

Administrative Rules Oversight Committee Notice
60 Day Requirement ([IC 4-22-2-19](#))
LSA Document #10-481

July 20, 2010

Senator R. Michael Young, Chair
Administrative Rules Oversight Committee
c/o Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Attn: Sarah Burkman

Re: LSA Document #10-481 Proposed Rule for Individual Assistance Applications and Revisions of Existing Rule for Public Assistance Applications under the State Disaster Relief Act

Dear Senator Young:

On behalf of the Indiana Department of Homeland Security, I am submitting this notice to the Administrative Rules Oversight Committee in compliance with [IC 4-22-2-19](#), which requires an agency to begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule. The statutory authority for the rule is [IC 10-14-4-11](#). As originally enacted, the State Disaster Relief Fund only contemplated financial assistance to units of government. Individual assistance was first authorized in P.L.107-2007, which became effective on July 1, 2007. In 2008, P.L.57-2008 amended the triggering events for individual assistance but the enacted statute contained an error that was not corrected until the passage of HEA 1428, P.L.110-2009, thus delaying the commencement of rulemaking. Additional rulemaking is required now to update the existing rules for both public assistance and individual assistance and to incorporate changes due to HEA 1428 – P.L.110-2009, SECTION 20, which became effective on May 7, 2009.

The Indiana Department of Homeland Security was unable to begin the rulemaking process within 60 days of the statute authorizing the rule. The complexity of the rule, the uncertainty of predicting disasters, and the consequent financial obligations they may engender made it difficult to achieve an internal consensus. These factors required extensive discussions both within the agency and with the Governor's office and the Office of Management and Budget. The error contained in P.L.57-2008 delayed rulemaking until it could be corrected in P.L.110-2009. The Indiana Department of Homeland Security previously initiated a rulemaking for the rule by publishing in the Indiana Register a Notice of Intent to Adopt a Rule on February 24, 2010 (DIN: [20100224-IR-290100113NIA](#)). However, after receiving an initial review from the Attorney General's office, we elected to withdraw that notice of intent and submit an amended version with greater detail provided as to the scope and intent of the proposed rule.

The time period for completing the promulgation process for LSA Document #10-481 will expire on July 1, 2011, the date upon which the emergency rules will expire per P.L.110-2009, SECTION 20.

Your understanding of these circumstances is greatly appreciated. If you need additional information, please do not hesitate to contact my General Counsel, George Thompson at 232-3497.

Sincerely,

Joseph E. Wainscott, Jr.
Executive Director
Indiana Department of Homeland Security

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