafter.**

28 The committee shall meet **at least once each month** at the call of the
 29 chair.

30 **(c) A member of the committee may participate in a committee**
 31 **meeting without being physically present at the place where the**
 32 **meeting is conducted if the meeting is conducted in accordance**
 33 **with section 6.5 of this chapter.**

34 SECTION 3. IC 2-5-18-6.5 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: **Sec. 6.5. (a) This section applies to a committee**
 37 **meeting at which at least three (3) committee members are**
 38 **physically present at the place where the meeting is conducted.**

39 **(b) A committee member who is not physically present at the**
 40 **place where a committee meeting is conducted may participate in**
 41 **the meeting by using a means of communication that permits:**

42 **(1) the member;**

43 **(2) all other committee members participating in the meeting;**
 44 **and**

45 **(3) all members of the public physically present at the place**
 46 **where the meeting is conducted;**

1 to communicate simultaneously with each other during the
2 meeting.

3 (c) A committee member who participates in a meeting under
4 subsection (b):

- 5 (1) is considered to be present at the meeting;
- 6 (2) shall be counted for purposes of establishing a quorum;
- 7 and
- 8 (3) may vote at the meeting.

9 (d) The memoranda of the meeting must state the name of each
10 member who:

- 11 (1) was physically present at the place where the meeting was
12 conducted;
- 13 (2) participated in the meeting by using a means of
14 communication described in subsection (b); or
- 15 (3) was absent.

16 SECTION 4. IC 2-5-18-7 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) Each member of
18 the committee **who is a member of the general assembly** is entitled
19 to receive the same per diem, mileage, and travel allowances paid to
20 members of the general assembly serving on interim study committees
21 established by the legislative council. These expenses shall be paid
22 from funds appropriated to the legislative council.

23 (b) The governor or the governor's designee, if the governor's
24 designee is a state employee, is entitled to the following:

- 25 (1) Reimbursement for traveling expenses as provided under
26 IC 4-13-1-4.
- 27 (2) Other expenses actually incurred in connection with the
28 member's duties as provided in the state policies and
29 procedures established by the Indiana department of
30 administration and approved by the budget agency.

31 (c) If the governor's designee is not a state employee, the
32 governor's designee is entitled to the following:

- 33 (1) The salary per diem provided under IC 4-10-11-2.1(b).
- 34 (2) Reimbursement for traveling expenses as provided under
35 IC 4-13-1-4.
- 36 (3) Other expenses actually incurred in connection with the
37 member's duties as provided in the state policies and
38 procedures established by the Indiana department of
39 administration and approved by the budget agency.

40 SECTION 5. IC 2-5-18-8 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) The committee
42 shall receive and may, at its discretion, review a complaint filed by a
43 person regarding a rule or practice of an agency. **This section applies**
44 **to the following:**

- 45 (1) A rule for which the notice required by IC 4-22-2-23 or by
46 IC 13-14-9-3 is published in the Indiana Register by an agency

1 or the department of environmental management after July
2 15, 2013.

3 (2) A rule for which the notice required under IC 13-14-9-4 is
4 published in the Indiana Register by the department of
5 environmental management after July 15, 2013, if notice
6 under IC 13-14-9-3 is not published in the Indiana Register,
7 as allowed by IC 13-14-9-7.

8 **This section does not apply to an emergency rule.**

9 (b) The committee ~~may~~ **shall** review an agency rule; an agency
10 practice; or a failure of an agency to adopt a rule: **the proposed rules**
11 **of any agency that is not listed in IC 4-21.5-2-4.**

12 (c) The committee may recommend that a **proposed** rule be
13 modified; repealed; or adopted; **approved or disapproved by the**
14 **governor.**

15 (d) When appropriate, the committee shall prepare and arrange for
16 the introduction of a bill to clarify the intent of the general assembly
17 when the general assembly enacted a law or to correct the
18 misapplication of a law by an agency.

19 SECTION 6. IC 2-5-18-9 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) Five (~~5~~) **Three**
21 **(3)** members of the committee constitute a quorum.

22 (b) The affirmative vote of ~~five (5)~~ **three (3)** members of the
23 committee is required for the committee to take any action.

24 SECTION 7. IC 2-5-18-10 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) Notice of the
26 time, place, and agenda of committee meetings may be given in the
27 Indiana Register.

28 (~~b~~) ~~The committee may require publication of a periodic~~
29 ~~announcement in the Indiana Register that describes the duties of the~~
30 ~~committee and the procedure for filing complaints:~~

31 (~~e~~) **(b)** The committee may require publication in the Indiana
32 Register of an account of all or part of the proceedings of the
33 committee."

34 Page 7, after line 29, begin a new paragraph and insert:

35 "SECTION 10. IC 4-22-2-20, AS AMENDED BY P.L.123-2006,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 20. (a) Whenever an agency submits a rule to the
38 publisher, the attorney general, **the administrative rules oversight**
39 **committee established by IC 2-5-18-4**, or the governor under this
40 chapter, the agency shall submit the rule in the form of a written
41 document that:

42 (1) is clear, concise, and easy to interpret and to apply; and
43 (2) uses the format, numbering system, standards, and techniques
44 established under section 42 of this chapter.

45 (b) After June 30, 2006, all documents submitted to the publisher
46 under this chapter must be submitted electronically in the format
47 specified by the publisher.

1 **(c) Except as otherwise permitted under section 21 of this**
 2 **chapter, after July 15, 2013, all documents submitted under this**
 3 **chapter to the members of the administrative rules oversight**
 4 **committee established by IC 2-5-18-4 must be submitted in an**
 5 **electronic format under IC 5-14-6.**

6 SECTION 11. IC 4-22-2-21, AS AMENDED BY P.L.123-2006,
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2013]: Sec. 21. (a) **As used in this section, "committee"**
 9 **refers to the administrative rules oversight committee established**
 10 **by IC 2-5-18-4.**

11 **(b)** If incorporation of the text in full would be cumbersome,
 12 expensive, or otherwise inexpedient, an agency may incorporate by
 13 reference into a rule part or all of any of the following matters:

- 14 (1) A federal or state statute, rule, or regulation.
- 15 (2) A code, manual, or other standard adopted by an agent of the
 16 United States, a state, or a nationally recognized organization or
 17 association.
- 18 (3) A manual of the department of local government finance
 19 adopted in a rule described in IC 6-1.1-31-9.

20 ~~(b)~~ **(c)** Each matter incorporated by reference under subsection ~~(a)~~
 21 **(b)** must be fully and exactly described.

22 ~~(c)~~ **(d)** An agency may refer to a matter that is directly or indirectly
 23 referred to in a primary matter by fully and exactly describing the
 24 primary matter.

25 ~~(d)~~ **(e) Subject to subsections (f) and (g)**, whenever an agency
 26 submits a rule to the attorney general, **the committee**, the governor, or
 27 the publisher under this chapter, the agency shall also submit a copy of
 28 the full text of each matter incorporated by reference under subsection
 29 ~~(a)~~ **(b)** into the rule, other than the following:

- 30 (1) An Indiana statute or rule.
- 31 (2) A form or instructions for a form numbered by the commission
 32 on public records under IC 5-15-5.1-6.
- 33 (3) The source of a statement that is quoted or paraphrased in full
 34 in the rule.
- 35 (4) Any matter that has been previously filed with the:
 36 (A) secretary of state before July 1, 2006; or
 37 (B) publisher after June 30, 2006.
- 38 (5) Any matter referred to in subsection ~~(c)~~ **(d)** as a matter that is
 39 directly or indirectly referred to in a primary matter.

40 ~~(e)~~ **(f) Except as provided in subsection (g)**, an agency may
 41 comply with subsection ~~(d)~~ **(e)** by submitting a paper or an electronic
 42 copy of the full text of the matter incorporated by reference.

43 **(g) The full text of any matter submitted to the committee under**
 44 **subsection (e) must be submitted to the legislative services agency**
 45 **for the committee, and not to individual members of the committee.**
 46 **Notwithstanding subsection (f), if the matter being submitted is**
 47 **available to the agency in an electronic format, the agency must**

1 **submit the matter to the committee in an electronic format.**
 2 SECTION 12. IC 4-22-2-31.5 IS ADDED TO THE INDIANA
 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
 4 [EFFECTIVE JULY 1, 2013]: **Sec. 31.5. (a) As used in this section,**
 5 **"committee" refers to the administrative rules oversight committee**
 6 **established by IC 2-5-18-4.**

7 **(b) This section applies to the following:**
 8 **(1) A rule for which the notice required by section 23 of this**
 9 **chapter or by IC 13-14-9-3 is published in the Indiana**
 10 **Register by an agency or the department of environmental**
 11 **management after July 15, 2013.**

12 **(2) A rule for which the notice required under IC 13-14-9-4 is**
 13 **published in the Indiana Register by the department of**
 14 **environmental management after July 15, 2013, if notice**
 15 **under IC 13-14-9-3 is not published in the Indiana Register,**
 16 **as allowed by IC 13-14-9-7.**

17 **(c) After an agency has complied with section 29 of this chapter,**
 18 **or with IC 13-14-9-9(1) or IC 13-14-9-9(2), as applicable, for a rule,**
 19 **and not later than the date on which the agency submits the rule to**
 20 **the attorney general under section 31 of this chapter, the agency**
 21 **shall submit the rule to the committee for a recommendation made**
 22 **under section 32.5 of this chapter. The agency shall submit the**
 23 **following to the committee:**

24 **(1) The rule in the form required by section 20 of this chapter.**
 25 **(2) The documents required by section 21 of this chapter.**
 26 **(3) Written authorization to proceed issued by the publisher**
 27 **under section 24(g) of this chapter.**
 28 **(4) Any other documents specified by the committee.**

29 **The committee may require the agency to submit any supporting**
 30 **documentation that the committee considers necessary for the**
 31 **committee's review under section 32.5 of this chapter. The agency**
 32 **may submit any additional supporting documentation the agency**
 33 **considers necessary.**

34 SECTION 13. IC 4-22-2-32.5 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2013]: **Sec. 32.5. (a) As used in this section,**
 37 **"committee" refers to the administrative rules oversight committee**
 38 **established by IC 2-5-18-4.**

39 **(b) This section applies to the following:**
 40 **(1) A rule for which the notice required by section 23 of this**
 41 **chapter or by IC 13-14-9-3 is published in the Indiana**
 42 **Register by an agency or the department of environmental**
 43 **management after July 15, 2013.**

44 **(2) A rule for which the notice required under IC 13-14-9-4 is**
 45 **published in the Indiana Register by the department of**
 46 **environmental management after July 15, 2013, if notice**

- 1 under IC 13-14-9-3 is not published in the Indiana Register,
2 as allowed by IC 13-14-9-7.
- 3 (c) The committee shall review each rule submitted under
4 section 31.5 of this chapter.
- 5 (d) The committee may recommend that the governor approve
6 or disapprove a rule reviewed by the committee under this section.
- 7 (e) The committee has forty-five (45) days from the date that an
8 agency submits a rule under section 31.5 of this chapter to issue a
9 recommendation on the rule. If the committee makes no
10 recommendation with respect to the rule within the time set forth
11 in this subsection, the agency may submit the rule to the governor
12 for approval under section 33 of this chapter without a
13 recommendation from the committee.
- 14 (f) The committee shall halt its consideration of a rule if either
15 of the following occurs during the time described in subsection (e):
- 16 (1) The rule is recalled by the agency.
- 17 (2) The attorney general disapproves the rule under section 32
18 of this chapter.
- 19 SECTION 14. IC 4-22-2-40, AS AMENDED BY P.L.123-2006,
20 SECTION 15, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2013]: Sec. 40. (a) At any time before a rule is
22 accepted for filing by the publisher under section 35, 37.1, or 38 of this
23 chapter, the agency that adopted the rule may recall it. A rule may be
24 recalled regardless of whether: it
- 25 (1) the rule has been disapproved by the attorney general under
26 section 32 of this chapter;
- 27 (2) the administrative rules oversight committee has
28 recommended under section 32.5 of this chapter that the
29 governor disapprove the rule; or
- 30 (3) the rule has been disapproved by the governor under section
31 34 of this chapter.
- 32 (b) Sections 24 through 38 of this chapter do not apply to a recall
33 action under this section. However, the agency shall distribute a notice
34 of its recall action to the publisher for publication in the Indiana
35 Register. Sections 24 and 26 of this chapter do not apply to a
36 readoption action under subsection (c).
- 37 (c) After an agency recalls a rule, the agency may reconsider its
38 adoption action and adopt an identical rule or a revised rule. However,
39 if sections 24 through 36 of this chapter apply to the recalled rule, the
40 readopted rule must comply with the requirements under section 29 of
41 this chapter.
- 42 (d) The recall of a rule under this section voids any approval given
43 after the rule was adopted and before the rule was recalled.
- 44 (e) If a rule is:
- 45 (1) subject to sections 31, **31.5**, and 33 of this chapter;
- 46 (2) recalled under subsection (a); and
- 47 (3) readopted under subsection (c);

1 the agency shall resubmit the readopted version of the recalled rule to
2 the attorney general, **the administrative rules oversight committee**
3 **established by IC 2-5-18-4**, and the governor for approval. The
4 attorney general and the governor have the full statutory period to
5 approve or disapprove the readopted rule. The agency also shall comply
6 with any other applicable approval requirement provided by statute.
7 (f) The readopted version of a recalled rule is effective only after the
8 agency has complied with section 35, 37.1, or 38 of this chapter.
9 **SECTION 15. An emergency is declared for this act."**
10 Renumber all SECTIONS consecutively.
(Reference is to HB 1024 as printed January 15, 2013.)

Representative Thompson