



CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 4

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Fiscal and administrative matters. Specifies that certain workforce related programs must be reviewed by the legislative services agency at least once rather than every five years. Requires the budget agency to biennially prepare a list of dedicated funds that have not been used in the previous two state fiscal years. Makes technical corrections to various statutes concerning rulemaking. Requires agencies to submit a copy of the notice of the first public comment period and regulatory analysis to the small business ombudsman. Provides that the legislative notice required for rule readoptions must be submitted not later than January 1 of the year preceding the year in which the rule expires. Provides that the publisher of the Indiana Register shall assign a document control number when an agency submits the legislative notice during rule readoption instead of when the agency submits the notice of proposed readoption. Provides that an agency may adopt interim rules to implement a reduction, a full or partial waiver, or an elimination of a fee, fine, or civil penalty included in an administrative rule. Requires the budget agency to transfer money in the phase out trust fund on or before June 30, 2024, to the Medicaid contingency and reserve account. Expires the phase out trust fund on July 1, 2024, and makes corresponding changes. Specifies certain deadlines within the statutes governing an agency's failure to enact required licensure rules. Requires an agency to conduct a regulatory analysis for certain proposed rules, including if the implementation and compliance costs are at least \$1,000,000. Provides that if a proposed rule has implementation and compliance costs of at least \$1,000,000, the following: (1) The rule cannot be published in the Indiana Register until the budget committee has reviewed the rule. (2) The budget agency and the office of management and budget may not approve any part of the proposed rule prior to review of the proposed rule by the budget committee. Provides that for a provisional rule or an interim rule that has implementation and compliance costs of at least \$1,000,000, the governor may not approve a rule prior to the budget committee's review of the rule. Requires the office of management and budget to notify the legislative council of certain proposed rules that have a fiscal impact of over \$1,000,000 over the course of two years. Removes references concerning the adoption of an emergency rule. Amends a reference from emergency rules to provisional or interim rules under certain circumstances. Makes conforming changes. **(This conference committee report: (1)**



requires an agency to conduct a regulatory analysis for certain proposed rules, including if the implementation and compliance costs are at least \$1,000,000; (2) provides that if a proposed rule has implementation and compliance costs of at least \$1,000,000: (A) the rule cannot be published in the Indiana Register until the budget committee has reviewed the rule; and (B) the budget agency and the office of management and budget may not approve any part of the proposed rules prior to review of the proposed rule by the budget committee; (3) provides that for a provisional rule or interim rule that has implementation and compliance costs of at least \$1,000,000, the governor may not approve a rule prior to the budget committee's review of the rule; (4) requires the office of management and budget to notify the legislative council of certain proposed rules that have a fiscal impact of over \$1,000,000 over the course of two years; (5) provides that certain proposed rules shall not be effective until the budget committee reviews the rule; (6) adds SB 137; and (7) makes technical corrections.)

Effective: Upon passage; July 1, 2024.



Adopted	Rejected
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CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 4 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 2-5-42.4-8, AS AMENDED BY THE TECHNICAL
- 3 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
- 4 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:
- 5 Sec. 8. (a) The legislative services agency shall establish and maintain a
- 6 system for making available to the public information about the amount and
- 7 effectiveness of workforce related programs.
- 8 (b) The legislative services agency shall develop and publish on the
- 9 general assembly's ~~internet web site~~ **website** a multiyear schedule that lists all
- 10 workforce related programs and indicates the year when the report will be
- 11 published for each workforce related program reviewed. The legislative
- 12 services agency may revise the schedule as long as the legislative services
- 13 agency provides for a systematic review, analysis, and evaluation of all
- 14 workforce related programs and ~~that~~ each workforce related program is
- 15 reviewed at least once. ~~every five (5) years.~~
- 16 SECTION 2. IC 3-6-4.1-14, AS AMENDED BY P.L.169-2015, SECTION
- 17 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
- 18 Sec. 14. (a) In addition to other duties prescribed by law, the commission
- 19 shall do the following:
- 20 (1) Administer Indiana election laws.

- 1 (2) Adopt rules under IC 4-22-2 to do the following:
 2 (A) Govern the fair, legal, and orderly conduct of elections, including
 3 the following:
 4 (i) ~~Emergency~~ Rules described in section 16 of this chapter to
 5 implement a court order requiring the commission, the election
 6 division, or an election board or official to administer an election
 7 in a manner not authorized by this title.
 8 (ii) Rules (including joint rules with other agencies when
 9 necessary) to implement and administer NVRA.
 10 (B) Carry out IC 3-9 (campaign finance).
 11 (C) Govern the establishment of precincts under IC 3-11-1.5.
 12 (D) Specify procedures and fees for the processing of an application
 13 from a vendor for voting systems approval and testing.
 14 (3) Advise and exercise supervision over local election and registration
 15 officers.
 16 (b) This section does not divest a county election board of any powers and
 17 duties imposed on the board in IC 3-6-5, except that if there is a deadlock on
 18 a county election board, the county election board shall submit the question
 19 to the commission for final determination.
 20 SECTION 3. IC 3-6-4.1-16 IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2024]: Sec. 16. The commission, by unanimous vote
 22 of the entire membership of the commission, may adopt ~~emergency~~ rules
 23 under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement a court order requiring the
 24 commission, the election division, or an election board or official to
 25 administer an election in a manner not authorized by this title.
 26 SECTION 4. IC 4-4-41-11, AS ADDED BY P.L.89-2021, SECTION 11
 27 AND P.L.158-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2024]: Sec. 11. The office shall adopt rules under
 29 IC 4-22-2 necessary for the administration of this chapter. ~~In adopting the~~
 30 ~~rules required by this section, the office may adopt emergency rules in the~~
 31 ~~manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an~~
 32 ~~emergency rule adopted by the office under this section and in the manner~~
 33 ~~provided by IC 4-22-2-37.1 expires on the date on which a rule that~~
 34 ~~supersedes the emergency rule is adopted by the office under IC 4-22-2-24~~
 35 ~~through IC 4-22-2-36.~~
 36 SECTION 5. IC 4-12-1-15.5 IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) The Medicaid contingency
 38 and reserve account is established within the state general fund for the
 39 purpose of providing money for timely payment of Medicaid claims,
 40 obligations, and liabilities. Money in the account must be used to pay
 41 Medicaid claims, obligations, and liabilities. The account shall be
 42 administered by the budget agency.
 43 (b) Expenses of administering the account shall be paid from money in the
 44 account. The account consists of the following:
 45 (1) Appropriations to the account.
 46 (2) Other Medicaid appropriations transferred to the account with the
 47 approval of the governor and the budget agency.
 48 **(3) Money transferred to the account from the phase out trust fund**
 49 **established by IC 12-15-44.5-7 (before its expiration).**
 50 (c) The treasurer of state shall invest the money in the account not

1 currently needed to meet the obligations of the account in the same manner
2 as other public money may be invested.

3 (d) Money in the account at the end of a state fiscal year does not revert.

4 SECTION 6. IC 4-12-1-22 IS ADDED TO THE INDIANA CODE AS A
5 NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
6 PASSAGE]: **Sec. 22. (a) Except as provided in subsection (b), as used in
7 this section, "dedicated fund" means a fund established separate from
8 the state general fund for:**

- 9 (1) the use of a particular state agency;
- 10 (2) the deposit of a particular state revenue source; or
- 11 (3) the purposes of a particular state purpose or a particular state
12 program.

13 **(b) The term does not include any of the following:**

- 14 (1) A fund established for the purpose of administering a federal
15 program or a fund established for the deposit of money received
16 from the federal government.
- 17 (2) The public deposit insurance fund maintained by the board for
18 depositories under IC 5-13.
- 19 (3) A trust fund.
- 20 (4) A fund that is subject to a statutorily required minimum balance.

21 **(c) Before October 1 of each even-numbered year, the budget agency
22 shall prepare a list of dedicated funds from which no expenditures were
23 made in the previous two (2) state fiscal years. The list must include the
24 following information for each dedicated fund:**

- 25 (1) The name of the fund.
- 26 (2) The legal fund balance on June 30 of the previous state fiscal
27 year.
- 28 (3) Citation of the statute or other authority for establishing the
29 fund.

30 **(d) Before October 1 of each even-numbered year, the budget agency
31 shall:**

- 32 (1) make any appropriate recommendations concerning the listed
33 dedicated funds; and
- 34 (2) submit the list prepared under subsection (c) and any
35 recommendations made under subdivision (1) in an electronic
36 format under IC 5-14-6 to the legislative council and to the budget
37 committee.

38 **(e) If the list required by this section is not submitted by October 1 of
39 an even-numbered year, the budget committee may request that the
40 budget agency appear at a public meeting concerning the list.**

41 **(f) Notwithstanding any other law, any remaining balance in a
42 dedicated fund identified on the list submitted under subsection (d)
43 reverts to the state general fund at the end of the state fiscal year in
44 which the list is submitted.**

45 SECTION 7. IC 4-15-10.5-10, AS ADDED BY P.L.205-2019, SECTION
46 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
47 Sec. 10. The director shall do the following:

- 48 (1) Hire or contract with administrative law judges and other employees
49 as necessary to carry out the purposes of this chapter.
- 50 (2) Assign administrative law judges from the office to preside over
51 administrative proceedings.

- 1 (3) Adopt rules under IC 4-22-2 establishing a code of judicial conduct
 2 for administrative law judges. The code of judicial conduct for
 3 administrative law judges applies to each person acting as an
 4 administrative law judge for the office. ~~The director may adopt~~
 5 ~~emergency rules in the manner provided under IC 4-22-2-37.1 to~~
 6 ~~implement a code of judicial conduct for administrative law judges.~~
 7 (4) Receive complaints alleging violations of the code of judicial
 8 conduct for administrative law judges, investigate the complaints, and
 9 take administrative or disciplinary action as deemed appropriate and
 10 warranted.
 11 (5) Establish and administer a program to train and educate
 12 administrative law judges.
 13 (6) Require all administrative law judges for the office to annually
 14 complete a number of hours of training and education determined by the
 15 director.
 16 (7) Provide and coordinate education for administrative law judges on
 17 the code of judicial conduct for administrative law judges,
 18 professionalism, administrative practices, and other subjects necessary
 19 to carry out the purposes of this chapter.
 20 (8) Render advisory opinions to administrative law judges concerning
 21 the code of judicial conduct for administrative law judges. Information
 22 and advice contained in an advisory opinion are considered:
 23 (A) specific to the person who requests the opinion and to the facts
 24 presented; and
 25 (B) confidential records under IC 5-14-3-4(b)(6).
 26 (9) Consult with agency heads on hiring and performance evaluations of
 27 administrative law judges for the agencies of the agency heads.
- 28 SECTION 8. IC 4-22-2-3, AS AMENDED BY P.L.249-2023, SECTION
 29 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 30 Sec. 3. (a) "Agency" means any officer, board, commission, department,
 31 division, bureau, committee, or other governmental entity exercising any of
 32 the executive (including the administrative) powers of state government. The
 33 term does not include the judicial or legislative departments of state
 34 government or a political subdivision as defined in IC 36-1-2-13.
 35 (b) "Rule" means the whole or any part of an agency statement of general
 36 applicability that:
 37 (1) has or is designed to have the effect of law; and
 38 (2) implements, interprets, or prescribes:
 39 (A) law or policy; or
 40 (B) the organization, procedure, or practice requirements of an
 41 agency.
 42 The term includes a fee, a fine, a civil penalty, a financial benefit limitation,
 43 or another payment amount set by an agency that otherwise qualifies as a rule.
 44 (c) "Rulemaking action" means the process of formulating or adopting a
 45 rule. The term does not include an agency action.
 46 (d) "Agency action" has the meaning set forth in IC 4-21.5-1-4.
 47 (e) "Person" means an individual, corporation, limited liability company,
 48 partnership, unincorporated association, or governmental entity.
 49 (f) "Publisher" refers to the publisher of the Indiana Register and Indiana
 50 Administrative Code, which is the legislative council, or the legislative

1 services agency operating under the direction of the council.

2 (g) **"Unit" means a county, city, town, township, local health**
3 **department, or school corporation.**

4 ~~(g)~~ (h) The definitions in this section apply throughout this article.

5 SECTION 9. IC 4-22-2-15, AS AMENDED BY P.L.249-2023, SECTION
6 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
7 Sec. 15. Any rulemaking action that this chapter allows or requires an agency
8 to perform, other than final adoption of a rule under section 29, 37.1, or 37.2
9 of this chapter or IC 13-14-9, may be performed by the individual or group of
10 individuals with the statutory authority to adopt rules for the agency, a
11 member of the agency's staff, or another agent of the agency. Final adoption
12 of a rule under section 29, 37.1, or 37.2 of this chapter or IC 13-14-9,
13 including re-adoption of a rule that is subject to sections ~~24~~ **23** through 36 or
14 to section 37.1 of this chapter and recalled for further consideration under
15 section 40 of this chapter, may be performed only by the individual or group
16 of individuals with the statutory authority to adopt rules for the agency.

17 SECTION 10. IC 4-22-2-22.7, AS ADDED BY P.L.249-2023, SECTION
18 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
19 Sec. 22.7. (a) Before complying with section 22.8, **37.1, or 37.2** of this
20 chapter, an agency shall conduct a regulatory analysis for the proposed rule
21 that complies with the requirements of this section.

22 (b) The office of management and budget shall set standards for the
23 criteria, analytical method, treatment technology, economic, fiscal, and other
24 background data to be used by an agency in the regulatory analysis. The
25 regulatory analysis must be submitted in a form that can be easily loaded into
26 commonly used business analysis software and published in the Indiana
27 Register using the format jointly developed by the publisher, the office of
28 management and budget, and the budget agency. The office of management
29 and budget may provide more stringent requirements for rules with fiscal
30 impacts and costs above a threshold amount determined by the office of
31 management and budget.

32 (c) At a minimum, the regulatory analysis must include findings and any
33 supporting data, studies, or analyses prepared for a rule that demonstrate
34 compliance with the following:

- 35 (1) The cost benefit requirements in IC 4-3-22-13.
- 36 (2) Each of the standards in section 19.5 of this chapter.
- 37 (3) If applicable, the requirements for fees, fines, and civil penalties in
38 section 19.6 of this chapter.
- 39 (4) The annual economic impact on small businesses statement required
40 under IC 4-22-2.1-5.
- 41 (5) If applicable, the information required under IC 13-14-9-4.
- 42 **(6) A determination whether the combined implementation and**
43 **compliance costs of a proposed rule are at least one million dollars**
44 **(\$1,000,000) for businesses, units, and individuals over any two (2)**
45 **year period.**

46 ~~(6)~~ (7) Any requirement under any other law to conduct an analysis of
47 the cost, benefits, economic impact, or fiscal impact of a rule, if
48 applicable.

49 (d) The regulatory analysis must include a statement justifying any
50 requirement or cost that is:

- 1 (1) imposed on a regulated entity under the rule; and
 2 (2) not expressly required by:
 3 (A) the statute authorizing the agency to adopt the rule; or
 4 (B) any other state or federal law.

5 The statement required under this subsection must include a reference to any
 6 data, studies, or analyses relied upon by the agency in determining that the
 7 imposition of the requirement or cost is necessary.

8 **(e) Except as provided in subsection (f), if the implementation and**
 9 **compliance costs of a proposed rule are expected to exceed the threshold**
 10 **set forth in subsection (c)(6), the publisher may not publish the proposed**
 11 **rule until the budget committee has reviewed the rule.**

12 **(f) Subsection (e) does not apply to a proposed rule if the proposed**
 13 **rule is:**

- 14 **(1) a provisional rule that was issued as the result of the governor**
 15 **declaring an emergency under IC 10-14-3 and is only valid during**
 16 **the emergency;**
 17 **(2) a provisional or interim rule that complies only with the**
 18 **requirements of a:**
 19 **(A) federal law;**
 20 **(B) federal regulation; or**
 21 **(C) federal grant or loan program; or**
 22 **(3) an interim rule that incorporates a new or updated:**
 23 **(A) building;**
 24 **(B) equipment;**
 25 **(C) firefighting;**
 26 **(D) safety; or**
 27 **(E) professional;**
 28 **code.**

29 **(g)** If an agency has made a good faith effort to comply with this
 30 section, a rule is not invalid solely because the regulatory analysis for the
 31 proposed rule is insufficient or inaccurate.

32 SECTION 11. IC 4-22-2-22.8, AS ADDED BY P.L.249-2023, SECTION
 33 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 34 Sec. 22.8. (a) After conducting a regulatory analysis under section 22.7 of this
 35 chapter, if an agency elects to adopt a rule subject to section 23 of this chapter
 36 or IC 13-14-9, the agency shall submit a request to the budget agency and the
 37 office of management and budget to authorize commencement of the public
 38 comment periods under this chapter or IC 13-14-9 (as applicable). The
 39 request must include the following:

- 40 (1) A general description of the subject matter of the proposed rule.
 41 (2) The full text of the proposed rule (including a copy of any matter
 42 incorporated by reference under section 21 of this chapter) in the form
 43 required by the publisher, including citations to any related authorizing
 44 and affected Indiana statutes.
 45 (3) The regulatory analysis, including supporting data, prepared under
 46 section 22.7 of this chapter.
 47 (4) Any other information required by the office of management and
 48 budget.

49 (b) The budget agency and the office of management and budget shall
 50 expedite the review of the request to adopt a rule. The budget agency and the
 51 office of management and budget may do the following:

1 (1) Return the request to the agency with a statement describing any
 2 additional information needed to authorize or disapprove further
 3 rulemaking actions on one (1) or more of the rules in the request.

4 (2) Authorize the commencement of the public comment periods on one
 5 (1) or more of the rules in the request with or without changes.

6 (3) Disapprove commencement of the public comment periods on one
 7 (1) or more of the rules with a statement of reasons for the disapproval.

8 (c) If an agency has requested authorization for more than one (1) rule in
 9 the same request, the budget agency and the office of management and budget
 10 may make separate determinations with respect to some or all of the rules in
 11 the request. Approval of a request shall be treated as a determination that the
 12 review conducted and findings made by the agency comply with the
 13 requirements of section 22.7 of this chapter and this section. The budget
 14 agency and the office of management and budget may not approve any part
 15 of a proposed rule that adds or amends language to increase or expand
 16 application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil
 17 penalties before submitting the proposed rule to the budget committee for
 18 review.

19 **(d) If the implementation and compliance costs of a proposed rule are**
 20 **expected to exceed the threshold set forth in section 22.7(c)(6) of this**
 21 **chapter, the office of management and budget shall submit the rule to the**
 22 **legislative council, in an electronic format under IC 5-14-6, within thirty**
 23 **(30) days of completing the review of the regulatory analysis. The**
 24 **chairperson of legislative council shall inform members of the budget**
 25 **committee of a rule submitted under this subsection. The budget agency**
 26 **and the office of management and budget may not approve any part of**
 27 **a proposed rule covered by this subsection prior to review of the**
 28 **proposed rule by the budget committee.**

29 ~~(d)~~ (e) Notice of the determination shall be provided to the agency in an
 30 electronic format required by the publisher. The budget agency and the office
 31 of management and budget may return to the agency any copy of a matter
 32 incorporated by reference under section 21 of this chapter that was submitted
 33 with the request.

34 ~~(e)~~ (f) If an agency revises a proposed rule after the budget agency and the
 35 office of management and budget authorize commencement of the public
 36 comment periods, the agency must obtain a new notice of determination under
 37 subsection ~~(d)~~ (e). The agency shall resubmit to the budget agency and the
 38 office of management and budget the revised proposed rule and a revised
 39 regulatory analysis with sufficient information for the budget agency and the
 40 office of management and budget to determine the impact the revisions have
 41 on the regulatory analysis previously reviewed by the budget agency and the
 42 office of management and budget. After obtaining a new notice of
 43 determination, the agency shall submit to the publisher the new notice of
 44 determination, the revised proposed rule, and the revised regulatory analysis.

45 SECTION 12. IC 4-22-2-23, AS AMENDED BY P.L.249-2023, SECTION
 46 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 47 Sec. 23. (a) An agency shall provide notice in the Indiana Register of the first
 48 public comment period required by this section. To publish notice of the first
 49 public comment period in the Indiana Register, the agency must submit the
 50 following to the publisher:

51 (1) A statement of the date, time, and place at which the hearing

1 required by section 26 of this chapter will be convened, including
2 information for how to attend the public hearing remotely.

3 (2) The full text of the agency's proposed rule in the form required by
4 section 20 of this chapter and the documents required by section 21 of
5 this chapter.

6 (3) The latest version of the regulatory analysis submitted to the budget
7 agency and the office of management and budget under section 22.8 of
8 this chapter.

9 (4) The determination of the budget agency and the office of
10 management and budget authorizing commencement of the public
11 comment periods.

12 (5) If the proposed rule adds or amends language to increase or expand
13 application of a fee, fine, or civil penalty or a schedule of fees, fines, or
14 civil penalties, the agenda of the budget committee meeting at which the
15 rule was scheduled for review.

16 **(6) If the proposed rule is expected to exceed the threshold set forth**
17 **in section 22.7(c)(6) of this chapter, the agenda of the budget**
18 **committee meeting at which the rule was scheduled for review.**

19 ~~(6)~~ (7) The notice required under subsection (b).

20 (b) The notice of the first public comment period must include the
21 following:

22 (1) A general description of the subject matter of the proposed rule.

23 (2) An overview of the intent and scope of the proposed rule and the
24 statutory authority for the rule.

25 (3) The latest version of the regulatory analysis submitted to the budget
26 agency and the office of management and budget under section 22.8 of
27 this chapter, excluding any appendices containing any data, studies, or
28 analyses referenced in the regulatory analysis.

29 (4) Information concerning where, when, and how a person may submit
30 written comments on the proposed rule, including contact information
31 concerning the small business regulatory coordinator required by section
32 28.1 of this chapter.

33 (5) Information concerning where, when, and how a person may inspect
34 and copy the regulatory analysis, and any data, studies, or analyses
35 referenced under subdivision (3).

36 (6) Information concerning where, when, and how a person may inspect
37 any documents incorporated by reference into the proposed rule under
38 section 21 of this chapter.

39 (7) An indication that, if the agency does not receive any substantive
40 comments during the public comment period or public hearing, the
41 agency may adopt a rule that is the same as or does not substantially
42 differ from the text of the proposed rule published under this section.

43 Inadequacy or insufficiency of the published description or regulatory analysis
44 in a notice published under this section does not invalidate a rulemaking
45 action.

46 (c) Although the agency may comply with the publication requirements of
47 this section on different days, the agency must comply with all of the
48 publication requirements of this section at least thirty (30) days before the
49 public hearing required by section 26 of this chapter is convened.

50 (d) The publisher shall review materials submitted under this section and

1 determine the date that the publisher intends to publish the text of the
 2 proposed rule and the notice in the Indiana Register. If the submitted material
 3 complies with this section, the publisher shall establish the intended
 4 publication date, assign a document control number to the proposed rule, and
 5 provide a written or an electronic mail authorization to proceed to the agency.
 6 The publisher shall publish the following in the Indiana Register on the
 7 intended publication date:

8 (1) The notice of the first public comment period, including any
 9 information required under IC 13-14-9-4 (if applicable).

10 (2) The full text of the agency's proposed rule (excluding the full text of
 11 a matter incorporated by reference under section 21 of this chapter).

12 SECTION 13. IC 4-22-2-28, AS AMENDED BY THE TECHNICAL
 13 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
 14 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.

15 28. (a) ~~The following definitions apply throughout As used in~~ this section,
 16 ~~(1) "ombudsman" refers to the small business ombudsman designated~~
 17 ~~under IC 5-28-17-6.~~

18 ~~(2) "Total estimated economic impact" means the direct annual~~
 19 ~~economic impact of a rule on all regulated persons after the rule is fully~~
 20 ~~implemented under subsection (g):~~

21 (b) The ombudsman:

22 (1) shall review a proposed rule that imposes requirements or costs on
 23 small businesses (as defined in IC 4-22-2.1-4); and

24 (2) may review a proposed rule that imposes requirements or costs on
 25 businesses other than small businesses (as defined in IC 4-22-2.1-4).

26 After conducting a review under subdivision (1) or (2), the ombudsman may
 27 suggest alternatives to reduce any regulatory burden that the proposed rule
 28 imposes on small businesses or other businesses. The agency that intends to
 29 adopt the proposed rule shall respond in writing to the ombudsman
 30 concerning the ombudsman's comments or suggested alternatives before
 31 adopting the proposed rule under section 29 of this chapter.

32 SECTION 14. IC 4-22-2-31, AS AMENDED BY P.L.249-2023, SECTION
 33 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

34 Sec. 31. After an agency has complied with section 29 of this chapter, or
 35 adopted the rule in conformity with IC 13-14-9, as applicable, the agency
 36 shall submit its rule to the attorney general for approval. The agency shall
 37 submit the following to the attorney general:

38 (1) The rule in the form required by section 20 of this chapter.

39 (2) The documents required by section 21 of this chapter.

40 (3) **A written or an electronic mail** authorization to proceed issued by
 41 the publisher under sections 23 and 24 of this chapter or IC 13-14-9-4,
 42 IC 13-14-9-5, or IC 13-14-9-14, as applicable.

43 (4) Any other documents specified by the attorney general.

44 The attorney general may require the agency to submit any supporting
 45 documentation that the attorney general considers necessary for the attorney
 46 general's review under section 32 of this chapter. The agency may submit any
 47 additional supporting documentation the agency considers necessary.

48 SECTION 15. IC 4-22-2-37.1, AS AMENDED BY P.L.249-2023,
 49 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 50 1, 2024]: Sec. 37.1. (a) The following do not apply to a rule adopted under

- 1 this section:
- 2 (1) Sections 23 through 27 of this chapter or IC 13-14-9 (as applicable).
- 3 (2) Sections 28 through 36 of this chapter.
- 4 The amendments to this section made in the 2023 regular session of the
- 5 general assembly apply to provisional rules that are accepted for filing by the
- 6 publisher of the Indiana Register after June 30, 2023, regardless of whether
- 7 the adopting agency initiated official action to adopt the rule by the name of
- 8 emergency rule or provisional rule before July 1, 2023. An action taken before
- 9 July 1, 2023, in conformity with this section (as effective after June 30, 2023)
- 10 is validated to the same extent as if the action was taken after June 30, 2023.
- 11 (b) An agency may adopt a rule on a subject for which the agency has
- 12 rulemaking authority using the procedures in this section if the governor finds
- 13 that the agency proposing to adopt the rule has demonstrated to the
- 14 satisfaction of the governor that use of provisional rulemaking procedures
- 15 under this section is necessary to avoid:
- 16 (1) an imminent and a substantial peril to public health, safety, or
- 17 welfare;
- 18 (2) an imminent and a material loss of federal funds for an agency
- 19 program;
- 20 (3) an imminent and a material deficit;
- 21 (4) an imminent and a substantial violation of a state or federal law or
- 22 the terms of a federal agreement or program;
- 23 (5) injury to the business or interests of the people or any public utility
- 24 of Indiana as determined under IC 8-1-2-113;
- 25 (6) an imminent and a substantial peril to:
- 26 (A) wildlife; or
- 27 (B) domestic animal;
- 28 health, safety, or welfare; or
- 29 (7) the spread of invasive species, pests, or diseases affecting plants.
- 30 To obtain a determination from the governor, an agency must submit to the
- 31 governor the text of the proposed provisional rule, **the regulatory analysis**
- 32 **required under section 22.7 of this chapter**, a statement justifying the need
- 33 for provisional rulemaking procedures, and any additional information
- 34 required by the governor in the form and in the manner required by the
- 35 governor.
- 36 (c) The governor may not approve provisional rulemaking for any part of
- 37 a proposed provisional rule that:
- 38 (1) adds or amends language to increase or expand application of a fee,
- 39 fine, or civil penalty or a schedule of fees, fines, or civil penalties; ~~before~~
- 40 ~~submitting the proposal to the budget committee for review; or~~
- 41 **(2) is expected to exceed the threshold set forth in section 22.7(c)(6)**
- 42 **of this chapter;**
- 43 **prior to the budget committee's review of the proposed provisional rule.**
- 44 A notice of determination by the governor shall include findings that explain
- 45 the basis for the determination. The notice of determination shall be provided
- 46 to the agency in an electronic format. Approval of a request shall be treated
- 47 as a determination that the rule meets the criteria in **subsection (b) and this**
- 48 **subsection.**
- 49 ~~(e)~~ **(d)** After the governor approves provisional rulemaking procedures for
- 50 a rule but before the agency adopts the provisional rule, the agency shall

1 obtain a document control number from the publisher. The publisher shall
 2 determine the documents and the format of the documents that must be
 3 submitted to the publisher to obtain a document control number. The agency
 4 must submit at least the following:

5 (1) The full text of the proposed provisional rule in the form required by
 6 section 20 of this chapter.

7 **(2) The regulatory analysis submitted to the governor under**
 8 **subsection (b).**

9 ~~(2)~~ (3) A statement justifying the need for provisional rulemaking.

10 ~~(3)~~ (4) The approval of the governor to use provisional rulemaking
 11 procedures required by law.

12 ~~(4)~~ (5) The documents required by section 21 of this chapter.

13 **(6) If the proposed provisional rule adds or amends language to**
 14 **increase or expand the application of a fee, fine, or civil penalty, or**
 15 **a schedule of fees, fines, or civil penalties, the agenda of the budget**
 16 **committee meeting at which the rule was scheduled for review.**

17 **(7) If the proposed provisional rule is expected to exceed the**
 18 **threshold set forth in section 22.7(c)(6) of this chapter, the agenda**
 19 **of the budget committee meeting at which the rule was scheduled for**
 20 **review.**

21 An agency may not adopt a proposed provisional rule until after the publisher
 22 notifies the agency that the publisher has complied with subsection ~~(d)~~: (e).
 23 At least ten (10) regular business days must elapse after the publisher has
 24 complied with subsection ~~(d)~~ (e) before the department of natural resources,
 25 the natural resources commission, the department of environmental
 26 management, or a board that has rulemaking authority under IC 13 adopts a
 27 provisional rule.

28 ~~(d)~~ (e) Upon receipt of documents described in subsection ~~(e)~~: (d), the
 29 publisher shall distribute the full text of the proposed provisional rule to
 30 legislators and legislative committees in the manner and the form specified
 31 by the legislative council or the personnel subcommittee of the legislative
 32 council acting for the legislative council. After distribution has occurred, the
 33 publisher shall notify the agency of the date that distribution under this
 34 subsection has occurred.

35 ~~(e)~~ (f) After the document control number has been assigned and the
 36 agency adopts the provisional rule, the agency shall submit the following to
 37 the publisher for filing:

38 (1) The text of the adopted provisional rule. The agency shall submit the
 39 provisional rule in the form required by section 20 of this chapter.

40 (2) A signature page that indicates that the agency has adopted the
 41 provisional rule in conformity with all procedures required by law.

42 ~~(3) If the provisional rule adds or amends language to increase or expand~~
 43 ~~application of a fee, fine, or civil penalty or a schedule of fees, fines, or~~
 44 ~~civil penalties, the agenda of the budget committee meeting at which the~~
 45 ~~rule was scheduled for review:~~

46 ~~(4)~~ (3) The documents required by section 21 of this chapter.

47 The publisher shall determine the format of the provisional rule and other
 48 documents to be submitted under this subsection. The substantive text of the
 49 adopted provisional rule must be substantially similar to the text of the
 50 proposed provisional rule submitted to the governor. A provisional rule may

- 1 suspend but not repeal a rule approved by the governor under section 34 of
 2 this chapter.
- 3 ~~(f)~~ **(g)** Subject to subsections ~~(e)~~ **(d)** and ~~(e)~~ **(f)** and section 39 of this
 4 chapter, the publisher shall:
- 5 (1) accept the provisional rule for filing;
 6 (2) electronically record the date and time that the provisional rule is
 7 accepted; and
 8 (3) publish the text of the:
- 9 **(A)** adopted provisional rule;
 10 **(B) regulatory analysis (excluding appendices containing data,**
 11 **studies, or analyses referenced in the regulatory analysis);** and
 12 ~~the~~
 13 **(C)** governor's approval in the Indiana Register.
- 14 ~~(g)~~ **(h)** A provisional rule adopted by an agency under this section takes
 15 effect on the latest of the following dates:
- 16 (1) The effective date of the statute delegating authority to the agency to
 17 adopt the provisional rule.
 18 (2) The date and time that the provisional rule is accepted for filing
 19 under subsection ~~(f)~~: **(g)**.
 20 (3) The effective date stated by the adopting agency in the provisional
 21 rule.
 22 (4) The date of compliance with every requirement established by law
 23 as a prerequisite to the adoption or effectiveness of the provisional rule.
 24 (5) The statutory effective date for a provisional rule set forth in law.
- 25 ~~(h)~~ **(i)** An agency may amend a provisional rule with another provisional
 26 rule by following the procedures in this section for the amended provisional
 27 rule. However, unless otherwise provided by IC 4-22-2.3, a provisional rule
 28 and all amendments of a provisional rule by another provisional rule expire
 29 not later than one hundred eighty (180) days after the initial provisional rule
 30 is accepted for filing under subsection ~~(f)~~: **(g)**. **Unless otherwise provided by**
 31 **IC 4-22-2.3-2**, the subject of the provisional rule, including all amendments
 32 to the provisional rule, may not be subsequently extended under this section
 33 or section 37.2 of this chapter. If the governor determines that the
 34 circumstance that is the basis for using the procedures under this section
 35 ceases to exist, the governor may terminate the provisional rule before the
 36 lapse of one hundred eighty (180) days. The termination is effective when
 37 filed with the publisher. The publisher shall publish the termination notice in
 38 the Indiana Register.
- 39 ~~(i)~~ **(j)** Subject to subsection ~~(j)~~: **(k)**, the attorney general or the governor
 40 may file an objection to a provisional rule that is adopted under this section
 41 not later than forty-five (45) days after the date that a provisional rule or
 42 amendment to a provisional rule is accepted for filing under subsection ~~(f)~~:
 43 **(g)**. The objection must cite the document control number for the affected
 44 provisional rule and state the basis for the objection. When filed with the
 45 publisher, the objection has the effect of invalidating the provisional rule or
 46 amendment to a provisional rule. The publisher shall publish the objection in
 47 the Indiana Register.
- 48 ~~(j)~~ **(k)** The attorney general may file a written objection to a provisional
 49 rule under subsection ~~(j)~~ **(j)** only if the attorney general determines that the
 50 provisional rule has been adopted:

- 1 (1) without statutory authority; or
 2 (2) without complying with this section.
- 3 A notice of objection to a provisional rule by the attorney general must
 4 include findings that explain the basis for the determination. The notice of
 5 objection shall be provided to the agency in an electronic format.
- 6 SECTION 16. IC 4-22-2-37.2, AS ADDED BY P.L.249-2023, SECTION
 7 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 8 Sec. 37.2. (a) The following do not apply to a rule adopted under this section:
 9 (1) Sections 23 through 27 of this chapter or IC 13-14-9 (as applicable).
 10 (2) Sections 28 through 36 of this chapter.
- 11 This section as added by the 2023 regular session of the general assembly
 12 applies to interim rules that are accepted for filing by the publisher of the
 13 Indiana Register after June 30, 2023, regardless of whether the adopting
 14 agency initiated official action to adopt the interim rule before July 1, 2023.
 15 An action taken before July 1, 2023, in conformity with this section (as
 16 effective after June 30, 2023) is validated to the same extent as if the action
 17 was taken after June 30, 2023.
- 18 (b) An agency may only adopt a rule on a subject for which the agency has
 19 rulemaking authority using the procedures in this section if the governor finds
 20 that the agency proposing to adopt the rule has demonstrated to the
 21 satisfaction of the governor that use of interim rulemaking procedures under
 22 this section is necessary to implement:
- 23 (1) a new state or federal law or program, rule of another state agency,
 24 federal regulation, or federal grant or loan agreement, or (if used by the
 25 agency to carry out the agency's responsibilities) a building, an
 26 equipment, a firefighting, a safety, or a professional code adopted by a
 27 nationally recognized organization;
 28 (2) a change in a state or federal law or program, rule of another state
 29 agency, federal regulation, federal grant or loan agreement, or (if used
 30 by the agency to carry out the agency's responsibilities) a building, an
 31 equipment, a firefighting, a safety, or a professional code adopted by a
 32 nationally recognized organization; or
 33 (3) a category of rule authorized under IC 4-22-2.3 to be adopted as an
 34 interim rule;
- 35 before the time that a final rule approved by the governor under section 34 of
 36 this chapter could reasonably take effect.
- 37 (c) To obtain a determination from the governor, an agency must submit
 38 to the governor the text of the proposed interim rule, a statement justifying the
 39 need for interim rulemaking procedures, and any additional information
 40 required by the governor in the form and in the manner required by the
 41 governor. The governor may not approve interim rulemaking for any part of
 42 a proposed interim rule that:
- 43 (1) adds or amends language to increase or expand application of a fee,
 44 fine, or civil penalty or a schedule of fees, fines, or civil penalties; **or**
 45 (2) **is expected to exceed the threshold set forth in section 22.7(c)(6)**
 46 **of this chapter;**
- 47 **before submitting the proposal prior to the budget committee committee's**
 48 **for review of the proposed interim rule.** A notice of determination by the
 49 governor shall include findings that explain the basis for the determination.
 50 The notice of determination shall be provided to the agency in an electronic

1 format. Approval of a request shall be treated as a determination that the rule
2 meets the criteria in this subsection.

3 (d) To publish a notice of interim rulemaking in the Indiana Register, the
4 agency must submit the following to the publisher:

5 (1) The full text of the agency's proposed interim rule in the form
6 required by section 20 of this chapter.

7 **(2) The regulatory analysis submitted to the governor under**
8 **subsection (c).**

9 **(3) A statement justifying the need for interim rulemaking.**

10 ~~(2)~~ (4) The approval of the governor to use interim rulemaking
11 procedures for the rule.

12 ~~(3)~~ (5) If the **proposed** interim rule adds or amends language to increase
13 or expand application of a fee, fine, or civil penalty or a schedule of fees,
14 fines, or civil penalties, the agenda of the budget committee meeting at
15 which the rule was scheduled for review.

16 ~~(4)~~ (6) The documents required by section 21 of this chapter.

17 **(7) If the proposed interim rule is expected to exceed the threshold**
18 **set forth in section 22.7(c)(6) of this chapter, the agenda of the**
19 **budget committee meeting at which the rule was scheduled for**
20 **review.**

21 The publisher shall review materials submitted under this section and
22 determine the date that the publisher intends to include the material in the
23 Indiana Register. After establishing the intended publication date, the
24 publisher shall provide a written or an electronic mail authorization to
25 proceed to the agency.

26 (e) The agency shall include the following in the notice of the public
27 comment period:

28 (1) A general description of the subject matter of the proposed interim
29 rule, including the document control number.

30 (2) The full text of the agency's proposed interim rule in the form
31 required by section 20 of this chapter (excluding the text of a matter
32 incorporated by reference under section 21 of this chapter).

33 **(3) The regulatory analysis submitted to the governor under**
34 **subsection (c) (excluding appendices containing data, studies, or**
35 **analyses referenced in the regulatory analysis).**

36 ~~(3)~~ (4) A statement justifying any requirement or cost that is:

37 (A) imposed on a regulated entity under the interim rule; and

38 (B) not expressly required by the statute authorizing the agency to
39 adopt rules or any other state or federal law.

40 The statement required under this subdivision must include a reference
41 to any data, studies, or analyses relied upon by the agency in
42 determining that the imposition of the requirement or cost is necessary.

43 ~~(4)~~ (5) Information concerning where, when, and how a person may
44 inspect and copy any data, studies, or analyses referenced under
45 subdivision ~~(3)~~: (4).

46 ~~(5)~~ (6) Information concerning where, when, and how a person may
47 inspect any documents incorporated by reference into the proposed
48 interim rule under section 21 of this chapter.

49 ~~(6)~~ (7) A date that is thirty (30) days after the notice is published in the
50 Indiana Register by which written comments are due and a statement

- 1 explaining that any person may submit written comments concerning the
 2 proposed interim rule during the public comment period and instructions
 3 on when, where, and how the person may submit written comments.
 4 However, inadequacy or insufficiency of the subject matter description under
 5 subdivision (1) or a statement of justification under subdivision ~~(3)~~ (4) in a
 6 notice does not invalidate a rulemaking action. An agency may continue the
 7 public comment period by publishing a subsequent notice in the Indiana
 8 Register extending the public comment period.
- 9 (f) Before adopting the interim rule, the agency shall prepare a written
 10 response to comments received by the agency, including the reasons for
 11 rejecting any recommendations made in the comments.
- 12 (g) After an agency has completed the public comment period and
 13 complied with subsection (f), the agency may:
- 14 (1) adopt a rule that is identical to a proposed interim rule published in
 15 the Indiana Register under this section; or
 16 (2) adopt a revised version of a proposed interim rule published under
 17 this section and include provisions that did not appear in the initially
 18 published proposed version.
- 19 An agency may not adopt an interim rule that substantially differs from the
 20 version of the proposed interim rule published in the Indiana Register under
 21 this section, unless it is a logical outgrowth of any proposed interim rule as
 22 supported by any written comments submitted during the public comment
 23 period.
- 24 (h) After the agency adopts the interim rule, the agency shall submit the
 25 following to the publisher for filing:
- 26 (1) The text of the adopted interim rule. The agency shall submit the full
 27 text of the interim rule in the form required by section 20 of this chapter.
 28 (2) A summary of the comments received by the agency during the
 29 public comment period and the agency's response to the comments.
 30 (3) A signature page that indicates that the agency has adopted the
 31 interim rule in conformity with all procedures required by law.
 32 (4) The documents required by section 21 of this chapter.
- 33 The publisher shall determine the format of the interim rule and other
 34 documents to be submitted under this subsection. An interim rule may
 35 suspend but not repeal a rule approved by the governor under section 34 of
 36 this chapter.
- 37 (i) Subject to subsection (h) and section 39 of this chapter, the publisher
 38 shall:
- 39 (1) accept the interim rule for filing;
 40 (2) electronically record the date and time that the interim rule is
 41 accepted; and
 42 (3) publish the text of the:
- 43 (A) adopted interim rule;
 44 (B) **regulatory analysis (excluding appendices containing data,
 45 studies, or analyses referenced in the regulatory analysis);** and
 46 ~~the~~
 47 (C) governor's approval in the Indiana Register.
- 48 (j) An interim rule adopted by an agency under this section takes effect on
 49 the latest of the following dates:
- 50 (1) The effective date of the statute delegating authority to the agency to

- 1 adopt the interim rule.
- 2 (2) The date and time that the interim rule is accepted for filing under
3 subsection (i).
- 4 (3) The effective date stated by the adopting agency in the interim rule.
- 5 (4) The date of compliance with every requirement established by law
6 as a prerequisite to the adoption or effectiveness of the interim rule.
- 7 (5) The statutory effective date for an interim rule set forth in law.
- 8 (k) An agency may amend an interim rule with another interim rule by
9 following the procedures in this section for adoption of an interim rule.
10 Except as provided in IC 4-22-2.3, an interim rule and all subsequent rules on
11 the same subject adopted under section 37.1 of this chapter or this section
12 expire not later than four hundred twenty-five (425) days after the initial
13 interim rule is accepted for filing under subsection (i).
- 14 (l) Subject to subsection (m), the attorney general or the governor may file
15 an objection to an interim rule that is adopted under this section not later than
16 forty-five (45) days after the date that an interim rule or amendment to an
17 interim rule is accepted for filing under subsection (i). The objection must cite
18 the document control number for the affected interim rule and state the basis
19 for the objection. When filed with the publisher, the objection has the effect
20 of invalidating the interim rule or amendment to an interim rule. The
21 publisher shall publish the objection in the Indiana Register.
- 22 (m) The attorney general may file a written objection to an interim rule
23 under subsection (l) only if the attorney general determines that the interim
24 rule has been adopted:
- 25 (1) without statutory authority; or
26 (2) without complying with this section.
- 27 A notice of objection to an interim rule by the attorney general must include
28 findings that explain the basis for the determination. The notice of objection
29 shall be provided to the agency in an electronic format.
- 30 SECTION 17. IC 4-22-2-38, AS AMENDED BY P.L.249-2023, SECTION
31 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
32 Sec. 38. (a) This section applies to a rulemaking action resulting in any of the
33 following rules:
- 34 (1) A rule that brings another rule into conformity with section 20 of this
35 chapter.
- 36 (2) A rule that amends another rule to replace an inaccurate reference to
37 a statute, rule, regulation, other text, governmental entity, or location
38 with an accurate reference, when the inaccuracy is the result of the
39 rearrangement of a federal or state statute, rule, or regulation under a
40 different citation number, a federal or state transfer of functions from
41 one (1) governmental entity to another, a change in the name of a federal
42 or state governmental entity, or a change in the address of an entity.
- 43 (3) A rule correcting any other typographical, clerical, or spelling error
44 in another rule.
- 45 (b) Sections ~~24~~ 23 through 37.2 of this chapter do not apply to rules
46 described in subsection (a).
- 47 (c) Notwithstanding any other statute, an agency may adopt a rule
48 described by subsection (a) without complying with any statutory notice,
49 hearing, adoption, or approval requirement. In addition, the governor may
50 adopt a rule described in subsection (a) for an agency without the agency's

1 consent or action.

2 (d) A rule described in subsection (a) shall be submitted to the publisher
3 for the assignment of a document control number. The agency (or the
4 governor, for the agency) shall submit the rule in the form required by section
5 20 of this chapter and with the documents required by section 21 of this
6 chapter. The publisher shall determine the number of copies of the rule and
7 other documents to be submitted under this subsection.

8 (e) After a document control number is assigned, the agency (or the
9 governor, for the agency) shall submit the rule to the publisher for filing. The
10 agency (or the governor, for the agency) shall submit the rule in the form
11 required by section 20 of this chapter and with the documents required by
12 section 21 of this chapter. The publisher shall determine the format of the rule
13 and other documents to be submitted under this subsection.

14 (f) Subject to section 39 of this chapter, the publisher shall:

15 (1) accept the rule for filing; and

16 (2) electronically record the date and time that it is accepted.

17 (g) Subject to subsection (h), a rule described in subsection (a) takes effect
18 on the latest of the following dates:

19 (1) The date that the rule being corrected by a rule adopted under this
20 section becomes effective.

21 (2) The date that is forty-five (45) days from the date and time that the
22 rule adopted under this section is accepted for filing under subsection
23 (f).

24 (h) The governor or the attorney general may file an objection to a rule that
25 is adopted under this section before the date that is forty-five (45) days from
26 the date and time that the rule is accepted for filing under subsection (f).
27 When filed with the publisher, the objection has the effect of invalidating the
28 rule.

29 SECTION 18. IC 4-22-2.1-5, AS AMENDED BY P.L.249-2023,
30 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 2024]: Sec. 5. (a) If an agency intends to adopt a rule under IC 4-22-2 that
32 will impose requirements or costs on small businesses, the agency shall
33 prepare a statement that describes the annual economic impact of a rule on all
34 small businesses after the rule is fully implemented. The statement required
35 by this section must include the following:

36 (1) An estimate of the number of small businesses, classified by industry
37 sector, that will be subject to the proposed rule.

38 (2) An estimate of the average annual reporting, record keeping, and
39 other administrative costs that small businesses will incur to comply
40 with the proposed rule.

41 (3) An estimate of the total annual economic impact that compliance
42 with the proposed rule will have on all small businesses subject to the
43 rule.

44 (4) A statement justifying any requirement or cost that is:

45 (A) imposed on small businesses by the rule; and

46 (B) not expressly required by:

47 (i) the statute authorizing the agency to adopt the rule; or

48 (ii) any other state or federal law.

49 The statement required by this subdivision must include a reference to
50 any data, studies, or analyses relied upon by the agency in determining

1 that the imposition of the requirement or cost is necessary.

2 (5) A regulatory flexibility analysis that considers any less intrusive or
3 less costly alternative methods of achieving the purpose of the proposed
4 rule. The analysis under this subdivision must consider the following
5 methods of minimizing the economic impact of the proposed rule on
6 small businesses:

7 (A) The establishment of less stringent compliance or reporting
8 requirements for small businesses.

9 (B) The establishment of less stringent schedules or deadlines for
10 compliance or reporting requirements for small businesses.

11 (C) The consolidation or simplification of compliance or reporting
12 requirements for small businesses.

13 (D) The establishment of performance standards for small businesses
14 instead of design or operational standards imposed on other regulated
15 entities by the rule.

16 (E) The exemption of small businesses from part or all of the
17 requirements or costs imposed by the rule.

18 If the agency has made a preliminary determination not to implement
19 one (1) or more of the alternative methods considered, the agency shall
20 include a statement explaining the agency's reasons for the
21 determination, including a reference to any data, studies, or analyses
22 relied upon by the agency in making the determination.

23 **(b) The agency shall submit a copy of the notice of the first public**
24 **comment period and regulatory analysis published under IC 4-22-2-23**
25 **to the small business ombudsman not later than the publication of the**
26 **notice of the first public comment period.**

27 SECTION 19. IC 4-22-2.1-6, AS AMENDED BY P.L.249-2023,
28 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 2024]: Sec. 6. (a) Not later than seven (7) days before the date of the public
30 hearing set forth in the agency's notice under ~~IC 4-22-2-24~~, **IC 4-22-2-23**, the
31 small business ombudsman shall do the following:

32 (1) Review the proposed rule **contained within the notice of the first**
33 **public comment period** and economic impact statement **contained**
34 **within the regulatory analysis** submitted to the small business
35 ombudsman by the agency under section 5 of this chapter.

36 (2) Submit written comments to the agency on the proposed rule and the
37 economic impact statement prepared by the agency under section 5 of
38 this chapter. The small business ombudsman's comments may:

39 (A) recommend that the agency implement one (1) or more of the
40 regulatory alternatives considered by the agency under section 5 of
41 this chapter;

42 (B) suggest regulatory alternatives not considered by the agency
43 under section 5 of this chapter;

44 (C) recommend any other changes to the proposed rule that would
45 minimize the economic impact of the proposed rule on small
46 businesses; or

47 (D) recommend that the agency abandon or delay the rulemaking
48 action until:

49 (i) more data on the impact of the proposed rule on small
50 businesses can be gathered and evaluated; or

- 1 (ii) less intrusive or less costly alternative methods of achieving the
 2 purpose of the proposed rule can be effectively implemented with
 3 respect to small businesses.
- 4 (b) Upon receipt of the small business ombudsman's written comments
 5 under subsection (a), the agency shall make the comments available:
 6 (1) for public inspection and copying at the offices of the agency under
 7 IC 5-14-3;
 8 (2) electronically through the electronic gateway administered under
 9 IC 4-13.1-2-2(a)(6) by the office of technology; and
 10 (3) for distribution at the public hearing required by IC 4-22-2-26.
- 11 (c) Before finally adopting a rule under IC 4-22-2-29, and in the same
 12 manner that the agency considers public comments under IC 4-22-2-27, the
 13 agency must fully consider the comments submitted by the small business
 14 ombudsman under subsection (a). After considering the comments under this
 15 subsection, the agency may:
 16 (1) adopt any version of the rule permitted under IC 4-22-2-29; or
 17 (2) abandon or delay the rulemaking action as recommended by the
 18 small business ombudsman under subsection (a)(2)(D), if applicable.
- 19 SECTION 20. IC 4-22-2.3-6, AS ADDED BY P.L.249-2023, SECTION
 20 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 21 Sec. 6. The following apply to the department of financial institutions:
 22 (1) The department of financial institutions shall adopt rules under the
 23 interim rule procedures in IC 4-22-2-37.2 announcing:
 24 (A) sixty (60) days before January 1 of each odd-numbered year in
 25 which dollar amounts under IC 24-4.5 (Uniform Consumer Credit
 26 Code) are to change, the changes in dollar amounts required by
 27 IC 24-4.5-1-106(2);
 28 (B) promptly after the changes occur, changes in the Index required
 29 by IC 24-4.5-1-106(3), including, when applicable, the numerical
 30 equivalent of the Reference Base Index under a revised Reference
 31 Base Index and the designation or title of any index superseding the
 32 Index;
 33 (C) the adjustments required under IC 24-9-2-8 concerning high cost
 34 home loans; and
 35 (D) the adjustments required under IC 34-55-10-2 (bankruptcy
 36 exemptions; limitations) or IC 34-55-10-2.5.
- 37 A rule described in this subdivision expires not later than January of the
 38 next odd-numbered year after the department of financial institutions is
 39 required to issue the rule.
- 40 (2) The department of financial institutions may adopt a rule under the
 41 interim rule procedures in IC 4-22-2-37.2 for a rule permitted under
 42 IC 24-4.4-1-101 (licensing system for creditors and mortgage loan
 43 originators) or IC 24-4.5 (Uniform Consumer Credit Code) if the
 44 department of financial institutions declares an emergency. A rule
 45 described in this subdivision expires not later than two (2) years after the
 46 rule is effective.
- 47 (3) The department of financial institutions may adopt a rule described
 48 in IC 34-55-10-2 (bankruptcy exemptions; limitations) or
 49 IC 34-55-10-2.5 in conformity with the procedures in IC 4-22-2-23
 50 through IC 4-22-2-36 or the interim rule procedures in IC 4-22-2-37.2.

1 A rule described in this subdivision adopted under IC 4-22-2-37.2
 2 expires not later than two (2) years after the rule is accepted for filing by
 3 the publisher of the Indiana Register.

4 A rule described in this section may be continued in another interim rule only
 5 if the governor determines under ~~section~~ IC 4-22-2-37.2(c) that the policy
 6 options available to the agency are so limited that use of the additional notice,
 7 comment, and review procedures in IC 4-22-2-23 through IC 4-22-2-36 would
 8 provide no benefit to persons regulated or otherwise affected by the rule.

9 SECTION 21. IC 4-22-2.3-10 IS ADDED TO THE INDIANA CODE AS
 10 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

11 **Sec. 10. (a) An agency may adopt interim rules under IC 4-22-2-37.2 to**
 12 **implement a reduction, a full or partial waiver, or an elimination of a fee,**
 13 **fine, or civil penalty included in a rule adopted under IC 4-22-2.**

14 **(b) An interim rule authorized under this section expires not later than**
 15 **January 1 of the fifth year after the year in which the rule is accepted for**
 16 **filing by the publisher of the Indiana Register.**

17 **(c) A rule described in this section may be continued:**

18 **(1) if the agency readopts the rule:**

19 **(A) without changes in conformity with the procedures in**
 20 **IC 4-22-2.6-3 through IC 4-22-2.6-9; or**

21 **(B) with or without changes in conformity with the procedures in**
 22 **IC 4-22-2-23 through IC 4-22-2-36; or**

23 **(2) in another interim rule only if the governor determines under**
 24 **IC 4-22-2-37.2(c) that the policy options available to the agency are**
 25 **so limited that the use of the additional notice, comment, and review**
 26 **procedures in IC 4-22-2-23 through IC 4-22-2-36 would provide no**
 27 **benefit to persons regulated or otherwise affected by the rule.**

28 SECTION 22. IC 4-22-2.6-1, AS ADDED BY P.L.249-2023, SECTION
 29 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

30 Sec. 1. (a) Except as provided in this section and section 10 of this chapter,
 31 a rule **adopted under IC 4-22-2-23 through IC 4-22-2-36** expires January
 32 1 of the fifth year after the year in which the rule takes effect, unless the rule
 33 expires or is repealed on an earlier date. Except for an amendment made
 34 under IC 4-22-2-38, the expiration date of a rule under this section is
 35 extended each time that a rule:

36 **(1) amending under IC 4-22-2-23 through IC 4-22-2-36;**

37 **(2) continuing under IC 4-22-2.3-10; or**

38 **(3) readopting;**

39 an unexpired rule takes effect. The rule, as amended or readopted, expires on
 40 January 1 of the fifth year after the year in which the amendment or
 41 readoption takes effect.

42 **(b) If the latest version of a rule became effective:**

43 **(1) in calendar year 2017, the rule expires not later than January 1, 2024;**

44 **(2) in calendar year 2018, the rule expires not later than January 1, 2025;**

45 **(3) in calendar year 2019, the rule expires not later than January 1, 2026;**

46 **or**

47 **(4) in calendar year 2020, the rule expires not later than January 1, 2027.**

48 **(c) If the latest version of a rule became effective before January 1, 2017,**
 49 **and:**

50 **(1) the rule was adopted by an agency established under IC 13, the rule**
 51 **expires not later than January 1, 2025;**

1 (2) the rule was adopted by an agency established under IC 16, the rule
2 expires not later than January 1, 2026; or

3 (3) the rule was adopted by an agency not described in subdivision (1)
4 or (2), the rule expires not later than January 1, 2027.

5 (d) A readoption rulemaking action under IC 4-22-2.5 (before its repeal)
6 or IC 13-14-9.5 (before its repeal) that became effective before July 1, 2023,
7 is validated to the same extent as if the rulemaking action had been conducted
8 under the procedures in this chapter.

9 (e) The determination of whether an administrative rule expires under this
10 chapter shall be applied at the level of an Indiana Administrative Code
11 section.

12 SECTION 23. IC 4-22-2.6-3, AS ADDED BY P.L.249-2023, SECTION
13 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
14 Sec. 3. (a) Except as provided in subsection (b), if an agency intends to
15 readopt a rule, the agency shall, not later than January 1 of the ~~fourth~~ year
16 **after preceding** the year in which the rule ~~takes effect~~, **expires under this**
17 **chapter**, provide an initial notice of the intended readoption in an electronic
18 format designated by the publisher to legislators and legislative committees
19 in the manner and on the schedule specified by the legislative council or the
20 personnel subcommittee of the legislative council acting for the legislative
21 council.

22 (b) An agency is not required to provide the initial notice under subsection
23 (a) for a rule described in section 1(b)(1) of this chapter.

24 (c) **After receiving the material as required by this section, the**
25 **publisher shall assign a document control number.**

26 SECTION 24. IC 4-22-2.6-5, AS ADDED BY P.L.249-2023, SECTION
27 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
28 Sec. 5. (a) If an agency elects to readopt a rule under this chapter, the agency
29 shall submit a notice of proposed readoption to the publisher not later than the
30 first regular business day in September of the year preceding the year in
31 which the rule expires under this chapter for publication in the Indiana
32 Register. A separate notice must be published for each board or other person
33 or entity with rulemaking authority.

34 (b) The notice must include the following:

35 (1) A general description of the subject matter of all rules proposed to
36 be readopted.

37 (2) A listing of rules that are proposed to be readopted, listed by their
38 titles and subtitles only.

39 (3) A written public comment period of thirty (30) days and instructions
40 on how to submit written comments to the agency.

41 (4) A request for comments on whether specific rules should be
42 reviewed through the regular rulemaking process under IC 4-22-2-23
43 through IC 4-22-2-36 (as modified by IC 13-14-9, when applicable).

44 (5) A summary of the agency's findings under section 4 of this chapter.

45 (6) Any other information required by the publisher.

46 (c) The agency shall submit the material in the form required by
47 IC 4-22-2-20. The agency need not resubmit the documents required by
48 IC 4-22-2-21 if the publisher received a copy of the documents when the rule
49 was previously adopted or amended. The publisher shall review the material
50 submitted under this section and determine the date that the publisher intends

1 to include the material in the Indiana Register. After:

- 2 (1) establishing the intended publication date; and
- 3 (2) receiving the material as required by this section;

4 the publisher shall ~~assign a document control number~~; provide an electronic
5 mail authorization to proceed to the agency and publish the material on the
6 intended publication date.

7 SECTION 25. IC 4-30-3-9 IS REPEALED [EFFECTIVE JULY 1, 2024].

8 Sec. 9: (a) ~~The commission may adopt emergency rules under IC 4-22-2-37.1.~~

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

- 11 (1) ~~The expiration date stated in the emergency rule.~~
- 12 (2) ~~The date the emergency rule is amended or repealed by a later rule
13 adopted under IC 4-22-2-24 through IC 4-22-2-36 or under
14 IC 4-22-2-37.1.~~

15 SECTION 26. IC 4-30-3-18 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2024]: Sec. 18. (a) The commission may enter into
17 agreements with other jurisdictions for the operation and promotion of a
18 multiple jurisdictional lottery if these agreements are in the best interest of the
19 lottery.

20 (b) Before the commission enters into an agreement with a jurisdiction
21 other than a state for a lottery game that originates and is operated under
22 foreign law, the commission must adopt rules under IC 4-22-2 governing the
23 establishment, implementation, and operation of the lottery game. The rules
24 adopted under this subsection must include the information described in
25 section 7 of this chapter. The commission may not adopt ~~emergency
26 provisional or interim~~ rules to meet the requirements of this subsection.

27 SECTION 27. IC 4-31-3-9, AS AMENDED BY P.L.140-2013, SECTION
28 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

29 Sec. 9. (a) Subject to section 14 of this chapter, the commission may:

- 30 (1) adopt rules under IC 4-22-2 ~~including emergency rules under
31 IC 4-22-2-37.1~~; to implement this article, including rules that prescribe:
 - 32 (A) the forms of wagering that are permitted;
 - 33 (B) the number of races;
 - 34 (C) the procedures for wagering;
 - 35 (D) the wagering information to be provided to the public;
 - 36 (E) fees for the issuance and renewal of:
 - 37 (i) permits under IC 4-31-5;
 - 38 (ii) satellite facility licenses under IC 4-31-5.5; and
 - 39 (iii) licenses for racetrack personnel and racing participants under
40 IC 4-31-6;
 - 41 (F) investigative fees;
 - 42 (G) fines and penalties; and
 - 43 (H) any other regulation that the commission determines is in the
44 public interest in the conduct of recognized meetings and wagering
45 on horse racing in Indiana;
- 46 (2) appoint employees and fix their compensation, subject to the
47 approval of the budget agency under IC 4-12-1-13;
- 48 (3) enter into contracts necessary to implement this article; and
- 49 (4) receive and consider recommendations from a development advisory
50 committee established under IC 4-31-11.

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

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

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

7 SECTION 28. IC 4-31-7.5-11, AS ADDED BY P.L.268-2017, SECTION
 8 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 9 Sec. 11. The commission shall adopt rules under IC 4-22-2 including
 10 emergency rules adopted in the manner provided in IC 4-22-2-37.1, to
 11 implement this chapter. Rules adopted under this section may include rules
 12 that prescribe:

13 (1) procedures for verifying the age of an individual opening an advance
 14 deposit wagering account or placing a wager with a licensed SPMO;

15 (2) requirements for opening and administering advance deposit
 16 wagering accounts;

17 (3) a guarantee or acceptable surety that the full value of balances in an
 18 advance deposit wagering account will be paid;

19 (4) record keeping requirements;

20 (5) licensure procedures, including investigation of applicants, forms for
 21 licensure, and procedures for renewal; and

22 (6) civil penalties for violations of this chapter or the rules adopted by
 23 the commission.

24 SECTION 29. IC 4-32.3-3-3, AS ADDED BY P.L.58-2019, SECTION 4,
 25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 26 3. (a) The commission shall adopt rules under IC 4-22-2 for the following
 27 purposes:

28 (1) Administering this article.

29 (2) Establishing the conditions under which charity gaming in Indiana
 30 may be conducted, including the manner in which a qualified
 31 organization may supervise a qualified card game conducted under
 32 IC 4-32.3-5-11(b).

33 (3) Providing for the prevention of practices detrimental to the public
 34 interest and providing for the best interests of charity gaming.

35 (4) Establishing rules concerning inspection of qualified organizations
 36 and the review of the licenses necessary to conduct charity gaming.

37 (5) Imposing penalties for noncriminal violations of this article.

38 (6) Establishing standards for independent audits conducted under
 39 IC 4-32.3-5-5(d).

40 (b) The commission may adopt emergency rules under IC 4-22-2-37.1 if
 41 the commission determines that:

42 (1) the need for a rule is so immediate and substantial that rulemaking
 43 procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to
 44 address the need; and

45 (2) an emergency rule is likely to address the need.

46 SECTION 30. IC 4-33-4-3, AS AMENDED BY P.L.142-2009, SECTION
 47 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 48 Sec. 3. (a) The commission shall do the following:

49 (1) Adopt rules that the commission determines necessary to protect or
 50 enhance the following:

- 1 (A) The credibility and integrity of gambling operations authorized
 2 by this article.
- 3 (B) The regulatory process provided in this article.
- 4 (2) Conduct all hearings concerning civil violations of this article.
- 5 (3) Provide for the establishment and collection of license fees and taxes
 6 imposed under this article.
- 7 (4) Deposit the license fees and taxes in the state gaming fund
 8 established by IC 4-33-13.
- 9 (5) Levy and collect penalties for noncriminal violations of this article.
- 10 (6) Deposit the penalties in the state gaming fund established by
 11 IC 4-33-13.
- 12 (7) Be present through the commission's gaming agents during the time
 13 gambling operations are conducted on a riverboat to do the following:
- 14 (A) Certify the revenue received by a riverboat.
- 15 (B) Receive complaints from the public.
- 16 (C) Conduct other investigations into the conduct of the gambling
 17 games and the maintenance of the equipment that the commission
 18 considers necessary and proper.
- 19 ~~(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission~~
 20 ~~determines that:~~
- 21 ~~(A) the need for a rule is so immediate and substantial that~~
 22 ~~rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are~~
 23 ~~inadequate to address the need; and~~
- 24 ~~(B) an emergency rule is likely to address the need.~~
- 25 ~~(9) (8) Adopt rules to establish and implement a voluntary exclusion~~
 26 ~~program that meets the requirements of subsection (e): (b).~~
- 27 ~~(10) (9) Establish the requirements for a power of attorney submitted~~
 28 ~~under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16.~~
- 29 ~~(b) The commission shall begin rulemaking procedures under IC 4-22-2-13~~
 30 ~~through IC 4-22-2-36 to adopt an emergency rule adopted under subsection~~
 31 ~~(a)(8) not later than thirty (30) days after the adoption of the emergency rule~~
 32 ~~under subsection (a)(8).~~
- 33 ~~(e) (b) Rules adopted under subsection (a)(9) (a)(8) must provide the~~
 34 ~~following:~~
- 35 (1) Except as provided by rule of the commission, a person who
 36 participates in the voluntary exclusion program agrees to refrain from
 37 entering a riverboat or other facility under the jurisdiction of the
 38 commission.
- 39 (2) That the name of a person participating in the program will be
 40 included on a list of persons excluded from all facilities under the
 41 jurisdiction of the commission.
- 42 (3) Except as provided by rule of the commission, a person who
 43 participates in the voluntary exclusion program may not petition the
 44 commission for readmittance to a facility under the jurisdiction of the
 45 commission.
- 46 (4) That the list of patrons entering the voluntary exclusion program and
 47 the personal information of the participants are confidential and may
 48 only be disseminated by the commission to the owner or operator of a
 49 facility under the jurisdiction of the commission for purposes of
 50 enforcement and to other entities, upon request by the participant and

- 1 agreement by the commission.
- 2 (5) That an owner of a facility under the jurisdiction of the commission
3 shall make all reasonable attempts as determined by the commission to
4 cease all direct marketing efforts to a person participating in the
5 program.
- 6 (6) That an owner of a facility under the jurisdiction of the commission
7 may not cash the check of a person participating in the program or
8 extend credit to the person in any manner. However, the voluntary
9 exclusion program does not preclude an owner from seeking the
10 payment of a debt accrued by a person before entering the program.
- 11 SECTION 31. IC 4-33-6-2, AS AMENDED BY P.L.142-2009, SECTION
12 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
13 Sec. 2. (a) A person applying for an owner's license under this chapter must
14 pay a nonrefundable application fee to the commission. The commission shall
15 determine the amount of the application fee.
- 16 (b) An applicant must submit the following on forms provided by the
17 commission:
- 18 (1) If the applicant is an individual, two (2) sets of the individual's
19 fingerprints.
- 20 (2) If the applicant is not an individual, two (2) sets of fingerprints for
21 each officer and director of the applicant.
- 22 (c) This subsection applies to an applicant who applies after June 30, 2009,
23 for an owner's license. An applicant shall submit for the approval of the
24 commission a written power of attorney identifying the person who, if
25 approved by the commission, would serve as the applicant's trustee to operate
26 the riverboat. The power of attorney submitted under this subsection must:
- 27 (1) be executed in the manner required by IC 30-5;
28 (2) describe the powers that may be delegated to the proposed trustee;
29 (3) conform with the requirements established by the commission under
30 ~~IC 4-33-4-3(a)(10)~~; **IC 4-33-4-3(a)(9)**; and
31 (4) be submitted on the date that the applicant pays the application fee
32 described in subsection (a).
- 33 (d) The commission shall review the applications for an owner's license
34 under this chapter and shall inform each applicant of the commission's
35 decision concerning the issuance of the owner's license.
- 36 (e) The costs of investigating an applicant for an owner's license under this
37 chapter shall be paid from the application fee paid by the applicant.
- 38 (f) An applicant for an owner's license under this chapter must pay all
39 additional costs that are:
- 40 (1) associated with the investigation of the applicant; and
41 (2) greater than the amount of the application fee paid by the applicant.
- 42 SECTION 32. IC 4-33-6-22, AS ADDED BY P.L.142-2009, SECTION 9,
43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
44 22. (a) This section applies to any licensed owner who was not required to
45 submit a proposed power of attorney when applying for an owner's license.
- 46 (b) A licensed owner shall submit for the approval of the commission a
47 written power of attorney identifying the person who, if approved by the
48 commission, would serve as the licensed owner's trustee to operate the
49 riverboat. The power of attorney submitted under this subsection must:
- 50 (1) be executed in the manner required by IC 30-5;

- 1 (2) describe the powers that may be delegated to the proposed trustee;
 2 (3) conform with the requirements established by the commission under
 3 ~~IC 4-33-4-3(a)(10)~~; **IC 4-33-4-3(a)(9)**; and
 4 (4) be submitted before:
 5 (A) November 1, 2009, in the case of a person holding an owner's
 6 license on July 1, 2009; or
 7 (B) the deadline imposed by the commission in the case of a licensed
 8 owner who is subject to this section and not described by clause (A).
 9 (c) The commission may not renew an owner's license unless the
 10 commission:
 11 (1) receives a proposed power of attorney from the licensed owner;
 12 (2) approves the trustee identified by the power of attorney; and
 13 (3) approves the power of attorney.
 14 (d) A licensed owner must petition the commission for its approval of any
 15 changes to a power of attorney approved by the commission.
 16 SECTION 33. IC 4-33-6.5-2, AS AMENDED BY P.L.1-2010, SECTION
 17 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 18 Sec. 2. (a) A person, including a person who holds or has an interest in an
 19 owner's license issued under this article, may file an application with the
 20 commission to serve as an operating agent under this chapter. An applicant
 21 must pay a nonrefundable application fee to the commission in an amount to
 22 be determined by the commission.
 23 (b) An applicant must submit the following on forms provided by the
 24 commission:
 25 (1) If the applicant is an individual, two (2) sets of the individual's
 26 fingerprints.
 27 (2) If the applicant is not an individual, two (2) sets of fingerprints for
 28 each officer and director of the applicant.
 29 (c) This subsection applies to an applicant who applies after May 12, 2009,
 30 to serve as an operating agent under this chapter. An applicant shall submit
 31 for the approval of the commission a written power of attorney identifying the
 32 person who, if approved by the commission, would serve as the applicant's
 33 trustee to operate the riverboat. The power of attorney submitted under this
 34 subsection must:
 35 (1) be executed in the manner required by IC 30-5;
 36 (2) describe the powers that may be delegated to the proposed trustee;
 37 (3) conform with the requirements established by the commission under
 38 ~~IC 4-33-4-3(a)(10)~~; **IC 4-33-4-3(a)(9)**; and
 39 (4) be submitted on the date that the applicant pays the application fee
 40 described in subsection (a).
 41 (d) The commission shall review the applications filed under this chapter
 42 and shall inform each applicant of the commission's decision.
 43 (e) The costs of investigating an applicant to serve as an operating agent
 44 under this chapter shall be paid from the application fee paid by the applicant.
 45 (f) An applicant to serve as an operating agent under this chapter must pay
 46 all additional costs that are:
 47 (1) associated with the investigation of the applicant; and
 48 (2) greater than the amount of the application fee paid by the applicant.
 49 SECTION 34. IC 4-33-6.5-16, AS ADDED BY P.L.142-2009, SECTION
 50 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

1 Sec. 16. (a) The person holding an operating agent contract on July 1, 2009,
 2 shall submit for the approval of the commission a written power of attorney
 3 identifying the person who, if approved by the commission, would serve as
 4 the operating agent's trustee to operate the riverboat. The power of attorney
 5 submitted under this subsection must:

- 6 (1) be executed in the manner required by IC 30-5;
- 7 (2) describe the powers that may be delegated to the proposed trustee;
- 8 (3) conform with the requirements established by the commission under
 9 ~~IC 4-33-4-3(a)(10)~~; **IC 4-33-4-3(a)(9)**; and
- 10 (4) be submitted before November 1, 2009.

11 (b) The commission may not renew an operating agent contract unless the
 12 commission:

- 13 (1) receives a proposed power of attorney from the operating agent;
- 14 (2) approves the trustee identified by the power of attorney; and
- 15 (3) approves the power of attorney.

16 (c) An operating agent must petition the commission for its approval of
 17 any changes to a power of attorney approved by the commission.

18 SECTION 35. IC 4-33-22-12, AS ADDED BY P.L.113-2010, SECTION
 19 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 20 Sec. 12. ~~(a)~~ In accordance with IC 35-45-18-1(b), the commission may adopt
 21 rules under IC 4-22-2 to regulate the conduct of the following:

- 22 (1) Mixed martial arts.
- 23 (2) Martial arts, including the following:
 - 24 (A) Jujutsu.
 - 25 (B) Karate.
 - 26 (C) Kickboxing.
 - 27 (D) Kung fu.
 - 28 (E) Tae kwon do.
 - 29 (F) Judo.
 - 30 (G) Sambo.
 - 31 (H) Pankration.
 - 32 (I) Shootwrestling.
- 33 (3) Professional wrestling.
- 34 (4) Boxing.
- 35 (5) Sparring.

36 ~~(b) The commission may adopt emergency rules under IC 4-22-2-37.1 if~~
 37 ~~the commission determines that:~~

- 38 ~~(1) the need for a rule is so immediate and substantial that the ordinary~~
 39 ~~rulemaking procedures under IC 4-22-2 are inadequate to address the~~
 40 ~~need; and~~
- 41 ~~(2) an emergency rule is likely to address the need.~~

42 SECTION 36. IC 4-33-24-13, AS ADDED BY P.L.212-2016, SECTION
 43 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 44 Sec. 13. (a) The division shall adopt rules under IC 4-22-2 ~~including~~
 45 ~~emergency rules under IC 4-22-2-37.1~~, to implement this chapter, including
 46 rules for the following purposes:

- 47 (1) Administering this chapter.
- 48 (2) Providing for the prevention of practices detrimental to the public
 49 interest and providing for the best interests of paid fantasy sports.
- 50 (3) Establishing rules concerning the review of the permits or licenses

1 necessary for a game operator, licensed facility, or licensee.

2 (4) Imposing penalties for noncriminal violations of this chapter.

3 (b) The division and the commission shall allow game operators who are
4 operating in Indiana on March 31, 2016, to continue operating until they have
5 received or have been denied a license.

6 SECTION 37. IC 4-35-4-2, AS AMENDED BY P.L.255-2015, SECTION
7 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

8 Sec. 2. (a) The commission shall do the following:

9 (1) Adopt rules under IC 4-22-2 that the commission determines are
10 necessary to protect or enhance the following:

11 (A) The credibility and integrity of gambling games authorized under
12 this article.

13 (B) The regulatory process provided in this article.

14 (2) Conduct all hearings concerning civil violations of this article.

15 (3) Provide for the establishment and collection of license fees imposed
16 under this article, and deposit the license fees in the state general fund.

17 (4) Levy and collect penalties for noncriminal violations of this article
18 and deposit the penalties in the state general fund.

19 (5) Approve the design, appearance, aesthetics, and construction of
20 gambling game facilities authorized under this article.

21 ~~(6) Adopt emergency rules under IC 4-22-2-37.1 if the commission~~
22 ~~determines that:~~

23 ~~(A) the need for a rule is so immediate and substantial that~~
24 ~~rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are~~
25 ~~inadequate to address the need; and~~

26 ~~(B) an emergency rule is likely to address the need.~~

27 ~~(7) (6) Adopt rules to establish and implement a voluntary exclusion~~
28 ~~program that meets the requirements of subsection (e)-(b).~~

29 ~~(8) (7) Establish the requirements for a power of attorney submitted~~
30 ~~under IC 4-35-5-9.~~

31 ~~(b) The commission shall begin rulemaking procedures under IC 4-22-2-13~~
32 ~~through IC 4-22-2-36 to adopt an emergency rule adopted under subsection~~
33 ~~(a)(6) not later than thirty (30) days after the adoption of the emergency rule~~
34 ~~under subsection (a)(6).~~

35 ~~(e) (b) Rules adopted under subsection (a)(7) (a)(6) must provide the~~
36 ~~following:~~

37 (1) Except as provided by rule of the commission, a person who
38 participates in the voluntary exclusion program agrees to refrain from
39 entering a facility at which gambling games are conducted or another
40 facility under the jurisdiction of the commission.

41 (2) That the name of a person participating in the program will be
42 included on a list of persons excluded from all facilities under the
43 jurisdiction of the commission.

44 (3) Except as provided by rule of the commission, a person who
45 participates in the voluntary exclusion program may not petition the
46 commission for readmittance to a facility under the jurisdiction of the
47 commission.

48 (4) That the list of patrons entering the voluntary exclusion program and
49 the personal information of the participants are confidential and may
50 only be disseminated by the commission to the owner or operator of a

1 facility under the jurisdiction of the commission for purposes of
 2 enforcement and to other entities, upon request by the participant and
 3 agreement by the commission.

4 (5) That an owner of a facility under the jurisdiction of the commission
 5 shall make all reasonable attempts as determined by the commission to
 6 cease all direct marketing efforts to a person participating in the
 7 program.

8 (6) That an owner of a facility under the jurisdiction of the commission
 9 may not cash the check of a person participating in the program or
 10 extend credit to the person in any manner. However, the voluntary
 11 exclusion program does not preclude an owner from seeking the
 12 payment of a debt accrued by a person before entering the program.

13 SECTION 38. IC 4-35-5-9, AS ADDED BY P.L.142-2009, SECTION 22,
 14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.

15 9. (a) A permit holder or an applicant for a gambling game license shall
 16 submit for the approval of the commission a written power of attorney
 17 identifying the person who, if approved by the commission, would serve as
 18 the permit holder's or applicant's trustee to conduct gambling games at a
 19 racetrack. The power of attorney submitted under this subsection must:

- 20 (1) be executed in the manner required by IC 30-5;
- 21 (2) describe the powers that may be delegated to the proposed trustee;
- 22 and
- 23 (3) conform with the requirements established by the commission under
 24 ~~IC 4-35-4-2(a)(8)~~. **IC 4-35-4-2(a)(7)**.

25 (b) The proposed power of attorney required by this section must be
 26 submitted as follows:

- 27 (1) Before November 1, 2009, in the case of a permit holder who holds
 28 a gambling game license as of July 1, 2009.
- 29 (2) Before the deadline established by the commission, in the case of a
 30 person who applies for a gambling game license after December 31,
 31 2008.

32 (c) A permit holder must petition the commission for its approval of any
 33 changes to a power of attorney approved by the commission.

34 SECTION 39. IC 4-36-3-3, AS ADDED BY P.L.95-2008, SECTION 13,
 35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.

36 3. ~~(a)~~ The commission may adopt rules under IC 4-22-2 for the establishment,
 37 implementation, and operation of type II gambling games and to ensure that
 38 the type II gambling operations are consistently operated in a fair and honest
 39 manner.

40 ~~(b) The commission may adopt emergency rules under IC 4-22-2-37.1 for
 41 the administration of this article if the commission determines that:~~

- 42 ~~(1) the need for a rule is so immediate and substantial that rulemaking
 43 procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to
 44 address the need; and~~
- 45 ~~(2) an emergency rule is likely to address the need.~~

46 SECTION 40. IC 4-38-3-1, AS ADDED BY P.L.293-2019, SECTION 43,
 47 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.

48 1. The commission shall adopt rules under IC 4-22-2 ~~including emergency
 49 rules in the manner provided under IC 4-22-2-37.1~~, to implement this article.
 50 Rules adopted under this section must include the following:

- 1 (1) Standards for the conduct of sports wagering under this article.
 2 (2) Standards and procedures to govern the conduct of sports wagering,
 3 including the manner in which:
 4 (A) wagers are received;
 5 (B) payouts are paid; and
 6 (C) point spreads, lines, and odds are determined.
 7 (3) Standards for allowing a certificate holder to offer sports wagering
 8 as an interactive form of gaming.
 9 (4) Rules prescribing the manner in which a certificate holder's books
 10 and financial records relating to sports wagering are maintained and
 11 audited, including standards for the daily counting of a certificate
 12 holder's gross receipts from sports wagering and standards to ensure that
 13 internal controls are followed.
 14 (5) Rules concerning compulsive gambling.
 15 (6) Standards for approving procedures and technologies necessary to
 16 comply with the requirements of IC 4-38-9.
 17 (7) Standards for approving procedures and technologies necessary for
 18 a certificate holder or vendor to securely and efficiently maintain and
 19 store records of all bets and wagers placed with the certificate holder or
 20 vendor.
 21 (8) Rules establishing geofence standards concerning where a wager
 22 may and may not be placed, including:
 23 (A) only placing wagers within the boundaries of Indiana; and
 24 (B) prohibiting wagers at the location of particular sporting events.
 25 (9) Standards for allowing a certificate holder to accept wagers through
 26 a mobile device under IC 4-38-5-12.
 27 (10) Rules concerning the use of the source of data in sports wagering.
 28 SECTION 41. IC 5-2-23-9, AS ADDED BY P.L.165-2019, SECTION 1,
 29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 30 9. (a) The criminal justice institute may adopt rules under IC 4-22-2 ~~including~~
 31 ~~emergency rules under IC 4-22-2-37.1~~, to implement this chapter.
 32 (b) ~~An emergency rule adopted under this section expires on the earlier of~~
 33 ~~the following dates:~~
 34 (1) ~~The expiration date stated in the emergency rule.~~
 35 (2) ~~The date the emergency rule is amended or repealed by a later rule~~
 36 ~~adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under~~
 37 ~~IC 4-22-2-37.1.~~
 38 (c) ~~The criminal justice institute may readopt an emergency rule that has~~
 39 ~~expired.~~
 40 SECTION 42. IC 5-10-8-23, AS ADDED BY P.L.115-2020, SECTION 1,
 41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 42 23. (a) As used in this section, "covered individual" means an individual who
 43 is entitled to coverage under a state employee health plan.
 44 (b) As used in this section, "emergency medical services provider
 45 organization" means a provider of emergency medical services that is certified
 46 by the Indiana emergency medical services commission as an advanced life
 47 support provider organization under rules adopted under IC 16-31-3.
 48 (c) As used in this section, "state employee health plan" means either of
 49 the following that provides coverage for emergency medical services:
 50 (1) A self-insurance program established under section 7(b) of this

- 1 chapter to provide group health coverage.
- 2 (2) A contract with a prepaid health care delivery plan that is entered
3 into or renewed under section 7(c) of this chapter.
- 4 (d) A state employee health plan that provides coverage for emergency
5 medical services must at least provide reimbursement, subject to applicable
6 deductible and coinsurance, for a covered individual for emergency medical
7 services that are:
- 8 (1) rendered by an emergency medical services provider organization;
 - 9 (2) within the emergency medical services provider organization's scope
10 of practice;
 - 11 (3) performed or provided as advanced life support services; and
 - 12 (4) performed or provided during a response initiated through the 911
13 system, regardless of whether the patient was transported.
- 14 (e) If multiple emergency medical services provider organizations qualify
15 and submit a claim for reimbursement under this section for an encounter, the
16 state employee health plan:
- 17 (1) may only reimburse, subject to applicable deductible and
18 coinsurance, under this section for one (1) claim per patient encounter;
19 and
 - 20 (2) shall reimburse, subject to applicable deductible and coinsurance,
21 the claim submitted by the emergency medical services provider
22 organization that performed or provided the majority of advanced life
23 support services for the patient.
- 24 (f) The state personnel department may adopt rules under IC 4-22-2
25 ~~including emergency rules under IC 4-22-2-37.1~~, to implement this section.
- 26 (g) This section does not restrict the state employee health plan from
27 providing coverage beyond the requirements in this section.
- 28 SECTION 43. IC 5-20-9-8, AS ADDED BY P.L.103-2017, SECTION 1,
29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
30 8. (a) The authority may adopt rules under IC 4-22-2 ~~including emergency~~
31 ~~rules adopted in the manner provided by IC 4-22-2-37.1~~, to establish the
32 policies and procedures required under section 6 of this chapter and to
33 otherwise implement this chapter. Rules ~~or emergency rules~~ adopted by the
34 authority under this section must take effect not later than January 1, 2018.
- 35 (b) ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the~~
36 ~~authority in the manner provided by IC 4-22-2-37.1 to establish the policies~~
37 ~~and procedures required under section 6 of this chapter and to otherwise~~
38 ~~implement this chapter expires on the date a rule that supersedes the~~
39 ~~emergency rule is adopted by the authority under IC 4-22-2-24 through~~
40 ~~IC 4-22-2-36.~~
- 41 SECTION 44. IC 5-28-5-8, AS AMENDED BY P.L.140-2013, SECTION
42 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
43 Sec. 8. (a) The corporation shall adopt rules under IC 4-22-2 to carry out its
44 duties under this article. ~~The board may also adopt emergency rules under~~
45 ~~IC 4-22-2-37.1 to carry out its duties under this article.~~
- 46 (b) ~~An emergency rule adopted under subsection (a) expires on the~~
47 ~~expiration date stated in the rule.~~
- 48 (c) ~~An emergency rule adopted under subsection (a) may be extended as~~
49 ~~provided in IC 4-22-2-37.1(g), but the extension period may not exceed the~~
50 ~~period for which the original rule was in effect.~~

1 SECTION 45. IC 5-33-5-8, AS ADDED BY P.L.78-2019, SECTION 5, IS
 2 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 3 8. ~~(a) The corporation shall adopt rules under IC 4-22-2 to carry out its duties~~
 4 ~~under this article. The board may also adopt emergency rules in the manner~~
 5 ~~provided under IC 4-22-2-37.1 to carry out its duties under this article.~~

6 (b) ~~An emergency rule adopted under subsection (a) expires on the~~
 7 ~~expiration date stated in the rule.~~

8 (c) ~~An emergency rule adopted under subsection (a) may be extended as~~
 9 ~~provided in IC 4-22-2-37.1(g); but the extension period may not exceed the~~
 10 ~~period for which the original rule was in effect.~~

11 SECTION 46. IC 6-1.1-4-31.7, AS AMENDED BY P.L.146-2008,
 12 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2024]: Sec. 31.7. (a) As used in this section, "special master" refers to a
 14 person designated by the Indiana board under subsection (e).

15 (b) The notice of assessment or reassessment under section 31.5(g) of this
 16 chapter is subject to appeal by the taxpayer to the Indiana board. The
 17 procedures and time limitations that apply to an appeal to the Indiana board
 18 of a determination of the department of local government finance do not apply
 19 to an appeal under this subsection. The Indiana board may establish
 20 applicable procedures and time limitations under subsection (l).

21 (c) In order to appeal under subsection (b), the taxpayer must:

22 (1) participate in the informal hearing process under section 31.6 of this
 23 chapter;

24 (2) except as provided in section 31.6(i) of this chapter, receive a notice
 25 under section 31.6(g) of this chapter; and

26 (3) file a petition for review with the appropriate county assessor not
 27 later than thirty (30) days after:

28 (A) the date of the notice to the taxpayer under section 31.6(g) of this
 29 chapter; or

30 (B) the date after which the department may not change the amount
 31 of the assessment or reassessment under the informal hearing process
 32 described in section 31.6 of this chapter.

33 (d) The Indiana board may develop a form for petitions under subsection

34 (c) that outlines:

35 (1) the appeal process;

36 (2) the burden of proof; and

37 (3) evidence necessary to warrant a change to an assessment or
 38 reassessment.

39 (e) The Indiana board may contract with, appoint, or otherwise designate
 40 the following to serve as special masters to conduct evidentiary hearings and
 41 prepare reports required under subsection (g):

42 (1) Independent, licensed appraisers.

43 (2) Attorneys.

44 (3) Certified level two or level three Indiana assessor-appraisers
 45 (including administrative law judges employed by the Indiana board).

46 (4) Other qualified individuals.

47 (f) Each contract entered into under subsection (e) must specify the
 48 appointee's compensation and entitlement to reimbursement for expenses. The
 49 compensation and reimbursement for expenses are paid from the county
 50 property reassessment fund.

- 1 (g) With respect to each petition for review filed under subsection (c), the
 2 special masters shall:
- 3 (1) set a hearing date;
 - 4 (2) give notice of the hearing at least thirty (30) days before the hearing
 5 date, by mail, to:
 - 6 (A) the taxpayer;
 - 7 (B) the department of local government finance;
 - 8 (C) the township assessor (if any); and
 - 9 (D) the county assessor;
 - 10 (3) conduct a hearing and hear all evidence submitted under this section;
 11 and
 - 12 (4) make evidentiary findings and file a report with the Indiana board.
- 13 (h) At the hearing under subsection (g):
- 14 (1) the taxpayer shall present:
 - 15 (A) the taxpayer's evidence that the assessment or reassessment is
 16 incorrect;
 - 17 (B) the method by which the taxpayer contends the assessment or
 18 reassessment should be correctly determined; and
 - 19 (C) comparable sales, appraisals, or other pertinent information
 20 concerning valuation as required by the Indiana board; and
 - 21 (2) the department of local government finance shall present its evidence
 22 that the assessment or reassessment is correct.
- 23 (i) The Indiana board may dismiss a petition for review filed under
 24 subsection (c) if the evidence and other information required under subsection
 25 (h)(1) is not provided at the hearing under subsection (g).
- 26 (j) The township assessor (if any) and the county assessor may attend and
 27 participate in the hearing under subsection (g).
- 28 (k) The Indiana board may:
- 29 (1) consider the report of the special masters under subsection (g)(4);
 - 30 (2) make a final determination based on the findings of the special
 31 masters without:
 - 32 (A) conducting a hearing; or
 - 33 (B) any further proceedings; and
 - 34 (3) incorporate the findings of the special masters into the board's
 35 findings in resolution of the appeal.
- 36 (l) The Indiana board may adopt rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to:
- 37 (1) establish procedures to expedite:
 - 38 (A) the conduct of hearings under subsection (g); and
 - 39 (B) the issuance of determinations of appeals under subsection (k);
 40 and
 - 41 (2) establish deadlines:
 - 42 (A) for conducting hearings under subsection (g); and
 - 43 (B) for issuing determinations of appeals under subsection (k).
- 44 (m) A determination by the Indiana board of an appeal under subsection
 45 (k) is subject to appeal to the tax court under IC 6-1.1-15.
- 46 SECTION 47. IC 6-1.1-22.5-8, AS AMENDED BY P.L.197-2016,
 47 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 48 1, 2024]: Sec. 8. (a) Subject to subsection (c), a provisional statement must:
 49 (1) be on a form prescribed by the department of local government
 50 finance;

1 (2) except as provided in emergency rules adopted under section 20 of
 2 this chapter and subsection (b):

3 (A) for property taxes first due and payable after 2010 and billed
 4 using a provisional statement under section 6 of this chapter,
 5 indicate:

6 (i) that the first installment of the taxpayer's tax liability is an
 7 amount equal to fifty percent (50%) of the tax liability that was
 8 payable in the same year as the assessment date for the property for
 9 which the provisional statement is issued, subject to any
 10 adjustments to the tax liability authorized by the department of
 11 local government finance under subsection (e) and approved by the
 12 county treasurer; and

13 (ii) that the second installment is either the amount specified in a
 14 reconciling statement or, if a reconciling statement is not sent until
 15 after the second installment is due, an amount equal to fifty percent
 16 (50%) of the tax liability that was payable in the same year as the
 17 assessment date for the property for which the provisional
 18 statement is issued, subject to any adjustments to the tax liability
 19 authorized by the department of local government finance under
 20 subsection (e) and approved by the county treasurer; and

21 (B) for property taxes billed using a provisional statement under
 22 section 6.5 of this chapter, except as provided in subsection (d),
 23 indicate tax liability in an amount determined by the department of
 24 local government finance based on:

25 (i) subject to subsection (c), for the cross-county entity, the
 26 property tax rate of the cross-county entity for taxes first due and
 27 payable in the immediately preceding calendar year; and

28 (ii) for all other taxing units that make up the taxing district or
 29 taxing districts that comprise the cross-county area, the property
 30 tax rates of the taxing units for taxes first due and payable in the
 31 current calendar year;

32 (3) indicate:

33 (A) that the tax liability under the provisional statement is
 34 determined as described in subdivision (2); and

35 (B) that property taxes billed on the provisional statement:

36 (i) are due and payable in the same manner as property taxes billed
 37 on a tax statement under IC 6-1.1-22-8.1; and

38 (ii) will be credited against a reconciling statement;

39 (4) for property taxes billed using a provisional statement under section
 40 6 of this chapter, include a statement in the following or a substantially
 41 similar form, as determined by the department of local government
 42 finance:

43 "Under Indiana law, _____ County (insert county) has sent
 44 provisional statements. The statement is due to be paid in installments
 45 on _____ (insert date) and _____ (insert date). The first
 46 installment is equal to fifty percent (50%) of your tax liability for taxes
 47 payable in _____ (insert year), subject to adjustment to the tax liability
 48 authorized by the department of local government finance and approved
 49 by the county treasurer. The second installment is either the amount
 50 specified in a reconciling statement that will be sent to you, or (if a

1 reconciling statement is not sent until after the second installment is
 2 due) an amount equal to fifty percent (50%) of your tax liability for taxes
 3 payable in _____ (insert year), subject to adjustment to the tax liability
 4 authorized by the department of local government finance and approved
 5 by the county treasurer. After the abstract of property is complete, you
 6 will receive a reconciling statement in the amount of your actual tax
 7 liability for taxes payable in _____ (insert year) minus the amount you
 8 pay under this provisional statement.";

9 (5) for property taxes billed using a provisional statement under section
 10 6.5 of this chapter, include a statement in the following or a substantially
 11 similar form, as determined by the department of local government
 12 finance:

13 "Under Indiana law, _____ County (insert county) has elected to
 14 send provisional statements for the territory of _____
 15 (insert cross-county entity) located in _____ County (insert county)
 16 because the property tax rate for _____ (insert
 17 cross-county entity) was not available in time to prepare final tax
 18 statements. The statement is due to be paid in installments on
 19 _____ (insert date) and _____ (insert date). The statement is
 20 based on the property tax rate of _____ (insert
 21 cross-county entity) for taxes first due and payable in _____ (insert
 22 immediately preceding calendar year). After the property tax rate of
 23 _____ (insert cross-county entity) is determined, you will
 24 receive a reconciling statement in the amount of your actual tax liability
 25 for taxes payable in _____ (insert year) minus the amount you pay under
 26 this provisional statement.";

27 (6) indicate any adjustment to tax liability under subdivision (2)
 28 authorized by the department of local government finance under
 29 subsection (e) and approved by the county treasurer for:

30 (A) delinquent:

31 (i) taxes; and

32 (ii) special assessments;

33 (B) penalties; and

34 (C) interest;

35 (7) in the case of a reconciling statement only, include:

36 (A) a checklist that shows:

37 (i) homestead credits under IC 6-1.1-20.4, IC 6-3.6-5, or another
 38 law and all property tax deductions; and

39 (ii) whether each homestead credit and property tax deduction were
 40 applied in the current provisional statement;

41 (B) an explanation of the procedure and deadline that a taxpayer
 42 must follow and the forms that must be used if a credit or deduction
 43 has been granted for the property and the taxpayer is no longer
 44 eligible for the credit or deduction; and

45 (C) an explanation of the tax consequences and applicable penalties
 46 if a taxpayer unlawfully claims a standard deduction under
 47 IC 6-1.1-12-37 on:

48 (i) more than one (1) parcel of property; or

49 (ii) property that is not the taxpayer's principal place of residence
 50 or is otherwise not eligible for a standard deduction; and

- 1 (8) include any other information the county treasurer requires.
- 2 (b) The county may apply a standard deduction, supplemental standard
3 deduction, or homestead credit calculated by the county's property system on
4 a provisional bill for a qualified property. If a provisional bill has been used
5 for property tax billings for two (2) consecutive years and a property qualifies
6 for a standard deduction, supplemental standard deduction, or homestead
7 credit for the second year a provisional bill is used, the county shall apply the
8 standard deduction, supplemental standard deduction, or homestead credit
9 calculated by the county's property system on the provisional bill.
- 10 (c) For purposes of this section, property taxes that are:
- 11 (1) first due and payable in the current calendar year on a provisional
12 statement under section 6 or 6.5 of this chapter; and
- 13 (2) based on property taxes first due and payable in the immediately
14 preceding calendar year or on a percentage of those property taxes;
15 are determined after excluding from the property taxes first due and payable
16 in the immediately preceding calendar year property taxes imposed by one (1)
17 or more taxing units in which the tangible property is located that are
18 attributable to a levy that no longer applies for property taxes first due and
19 payable in the current calendar year.
- 20 (d) If there was no property tax rate of the cross-county entity for taxes first
21 due and payable in the immediately preceding calendar year for use under
22 subsection (a)(2)(B), the department of local government finance shall
23 provide an estimated tax rate calculated to approximate the actual tax rate that
24 will apply when the tax rate is finally determined.
- 25 (e) The department of local government finance shall:
- 26 (1) authorize the types of adjustments to tax liability that a county
27 treasurer may approve under subsection (a)(2)(A) including:
- 28 (A) adjustments for any new construction on the property or any
29 damage to the property;
- 30 (B) any necessary adjustments for credits, deductions, or the local
31 income tax;
- 32 (C) adjustments to include current year special assessments or
33 exclude special assessments payable in the year of the assessment
34 date but not payable in the current year;
- 35 (D) adjustments to include delinquent:
- 36 (i) taxes; and
37 (ii) special assessments;
- 38 (E) adjustments to include penalties that are due and owing; and
39 (F) adjustments to include interest that is due and owing; and
- 40 (2) notify county treasurers in writing of the types of adjustments
41 authorized under subdivision (1).
- 42 SECTION 48. IC 6-1.1-22.5-20, AS AMENDED BY P.L.86-2018,
43 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
44 1, 2024]: Sec. 20. For purposes of a provisional statement under section 6 of
45 this chapter, the department of local government finance may adopt
46 ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to provide a methodology
47 for a county treasurer to issue provisional statements with respect to real
48 property, taking into account new construction of improvements placed on the
49 real property, damage, and other losses related to the real property:
- 50 (1) after the assessment date of the year preceding the assessment date

1 to which the provisional statement applies; and
 2 (2) before the assessment date to which the provisional statement
 3 applies.

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

7 SECTION 49. IC 6-1.1-35.5-4.5, AS AMENDED BY P.L.38-2021,
 8 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2024]: Sec. 4.5. (a) The department shall:

10 (1) administer a program for level three assessor-appraiser certifications;
 11 (2) design a curriculum for level three assessor-appraiser certification
 12 candidates that:

13 (A) specifies educational criteria for acceptable tested courses
 14 offered by:

15 (i) nationally recognized assessing organizations;

16 (ii) postsecondary educational institutions; or

17 (iii) other education delivery organizations;

18 in each subject matter area of the curriculum; and

19 (B) requires superior knowledge of assessment administration and
 20 property valuation concepts; and

21 (3) carry out a program to approve courses that meet the requirements
 22 of the curriculum described in subdivision (2) and approve course
 23 sponsors that provide these courses.

24 Only an approved sponsor may offer a course that meets the curriculum
 25 requirements for level three assessor-appraiser certification candidates. The
 26 department shall establish procedures and requirements for courses and
 27 course sponsors that permit the department to verify that sponsors and courses
 28 meet the standards established by the department and that candidates comply
 29 with these standards. The department shall maintain a list of approved
 30 sponsors and approved courses that meet the criteria for the level three
 31 assessor-appraiser certification curriculum designed under ~~subsection (a)(2):~~
 32 **subdivision (2).**

33 (b) The department may adopt rules under IC 4-22-2 to implement this
 34 section. The department may adopt ~~temporary rules in the manner provided~~
 35 ~~for the adoption of emergency rules in IC 4-22-2-37.1~~ **under IC 4-22-2** to
 36 carry out a program to approve courses that meet the requirements of the
 37 curriculum described in ~~subdivision (2)~~ **subsection (a)(2)** and approve course
 38 sponsors that provide these courses. ~~A temporary rule adopted under this~~
 39 ~~subsection expires on the earliest of the following:~~

40 ~~(1) The date specified in the temporary rule:~~

41 ~~(2) The date that another temporary rule or rule adopted under IC 4-22-2~~
 42 ~~supersedes or repeals the temporary rule:~~

43 ~~(3) January 1, 2014.~~

44 (c) The department of local government finance may establish fair and
 45 reasonable fees for level three assessor-appraiser examinations and
 46 certifications under this chapter. However, the fees do not apply to an
 47 assessing official, a hearing officer for a county property tax assessment board
 48 of appeals, or an employee of an assessing official or county property tax
 49 assessment board of appeals who is taking the level three examination for the
 50 first time.

1 SECTION 50. IC 6-1.1-50-10, AS ADDED BY P.L.239-2023, SECTION
 2 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 3 Sec. 10. The department of local government finance may adopt emergency
 4 rules under ~~IC 4-22-2-37.1~~ IC 4-22-2 to implement this chapter. An
 5 emergency rule adopted under this section expires on the earlier of the
 6 following dates:

- 7 (1) The expiration date stated in the emergency rule.
- 8 (2) January 1, 2025.

9 SECTION 51. IC 6-1.5-6-2, AS AMENDED BY P.L.121-2019, SECTION
 10 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 11 Sec. 2. (a) The Indiana board may adopt rules under IC 4-22-2 ~~including~~
 12 ~~emergency rules under IC 4-22-2-37.1~~, to establish procedures for the conduct
 13 of proceedings before the Indiana board under this article, including
 14 procedures for:

- 15 (1) prehearing conferences;
- 16 (2) hearings;
- 17 (3) allowing the Indiana board, upon agreement of all parties to the
 18 proceeding, to determine that a petition does not require a hearing
 19 because it presents substantially the same issue that was decided in a
 20 prior Indiana board determination;
- 21 (4) voluntary arbitration;
- 22 (5) voluntary mediation;
- 23 (6) submission of an agreed record;
- 24 (7) upon agreement of all parties to the proceedings, joinder of petitions
 25 concerning the same or similar issues; and
- 26 (8) small claims.
- 27 (b) Rules under subsection (a)(8):
- 28 (1) may include rules that:
- 29 (A) prohibit discovery;
- 30 (B) restrict the length of a hearing; and
- 31 (C) establish when a hearing is not required; and
- 32 (2) must allow a party to be able to elect out of the small claims rules.

33 SECTION 52. IC 6-1.5-6-3, AS ADDED BY P.L.113-2010, SECTION 42,
 34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 35 3. (a) As used in this section, "county board" means a county property tax
 36 assessment board of appeals.

37 (b) The Indiana board may adopt rules under IC 4-22-2 ~~including~~
 38 ~~emergency rules under IC 4-22-2-37.1~~, to establish procedures for its
 39 employees to assist taxpayers and local officials in their attempts to informally
 40 resolve disputes in which:

- 41 (1) a taxpayer has filed written notice to obtain a county board's review
 42 of an action by a township or county official; and
- 43 (2) the county board has not given written notice of its decision on the
 44 issues under review.

45 SECTION 53. IC 6-2.5-5-8.2, AS ADDED BY P.L.137-2022, SECTION
 46 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 47 Sec. 8.2. (a) Except as provided in subsection (f), a transaction in which a
 48 person acquires an aircraft for rental or leasing in the ordinary course of the
 49 person's business is not exempt from the state gross retail tax unless the
 50 person establishes, under guidelines adopted by the department in the manner

1 provided in IC 4-22-2, (~~including the adoption of emergency rules under~~
 2 ~~IC 4-22-2-37.1~~); that the annual amount of the gross lease revenue derived
 3 from leasing or rental of the aircraft, which may include revenue from related
 4 party transactions, is equal to or greater than seven and five-tenths percent
 5 (7.5%) of the:

6 (1) book value of the aircraft, as published in the VREF Aircraft Value
 7 Reference guide for the aircraft; or

8 (2) net acquisition price for the aircraft, which shall include the value of
 9 any trade or exchange and excluding any sales commissions paid to third
 10 parties.

11 (b) If a person acquires an aircraft below the VREF Aircraft Value
 12 Reference guide book value as set forth in subsection (a)(1), the person may
 13 appeal to the department for a lower lease or rental threshold equal to the
 14 actual acquisition price paid if the person demonstrates that the transaction
 15 was completed in a commercially reasonable manner based on the aircraft's
 16 age, condition, and equipment.

17 (c) For purposes of this section, the department may request the person to
 18 submit to the department supporting documents showing that the aircraft is
 19 available for general public lease or rental, copies of business and aircraft
 20 insurance policies, and other documents that assist the department in
 21 determining if an aircraft is exempt from the state gross retail tax.

22 (d) A person is required to meet the requirements of subsection (a) until
 23 the earlier of the date the aircraft has generated sales tax on leases or rental
 24 income that is equal to the amount of the original sales tax exemption, the
 25 elapse of thirteen (13) years, or the date the aircraft is sold. No additional
 26 sales or use tax is due from the seller on the seller's original purchase when
 27 the aircraft is sold if the person has met the terms of this section for all
 28 periods prior to the sale.

29 (e) A person is required to remit the gross retail tax on taxable lease and
 30 rental transactions the entire time the aircraft is used for lease and rental, even
 31 if the aircraft is used for lease and rental beyond a thirteen (13) year period.

32 (f) A transaction in which a person acquires an aircraft to rent or lease the
 33 aircraft to another person for predominant use in public transportation (as
 34 provided for in section 27 of this chapter) by the other person or by an
 35 affiliate of the other person is exempt from the state gross retail tax. The
 36 department may not require a person to meet the revenue threshold in
 37 subsection (a) with respect to the person's leasing or rental of the aircraft to
 38 receive or maintain the exemption. To maintain the exemption provided under
 39 this subsection, the department may require the person to submit annual
 40 reports showing that the aircraft is predominantly used to provide public
 41 transportation.

42 (g) The exemptions allowed under subsections (a) and (f) apply regardless
 43 of the relationship, if any, between the person or lessor and the lessee or
 44 renter of the aircraft.

45 SECTION 54. IC 6-3-2-2, AS AMENDED BY P.L.156-2020, SECTION
 46 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 47 Sec. 2. (a) With regard to corporations and nonresident persons, "adjusted
 48 gross income derived from sources within Indiana", for the purposes of this
 49 article, shall mean and include:

50 (1) income from real or tangible personal property located in this state;

- 1 (2) income from doing business in this state;
 2 (3) income from a trade or profession conducted in this state;
 3 (4) compensation for labor or services rendered within this state; and
 4 (5) income from stocks, bonds, notes, bank deposits, patents, copyrights,
 5 secret processes and formulas, good will, trademarks, trade brands,
 6 franchises, and other intangible personal property to the extent that the
 7 income is apportioned to Indiana under this section or if the income is
 8 allocated to Indiana or considered to be derived from sources within
 9 Indiana under this section.
- 10 Income from a pass through entity shall be characterized in a manner
 11 consistent with the income's characterization for federal income tax purposes
 12 and shall be considered Indiana source income as if the person, corporation,
 13 or pass through entity that received the income had directly engaged in the
 14 income producing activity. Income that is derived from one (1) pass through
 15 entity and is considered to pass through to another pass through entity does
 16 not change these characteristics or attribution provisions. In the case of
 17 nonbusiness income described in subsection (g), only so much of such income
 18 as is allocated to this state under the provisions of subsections (h) through (k)
 19 shall be deemed to be derived from sources within Indiana. In the case of
 20 business income, only so much of such income as is apportioned to this state
 21 under the provision of subsection (b) shall be deemed to be derived from
 22 sources within the state of Indiana. In the case of compensation of a team
 23 member (as defined in section 2.7 of this chapter), only the portion of income
 24 determined to be Indiana income under section 2.7 of this chapter is
 25 considered derived from sources within Indiana. In the case of a corporation
 26 that is a life insurance company (as defined in Section 816(a) of the Internal
 27 Revenue Code) or an insurance company that is subject to tax under Section
 28 831 of the Internal Revenue Code, only so much of the income as is
 29 apportioned to Indiana under subsection (s) is considered derived from
 30 sources within Indiana. Income derived from Indiana shall be taxable to the
 31 fullest extent permitted by the Constitution of the United States and federal
 32 law, regardless of whether the taxpayer has a physical presence in Indiana.
- 33 (b) Except as provided in subsection (l), if business income of a
 34 corporation or a nonresident person is derived from sources within the state
 35 of Indiana and from sources without the state of Indiana, the business income
 36 derived from sources within this state shall be determined by multiplying the
 37 business income derived from sources both within and without the state of
 38 Indiana by the following:
- 39 (1) For all taxable years that begin after December 31, 2006, and before
 40 January 1, 2008, a fraction. The:
- 41 (A) numerator of the fraction is the sum of the property factor plus
 42 the payroll factor plus the product of the sales factor multiplied by
 43 three (3); and
 44 (B) denominator of the fraction is five (5).
- 45 (2) For all taxable years that begin after December 31, 2007, and before
 46 January 1, 2009, a fraction. The:
- 47 (A) numerator of the fraction is the property factor plus the payroll
 48 factor plus the product of the sales factor multiplied by four and
 49 sixty-seven hundredths (4.67); and
 50 (B) denominator of the fraction is six and sixty-seven hundredths

- 1 (6.67).
2 (3) For all taxable years beginning after December 31, 2008, and before
3 January 1, 2010, a fraction. The:
4 (A) numerator of the fraction is the property factor plus the payroll
5 factor plus the product of the sales factor multiplied by eight (8); and
6 (B) denominator of the fraction is ten (10).
7 (4) For all taxable years beginning after December 31, 2009, and before
8 January 1, 2011, a fraction. The:
9 (A) numerator of the fraction is the property factor plus the payroll
10 factor plus the product of the sales factor multiplied by eighteen (18);
11 and
12 (B) denominator of the fraction is twenty (20).
13 (5) For all taxable years beginning after December 31, 2010, the sales
14 factor.
15 (c) The property factor is a fraction, the numerator of which is the average
16 value of the taxpayer's real and tangible personal property owned or rented
17 and used in this state during the taxable year and the denominator of which
18 is the average value of all the taxpayer's real and tangible personal property
19 owned or rented and used during the taxable year. However, with respect to
20 a foreign corporation, the denominator does not include the average value of
21 real or tangible personal property owned or rented and used in a place that is
22 outside the United States. Property owned by the taxpayer is valued at its
23 original cost. Property rented by the taxpayer is valued at eight (8) times the
24 net annual rental rate. Net annual rental rate is the annual rental rate paid by
25 the taxpayer less any annual rental rate received by the taxpayer from
26 subrentals. The average of property shall be determined by averaging the
27 values at the beginning and ending of the taxable year, but the department
28 may require the averaging of monthly values during the taxable year if
29 reasonably required to reflect properly the average value of the taxpayer's
30 property.
31 (d) The payroll factor is a fraction, the numerator of which is the total
32 amount paid in this state during the taxable year by the taxpayer for
33 compensation, and the denominator of which is the total compensation paid
34 everywhere during the taxable year. However, with respect to a foreign
35 corporation, the denominator does not include compensation paid in a place
36 that is outside the United States. Compensation is paid in this state if:
37 (1) the individual's service is performed entirely within the state;
38 (2) the individual's service is performed both within and without this
39 state, but the service performed without this state is incidental to the
40 individual's service within this state; or
41 (3) some of the service is performed in this state and:
42 (A) the base of operations or, if there is no base of operations, the
43 place from which the service is directed or controlled is in this state;
44 or
45 (B) the base of operations or the place from which the service is
46 directed or controlled is not in any state in which some part of the
47 service is performed, but the individual is a resident of this state.
48 (e) The sales factor is a fraction, the numerator of which is the total sales
49 of the taxpayer in this state during the taxable year, and the denominator of
50 which is the total sales of the taxpayer everywhere during the taxable year.

1 Sales include receipts from intangible property and receipts from the sale or
 2 exchange of intangible property. However, with respect to a foreign
 3 corporation, the denominator does not include sales made in a place that is
 4 outside the United States. Regardless of the f.o.b. point or other conditions of
 5 the sale, sales of tangible personal property are in this state if:

- 6 (1) the property is delivered or shipped to a purchaser that is within
 7 Indiana, other than the United States government; or
- 8 (2) the property is shipped from an office, a store, a warehouse, a
 9 factory, or other place of storage in this state and the purchaser is the
 10 United States government.

11 Gross receipts derived from commercial printing as described in
 12 IC 6-2.5-1-10 and from the sale of software shall be treated as sales of
 13 tangible personal property for purposes of this chapter.

14 (f) Sales, other than sales of tangible personal property, are in this state as
 15 follows:

- 16 (1) The receipts are attributable to Indiana:
 - 17 (A) under subsection (s), (t), or (u); or
 - 18 (B) under section 2.2 of this chapter.
- 19 (2) The receipts are from the provision of telecommunications services
 20 and broadcast services, provided that:
 - 21 (A) all of the costs of performance related to the receipts are
 22 attributable to Indiana; or
 - 23 (B) if the costs of performance are incurred both within and outside
 24 this state, the greater portion of such costs are incurred in this state
 25 than in any other state.
- 26 (3) Receipts, other than receipts described in subdivisions (1) and (2),
 27 are in this state if the taxpayer's market for the sales is in this state. The
 28 taxpayer's market for sales is in this state:
 - 29 (A) in the case of sale, rental, lease, or license of real property, if and
 30 to the extent the property is located in this state;
 - 31 (B) in the case of rental, lease, or license of tangible personal
 32 property, if and to the extent the property is located in this state;
 - 33 (C) in the case of sale of a service, if and to the extent the benefit of
 34 the service is received in this state;
 - 35 (D) in the case of intangible property that is rented, leased, or
 36 licensed, if and to the extent the property is used in this state,
 37 provided that intangible property used in marketing a good or service
 38 to a consumer is "used in this state" if that good or service is
 39 purchased by a consumer who is in this state; and
 - 40 (E) in the case of intangible property that is sold, if and to the extent
 41 the property is used in this state, provided that:
 - 42 (i) a contract right, government license, or similar intangible
 43 property that authorizes the holder to conduct a business activity
 44 in a specific geographic area is "used in this state" if the
 45 geographic area includes all or part of this state;
 - 46 (ii) receipts from intangible property sales that are contingent on
 47 the productivity, use, or disposition of the intangible property shall
 48 be treated as receipts from the rental, lease, or licensing of such
 49 intangible property under clause (D); and
 - 50 (iii) all other receipts from a sale of intangible property shall be

- 1 excluded from the numerator and denominator of the receipts
2 factor.
- 3 (4) If the state or states of attribution under subdivision (3) cannot be
4 determined, the state or states of attribution shall be determined by the
5 state or states in which the delivery of the service occurs.
- 6 (5) If the state of attribution cannot be determined under subdivision (3)
7 or (4), such receipt shall be excluded from the denominator of the
8 receipts factor.
- 9 (g) Rents and royalties from real or tangible personal property, capital
10 gains, interest, dividends, or patent or copyright royalties, to the extent that
11 they constitute nonbusiness income, shall be allocated as provided in
12 subsections (h) through (k).
- 13 (h)(1) Net rents and royalties from real property located in this state are
14 allocable to this state.
- 15 (2) Net rents and royalties from tangible personal property are allocated to
16 this state:
- 17 (i) if and to the extent that the property is utilized in this state; or
18 (ii) in their entirety if the taxpayer's commercial domicile is in this state
19 and the taxpayer is not organized under the laws of or taxable in the state
20 in which the property is utilized.
- 21 (3) The extent of utilization of tangible personal property in a state is
22 determined by multiplying the rents and royalties by a fraction, the numerator
23 of which is the number of days of physical location of the property in the state
24 during the rental or royalty period in the taxable year, and the denominator of
25 which is the number of days of physical location of the property everywhere
26 during all rental or royalty periods in the taxable year. If the physical location
27 of the property during the rental or royalty period is unknown or
28 unascertainable by the taxpayer, tangible personal property is utilized in the
29 state in which the property was located at the time the rental or royalty payer
30 obtained possession.
- 31 (i)(1) Capital gains and losses from sales of real property located in this
32 state are allocable to this state.
- 33 (2) Capital gains and losses from sales of tangible personal property are
34 allocable to this state if:
- 35 (i) the property had a situs in this state at the time of the sale; or
36 (ii) the taxpayer's commercial domicile is in this state and the taxpayer
37 is not taxable in the state in which the property had a situs.
- 38 (3) Capital gains and losses from sales of intangible personal property are
39 allocable to this state if the taxpayer's commercial domicile is in this state.
- 40 (j) Interest and dividends are allocable to this state if the taxpayer's
41 commercial domicile is in this state.
- 42 (k)(1) Patent and copyright royalties are allocable to this state:
- 43 (i) if and to the extent that the patent or copyright is utilized by the
44 taxpayer in this state; or
45 (ii) if and to the extent that the patent or copyright is utilized by the
46 taxpayer in a state in which the taxpayer is not taxable and the taxpayer's
47 commercial domicile is in this state.
- 48 (2) A patent is utilized in a state to the extent that it is employed in
49 production, fabrication, manufacturing, or other processing in the state
50 or to the extent that a patented product is produced in the state. If the

- 1 basis of receipts from patent royalties does not permit allocation to states
 2 or if the accounting procedures do not reflect states of utilization, the
 3 patent is utilized in the state in which the taxpayer's commercial
 4 domicile is located.
- 5 (3) A copyright is utilized in a state to the extent that printing or other
 6 publication originates in the state. If the basis of receipts from copyright
 7 royalties does not permit allocation to states or if the accounting
 8 procedures do not reflect states of utilization, the copyright is utilized in
 9 the state in which the taxpayer's commercial domicile is located.
- 10 (l) If the allocation and apportionment provisions of this article do not
 11 fairly represent the taxpayer's income derived from sources within the state
 12 of Indiana, the taxpayer may petition for or the department may require, in
 13 respect to all or any part of the taxpayer's business activity, if reasonable:
- 14 (1) separate accounting;
 - 15 (2) for a taxable year beginning before January 1, 2011, the exclusion of
 16 any one (1) or more of the factors, except the sales factor;
 - 17 (3) the inclusion of one (1) or more additional factors which will fairly
 18 represent the taxpayer's income derived from sources within the state of
 19 Indiana; or
 - 20 (4) the employment of any other method to effectuate an equitable
 21 allocation and apportionment of the taxpayer's income.
- 22 Notwithstanding IC 6-8.1-5-1(c), a taxpayer petitioning for, or the department
 23 requiring, the use of an alternative method to effectuate an equitable
 24 allocation and apportionment of the taxpayer's income under this subsection
 25 bears the burden of proof that the allocation and apportionment provisions of
 26 this article do not fairly represent the taxpayer's income derived from sources
 27 within this state and that the alternative method to the allocation and
 28 apportionment provisions of this article is reasonable.
- 29 (m) In the case of two (2) or more organizations, trades, or businesses
 30 owned or controlled directly or indirectly by the same interests, the
 31 department shall distribute, apportion, or allocate the income derived from
 32 sources within the state of Indiana between and among those organizations,
 33 trades, or businesses in order to fairly reflect and report the income derived
 34 from sources within the state of Indiana by various taxpayers.
- 35 (n) For purposes of allocation and apportionment of income under this
 36 article, a taxpayer is taxable in another state if:
- 37 (1) in that state the taxpayer is subject to a net income tax, a franchise
 38 tax measured by net income, a franchise tax for the privilege of doing
 39 business, or a corporate stock tax; or
 - 40 (2) that state has jurisdiction to subject the taxpayer to a net income tax
 41 regardless of whether, in fact, the state does or does not.
- 42 (o) Notwithstanding subsections (l) and (m), the department may not,
 43 under any circumstances, require that income, deductions, and credits
 44 attributable to a taxpayer and another entity be reported in a combined income
 45 tax return for any taxable year, if the other entity is:
- 46 (1) a foreign corporation; or
 - 47 (2) a corporation that is classified as a foreign operating corporation for
 48 the taxable year by section 2.4 of this chapter.
- 49 (p) Notwithstanding subsections (l) and (m), the department may not
 50 require that income, deductions, and credits attributable to a taxpayer and

1 another entity not described in subsection (o)(1) or (o)(2) be reported in a
 2 combined income tax return for any taxable year, unless the department is
 3 unable to fairly reflect the taxpayer's adjusted gross income for the taxable
 4 year through use of other powers granted to the department by subsections (l)
 5 and (m).

6 (q) Notwithstanding subsections (o) and (p), one (1) or more taxpayers
 7 may petition the department under subsection (l) for permission to file a
 8 combined income tax return for a taxable year. The petition to file a combined
 9 income tax return must be completed and filed with the department not more
 10 than thirty (30) days after the end of the taxpayer's taxable year.

11 (r) A taxpayer who desires to discontinue filing a combined income tax
 12 return for any reason must petition the department within thirty (30) days after
 13 the end of the taxpayer's taxable year for permission to discontinue filing a
 14 combined income tax return.

15 (s) This subsection applies to a corporation that is a life insurance
 16 company (as defined in Section 816(a) of the Internal Revenue Code) or an
 17 insurance company that is subject to tax under Section 831 of the Internal
 18 Revenue Code. The corporation's adjusted gross income that is derived from
 19 sources within Indiana is determined by multiplying the corporation's adjusted
 20 gross income by a fraction:

21 (1) the numerator of which is the direct premiums and annuity
 22 considerations received during the taxable year for insurance upon
 23 property or risks in the state; and

24 (2) the denominator of which is the direct premiums and annuity
 25 considerations received during the taxable year for insurance upon
 26 property or risks everywhere.

27 The term "direct premiums and annuity considerations" means the gross
 28 premiums received from direct business as reported in the corporation's
 29 annual statement filed with the department of insurance.

30 (t) This subsection applies to receipts derived from motorsports racing.

31 (1) Any purse, prize money, or other amounts earned for placement or
 32 participation in a race or portion thereof, including qualification, shall
 33 be attributed to Indiana if the race is conducted in Indiana.

34 (2) Any amounts received from an individual or entity as a result of
 35 sponsorship or similar promotional consideration for one (1) or more
 36 races shall be in this state in the amount received, multiplied by the
 37 following fraction:

38 (A) The numerator of the fraction is the number of racing events for
 39 which sponsorship or similar promotional consideration has been
 40 paid in a taxable year and that occur in Indiana.

41 (B) The denominator of the fraction is the total number of racing
 42 events for which sponsorship or similar promotional consideration
 43 has been paid in a taxable year.

44 (3) Any amounts earned as an incentive for placement or participation
 45 in one (1) or more races and that are not covered under subdivision (1)
 46 or (2) or under ~~IC 6-3-2-3.2~~ **section 3.2 of this chapter** shall be
 47 attributed to Indiana in the proportion of the races that occurred in
 48 Indiana.

49 This subsection, as enacted in 2013, is intended to be a clarification of the law
 50 and not a substantive change in the law.

1 (u) For purposes of this section and section 2.2 of this chapter, the
2 following apply:

3 (1) For taxable years beginning after December 25, 2016, if a taxpayer
4 is required to include amounts in the taxpayer's federal adjusted gross
5 income, federal taxable income, or IRC 965 Transition Tax Statement,
6 line 1 as a result of Section 965 of the Internal Revenue Code, the
7 following apply:

8 (A) For an entity that is not eligible to claim a deduction under
9 ~~IC 6-3-2-12~~, **section 12 of this chapter**, these amounts shall not be
10 receipts in any taxable year for the entity.

11 (B) For an entity that is eligible to claim a deduction under
12 ~~IC 6-3-2-12~~, **section 12 of this chapter**, these amounts shall be
13 receipts in the year in which the amounts are reported by the entity
14 as adjusted gross income under this article, but only to the extent of:

15 (i) any amounts includible after application of IC 6-3-1-3.5(b)(13),
16 IC 6-3-1-3.5(d)(12), and IC 6-3-1-3.5(e)(12); minus

17 (ii) the deduction taken under ~~IC 6-3-2-12~~ **section 12 of this**
18 **chapter** with regard to that income.

19 This subdivision applies regardless of the taxable year in which the
20 money or property was actually received.

21 (2) If a taxpayer is required to include amounts in the taxpayer's federal
22 adjusted gross income or federal taxable income as a result of Section
23 951A of the Internal Revenue Code the following apply:

24 (A) For an entity that is not eligible to claim a deduction under
25 ~~IC 6-3-2-12~~, **section 12 of this chapter**, the receipts that generated
26 the income shall not be included as a receipt in any taxable year.

27 (B) For an entity that is eligible to claim a deduction under
28 ~~IC 6-3-2-12~~, **section 12 of this chapter**, the amounts included in
29 federal gross income as a result of Section 951A of the Internal
30 Revenue Code, reduced by the deduction allowable under
31 ~~IC 6-3-2-12~~ **section 12 of this chapter** with regard to that income,
32 shall be considered a receipt in the year in which the amounts are
33 includible in federal taxable income.

34 (3) Receipts do not include receipts derived from sources outside the
35 United States to the extent the taxpayer is allowed a deduction or
36 exclusion in determining both the taxpayer's federal taxable income as
37 a result of the federal Tax Cuts and Jobs Act of 2017 and the taxpayer's
38 adjusted gross income under this chapter. If any portion of the federal
39 taxable income derived from these receipts is deductible under
40 ~~IC 6-3-2-12~~, **section 12 of this chapter**, receipts shall be reduced by the
41 proportion of the deduction allowable under ~~IC 6-3-2-12~~ **section 12 of**
42 **this chapter** with regard to that federal taxable income.

43 Receipts includible in a taxable year under subdivisions (1) and (2) shall be
44 considered dividends from investments for apportionment purposes.

45 (v) The following apply:

46 (1) The department may adopt rules under ~~IC 4-22~~, **IC 4-22-2 including**
47 **emergency rules that shall be applied retroactively to January 1, 2019**;
48 to specify where sales, receipts, income, transactions, or costs are
49 attributable under this section and section 2.2 of this chapter.

50 (2) Rules adopted under subdivision (1) must be consistent with the

1 Multistate Tax Commission model regulations for income tax
 2 apportionment as in effect on January 1, 2019, including any specialized
 3 industry provisions, except to the extent expressly inconsistent with this
 4 chapter. A rule is valid unless the rule is not consistent with the
 5 Multistate Tax Commission model regulations. If a rule is partially valid
 6 and partially invalid, the rule remains in effect to the extent the rule is
 7 valid.

8 (3) In the absence of rules, or to the extent a rule adopted under
 9 subdivision (1) is determined to be invalid, sales shall be sourced in the
 10 manner consistent with the Multistate Tax Commission model
 11 regulations for income tax apportionment as in effect on January 1,
 12 2019, including any specialized industry provisions, except to the extent
 13 expressly inconsistent with this chapter.

14 SECTION 55. IC 6-3.1-4-8, AS ADDED BY P.L.108-2019, SECTION
 15 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 16 Sec. 8. (a) If a taxpayer claims a credit for Indiana qualified research expenses
 17 under this chapter for a taxable year, the taxpayer must report to the
 18 department whether it has:

- 19 (1) determined a credit for those Indiana qualified research expenses
 20 under either Section 41(a)(1) of the Internal Revenue Code or Section
 21 41(c)(4) of the Internal Revenue Code for that taxable year; and
- 22 (2) claimed the determined credit for those Indiana qualified research
 23 expenses under either Section 41(a)(1) of the Internal Revenue Code or
 24 Section 41(c)(4) of the Internal Revenue Code for that taxable year.

25 (b) If a taxpayer claims a credit for those qualified research expenses under
 26 this chapter for a taxable year and does not claim a credit for those qualified
 27 research expenses for federal tax purposes under Section 41(a)(1) of the
 28 Internal Revenue Code or Section 41(c)(4) of the Internal Revenue Code in
 29 that taxable year, the taxpayer must disclose to the department any reasons for
 30 not claiming the credit for those Indiana qualified research expenses for
 31 federal purposes for the taxable year. The disclosure under this subsection
 32 shall be made in the manner specified by the department.

33 (c) For purposes of IC 6-3-4-6 and IC 6-8.1-5-2, a change to the federal
 34 credit under Section 41(a)(1) of the Internal Revenue Code or Section
 35 41(c)(4) of the Internal Revenue Code shall be considered a modification.

36 (d) The department may adopt rules under IC 4-22-2 ~~including emergency~~
 37 ~~rules~~, governing this section.

38 SECTION 56. IC 6-7-4-14, AS ADDED BY P.L.165-2021, SECTION 119,
 39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 40 14. The department may adopt rules under IC 4-22-2 necessary to enforce this
 41 chapter. ~~including emergency rules under IC 4-22-2-37.1.~~

42 SECTION 57. IC 6-8.1-3-8, AS AMENDED BY P.L.146-2020, SECTION
 43 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 44 Sec. 8. (a) The department may prescribe qualifications a person must have
 45 to represent a taxpayer before the department. However, a person may not
 46 represent a taxpayer before the department, unless:

- 47 (1) the taxpayer is present at all times when the representation occurs;
 48 or
- 49 (2) the person representing the taxpayer has a properly executed power
 50 of attorney authorizing the person to represent the taxpayer.

1 (b) Notwithstanding any other law, the department may require a power of
 2 attorney relating to a listed tax to be completed on a form prescribed by the
 3 department.

4 (c) The department may accept a power of attorney that names an entity as
 5 a representative of a taxpayer, subject to rules adopted under IC 4-22-2.
 6 ~~including emergency rules adopted in the manner provided in IC 4-22-2-37.1.~~
 7 Notwithstanding this article or IC 30-5, the department may adopt rules under
 8 IC 4-22-2 ~~including emergency rules adopted in manner provided in~~
 9 ~~IC 4-22-2-37.1~~, allowing a change of individuals acting on behalf of the entity
 10 without requiring a new or amended power of attorney to be completed by the
 11 taxpayer.

12 SECTION 58. IC 6-8.1-3-17, AS AMENDED BY P.L.146-2020,
 13 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2024]: Sec. 17. (a) Before an original tax appeal is filed with the tax court
 15 under IC 33-26, the commissioner, or the taxpayer rights advocate office to
 16 the extent granted the authority by the commissioner, may settle any tax
 17 liability dispute if a substantial doubt exists as to:

- 18 (1) the constitutionality of the tax under the Constitution of the State of
- 19 Indiana;
- 20 (2) the right to impose the tax;
- 21 (3) the correct amount of tax due;
- 22 (4) the collectability of the tax; or
- 23 (5) whether the taxpayer is a resident or nonresident of Indiana.

24 (b) After an original tax appeal is filed with the tax court under IC 33-26,
 25 and notwithstanding IC 4-6-2-11, the commissioner may settle a tax liability
 26 dispute with an amount in contention of twenty-five thousand dollars
 27 (\$25,000) or less. Notwithstanding IC 6-8.1-7-1(a), the terms of a settlement
 28 under this subsection are available for public inspection.

29 (c) The department shall establish an amnesty program for taxpayers
 30 having an unpaid tax liability for a listed tax that was due and payable for a
 31 tax period ending before January 1, 2013. A taxpayer is not eligible for the
 32 amnesty program:

- 33 (1) for any tax liability resulting from the taxpayer's failure to comply
- 34 with IC 6-3-1-3.5(b)(3) with regard to the tax imposed by IC 4-33-13 or
- 35 IC 4-35-8; or
- 36 (2) if the taxpayer participated in any previous amnesty program under:
- 37 (A) this section (as in effect on December 31, 2014); or
- 38 (B) IC 6-2.5-14.

39 The time in which a voluntary payment of tax liability may be made (or the
 40 taxpayer may enter into a payment program acceptable to the department for
 41 the payment of the unpaid listed taxes in full in the manner and time
 42 established in a written payment program agreement between the department
 43 and the taxpayer) under the amnesty program is limited to the period
 44 determined by the department, not to exceed eight (8) regular business weeks
 45 ending before the earlier of the date set by the department or January 1, 2017.
 46 The amnesty program must provide that, upon payment by a taxpayer to the
 47 department of all listed taxes due from the taxpayer for a tax period (or
 48 payment of the unpaid listed taxes in full in the manner and time established
 49 in a written payment program agreement between the department and the
 50 taxpayer), entry into an agreement that the taxpayer is not eligible for any

1 other amnesty program that may be established and waives any part of interest
 2 and penalties on the same type of listed tax that is being granted amnesty in
 3 the current amnesty program, and compliance with all other amnesty
 4 conditions adopted under a rule of the department in effect on the date the
 5 voluntary payment is made, the department:

6 (1) shall abate and not seek to collect any interest, penalties, collection
 7 fees, or costs that would otherwise be applicable;

8 (2) shall release any liens imposed;

9 (3) shall not seek civil or criminal prosecution against any individual or
 10 entity; and

11 (4) shall not issue, or, if issued, shall withdraw, an assessment, a demand
 12 notice, or a warrant for payment under IC 6-8.1-5-1, IC 6-8.1-5-3,
 13 IC 6-8.1-8-2, or another law against any individual or entity;

14 for listed taxes due from the taxpayer for the tax period for which amnesty has
 15 been granted to the taxpayer. Amnesty granted under this subsection is
 16 binding on the state and its agents. However, failure to pay to the department
 17 all listed taxes due for a tax period invalidates any amnesty granted under this
 18 subsection for that tax period. The department shall conduct an assessment of
 19 the impact of the tax amnesty program on tax collections and an analysis of
 20 the costs of administering the tax amnesty program. As soon as practicable
 21 after the end of the tax amnesty period, the department shall submit a copy of
 22 the assessment and analysis to the legislative council in an electronic format
 23 under IC 5-14-6. The department shall enforce an agreement with a taxpayer
 24 that prohibits the taxpayer from receiving amnesty in another amnesty
 25 program.

26 (d) For purposes of subsection (c), a liability for a listed tax is due and
 27 payable if:

28 (1) the department has issued:

29 (A) an assessment of the listed tax under IC 6-8.1-5-1;

30 (B) a demand for payment under IC 6-8.1-5-3; or

31 (C) a demand notice for payment of the listed tax under IC 6-8.1-8-2;

32 (2) the taxpayer has filed a return or an amended return in which the
 33 taxpayer has reported a liability for the listed tax; or

34 (3) the taxpayer has filed a written statement of liability for the listed tax
 35 in a form that is satisfactory to the department.

36 (e) The department may waive interest and penalties if the general
 37 assembly enacts a change in a listed tax for a tax period that increases a
 38 taxpayer's tax liability for that listed tax after the due date for that listed tax
 39 and tax period. However, such a waiver shall apply only to the extent of the
 40 increase in tax liability and only for a period not exceeding sixty (60) days
 41 after the change is enacted. The department may adopt rules **under IC 4-22-2**
 42 **including emergency rules**; or issue guidelines to carry out this subsection.

43 SECTION 59. IC 6-8.1-16.3-9, AS ADDED BY P.L.147-2018, SECTION
 44 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 45 Sec. 9. The department may adopt rules under IC 4-22-2 **including emergency**
 46 **rules in the manner provided under IC 4-22-2-37.1**, to implement this chapter.
 47 An emergency rule implemented under this section expires on the earlier of
 48 the following dates:

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

50 (2) The date the emergency rule is amended or repealed by a later rule

1 or emergency rule adopted under ~~IC 4-22-2-24 through IC 4-22-2-36~~ or
2 in the manner provided under ~~IC 4-22-2-37.1~~.

3 SECTION 60. IC 6-8.1-18-10, AS ADDED BY P.L.97-2021, SECTION
4 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
5 Sec. 10. The department may adopt rules under IC 4-22-2 ~~including~~
6 ~~emergency rules in the manner provided under IC 4-22-2-37.1~~; for the
7 administration and enforcement of this chapter.

8 SECTION 61. IC 7.1-3-17.5-4, AS AMENDED BY P.L.233-2007,
9 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2024]: Sec. 4. The commission may adopt ~~emergency~~ rules under
11 ~~IC 4-22-2-37.1~~ **IC 4-22-2** concerning the following for a gaming site permit:

- 12 (1) Issuance.
- 13 (2) Scope.
- 14 (3) Permit fee.
- 15 (4) Expiration.
- 16 (5) Revocation and suspension.

17 SECTION 62. IC 7.1-3-17.7-5, AS AMENDED BY P.L.291-2013,
18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2024]: Sec. 5. The commission may adopt rules under IC 4-22-2 ~~including~~
20 ~~emergency rules adopted in the manner provided under IC 4-22-2-37.1~~;
21 concerning the following for a horse track permit or a satellite facility permit:

- 22 (1) Issuance.
- 23 (2) Scope.
- 24 (3) Permit fee.
- 25 (4) Expiration.
- 26 (5) Revocation and suspension.

27 SECTION 63. IC 8-1-2-42, AS AMENDED BY P.L.61-2022, SECTION
28 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
29 Sec. 42. (a) No change shall be made in any schedule, including schedules of
30 joint rates, except upon thirty (30) days notice to the commission, and
31 approval by the commission, and all such changes shall be plainly indicated
32 upon existing schedules or by filing new schedules in lieu thereof thirty (30)
33 days prior to the time the same are to take effect. The commission may
34 prescribe a shorter time within which a change may be made. A public,
35 municipally owned, or cooperatively owned utility may not file a request for
36 a general increase in its basic rates and charges within fifteen (15) months
37 after the filing date of its most recent request for a general increase in its basic
38 rates and charges, except that the commission may order a more timely
39 increase if:

- 40 (1) the requested increase relates to a different type of utility service;
- 41 (2) the commission finds that the utility's financial integrity or service
42 reliability is threatened; or
- 43 (3) the increase is based on:
 - 44 (A) a rate structure previously approved by the commission; or
 - 45 (B) orders of federal courts or federal regulatory agencies having
46 jurisdiction over the utility.

47 The phrase "general increase in basic rates and charges" does not include
48 changes in rates related solely to the cost of fuel or to the cost of purchased
49 gas or purchased electricity or adjustments in accordance with tracking
50 provisions approved by the commission. In addition to other tracking

1 provisions the commission finds appropriate, the commission may approve
2 periodic tracking mechanisms for water utilities and wastewater utilities to
3 permit recovery of changes in property taxes. The commission may also
4 approve periodic tracking mechanisms calculated to recover from customers
5 located within the geographic boundaries of local units of government the
6 incremental costs of operation and maintenance of water utilities and
7 wastewater utilities resulting from policies or ordinances that are adopted by
8 those local units and that the commission determines to be unusual but not
9 necessarily unreasonable under section 101 of this chapter. The commission
10 shall adopt rules under IC 4-22-2 ~~including emergency rules in the manner~~
11 ~~provided by IC 4-22-2-37.1~~, to define what is unreasonable with respect to
12 road cut permits and other specifications or policies established by a local unit
13 that imposes costs on water or wastewater utilities.

14 (b) No schedule of rates, tolls, and charges of a public, municipally owned,
15 or cooperatively owned utility which includes or authorizes any changes in
16 charges based upon costs is effective without the approval of the commission.
17 Before the commission approves any changes in the schedule of rates, tolls,
18 and charges of an electric utility, which generates and sells electricity, based
19 upon the cost of fuel to generate electricity or upon the cost of fuel included
20 in the cost of purchased electricity, the utility consumer counselor shall
21 examine the books and records of the public, municipally owned, or
22 cooperatively owned generating utility to determine the cost of fuel upon
23 which the proposed charges are based. In addition, before such a fuel cost
24 charge becomes effective, the commission shall hold a summary hearing on
25 the sole issue of the fuel charge. The utility consumer counselor shall conduct
26 the utility consumer counselor's review and make a report to the commission
27 within twenty (20) days after the utility's request for the fuel cost charge is
28 filed. The commission shall hold the summary hearing and issue its order
29 within twenty (20) days after it receives the utility consumer counselor's
30 report. The provisions of this section and sections 39, 43, 54, 55, 56, 59, 60,
31 and 61 of this chapter concerning the filing, printing, and changing of rate
32 schedules and the time required for giving notice of hearing and requiring
33 publication of notice do not apply to such a fuel cost charge or such a
34 summary hearing.

35 (c) Regardless of the pendency of any request for a fuel cost charge by any
36 electric utility, the books and records pertaining to the cost of fuel of all
37 public, municipally owned, or cooperatively owned utilities that generate
38 electricity shall be examined by the utility consumer counselor not less often
39 than quarterly, and the books and records of all electric nongenerating public,
40 municipally owned, or cooperatively owned utilities shall be examined by the
41 utility consumer counselor not less often than annually. The utility consumer
42 counselor shall provide the commission with a report as to the examination
43 of said books and records within a reasonable time following said
44 examination. The utility consumer counselor may, if appropriate, request of
45 the commission a reduction or elimination of the fuel cost charge. Upon such
46 request, the commission shall hold a hearing forthwith in the manner provided
47 in sections 58, 59, and 60 of this chapter.

48 (d) An electric generating utility may apply for a change in its fuel charge
49 not more often than each three (3) months. When such application is filed the
50 petitioning utility shall show to the commission its cost of fuel to generate

1 electricity and the cost of fuel included in the cost of purchased electricity, for
2 the period between its last order from the commission approving fuel costs in
3 its basic rates and the latest month for which actual fuel costs are available.
4 The petitioning utility shall also estimate its average fuel costs for the three
5 (3) calendar months subsequent to the expiration of the twenty (20) day
6 period allowed the commission in subsection (b). The commission shall
7 conduct a formal hearing solely on the fuel cost charge requested in the
8 petition subject to the notice requirements of IC 8-1-1-8 and shall grant the
9 electric utility the requested fuel cost charge if it finds that:

10 (1) the electric utility has made every reasonable effort to acquire fuel
11 and generate or purchase power or both so as to provide electricity to its
12 retail customers at the lowest fuel cost reasonably possible;

13 (2) the actual increases in fuel cost through the latest month for which
14 actual fuel costs are available since the last order of the commission
15 approving basic rates and charges of the electric utility have not been
16 offset by actual decreases in other operating expenses;

17 (3) the fuel adjustment charge applied for will not result in the electric
18 utility earning a return in excess of the return authorized by the
19 commission in the last proceeding in which the basic rates and charges
20 of the electric utility were approved. However, subject to section 42.3 of
21 this chapter, if the fuel charge applied for will result in the electric utility
22 earning a return in excess of the return authorized by the commission,
23 in the last proceeding in which basic rates and charges of the electric
24 utility were approved, the fuel charge applied for will be reduced to the
25 point where no such excess of return will be earned; and

26 (4) the utility's estimate of its prospective average fuel costs for each
27 such three (3) calendar months are reasonable after taking into
28 consideration:

29 (A) the actual fuel costs experienced by the utility during the latest
30 three (3) calendar months for which actual fuel costs are available;
31 and

32 (B) the estimated fuel costs for the same latest three (3) calendar
33 months for which actual fuel costs are available.

34 (e) Should the commission at any time determine that an emergency exists
35 that could result in an abnormal change in fuel costs, it may, in order to
36 protect the public from the adverse effects of such change suspend the
37 provisions of subsection (d) as to the utility or utilities affected by such an
38 emergency and initiate such procedures as may be necessary to protect both
39 the public and the utility from harm. The commission shall lift the suspension
40 when it is satisfied the emergency no longer exists.

41 (f) Any change in the fuel cost charge granted by the commission under the
42 provisions of this section shall be reflected in the rates charged by the utility
43 in the same manner as any other changes in rates granted by the commission
44 in a case approving the basic rates and charges of the utility. However, the
45 utility may file the change as a separate amendment to its rate schedules with
46 a reasonable reference in the amendment that such charge is applicable to all
47 of its filed rate schedules.

48 (g) No schedule of rates, tolls, and charges of a public, municipally owned,
49 or cooperatively owned gas utility that includes or authorizes any changes in
50 charges based upon gas costs is effective without the approval of the

1 commission except those rates, tolls, and charges contained in schedules that
2 contain specific provisions for changes in gas costs or the cost of gas that
3 have previously been approved by the commission. Gas costs or cost of gas
4 may include the gas utility's costs for gas purchased by it from pipeline
5 suppliers, costs incurred for leased gas storage and related transportation,
6 costs for supplemental and substitute gas supplies, costs incurred for
7 exploration and development of its own sources of gas supplies and other
8 expenses relating to gas costs as shall be approved by the commission.
9 Changes in a gas utility's rates, tolls, and charges based upon changes in its
10 gas costs shall be made in accordance with the following:

11 (1) Before the commission approves any changes in the schedule of
12 rates, tolls, and charges of a gas utility based upon the cost of the gas,
13 the utility consumer counselor may examine the books and records of
14 the public, municipally owned, or cooperatively owned gas utility to
15 determine the cost of gas upon which the proposed changes are based.
16 In addition, before such an adjustment to the gas cost charge becomes
17 effective, the commission shall hold a summary hearing on the sole issue
18 of the gas cost adjustment. The utility consumer counselor shall conduct
19 the utility consumer counselor's review and make a report to the
20 commission within thirty (30) days after the utility's request for the gas
21 cost adjustment is filed. The commission shall hold the summary hearing
22 and issue its order within thirty (30) days after it receives the utility
23 consumer counselor's report. The provisions of this section and sections
24 39, 43, 54, 55, 56, 59, 60, and 61 of this chapter concerning the filing,
25 printing, and changing of rate schedules and the time required for giving
26 notice of hearing and requiring publication of notice do not apply to
27 such a gas cost adjustment or such a summary hearing.

28 (2) Regardless of the pendency of any request for a gas cost adjustment
29 by any gas utility, the books and records pertaining to cost of gas of all
30 public, municipally owned, or cooperatively owned gas utilities shall be
31 examined by the utility consumer counselor not less often than annually.
32 The utility consumer counselor shall provide the commission with a
33 report as to the examination of said books and records within a
34 reasonable time following said examination. The utility consumer
35 counselor may, if appropriate, request of the commission a reduction or
36 elimination of the gas cost adjustment. Upon such request, the
37 commission shall hold a hearing forthwith in the manner provided in
38 sections 58, 59, and 60 of this chapter.

39 (3) A gas utility may apply for a change in its gas cost charge not more
40 often than each three (3) months. When such application is filed, the
41 petitioning utility shall show to the commission its cost of gas for the
42 period between its last order from the commission approving gas costs
43 in its basic rates and the latest month for which actual gas costs are
44 available. The petitioning utility shall also estimate its average gas costs
45 for a recovery period of not less than the three (3) calendar months
46 subsequent to the expiration of the thirty (30) day period allowed the
47 commission in subdivision (1). The commission shall conduct a
48 summary hearing solely on the gas cost adjustment requested in the
49 petition subject to the notice requirements of IC 8-1-1-8 and may grant
50 the gas utility the requested gas cost charge if it finds that:

- 1 (A) the gas utility has made every reasonable effort to acquire long
 2 term gas supplies so as to provide gas to its retail customers at the
 3 lowest gas cost reasonably possible;
- 4 (B) the pipeline supplier or suppliers of the gas utility has requested
 5 or has filed for a change in the costs of gas pursuant to the
 6 jurisdiction and procedures of a duly constituted regulatory authority;
- 7 (C) the gas cost adjustment applied for will not result, in the case of
 8 a public utility, in its earning a return in excess of the return
 9 authorized by the commission in the last proceeding in which the
 10 basic rates and charges of the public utility were approved; however,
 11 subject to section 42.3 of this chapter, if the gas cost adjustment
 12 applied for will result in the public utility earning a return in excess
 13 of the return authorized by the commission in the last proceeding in
 14 which basic rates and charges of the gas utility were approved, the
 15 gas cost adjustment applied for will be reduced to the point where no
 16 such excess of return will be earned; and
- 17 (D) the utility's estimate of its prospective average gas costs for each
 18 such future recovery period is reasonable and gives effect to:
- 19 (i) the actual gas costs experienced by the utility during the latest
 20 recovery period for which actual gas costs are available; and
 21 (ii) the actual gas costs recovered by the adjustment of the same
 22 recovery period.
- 23 (4) Should the commission at any time determine that an emergency
 24 exists that could result in an abnormal change in gas costs, it may, in
 25 order to protect the public or the utility from the adverse effects of such
 26 change suspend the provisions of subdivision (3) as to the utility or
 27 utilities affected by such an emergency and initiate such procedures as
 28 may be necessary to protect both the public and the utility from harm.
 29 The commission shall lift the suspension when it is satisfied the
 30 emergency no longer exists.
- 31 (5) Any change in the gas cost charge granted by the commission under
 32 the provisions of this section shall be reflected in the rates charged by
 33 the utility in the same manner as any other changes in rates granted by
 34 the commission in a case approving the basic rates and charges of the
 35 utility. However, the utility may file the change as a separate amendment
 36 to its rate schedules with a reasonable reference in the amendment that
 37 such charge is applicable to all of its filed rate schedules.
- 38 SECTION 64. IC 8-1-2-101.5, AS ADDED BY P.L.160-2020, SECTION
 39 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 40 Sec. 101.5. (a) This section applies to:
- 41 (1) a water main extension;
 42 (2) a wastewater main extension; or
 43 (3) an agreement that:
- 44 (A) is for a water main extension or a wastewater main extension;
 45 and
 46 (B) is entered into after June 30, 2020, by a utility and the person
 47 requesting the extension.
- 48 (b) As used in this section, "utility" means a municipally owned utility (as
 49 defined in IC 8-1-2-1(h)) that provides water service or wastewater service,
 50 or both, to the public.

1 (c) With respect to any water main extension or wastewater main
 2 extension, a utility shall comply with the commission's rules governing water
 3 main extensions or wastewater main extensions, as applicable, including:

4 (1) 170 IAC 6-1.5, in the case of a water main extension; or

5 (2) 170 IAC 8.5-4, in the case of a wastewater main extension;

6 as may be amended by the commission, regardless of whether the utility is
 7 subject to the jurisdiction of the commission for the approval of rates and
 8 charges. However, a utility is not required to comply with any provisions in
 9 the commission's main extension rules that require reporting to the
 10 commission.

11 (d) Disputes arising under this section may be submitted as informal
 12 complaints to the commission's consumer affairs division, in accordance with
 13 IC 8-1-2-34.5(b) and the commission's rules under 170 IAC 16, including
 14 provisions for referrals and appeals to the full commission, regardless of
 15 whether the person requesting the extension is a customer of the utility.

16 (e) The commission shall adopt by:

17 (1) order; or

18 (2) rule under IC 4-22-2;

19 other procedures not inconsistent with this section that the commission
 20 determines to be reasonable or necessary to administer this section. ~~In~~
 21 ~~adopting the rules under this section, the commission may adopt emergency~~
 22 ~~rules in the manner provided by IC 4-22-2-37.1. Notwithstanding~~
 23 ~~IC 4-22-2-37.1(g), an emergency rule adopted by the commission under this~~
 24 ~~subsection and in the manner provided by IC 4-22-2-37.1 expires on the date~~
 25 ~~on which a rule that supersedes the emergency rule is adopted by the~~
 26 ~~commission under IC 4-22-2-24 through IC 4-22-2-36.~~

27 (f) If the commission determines that it requires additional staff to handle
 28 the volume of informal complaints submitted under this section, the
 29 commission may impose a fee under this section. Any fee charged by the
 30 commission under this section may:

31 (1) not exceed:

32 (A) the commission's actual costs in administering this section; or

33 (B) seven hundred fifty dollars (\$750);

34 whichever is less; and

35 (2) be assessed against the party against whom a decision is rendered
 36 under this section.

37 SECTION 65. IC 8-1-2-113 IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2024]: Sec. 113. (a) The commission may, when it
 39 considers necessary to prevent injury to the business or interests of the people
 40 or any public utility of this state in case of any emergency to be judged by the
 41 commission, temporarily alter, amend, or with the consent of the public utility
 42 concerned, suspend any existing rates, service, practices, schedules, and order
 43 relating to or affecting any public utility or part of any public utility in this
 44 state. The alterations, amendments, or suspensions of the rates, service,
 45 schedules, or practices made by the commission shall apply to one (1) or more
 46 of the public utilities in this state or to any portion thereof, as directed by the
 47 commission, and shall take effect at the time and remain in force for the
 48 length of time prescribed by the commission.

49 (b) The commission may adopt ~~emergency rules under IC 4-22-2-37.1~~
 50 **IC 4-22-2** to carry out this section.

1 SECTION 66. IC 8-1-2.7-15.5, AS ADDED BY P.L.233-2017, SECTION
 2 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 3 Sec. 15.5. (a) This section applies to a utility that is described in section
 4 1.3(a)(1)(B) of this chapter that has properly withdrawn from commission
 5 jurisdiction under this chapter.

6 (b) As used in this section, "committee" refers to a policy review
 7 committee established under this section.

8 (c) A policy review committee may be established for a utility if the lesser
 9 of:

- 10 (1) one hundred (100); or
- 11 (2) more than fifty percent (50%);

12 of the utility's customers file, individually or collectively, with the utility's
 13 board of directors, a verified petition under subsection (d) to establish the
 14 committee.

15 (d) A petition under this section must provide for the following:

16 (1) A procedure for establishing districts within the utility's service
 17 territory and for electing members, who must be customers of the utility
 18 residing within the established districts, to serve as members of the
 19 committee.

20 (2) The terms of the members of the committee.

21 (3) Procedures by which the committee is authorized to do the following:

- 22 (A) Receive complaints from customers of the utility concerning:
 - 23 (i) rules and policies established by the utility's board of directors;
 - 24 (ii) the utility's rates and charges;
 - 25 (iii) utility service quality; or
 - 26 (iv) other matters concerning the utility's operations, management,
 27 or service, as specifically set forth in the petition.

28 (B) Attempt to negotiate a resolution with the utility's board of
 29 directors with respect to a complaint received under clause (A).

30 (C) Seek mediation to be overseen by the office of the attorney
 31 general with respect to complaints that are not resolved through
 32 negotiations described in clause (B).

33 (4) Other matters that the petitioners consider appropriate with respect
 34 to the utility's operations, management, or service.

35 (e) The attorney general may adopt rules under IC 4-22-2 ~~including~~
 36 ~~emergency rules in the manner provided under IC 4-22-2-37.1,~~ to implement
 37 this section.

38 SECTION 67. IC 8-1-8.5-12.1, AS AMENDED BY P.L.33-2023,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2024]: Sec. 12.1. (a) As used in this section, "small modular nuclear
 41 reactor" means a nuclear reactor that:

42 (1) has a rated electric generating capacity of not more than four
 43 hundred seventy (470) megawatts;

44 (2) is capable of being constructed and operated, either:

45 (A) alone; or

46 (B) in combination with one (1) or more similar reactors if additional
 47 reactors are, or become, necessary;

48 at a single site; and

49 (3) is required to be licensed by the United States Nuclear Regulatory
 50 Commission.

1 The term includes a nuclear reactor that is described in this subsection and
2 that uses a process to produce hydrogen that can be used for energy storage,
3 as a fuel, or for other uses.

4 (b) Not later than July 1, 2023, the commission, in consultation with the
5 department of environmental management, shall adopt rules under IC 4-22-2
6 concerning the granting of certificates under this chapter for the construction,
7 purchase, or lease of small modular nuclear reactors:

8 (1) in Indiana for the generation of electricity to be directly or indirectly
9 used to furnish public utility service to Indiana customers; or

10 (2) at the site of a nuclear energy production or generating facility that
11 supplies electricity to Indiana retail customers on July 1, 2011.

12 (c) Rules adopted by the commission under this section must provide for
13 the following:

14 (1) That in acting on a public utility's petition for the construction,
15 purchase, or lease of one (1) or more small modular nuclear reactors, as
16 described in subsection (b), the commission shall consider the
17 following:

18 (A) Whether, and to what extent, the one (1) or more small modular
19 nuclear reactors proposed by the public utility will replace a loss of
20 generating capacity in the public utility's portfolio resulting from the
21 retirement or planned retirement of one (1) or more of the public
22 utility's existing electric generating facilities that:

23 (i) are located in Indiana; and

24 (ii) use coal or natural gas as a fuel source.

25 (B) Whether one (1) or more of the small modular nuclear reactors
26 that will replace an existing facility will be located on the same site
27 as or near the existing facility and, if so, potential opportunities for
28 the public utility to:

29 (i) make use of any land and existing infrastructure or facilities
30 already owned or under the control of the public utility; or

31 (ii) create new employment opportunities for workers who have
32 been, or would be, displaced as a result of the retirement of the
33 existing facility.

34 (2) That the commission may grant a certificate under this chapter under
35 circumstances and for locations other than those described in
36 subdivision (1).

37 (3) That the commission may not grant a certificate under this chapter
38 unless the owner or operator of a proposed small modular nuclear
39 reactor provides evidence of a plan to apply for all licenses or permits
40 to construct or operate the proposed small modular nuclear reactor as
41 may be required by:

42 (A) the United States Nuclear Regulatory Commission;

43 (B) the department of environmental management; or

44 (C) any other relevant state or federal regulatory agency with
45 jurisdiction over the construction or operation of nuclear generating
46 facilities.

47 (4) That any:

48 (A) reports;

49 (B) notices of violations; or

50 (C) other notifications;

1 sent to or from the United States Nuclear Regulatory Commission by or
 2 to the owner or operator of a proposed small nuclear reactor must be
 3 submitted by the owner or operator to the commission within such times
 4 as prescribed by the commission, subject to the commission's duty to
 5 treat as confidential and protect from public access and disclosure any
 6 information that is contained in a report or notice and that is considered
 7 confidential or exempt from public access and disclosure under state or
 8 federal law.

9 (5) That any person that owns or operates a small modular nuclear
 10 reactor in Indiana may not store:

11 (A) spent nuclear fuel (as defined in IC 13-11-2-216); or

12 (B) high level radioactive waste (as defined in IC 13-11-2-102);

13 from the small modular nuclear reactor on the site of the small modular
 14 nuclear reactor without first meeting all applicable requirements of the
 15 United States Nuclear Regulatory Commission.

16 (d) In adopting the rules required by this section, the commission may
 17 adopt ~~emergency rules in the manner provided by IC 4-22-2-37.1. under~~
 18 ~~IC 4-22-2. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by~~
 19 ~~the commission under this subsection and in the manner provided by~~
 20 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~
 21 ~~emergency rule is adopted by the commission under IC 4-22-2-24 through~~
 22 ~~IC 4-22-2-36.~~

23 (e) This section shall not be construed to affect the authority of the United
 24 States Nuclear Regulatory Commission.

25 SECTION 68. IC 8-1-8.5-13, AS AMENDED BY P.L.55-2023, SECTION
 26 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 27 Sec. 13. (a) The general assembly finds that it is in the public interest to
 28 support the reliability, availability, and diversity of electric generating
 29 capacity in Indiana for the purpose of providing reliable and stable electric
 30 service to customers of public utilities.

31 (b) As used in this section, "appropriate regional transmission
 32 organization", with respect to a public utility, refers to the regional
 33 transmission organization approved by the Federal Energy Regulatory
 34 Commission for the control area that includes the public utility's assigned
 35 service area (as defined in IC 8-1-2.3-2).

36 (c) As used in this section, "capacity market" means an auction conducted
 37 by an appropriate regional transmission organization to determine a market
 38 clearing price for capacity based on the planning reserve margin requirements
 39 established by the appropriate regional transmission organization for a
 40 planning year with respect to which an auction has not yet been conducted.

41 (d) As used in this section, "fall unforced capacity", or "fall UCAP", with
 42 respect to an electric generating facility, means:

43 (1) the capacity value of the electric generating facility's installed
 44 capacity rate adjusted for the electric generating facility's average forced
 45 outage rate for the fall period, calculated as required by the appropriate
 46 regional transmission organization or by the Federal Energy Regulatory
 47 Commission;

48 (2) a metric that is similar to the metric described in subdivision (1) and
 49 that is required by the appropriate regional transmission organization;

50 or

- 1 (3) if the appropriate regional transmission organization does not require
 2 a metric described in subdivision (1) or (2), a metric that:
 3 (A) can be used to demonstrate that a public utility has sufficient
 4 capacity to:
 5 (i) provide reliable electric service to Indiana customers for the fall
 6 period; and
 7 (ii) meet its planning reserve margin requirement and other federal
 8 reliability requirements described in subsection (1)(4); and
 9 (B) is acceptable to the commission.
- 10 (e) As used in this section, "MISO" refers to the regional transmission
 11 organization known as the Midcontinent Independent System Operator that
 12 operates the bulk power transmission system serving most of the geographic
 13 territory in Indiana.
- 14 (f) As used in this section, "planning reserve margin requirement", with
 15 respect to a public utility for a particular resource planning year, means the
 16 planning reserve margin requirement for that planning year that the public
 17 utility is obligated to meet in accordance with the public utility's membership
 18 in the appropriate regional transmission organization.
- 19 (g) As used in this section, "reliability adequacy metrics", with respect to
 20 a public utility, means calculations used to demonstrate all of the following:
 21 (1) Subject to subsection (q)(2)(B), that the public utility:
 22 (A) has in place sufficient summer UCAP; or
 23 (B) can reasonably acquire not more than:
 24 (i) thirty percent (30%) of its total summer UCAP from capacity
 25 markets, with respect to a report filed with the commission under
 26 subsection (l) before July 1, 2023; or
 27 (ii) fifteen percent (15%) of its total summer UCAP from capacity
 28 markets, with respect to a report filed with the commission under
 29 subsection (l) after June 30, 2023;
 30 such that it will have sufficient summer UCAP;
 31 to provide reliable electric service to Indiana customers, and to meet its
 32 planning reserve margin requirement and other federal reliability
 33 requirements described in subsection (1)(4).
- 34 (2) Subject to subsection (q)(2)(B), that the public utility:
 35 (A) has in place sufficient winter UCAP; or
 36 (B) can reasonably acquire not more than:
 37 (i) thirty percent (30%) of its total winter UCAP from capacity
 38 markets, with respect to a report filed with the commission under
 39 subsection (l) before July 1, 2023; or
 40 (ii) fifteen percent (15%) of its total winter UCAP from capacity
 41 markets, with respect to a report filed with the commission under
 42 subsection (l) after June 30, 2023;
 43 such that it will have sufficient winter UCAP;
 44 to provide reliable electric service to Indiana customers, and to meet its
 45 planning reserve margin requirement and other federal reliability
 46 requirements described in subsection (1)(4).
- 47 (3) Subject to subsection (q)(2)(B), with respect to a report filed with the
 48 commission under subsection (l) after June 30, 2026, that the public
 49 utility:
 50 (A) has in place sufficient spring UCAP; or

- 1 (B) can reasonably acquire not more than fifteen percent (15%) of its
 2 total spring UCAP from capacity markets, such that it will have
 3 sufficient spring UCAP;
 4 to provide reliable electric service to Indiana customers, and to meet its
 5 planning reserve margin requirement and other federal reliability
 6 requirements described in subsection (l)(4).
 7 (4) Subject to subsection (q)(2)(B), with respect to a report filed with the
 8 commission under subsection (l) after June 30, 2026, that the public
 9 utility:
 10 (A) has in place sufficient fall UCAP; or
 11 (B) can reasonably acquire not more than fifteen percent (15%) of its
 12 total fall UCAP from capacity markets, such that it will have
 13 sufficient fall UCAP;
 14 to provide reliable electric service to Indiana customers, and to meet its
 15 planning reserve margin requirement and other federal reliability
 16 requirements described in subsection (l)(4).
 17 (h) As used in this section, "spring unforced capacity", or "spring UCAP",
 18 with respect to an electric generating facility, means:
 19 (1) the capacity value of the electric generating facility's installed
 20 capacity rate adjusted for the electric generating facility's average forced
 21 outage rate for the spring period, calculated as required by the
 22 appropriate regional transmission organization or by the Federal Energy
 23 Regulatory Commission;
 24 (2) a metric that is similar to the metric described in subdivision (1) and
 25 that is required by the appropriate regional transmission organization;
 26 or
 27 (3) if the appropriate regional transmission organization does not require
 28 a metric described in subdivision (1) or (2), a metric that:
 29 (A) can be used to demonstrate that a public utility has sufficient
 30 capacity to:
 31 (i) provide reliable electric service to Indiana customers for the
 32 spring period; and
 33 (ii) meet its planning reserve margin requirement and other federal
 34 reliability requirements described in subsection (l)(4); and
 35 (B) is acceptable to the commission.
 36 (i) As used in this section, "summer unforced capacity", or "summer
 37 UCAP", with respect to an electric generating facility, means:
 38 (1) the capacity value of the electric generating facility's installed
 39 capacity rate adjusted for the electric generating facility's average forced
 40 outage rate for the summer period, calculated as required by the
 41 appropriate regional transmission organization or by the Federal Energy
 42 Regulatory Commission; or
 43 (2) a metric that is similar to the metric described in subdivision (1) and
 44 that is required by the appropriate regional transmission organization.
 45 (j) As used in this section, "winter unforced capacity", or "winter UCAP",
 46 with respect to an electric generating facility, means:
 47 (1) the capacity value of the electric generating facility's installed
 48 capacity rate adjusted for the electric generating facility's average forced
 49 outage rate for the winter period, calculated as required by the
 50 appropriate regional transmission organization or by the Federal Energy

- 1 Regulatory Commission;
- 2 (2) a metric that is similar to the metric described in subdivision (1) and
- 3 that is required by the appropriate regional transmission organization;
- 4 or
- 5 (3) if the appropriate regional transmission organization does not require
- 6 a metric described in subdivision (1) or (2), a metric that:
- 7 (A) can be used to demonstrate that a public utility has sufficient
- 8 capacity to:
- 9 (i) provide reliable electric service to Indiana customers for the
- 10 winter period; and
- 11 (ii) meet its planning reserve margin requirement and other federal
- 12 reliability requirements described in subsection (1)(4); and
- 13 (B) is acceptable to the commission.
- 14 (k) A public utility that owns and operates an electric generating facility
- 15 serving customers in Indiana shall operate and maintain the facility using
- 16 good utility practices and in a manner:
- 17 (1) reasonably intended to support the provision of reliable and
- 18 economic electric service to customers of the public utility; and
- 19 (2) reasonably consistent with the resource reliability requirements of
- 20 MISO or any other appropriate regional transmission organization.
- 21 (l) Not later than thirty (30) days after the deadline for submitting an
- 22 annual planning reserve margin report to MISO, each public utility providing
- 23 electric service to Indiana customers shall, regardless of whether the public
- 24 utility is required to submit an annual planning reserve margin report to
- 25 MISO, file with the commission a report, in a form specified by the
- 26 commission, that provides the following information for each of the next three
- 27 (3) resource planning years, beginning with the planning year covered by the
- 28 planning reserve margin report to MISO described in this subsection:
- 29 (1) The:
- 30 (A) capacity;
- 31 (B) location; and
- 32 (C) fuel source;
- 33 for each electric generating facility that is owned and operated by the
- 34 electric utility and that will be used to provide electric service to Indiana
- 35 customers.
- 36 (2) The amount of generating resource capacity or energy, or both, that
- 37 the public utility has procured under contract and that will be used to
- 38 provide electric service to Indiana customers, including the:
- 39 (A) capacity;
- 40 (B) location; and
- 41 (C) fuel source;
- 42 for each electric generating facility that will supply capacity or energy
- 43 under the contract, to the extent known by the public utility.
- 44 (3) The amount of demand response resources available to the public
- 45 utility under contracts and tariffs.
- 46 (4) The following:
- 47 (A) The planning reserve margin requirements established by MISO
- 48 for the planning years covered by the report, to the extent known by
- 49 the public utility with respect to any particular planning year covered
- 50 by the report.

- 1 (B) If applicable, any other planning reserve margin requirement
 2 that:
 3 (i) applies to the planning years covered by the report; and
 4 (ii) the public utility is obligated to meet in accordance with the
 5 public utility's membership in an appropriate regional transmission
 6 organization;
 7 to the extent known by the public utility with respect to any particular
 8 planning year covered by the report.
- 9 (C) Other federal reliability requirements that the public utility is
 10 obligated to meet in accordance with its membership in an
 11 appropriate regional transmission organization with respect to the
 12 planning years covered by the report, to the extent known by the
 13 public utility with respect to any particular planning year covered by
 14 the report.
- 15 For each planning reserve margin requirement reported under clause (A)
 16 or (B), the public utility shall include a comparison of that planning
 17 reserve margin requirement to the planning reserve margin requirement
 18 established by the same regional transmission organization for the
 19 2021-2022 planning year.
- 20 (5) The reliability adequacy metrics of the public utility, as forecasted
 21 for the three (3) planning years covered by the report.
- 22 (m) Upon request by a public utility, the commission shall determine
 23 whether information provided in a report filed by the public utility under
 24 subsection (l):
 25 (1) is confidential under IC 5-14-3-4 or is a trade secret under IC 24-2-3;
 26 (2) is exempt from public access and disclosure by Indiana law; and
 27 (3) shall be treated as confidential and protected from public access and
 28 disclosure by the commission.
- 29 (n) A joint agency created under IC 8-1-2.2 may file the report required
 30 under subsection (l) as a consolidated report on behalf of any or all of the
 31 municipally owned utilities that make up its membership.
- 32 (o) A:
 33 (1) corporation organized under IC 23-17 that is an electric cooperative
 34 and that has at least one (1) member that is a corporation organized
 35 under IC 8-1-13; or
 36 (2) general district corporation within the meaning of IC 8-1-13-23;
 37 may file the report required under subsection (l) as a consolidated report on
 38 behalf of any or all of the cooperatively owned electric utilities that it serves.
- 39 (p) In reviewing a report filed by a public utility under subsection (l), the
 40 commission may request technical assistance from MISO or any other
 41 appropriate regional transmission organization in determining:
 42 (1) the planning reserve margin requirements or other federal reliability
 43 requirements that the public utility is obligated to meet, as described in
 44 subsection (l)(4); and
 45 (2) whether the resources available to the public utility under
 46 subsections (l)(1) through (l)(3) will be adequate to support the
 47 provision of reliable electric service to the public utility's Indiana
 48 customers.
- 49 (q) If, after reviewing a report filed by a public utility under subsection (l),
 50 the commission is not satisfied that the public utility can:

- 1 (1) provide reliable electric service to the public utility's Indiana
 2 customers; or
 3 (2) either:
 4 (A) satisfy both:
 5 (i) its planning reserve margin requirement or other federal
 6 reliability requirements that the public utility is obligated to meet,
 7 as described in subsection (l)(4); and
 8 (ii) the reliability adequacy metrics set forth in subsection (g); or
 9 (B) provide sufficient reason as to why the public utility is unable to
 10 satisfy both:
 11 (i) its planning reserve margin requirement or other federal
 12 reliability requirements that the public utility is obligated to meet,
 13 as described in subsection (l)(4); and
 14 (ii) the reliability adequacy metrics set forth in subsection (g);
 15 during one (1) more of the planning years covered by the report, the
 16 commission may conduct an investigation under IC 8-1-2-58 through
 17 IC 8-1-2-60 as to the reasons for the public utility's potential inability to meet
 18 the requirements described in subdivision (1) or (2), or both.
 19 (r) If, upon investigation under IC 8-1-2-58 through IC 8-1-2-60, and after
 20 notice and hearing, as required by IC 8-1-2-59, the commission determines
 21 that the capacity resources available to the public utility under subsections
 22 (l)(1) through (l)(3) will not be adequate to support the provision of reliable
 23 electric service to the public utility's Indiana customers, or to allow the public
 24 utility to satisfy both its planning reserve margin requirements or other federal
 25 reliability requirements that the public utility is obligated to meet (as
 26 described in subsection (l)(4)) and the reliability adequacy metrics set forth
 27 in subsection (g), the commission shall issue an order directing the public
 28 utility to acquire or construct such capacity resources that are reasonable and
 29 necessary to enable the public utility to provide reliable electric service to its
 30 Indiana customers, and to satisfy both its planning reserve margin
 31 requirements or other federal reliability requirements described in subsection
 32 (l)(4) and the reliability adequacy metrics set forth in subsection (g). Not later
 33 than ninety (90) days after the date of the commission's order under this
 34 subsection, the public utility shall file for approval with the commission a
 35 plan to comply with the commission's order. The public utility's plan may
 36 include:
 37 (1) a request for a certificate of public convenience and necessity under
 38 this chapter; or
 39 (2) an application under IC 8-1-8.8;
 40 or both.
 41 (s) Beginning in 2022, the commission shall include in its annual report
 42 under IC 8-1-1-14 the following information:
 43 (1) The commission's analysis regarding the ability of public utilities to:
 44 (A) provide reliable electric service to Indiana customers; and
 45 (B) satisfy both:
 46 (i) their planning reserve margin requirements or other federal
 47 reliability requirements; and
 48 (ii) the reliability adequacy metrics set forth in subsection (g);
 49 for the next three (3) utility resource planning years, based on the most
 50 recent reports filed by public utilities under subsection (l).

- 1 (2) A summary of:
- 2 (A) the projected demand for retail electricity in Indiana over the
- 3 next calendar year; and
- 4 (B) the amount and type of capacity resources committed to meeting
- 5 the projected demand.
- 6 In preparing the summary required under this subdivision, the
- 7 commission may consult with the forecasting group established under
- 8 section 3.5 of this chapter.
- 9 (3) Beginning with the commission's annual report filed under
- 10 IC 8-1-1-14 in 2025, the commission's analysis regarding the appropriate
- 11 percentage or portion of:
- 12 (A) total spring UCAP that public utilities should be authorized to
- 13 acquire from capacity markets under subsection (g)(3)(B); and
- 14 (B) total fall UCAP that public utilities should be authorized to
- 15 acquire from capacity markets under subsection (g)(4)(B).
- 16 (t) The commission may adopt rules under IC 4-22-2 to implement this
- 17 section. ~~In adopting rules to implement this section, the commission may~~
- 18 ~~adopt emergency rules in the manner provided by IC 4-22-2-37.1.~~
- 19 ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the~~
- 20 ~~commission under this subsection and in the manner provided by~~
- 21 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~
- 22 ~~emergency rule is adopted by the commission under IC 4-22-2-24 through~~
- 23 ~~IC 4-22-2-36.~~
- 24 SECTION 69. IC 8-1-26-18.5, AS ADDED BY P.L.46-2020, SECTION
- 25 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
- 26 Sec. 18.5. (a) This section applies to any new or replacement underground
- 27 facility that an operator installs or causes to be installed after June 30, 2020,
- 28 in any public right-of-way or on any private property.
- 29 (b) Subject to any other applicable federal or state laws or regulations, for
- 30 any new or replacement underground facility that an operator installs or
- 31 causes to be installed, the operator shall ensure that:
- 32 (1) the materials from which the facility is constructed are capable of
- 33 being detected from above ground level using standard equipment and
- 34 technologies used by the utility locating industry, such as
- 35 electromagnetic locating equipment and electromagnetic induction
- 36 surveys; or
- 37 (2) if the materials from which the facility is constructed are not capable
- 38 of being detected from above ground level using standard locating
- 39 techniques, as described in subdivision (1), the facility is:
- 40 (A) encased by conductive material; or
- 41 (B) equipped with an electrically conducting wire or other means of
- 42 locating the facility while it is underground.
- 43 (c) The commission may adopt rules under IC 4-22-2 to implement this
- 44 section. ~~including emergency rules in the manner provided under~~
- 45 ~~IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule~~
- 46 ~~adopted by the commission under this subsection and in the manner provided~~
- 47 ~~under IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~
- 48 ~~emergency rule is adopted by the commission under IC 4-22-2-24 through~~
- 49 ~~IC 4-22-2-36.~~
- 50 SECTION 70. IC 8-1-34-24.5, AS AMENDED BY P.L.71-2022,

1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2024]: Sec. 24.5. (a) This section applies to any unit that receives franchise
3 fees paid to the unit under:

4 (1) a certificate issued by the commission under this chapter; or

5 (2) an unexpired local franchise issued by the unit before July 1, 2006;
6 with respect to a particular calendar year.

7 (b) For each calendar year, beginning with the calendar year ending
8 December 31, 2012, each unit to which this section applies shall submit to the
9 commission, on a form or in the manner prescribed by the commission, a
10 report that includes the following information for each certificate or local
11 franchise in effect in the unit during the calendar year for which the report is
12 submitted:

13 (1) The amount of franchise fees paid to the unit under the certificate or
14 local franchise.

15 (2) The account of the unit into which the franchise fees identified under
16 subdivision (1) were deposited.

17 (3) The purposes for which any franchise fees received by the unit
18 during:

19 (A) the calendar year for which the report is submitted; or

20 (B) a previous calendar year;

21 were used or spent by the unit during the calendar year for which the
22 report is submitted.

23 (4) Any other information or data concerning the receipt and use of
24 franchise fees that the commission considers appropriate.

25 (c) The commission shall prescribe the form of the report and the process,
26 deadlines, and other requirements for submitting the report required under
27 this section.

28 (d) Upon receiving the annual reports required under this section, the
29 commission shall compile and organize the data and information contained
30 in the reports. The commission shall include a summary of the data and
31 information contained in the reports in the commission's annual report under
32 IC 8-1-1-14(c)(4). However, this subsection does not empower the
33 commission to disclose confidential and proprietary business plans and other
34 confidential information without adequate protection of the information. The
35 commission shall exercise all necessary caution to avoid disclosure of
36 confidential information supplied under this section.

37 (e) The commission may adopt rules under IC 4-22-2 ~~including emergency~~
38 ~~rules under IC 4-22-2-37.1~~, to implement this section. ~~An emergency rule~~
39 ~~adopted by the commission under IC 4-22-2-37.1 expires on the date a rule~~
40 ~~that supersedes the emergency rule is adopted by the commission under~~
41 ~~IC 4-22-2-24 through IC 4-22-2-36 and not ninety (90) days after the rule is~~
42 ~~accepted for filing as provided in IC 4-22-2-37.1(g). However, any emergency~~
43 ~~rules adopted by the commission under this subsection must take effect by a~~
44 ~~date that enables a unit subject to this section to comply with this section with~~
45 ~~respect to the calendar year ending December 31, 2012.~~

46 SECTION 71. IC 8-1-37-10, AS AMENDED BY P.L. 71-2022, SECTION
47 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
48 Sec. 10. (a) Subject to subsection (d), the commission shall adopt rules under
49 IC 4-22-2 to establish the Indiana voluntary clean energy portfolio standard
50 program. The program established under this section must be a voluntary

1 program that provides incentives to participating electricity suppliers that
 2 undertake to supply specified percentages of the total electricity supplied to
 3 their Indiana retail electric customers from clean energy.

4 (b) The rules adopted by the commission under this section to establish the
 5 program must:

6 (1) incorporate:

7 (A) the CPS goals set forth in section 12(a) of this chapter;

8 (B) methods for measuring and evaluating a participating electricity
 9 supplier's compliance with the CPS goals set forth in section 12(a) of
 10 this chapter; and

11 (C) the financial incentives and periodic rate adjustment mechanisms
 12 set forth in section 13 of this chapter;

13 (2) require the commission to determine, before approving an
 14 application under section 11 of this chapter, that the approval of the
 15 application will not result in an increase to the retail rates and charges
 16 of the electricity supplier above what could reasonably be expected if the
 17 application were not approved;

18 (3) take effect not later than January 1, 2012; and

19 (4) be consistent with this chapter.

20 (c) Upon the effective date of the rules adopted by the commission under
 21 this section, an electricity supplier may apply to the commission under section
 22 11 of this chapter for approval to participate in the program.

23 (d) The commission may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~
 24 **IC 4-22-2** to adopt the rules required by this section. ~~An emergency rule~~
 25 ~~adopted by the commission under IC 4-22-2-37.1 expires on the date a rule~~
 26 ~~that supersedes the emergency rule is adopted by the commission under~~
 27 ~~IC 4-22-2-24 through IC 4-22-2-36.~~

28 SECTION 72. IC 8-1-40-12, AS ADDED BY P.L.264-2017, SECTION 6,
 29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 30 12. ~~(a)~~ Before January 1, 2018, the commission shall amend 170 IAC 4-4.2-4,
 31 and an electricity supplier shall amend the electricity supplier's net metering
 32 tariff, to do the following:

33 (1) Increase the allowed limit on the aggregate amount of net metering
 34 facility nameplate capacity under the net metering tariff to one and
 35 one-half percent (1.5%) of the most recent summer peak load of the
 36 electricity supplier.

37 (2) Modify the required reservation of capacity under the limit described
 38 in subdivision (1) to require the reservation of:

39 (A) forty percent (40%) of the capacity for participation by
 40 residential customers; and

41 (B) fifteen percent (15%) of the capacity for participation by
 42 customers that install a net metering facility that uses a renewable
 43 energy resource described in IC 8-1-37-4(a)(5).

44 ~~(b) In amending 170 IAC 4-4.2-4, as required by subsection (a), the~~
 45 ~~commission may adopt emergency rules in the manner provided by~~
 46 ~~IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule~~
 47 ~~adopted by the commission under this section and in the manner provided by~~
 48 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~
 49 ~~emergency rule is adopted by the commission under IC 4-22-2-24 through~~
 50 ~~IC 4-22-2-36.~~

1 SECTION 73. IC 8-1-40-21, AS ADDED BY P.L.264-2017, SECTION 6,
 2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 3 21. (a) Subject to subsection (b) and sections 10 and 11 of this chapter, after
 4 June 30, 2017, the commission's rules and standards set forth in:

5 (1) 170 IAC 4-4.2 (concerning net metering); and

6 (2) 170 IAC 4-4.3 (concerning interconnection);

7 remain in effect and apply to net metering under an electricity supplier's net
 8 metering tariff and to distributed generation under this chapter.

9 (b) After June 30, 2017, the commission may adopt changes under
 10 IC 4-22-2 including emergency rules in the manner provided by
 11 ~~IC 4-22-2-37.1~~, to the rules and standards described in subsection (a) only as
 12 necessary to:

13 (1) update fees or charges;

14 (2) adopt revisions necessitated by new technologies; or

15 (3) reflect changes in safety, performance, or reliability standards.

16 ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the~~
 17 ~~commission under this subsection and in the manner provided by~~
 18 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~
 19 ~~emergency rule is adopted by the commission under IC 4-22-2-24 through~~
 20 ~~IC 4-22-2-36.~~

21 SECTION 74. IC 8-1-40-23, AS ADDED BY P.L.264-2017, SECTION 6,
 22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.

23 23. (a) A customer that produces distributed generation has the following
 24 rights regarding the installation and ownership of distributed generation
 25 equipment:

26 (1) The right to know that the attorney general is authorized to enforce
 27 this section, including by receiving complaints concerning the
 28 installation and ownership of distributed generation equipment.

29 (2) The right to know the expected amount of electricity that will be
 30 produced by the distributed generation equipment that the customer is
 31 purchasing.

32 (3) The right to know all costs associated with installing distributed
 33 generation equipment, including any taxes for which the customer is
 34 liable.

35 (4) The right to know the value of all federal, state, or local tax credits
 36 or other incentives or rebates that the customer may receive.

37 (5) The right to know the rate at which the customer will be credited for
 38 electricity produced by the customer's distributed generation equipment
 39 and delivered to a public utility (as defined in IC 8-1-2-1).

40 (6) The right to know if a provider of distributed generation equipment
 41 insures the distributed generation equipment against damage or loss and,
 42 if applicable, any circumstances under which the provider does not
 43 insure against or otherwise cover damage to or loss of the distributed
 44 generation equipment.

45 (7) The right to know the responsibilities of a provider of distributed
 46 generation equipment with respect to installing or removing distributed
 47 generation equipment.

48 (b) The attorney general, in consultation with the commission, shall adopt
 49 rules under IC 4-22-2 that the attorney general considers necessary to
 50 implement and enforce this section, including a rule requiring written

1 disclosure of the rights set forth in subsection (a) by a provider of distributed
 2 generation equipment to a customer. In adopting the rules required by this
 3 subsection, the attorney general may adopt emergency rules in the manner
 4 provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an
 5 emergency rule adopted by the attorney general under this subsection and in
 6 the manner provided by IC 4-22-2-37.1 expires on the date on which a rule
 7 that supersedes the emergency rule is adopted by the attorney general under
 8 IC 4-22-2-24 through IC 4-22-2-36.

9 SECTION 75. IC 8-1-40.1-6, AS ADDED BY P.L.71-2022, SECTION 11,
 10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 11 6. In adopting rules under this chapter, the commission may adopt emergency
 12 rules in the manner provided by IC 4-22-2-37.1: **under IC 4-22-2.**
 13 Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the
 14 commission under this chapter and in the manner provided by IC 4-22-2-37.1
 15 expires on the date on which a rule that supersedes the emergency rule is
 16 adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

17 SECTION 76. IC 8-1-40.5-19, AS ADDED BY P.L.80-2021, SECTION
 18 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 19 Sec. 19. The commission shall adopt rules under IC 4-22-2 to implement this
 20 chapter. In adopting the rules required by this section, the commission may
 21 adopt emergency rules in the manner provided by IC 4-22-2-37.1.
 22 Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the
 23 commission under this section and in the manner provided by IC 4-22-2-37.1
 24 expires on the date on which a rule that supersedes the emergency rule is
 25 adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

26 SECTION 77. IC 8-1-43-9, AS ADDED BY P.L.94-2022, SECTION 4, IS
 27 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 28 9. The commission shall adopt rules under IC 4-22-2 to implement this
 29 chapter. In adopting rules under this section, the commission may adopt
 30 emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding
 31 IC 4-22-2-37.1(g), an emergency rule adopted by the commission under this
 32 section and in the manner provided by IC 4-22-2-37.1 expires on the date on
 33 which a rule that supersedes the emergency rule is adopted by the commission
 34 under IC 4-22-2-24 through IC 4-22-2-36.

35 SECTION 78. IC 8-2.1-28-5, AS ADDED BY P.L.218-2017, SECTION
 36 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 37 Sec. 5. (a) The department may adopt emergency rules in the manner
 38 provided under IC 4-22-2-37.1 **IC 4-22-2** to carry out this chapter.

39 (b) An emergency rule adopted under subsection (a) expires on the date a
 40 rule that supersedes the emergency rule is adopted by the department under
 41 IC 4-22-2-22.5 through IC 4-22-2-36.

42 SECTION 79. IC 8-3-2-15 IS AMENDED TO READ AS FOLLOWS
 43 [EFFECTIVE JULY 1, 2024]: Sec. 15. If a carrier fails to provide the
 44 equipment, motive power, and other facilities necessary to properly receive
 45 and care for the business on their lines, as required by this chapter, or fails to
 46 perform the duties enjoined upon it by this chapter, and because of the failure
 47 considerable traffic on its line is refused or not promptly moved as required
 48 by this chapter, resulting in material injury to the citizens of a community in
 49 Indiana, or the industries or commerce of Indiana, then the Indiana
 50 department of transportation, after five (5) days notice to the carrier interested

1 and a hearing, shall adopt temporary emergency rates, establish temporary
 2 emergency routes of shipment, and adopt ~~temporary emergency~~ rules **under**
 3 **IC 4-22-2** concerning the movement of traffic as are necessary to correct the
 4 existing conditions and may issue orders suspending certain traffic in favor
 5 of other traffics for the purpose of preventing existing or threatened public
 6 calamity or distress. The carrier shall promptly comply with all orders of the
 7 department, and, upon its failure so to do, the department shall apply to a
 8 court of competent jurisdiction for the appointment of an operating receiver
 9 to enforce the orders and rules adopted by the department and may also apply
 10 to a court for the appointment of a receiver for a carrier to enforce a provision
 11 or requirement of this chapter which the offending carrier has failed to
 12 observe. In the proceeding, the court may operate a carrier through its
 13 receiver, enforce orders made by the department concerning the carrier as
 14 approved by the court, and continue so to do so long as is necessary. The
 15 court may order its receiver to purchase the equipment and motive power, and
 16 supply other appliances and facilities as may be necessary to properly transact
 17 the carrier's present and prospective business in Indiana as required by this
 18 chapter. The court may authorize its receiver to issue and sell receiver's
 19 certificates for the purpose of obtaining funds for the uses specified in this
 20 chapter or to issue certificates of indebtedness to pay for expenditures
 21 authorized by this chapter. The court may declare certificates authorized
 22 under this chapter to be the first and prior lien upon the property and income
 23 of the carrier in the manner and upon the terms as the court shall decree.

24 SECTION 80. IC 8-15-2-5, AS AMENDED BY P.L.140-2013, SECTION
 25 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

26 Sec. 5. The authority may do the following:

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

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

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

40 (4) Fix and revise from time to time and charge and collect tolls for
 41 transit over each toll road project constructed by it.

42 (5) Acquire in the name of the state by purchase or otherwise, on such
 43 terms and conditions and in such manner as it may deem proper, or by
 44 the exercise of the right of condemnation in the manner as provided by
 45 this chapter, such public or private lands, including public parks,
 46 playgrounds or reservations, or parts thereof or rights therein,
 47 rights-of-way, property, rights, easements, and interests, as it may deem
 48 necessary for carrying out the provisions of this chapter. The authority
 49 may also:

50 (A) sell, transfer, and convey any such land or any interest therein so

1 acquired, or any portion thereof, whether by purchase, condemnation,
2 or otherwise, and whether such land or interest therein had been
3 public or private, when the same shall no longer be needed for such
4 purposes; and
5 (B) transfer and convey any such lands or interest therein as may be
6 necessary or convenient for the construction and operation of any toll
7 road project, or as otherwise required under the provisions of this
8 chapter to a state agency or political subdivision.

9 (6) Designate the locations and establish, limit, and control such points
10 of ingress to and egress from each toll road project as may be necessary
11 or desirable in the judgment of the authority to ensure the proper
12 operation and maintenance of such projects, and to prohibit entrance to
13 such project from any point not so designated. The authority shall not
14 grant, for the operation of transient lodging facilities, either ingress to or
15 egress from any project, including the service areas thereof on which are
16 located service stations and restaurants, and including toll plazas and
17 paved portions of the right-of-way. The authority shall cause to be
18 erected, at its cost, at all points of ingress and egress, large and suitable
19 signs facing traffic from each direction on the toll road. Such signs shall
20 designate the number and other designations, if any, of all United States
21 or state highways of ingress or egress, the names of all Indiana
22 municipalities with a population of five thousand (5,000) or more within
23 a distance of seventy-five (75) miles on such roads of ingress or egress,
24 and the distance in miles to such designated municipalities.

25 (7) Make and enter into all contracts and agreements necessary or
26 incidental to the performance of its duties and the execution of its
27 powers under this chapter, IC 8-9.5-8, or IC 8-15.5. When the cost under
28 any such contract or agreement, other than:

29 (A) a contract for compensation for personal services;
30 (B) a contract with the department under IC 8-9.5-8-7;
31 (C) a lease with the department under IC 8-9.5-8-8; or
32 (D) a contract, a lease, or another agreement under IC 8-15.5;
33 involves an expenditure of more than ten thousand dollars (\$10,000), the
34 authority shall make a written contract with the lowest and best bidder
35 after advertisement for not less than two (2) consecutive weeks in a
36 newspaper of general circulation in Marion County, Indiana, and in such
37 other publications as the authority shall determine. Such notice shall
38 state the general character of the work and the general character of the
39 materials to be furnished, the place where plans and specifications
40 therefor may be examined, and the time and place of receiving bids.
41 Each bid shall contain the full name of every person or company
42 interested in it and shall be accompanied by a sufficient bond or certified
43 check on a solvent bank that if the bid is accepted a contract will be
44 entered into and the performance of its proposal secured. The authority
45 may reject any and all bids. A bond with good and sufficient surety shall
46 be required by the authority of all contractors in an amount equal to at
47 least fifty percent (50%) of the contract price, conditioned upon the
48 faithful performance of the contract. The authority shall require a bid,
49 performance, and payment bond from a contractor for a project if the
50 estimated cost of the project is more than two hundred thousand dollars

1 (\$200,000). The authority may require a bid, performance, or payment
 2 bond from a contractor for a project if the estimated cost of the project
 3 is not more than two hundred thousand dollars (\$200,000).

4 (8) Employ consulting engineers, superintendents, managers, and such
 5 other engineers, construction and accounting experts, bond counsel,
 6 other attorneys with the approval of the attorney general, and other
 7 employees and agents as may be necessary in its judgment to carry out
 8 the provisions of this chapter, and to fix their compensation. However,
 9 all such expenses shall be payable solely from the proceeds of toll road
 10 revenue bonds issued under the provisions of this chapter or from
 11 revenues.

12 (9) Receive and accept from any federal agency, subject to IC 8-23-3,
 13 grants for or in aid of the construction of any toll road project, and
 14 receive and accept aid or contributions from any source of either money,
 15 property, labor, or other things of value, to be held, used, and applied
 16 only for the purposes for which such grants and contributions may be
 17 made, and repay any grant to the authority or to the department from a
 18 federal agency if such repayment is necessary to free the authority from
 19 restrictions which the authority determines to be in the public interest to
 20 remove.

21 (10) Establish fees, charges, terms, or conditions for any expenditures,
 22 loans, or other form of financial participation in projects authorized as
 23 public improvements on arterial streets and roads under section 1 of this
 24 chapter.

25 (11) Accept gifts, devises, bequests, grants, loans, appropriations,
 26 revenue sharing, other financing and assistance, and any other aid from
 27 any source and agree to and comply with conditions attached to the aid.

28 (12) Accept transfer of a state highway to the authority under
 29 IC 8-23-7-23 and pay the cost of conversion of the state highway to a toll
 30 road project.

31 (13) Enter into contracts or leases with the department under
 32 IC 8-9.5-8-7 or IC 8-9.5-8-8 and in connection with the contracts or
 33 leases agree with the department for coordination of the operation and
 34 the repair and maintenance of toll road projects and tollways which are
 35 contiguous parts of the same public road, including joint toll collection
 36 facilities and equitable division of tolls.

37 (14) Enter into public-private agreements under IC 8-15.5 and do all acts
 38 and things necessary or proper to carry out the purposes set forth in
 39 IC 8-15.5.

40 (15) Adopt rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to make changes to
 41 rules related to a toll road project to accommodate the provisions of a
 42 public-private agreement under IC 8-15.5. ~~A rule adopted under this~~
 43 ~~subdivision expires on the expiration date stated in the rule.~~

44 (16) Do all acts and things necessary or proper to carry out this chapter.

45 SECTION 81. IC 8-15-2-14, AS AMENDED BY P.L.140-2013, SECTION
 46 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 47 Sec. 14. (a) The authority may do the following:

48 (1) Fix, revise, charge, and collect tolls for the use of each toll road
 49 project by any person, partnership, association, limited liability
 50 company, or corporation desiring the use of any part thereof, including

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

- 1 committee in writing of the expected date of final payment.
- 2 (f) Such tolls shall not be subject to supervision or regulation by any other
3 commission, board, bureau, or agency of the state.
- 4 (g) The tolls, rents, and all other revenues derived by the authority from the
5 toll road project, except those received in accordance with a public-private
6 agreement under IC 8-15.5, shall be used as follows:
- 7 (1) To pay the cost of operating, maintaining, and repairing the toll road
8 project, including major repairs, replacements, and improvements, to the
9 extent that those costs are not paid out of other funds.
- 10 (2) To the extent provided for in the resolution authorizing the issuance
11 of bonds under this chapter or in the trust agreement securing the bonds,
12 to pay:
- 13 (A) the principal of and interest on any bonds as the principal and
14 interest become due; or
- 15 (B) the redemption price or purchase price of the bonds retired by
16 call or purchase.
- 17 (3) Except as prohibited by the resolution authorizing the issuance of
18 bonds under this chapter or the trust agreement securing them, for any
19 purpose relating to any toll road project, including the subject toll road
20 project, as the authority provides by resolution.
- 21 (h) Neither the resolution nor any trust agreement by which a pledge is
22 created needs to be filed or recorded except in the records of the authority.
- 23 (i) The use and disposition of moneys to the credit of any sinking fund
24 shall be subject to the provisions of any resolution or resolutions authorizing
25 the issuance of any bonds or of any trust agreement. Except as may otherwise
26 be provided in this chapter or in any resolution or any trust agreement, any
27 sinking fund shall be a fund for all bonds without distinction or priority of one
28 over another, subject, however, to such priorities as may arise from prior
29 pledges.
- 30 (j) In the case of a toll road project that is leased to the department under
31 IC 8-9.5-8-8, the lease must require that the department fix tolls for the toll
32 road project that comply with IC 8-9.5-8-8(c)(6).
- 33 (k) User fees (as defined in IC 8-15.5-2-10) for a toll road project that is
34 subject to a public-private agreement under IC 8-15.5 shall be set in
35 accordance with IC 8-15.5-7.
- 36 SECTION 82. IC 8-15-2-17.2, AS AMENDED BY P.L.140-2013,
37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2024]: Sec. 17.2. (a) Notwithstanding IC 9, the authority may adopt rules:
- 39 (1) Establishing weight and size limitations for vehicles using a toll road
40 project, subject to the following:
- 41 (A) The operator of any vehicle exceeding any of the maximum
42 allowable dimensions or weights as set out by the authority in rules
43 and regulations shall apply to the authority in writing, for an
44 application for a special hauling permit, which application must be
45 in compliance with all the terms thereof, and which application must
46 be received at least seven (7) days prior to the time of permitted entry
47 should such permit be granted. Such permit, if granted, will be
48 returned to the applicant in duplicate, properly completed and
49 numbered, and the driver of the vehicle shall have a copy to present
50 to the toll attendant on duty at the point of entry.

- 1 (B) The authority shall assess a fee for issuing a special hauling
 2 permit. In assessing the fee, the authority shall take into
 3 consideration the following factors:
- 4 (i) The administrative cost of issuing the permit.
 5 (ii) The potential damage the vehicle represents to the project.
 6 (iii) The potential safety hazard the vehicle represents.
- 7 (2) Establishing the minimum speed that a motor vehicle may be driven
 8 on the interstate defense network of dual highways.
- 9 (3) Designating one-way traffic lanes on a toll road project.
- 10 (4) Determining the manner of operation of motor vehicles entering and
 11 leaving traffic lanes on a toll road project.
- 12 (5) Determining the regulation of U-turns, of crossing or entering
 13 medians, of stopping, parking, or standing, and of passing motor
 14 vehicles on a toll road project.
- 15 (6) Determining the establishment and enforcement of traffic control
 16 signs and signals for motor vehicles in traffic lanes, acceleration and
 17 deceleration lanes, toll plazas, and interchanges on a toll road project.
- 18 (7) Determining the limitation of entry to and exit from a toll road
 19 project to designated entrances and exits.
- 20 (8) Determining the limitation on use of a toll road project by
 21 pedestrians and aircraft and by vehicles of a type specified in such rules
 22 and regulations.
- 23 (9) Regulating commercial activity on a toll road project, including but
 24 not limited to:
- 25 (A) the offering or display of goods or services for sale;
 26 (B) the posting, distributing, or displaying of signs, advertisements,
 27 or other printed or written material; and
 28 (C) the operation of a mobile or stationary public address system.
- 29 (10) Establishing enforcement procedures and making assessments for
 30 the failure to pay required tolls. The authority may adopt rules under this
 31 subdivision under ~~IC 4-22-2-37.1~~. **IC 4-22-2**. ~~A rule under this~~
 32 ~~subdivision adopted under IC 4-22-2-37.1 expires on the expiration date~~
 33 ~~stated in the rule.~~
- 34 (b) A person who violates a rule adopted under this section commits a
 35 Class C infraction. However, a violation of a weight limitation established by
 36 the authority under this section is:
- 37 (1) a Class B infraction if the total of all excesses of weight under those
 38 limitations is more than five thousand (5,000) pounds but not more than
 39 ten thousand (10,000) pounds; and
 40 (2) a Class A infraction if the total of all excesses of weight under those
 41 limitations is more than ten thousand (10,000) pounds.
- 42 (c) It is a defense to the charge of violating a weight limitation established
 43 by the authority under this section that the total of all excesses of weight
 44 under those limitations is less than one thousand (1,000) pounds.
- 45 (d) The court may suspend the registration of a vehicle that violated:
- 46 (1) a size or weight limitation established by the authority under this
 47 section; or
 48 (2) a rule adopted under subsection (a)(10);
 49 for a period of not more than ninety (90) days.
- 50 (e) Upon the conviction of a person for a violation of a weight or size

1 limitation established by the authority under this section, the court may
 2 recommend suspension of the person's current chauffeur's license only if the
 3 violation was committed knowingly.

4 SECTION 83. IC 8-15.5-7-8, AS AMENDED BY P.L.140-2013,
 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2024]: Sec. 8. (a) The authority may fix user fees under this chapter by rule
 7 under ~~IC 4-22-2-37.1. IC 4-22-2. A rule adopted under this subsection expires~~
 8 ~~on the expiration date stated in the rule.~~

9 (b) Any action to contest the validity of user fees fixed under this chapter
 10 may not be brought after the fifteenth day following the effective date of a
 11 rule fixing the user fees adopted under subsection (a).

12 SECTION 84. IC 8-21-12-11 IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2024]: Sec. 11. The authority may do all acts
 14 necessary or reasonably incident to carrying out the purposes of this chapter,
 15 including the following:

16 (1) To protect a district and all property owned or managed by the
 17 authority and, to carry out this subdivision, to employ special police or
 18 hire guards.

19 (2) To incur indebtedness in the name of the authority in accordance
 20 with this chapter.

21 (3) To adopt administrative procedures, rules, and regulations, including
 22 ~~emergency~~ rules under ~~IC 4-22-2-37.1. IC 4-22-2.~~

23 (4) To:

24 (A) acquire real, personal, or mixed property by deed, purchase,
 25 lease, condemnation, or otherwise and dispose of it for use, in
 26 connection with, or for administrative purposes of the airport;

27 (B) receive gifts, donations, bequests, and public trusts and to agree
 28 to conditions and terms accompanying them and to bind the authority
 29 to carry them out;

30 (C) receive and administer federal or state aid; and

31 (D) erect buildings or structures that may be needed to administer
 32 and carry out this chapter.

33 (5) To determine matters of policy regarding internal organization and
 34 operating procedures not specifically provided for otherwise.

35 (6) To adopt a schedule of reasonable charges and to collect them from
 36 all users of facilities and services within the district.

37 (7) To purchase supplies, materials, equipment, and services to carry out
 38 the duties and functions of the authority, in accordance with procedures
 39 adopted by the authority.

40 (8) To employ personnel that are necessary to carry out the duties,
 41 functions, and powers of the authority.

42 (9) To:

43 (A) acquire, establish, construct, improve, equip, maintain, control,
 44 lease, and regulate airports, landing fields, and other air navigation
 45 facilities;

46 (B) acquire by lease (with or without the option to purchase) airports,
 47 landing fields, or navigation facilities, and any structures, equipment,
 48 or related improvements; and

49 (C) erect, install, construct, and maintain at the airport or airport's
 50 facilities for the servicing of aircraft and for the comfort and

1 accommodation of air travelers and the public.
2 The Indiana department of transportation must grant approval before
3 land may be purchased or leased for the establishment of an airport or
4 landing field and before an airport or landing field may be established
5 and shall establish the boundaries of a district or districts from time to
6 time.
7 (10) To fix and determine exclusively the uses to which the airport lands
8 may be put. All uses must be necessary or desirable to the airport or the
9 aviation industry and must be compatible with the uses of the
10 surrounding lands as far as practicable.
11 (11) To employ or contract with an airport director, superintendents,
12 managers, financial advisers, engineers, surveyors, bond counsel,
13 disclosure counsel, and other attorneys, clerks, mechanics, laborers, and
14 all employees the authority considers expedient, and to prescribe and
15 assign the respective duties and authorities and to fix and regulate the
16 compensation to be paid to the persons employed by the authority.
17 Employees shall be selected irrespective of their political affiliations.
18 (12) To make all rules and regulations, consistent with laws regarding
19 air commerce, for the management and control of airports, landing
20 fields, air navigation facilities, and other property within a district or
21 otherwise under the authority's control.
22 (13) To acquire by lease the use of an airport or landing field for aircraft
23 pending the acquisition and improvement of an airport or landing field.
24 (14) To manage and operate airports, landing fields, and other air
25 navigation facilities acquired or maintained by the authority; to lease all
26 or part of an airport, landing field, or any buildings or other structures,
27 and to fix, charge, and collect rentals, tolls, fees, and charges to be paid
28 for the use of the whole or a part of the airports, landing fields, or other
29 air navigation facilities by aircraft landing there and for the maintenance
30 or servicing of the aircraft; to construct public recreational facilities that
31 will not interfere with air operational facilities; to fix, charge, and collect
32 fees for public admissions and privileges; and to make contracts for the
33 operation and management of the airports, landing fields, and other air
34 navigation facilities; and to provide for the use, management, and
35 operation of the air navigation facilities through lessees, its own
36 employees, or otherwise. Contracts or leases for the maintenance,
37 operation, or use of the airport or any part of it may be made for a term
38 not exceeding forty (40) years, and may be extended for similar terms of
39 years. If a person whose character, experience, and financial
40 responsibility has been determined satisfactory by the authority, offers
41 to erect a permanent structure that facilitates and is consistent with the
42 operation, use, and purpose of the airport on land owned or otherwise
43 controlled by the authority, a lease may be entered into for a period not
44 to exceed ninety-nine (99) years. The authority may not grant an
45 exclusive right for the use of a landing area under the authority's
46 jurisdiction. However, this does not prevent the making of leases in
47 accordance with other provisions of this chapter. All contracts and leases
48 are subject to restrictions and conditions that the authority prescribes.
49 The authority may lease property and facilities for any commercial or
50 industrial use the authority considers necessary and proper, including the

- 1 use of providing airport motel facilities.
- 2 (15) To sell machinery, equipment, or material that is not required for
3 aviation purposes. The proceeds shall be deposited with the authority or
4 in accordance with an applicable trust agreement.
- 5 (16) To negotiate and execute contracts for sale or purchase, lease,
6 personal services, materials, supplies, equipment, or any other
7 transaction or business relative to an airport under the authority's control
8 and operation in accordance with the terms and conditions the authority
9 may determine.
- 10 (17) To vacate all or parts of roads, highways, streets, or alleys within a
11 district.
- 12 (18) To approve any state, county, city, or other highway, road, street, or
13 other public way, railroad, power line, or other right-of-way to be laid
14 out or opened across an airport or in such proximity as to affect the safe
15 operation of the airport.
- 16 (19) To construct drainage and sanitary sewers with connections and
17 outlets as are necessary for the proper drainage and maintenance of an
18 airport or landing field acquired or maintained under this chapter,
19 including the necessary buildings and improvements and for the public
20 use of them in the same manner that the authority may construct sewers
21 and drains. However, with respect to the construction of drains and
22 sanitary sewers beyond the boundaries of the airport or landing field, the
23 authority may negotiate with the departments, bodies, and officers of a
24 local entity to secure the proper orders and approvals; and to order a
25 public utility or public service corporation or other person to remove or
26 to install in underground conduits wires, cables, and power lines passing
27 through or over the airport or landing field or along the borders or within
28 a reasonable distance that may be determined to be necessary for the
29 safety of operations, upon payment to the utility or other person of due
30 compensation for the expense of the removal or reinstallation. The
31 authority must consent before any franchise may be granted by state
32 authorities or local entities for the construction of or maintenance of
33 railway, telephone, telegraph, electric power, pipe, or conduit line upon,
34 over, or through a district or within a reasonable distance of the district
35 that is necessary for the safety of operation. The authority must also
36 consent before overhead electric power lines carrying a voltage of more
37 than four thousand four hundred (4,400) volts and having poles,
38 standards, or supports over thirty (30) feet in height within one-half (1/2)
39 mile of a landing area acquired or maintained under this chapter may be
40 installed.
- 41 (20) To contract with any other state agency or instrumentality or any
42 political subdivision for the rendition of services, the rental or use of
43 equipment or facilities, or the joint purchase and use of equipment or
44 facilities that are necessary for the operation, maintenance, or
45 construction of an airport operated under this chapter.
- 46 (21) To provide air transportation in furtherance of the duties and
47 responsibilities of the authority.
- 48 (22) To promote or encourage aviation related trade or commerce at the
49 airports that it operates.
- 50 SECTION 85. IC 8-23-2-6, AS AMENDED BY P.L.121-2021, SECTION

- 1 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
2 Sec. 6. (a) The department, through the commissioner or the commissioner's
3 designee, may do the following:
- 4 (1) Subject to section 6.5 of this chapter, acquire by purchase, gift, or
5 condemnation, sell, abandon, own in fee or a lesser interest, hold, or
6 lease property in the name of the state, or otherwise dispose of or
7 encumber property to carry out its responsibilities.
 - 8 (2) Contract with persons outside the department to do those things that
9 in the commissioner's opinion cannot be adequately or efficiently
10 performed by the department.
 - 11 (3) Enter into:
 - 12 (A) a contract with the Indiana finance authority under IC 8-9.5-8-7;
 - 13 or
 - 14 (B) a lease with the Indiana finance authority under IC 8-9.5-8-8;15 for the construction, reconstruction, improvement, maintenance, repair,
16 or operation of toll road projects under IC 8-15-2 and toll bridges under
17 IC 8-16-1.
 - 18 (4) Enter into a contract with a contractor, operator, or design builder or
19 construction manager as constructor for, or with any adviser, consultant,
20 attorney, accountant, engineer, architect, or other person or entity in
21 connection with, the construction, reconstruction, improvement,
22 maintenance, repair, or operation of a railroad project, as defined in
23 IC 8-5-15-1, in accordance with an authorization provided to the
24 department by the board of trustees of a commuter transportation district
25 under IC 8-5-15-5(a)(21).
 - 26 (5) Sue and be sued, including, with the approval of the attorney general,
27 the compromise of any claims of the department.
 - 28 (6) Hire attorneys.
 - 29 (7) Perform all functions pertaining to the acquisition of property for
30 transportation purposes, including the compromise of any claims for
31 compensation.
 - 32 (8) Hold investigations and hearings concerning matters covered by
33 orders and rules of the department.
 - 34 (9) Execute all documents and instruments necessary to carry out its
35 responsibilities.
 - 36 (10) Make contracts and expenditures, perform acts, enter into
37 agreements, and make rules, orders, and findings that are necessary to
38 comply with all laws, rules, orders, findings, interpretations, and
39 regulations promulgated by the federal government in order to:
 - 40 (A) qualify the department for; and
 - 41 (B) receive;42 federal government funding on a full or participating basis.
 - 43 (11) Adopt rules under IC 4-22-2 to carry out its responsibilities.
44 ~~including emergency rules in the manner provided under IC 4-22-2-37.1.~~
 - 45 (12) Establish regional offices.
 - 46 (13) Adopt a seal.
 - 47 (14) Perform all actions necessary to carry out the department's
48 responsibilities.
 - 49 (15) Order a utility to relocate the utility's facilities and coordinate the
50 relocation of customer service facilities if:

- 1 (A) the facilities are located in a highway, street, or road; and
 2 (B) the department determines that the facilities will interfere with a
 3 planned highway or bridge construction or improvement project
 4 funded by the department.
- 5 (16) Reimburse a utility:
 6 (A) in whole or in part for extraordinary costs of relocation of
 7 facilities;
 8 (B) in whole for unnecessary relocations;
 9 (C) in accordance with IC 8-23-26-12 and IC 8-23-26-13;
 10 (D) in whole for relocations covered by IC 8-1-9; and
 11 (E) to the extent that a relocation is a taking of property without just
 12 compensation.
- 13 (17) Provide state matching funds and undertake any surface
 14 transportation project eligible for funding under federal law. However,
 15 money from the state highway fund and the state highway road
 16 construction and improvement fund may not be used to provide
 17 operating subsidies to support a public transportation system or a
 18 commuter transportation system.
- 19 (18) Upon request, evaluate, negotiate, and enter into:
 20 (A) a supplemental funding agreement with a regional development
 21 authority under IC 36-9-43; or
 22 (B) an interlocal agreement with a regional development authority for
 23 purposes of IC 36-9-43.
- 24 (b) In the performance of contracts and leases with the Indiana finance
 25 authority, the department has authority under IC 8-15-2, in the case of toll
 26 road projects and IC 8-16-1, in the case of toll bridges necessary to carry out
 27 the terms and conditions of those contracts and leases.
- 28 (c) The department shall:
 29 (1) classify as confidential any estimate of cost prepared in conjunction
 30 with analyzing competitive bids for projects until a bid below the
 31 estimate of cost is read at the bid opening;
 32 (2) classify as confidential that part of the parcel files that contain
 33 appraisal and relocation documents prepared by the department's land
 34 acquisition division; and
 35 (3) classify as confidential records that are the product of systems
 36 designed to detect collusion in state procurement and contracting that,
 37 if made public, could impede detection of collusive behavior in securing
 38 state contracts.
- 39 This subsection does not apply to parcel files of public agencies or affect
 40 IC 8-23-7-10.
- 41 (d) In the case of a regional development authority that undertakes a
 42 regional transportation infrastructure project under IC 36-9-43, the
 43 department shall cooperate with the regional development authority.
- 44 SECTION 86. IC 8-23-5-10, AS AMENDED BY P.L.156-2021, SECTION
 45 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 46 Sec. 10. (a) The following definitions apply only throughout this section:
 47 (1) "Communications infrastructure" includes all facilities and
 48 equipment used to provide communications service (as defined in
 49 IC 8-1-32.5-3), including fiber conduit. The term does not include a
 50 vertical structure.

- 1 (2) "Dig once program" refers to the dig once broadband corridor
2 program required under subsection (b).
- 3 (3) "Fiber conduit" means protective conduit of a size and material that
4 is suitable for underground installation of broadband fiber infrastructure.
- 5 (4) "Limited access highway" means any roadway that is under the
6 jurisdiction and control of the department and that is one (1) of the
7 following:
- 8 (A) An interstate.
9 (B) A toll road, tollway, or toll bridge.
10 (C) U.S. 30.
11 (D) U.S. 31.
- 12 (5) "Vertical structure" means a privately owned structure that is more
13 than one hundred (100) feet above ground and that is used primarily for
14 providing wireless communications service. The term includes related
15 equipment associated with the structure, including air conditioned
16 equipment shelters and rooms, electronic equipment, and supporting
17 equipment.
- 18 (b) Not later than January 1, 2022, the department shall:
- 19 (1) implement a dig once broadband corridor program to manage the
20 location, installation, and maintenance of communications infrastructure
21 that is used for the provision of broadband services and is located within
22 highway rights-of-way of limited access highways; and
- 23 (2) adopt policies, procedures, and standards under the dig once program
24 for required installation of fiber conduit by a public or private entity that
25 performs an excavation within a limited access highway right-of-way.
- 26 (c) The dig once program shall apply only to locations along or within a
27 limited access highway right-of-way. The dig once program shall not apply
28 to the placement of communications infrastructure that laterally crosses a
29 roadway under the control of the department.
- 30 (d) Except as provided in subsection (e), the department shall impose a fee
31 for the use of communications infrastructure installed and maintained under
32 subsection (b). The amount of the fee may not be more than the reasonable
33 fair market value of the use of the highway right-of-way within the broadband
34 corridor.
- 35 (e) Except for portions of a U.S. route that is a limited access highway
36 under subsection (a)(4), with respect to state routes or U.S. routes, the
37 department may impose only:
- 38 (1) a one (1) time permit application fee for the location or installation
39 of communications infrastructure that is used for the provision of
40 broadband services and is placed along or within a highway
41 right-of-way; and
- 42 (2) routine right-of-way permit fees to enter the department's
43 rights-of-way for the maintenance of existing facilities.
- 44 (f) The department shall not unreasonably discriminate with respect to the
45 following among entities requesting access to broadband corridors or other
46 department controlled rights-of-way:
- 47 (1) Approving applications, issuing permits, or otherwise establishing
48 terms and conditions for the location, installation, and maintenance of
49 communications infrastructure used for the provision of broadband
50 services.

1 (2) Providing access to rights-of-way, infrastructure, utility poles, river
 2 and bridge crossings, and other physical assets owned, controlled, or
 3 managed by the department.

4 (3) The type of technology deployed for the provision of broadband
 5 services.

6 However, nothing in this subsection abrogates or limits the department's
 7 authority under IC 8-23 to safely and efficiently manage and operate the state
 8 highway system and associated highway rights-of-way for the benefit of the
 9 traveling public.

10 (g) The department shall adopt rules under IC 4-22-2 ~~including emergency~~
 11 ~~rules adopted in the manner provided by IC 4-22-2-37.1~~, to establish the
 12 policies, procedures, and standards required under subsection (b) and to
 13 otherwise implement this section. ~~Rules or emergency rules adopted by the~~
 14 ~~department under this subsection must take effect not later than January 1,~~
 15 ~~2022. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the~~
 16 ~~department under this subsection in the manner provided by IC 4-22-2-37.1~~
 17 ~~expires on the date a rule that supersedes the emergency rule is adopted by the~~
 18 ~~department under IC 4-22-2-24 through IC 4-22-2-36.~~

19 SECTION 87. IC 8-23-9.5-1, AS ADDED BY P.L.60-2023, SECTION 2,
 20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.

21 1. (a) This chapter authorizes the department to enter into a contract for
 22 delivery of certain projects by a construction manager general contractor or
 23 a progressive design-builder.

24 (b) The department may adopt rules under IC 4-22-2 ~~including emergency~~
 25 ~~rules adopted in the manner provided under IC 4-22-2-37.1~~, to implement this
 26 chapter.

27 (c) This chapter does not limit or eliminate the responsibility or liability
 28 imposed by Indiana law on a person providing services to the department
 29 under this chapter.

30 SECTION 88. IC 8-23-10-3, AS AMENDED BY P.L.14-2019, SECTION
 31 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

32 Sec. 3. (a) A bidder may not be given a certificate of qualification unless the
 33 bidder's financial statement and the investigation made by the department
 34 show that the bidder possesses net current assets sufficient in the judgment
 35 of the department to render it probable that the bidder can satisfactorily
 36 execute contracts and meet obligations incurred. All applications for
 37 qualification must expressly authorize the department to obtain all
 38 information considered pertinent with respect to the financial worth and assets
 39 and liabilities of the applicant from banks or other financial institutions,
 40 surety companies, dealers in material, equipment, or supplies, or other
 41 persons having business transactions with an applicant and must expressly
 42 authorize all financial institutions or other persons to furnish information
 43 requested by the department.

44 (b) The department shall adopt rules under IC 4-22-2 ~~including emergency~~
 45 ~~rules adopted in the manner provided under IC 4-22-2-37.1~~, that establish the
 46 requirements for financial statements furnished to the department by potential
 47 applicants for the purpose of determining an applicant's eligibility and
 48 financial capacity under this chapter.

49 (c) This chapter shall be administered without reference to the residence
 50 of applicants, and its provisions and the rules of the department adopted under

1 this chapter apply equally to residents and nonresidents of Indiana. This
2 chapter does not apply to the purchase of material, equipment, and supplies
3 or to the construction and maintenance of buildings.

4 (d) Notwithstanding IC 5-14-3-4(a)(5), a financial statement submitted to
5 the department under this chapter is considered confidential financial
6 information for the purposes of IC 5-14-3.

7 SECTION 89. IC 8-23-20-25.7, AS ADDED BY P.L.97-2022, SECTION
8 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
9 Sec. 25.7. The department may adopt **emergency** rules under IC 4-22-2 to
10 implement this chapter. ~~A rule adopted under this section expires only with~~
11 ~~the adoption of a new superseding rule.~~

12 SECTION 90. IC 8-23-20.5-6, AS ADDED BY P.L.97-2022, SECTION
13 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
14 Sec. 6. The department may adopt **emergency** rules under IC 4-22-2 to
15 implement this chapter. ~~A rule adopted under this section expires only with~~
16 ~~the adoption of a new superseding rule.~~

17 SECTION 91. IC 9-17-5-6, AS AMENDED BY P.L.118-2022, SECTION
18 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
19 Sec. 6. (a) As used in this section, "qualified service provider" means a person
20 able to provide electronic lien or electronic title services in coordination with
21 vehicle lienholders and state departments of motor vehicles.

22 (b) As used in this section, "qualified vendor" refers to a person with
23 whom the bureau contracts to:

- 24 (1) develop;
- 25 (2) implement; and
- 26 (3) provide ongoing support with respect to;

27 a statewide electronic lien and title system under this section.

28 (c) As used in this section, "statewide electronic lien and title system" or
29 "system" means a statewide electronic lien and title system implemented by
30 the bureau under this section to process:

- 31 (1) vehicle titles;
- 32 (2) certificate of title data in which a lien is notated; and
- 33 (3) the notification, maintenance, and release of security interests in
34 vehicles;

35 through electronic means instead of paper documents.

36 (d) Not later than the dates set forth in subsection (h), the bureau shall
37 implement a statewide electronic lien and title system for the following
38 purposes:

- 39 (1) To facilitate and promote commerce and governmental transactions
40 by validating and authorizing the use of electronic records.
- 41 (2) To modernize the law and eliminate barriers to electronic commerce
42 and governmental transactions resulting from uncertainties related to
43 handwritten and other written materials.
- 44 (3) To promote uniformity of the law among the states relating to the use
45 of electronic and similar technological means of effecting and
46 performing commercial and governmental transactions.
- 47 (4) To promote public confidence in the validity, integrity, and reliability
48 of electronic commerce and governmental transactions.
- 49 (5) To promote the development of the legal and business infrastructure
50 necessary to implement electronic commerce and governmental

- 1 transactions.
- 2 (e) The bureau may:
- 3 (1) contract with one (1) or more qualified vendors to develop and
- 4 implement a statewide electronic lien and title system; or
- 5 (2) develop and make available to qualified service providers a well
- 6 defined set of information services that will enable secure access to the
- 7 data and internal application components necessary to facilitate the
- 8 creation of a statewide electronic lien and title system.
- 9 (f) If the bureau elects under subsection (e)(1) to contract with one (1) or
- 10 more qualified vendors to develop and implement a statewide electronic lien
- 11 and title system, the following apply:
- 12 (1) The bureau shall issue a competitive request for proposals to assess
- 13 the qualifications of any vendor seeking to develop, implement, and
- 14 provide ongoing support for the system. The bureau may reserve the
- 15 right to receive input concerning specifications for the establishment and
- 16 operation of the system from parties that do not respond to the bureau's
- 17 request for proposals.
- 18 (2) A contract entered into between the bureau and a qualified vendor
- 19 may not provide for any costs or charges payable by the bureau to the
- 20 qualified vendor. The qualified vendor shall reimburse the bureau for
- 21 any reasonable and documented costs incurred by the bureau and
- 22 directly associated with the development, implementation, or ongoing
- 23 support of the system.
- 24 (3) Upon implementing a statewide electronic lien and title system under
- 25 this section, the qualified vendor may charge participating lienholders
- 26 or their agents a fee for each lien notification transaction provided
- 27 through the system, in order to recover the qualified vendor's costs
- 28 associated with the development, implementation, and ongoing
- 29 administration of the system. A lien notification fee under this
- 30 subdivision must be consistent with market pricing and may not exceed
- 31 three dollars and fifty cents (\$3.50). The qualified vendor may not
- 32 charge lienholders or their agents any additional fee for lien releases,
- 33 assignments, or transfers. The qualified vendor may not charge a fee
- 34 under this subdivision to a state agency or its agents for lien notification,
- 35 lien release, lien assignment, or lien transfer. To recover their costs
- 36 associated with the lien, participating lienholders or their agents may
- 37 charge:
- 38 (A) the borrower in a vehicle loan; or
- 39 (B) the lessee in a vehicle lease;
- 40 an amount equal to any lien notification fee imposed by the qualified
- 41 vendor under this subdivision, plus a fee in an amount not to exceed
- 42 three dollars (\$3) for each electronic transaction in which a lien is
- 43 notated.
- 44 (4) A qualified vendor may also serve as a qualified service provider to
- 45 motor vehicle lienholders if the following conditions are met:
- 46 (A) The contract between the bureau and the qualified vendor must
- 47 include provisions specifically prohibiting the qualified vendor from
- 48 using information concerning vehicle titles for any commercial,
- 49 marketing, business, or other purpose not specifically contemplated
- 50 by this chapter.

- 1 (B) The contract between the bureau and the qualified vendor must
 2 include an acknowledgment by the qualified vendor that the qualified
 3 vendor is required to enter into agreements to exchange electronic
 4 lien data with any:
- 5 (i) qualified service providers that offer electronic lien or title
 6 services in Indiana and that have been approved by the bureau for
 7 participation in the system; and
 - 8 (ii) qualified service providers that are not qualified vendors.
- 9 (C) The bureau must periodically monitor the fees charged by a
 10 qualified vendor that also:
- 11 (i) serves as a qualified service provider to lienholders; or
 - 12 (ii) provides services as a qualified vendor to other qualified
 13 service providers;
- 14 to ensure that the qualified vendor is not engaging in predatory
 15 pricing.
- 16 (g) If the bureau elects under subsection (e)(2) to develop an interface to
 17 provide qualified service providers secure access to data to facilitate the
 18 creation of a statewide electronic lien and title system, the following apply:
- 19 (1) The bureau shall establish:
 - 20 (A) the total cost to develop the statewide electronic lien and title
 21 system by July 1, 2022;
 - 22 (B) qualifications for third party service providers offering electronic
 23 lien services; and
 - 24 (C) a qualification process to:
 - 25 (i) evaluate electronic lien and title system technologies developed
 26 by third party service providers; and
 - 27 (ii) determine whether such technologies comply with defined
 28 security and platform standards.
 - 29 (2) Not later than July 1, 2022, the bureau shall publish on the bureau's
 30 ~~Internet web site~~ **website** the qualifications established by the bureau
 31 under subdivision (1). A third party service provider that seeks to
 32 become qualified by the bureau under this subsection must demonstrate
 33 the service provider's qualifications, in the form and manner specified
 34 by the bureau, not later than thirty (30) days after the date of the bureau's
 35 publication under this subdivision. After the elapse of the thirty (30) day
 36 period during which third party service providers may respond to the
 37 bureau's publication under this subdivision, the bureau shall notify each
 38 responding third party service provider as to:
 - 39 (A) the total cost to develop the system, as determined by the bureau
 40 under subdivision (1); and
 - 41 (B) whether the third party service provider has met the
 42 qualifications established by the bureau under subdivision (1) and is
 43 approved to participate in the statewide electronic lien and title
 44 system.
 - 45 (3) Not later than thirty (30) days after receiving a notice of approval
 46 from the bureau under subdivision (2), each qualified service provider
 47 shall notify the bureau of the qualified service provider's intention to
 48 participate in the statewide electronic lien and title system.
 - 49 (4) Upon implementing a statewide electronic lien and title system under
 50 this section, the bureau may charge participating service providers or

1 their agents a fee for each lien transaction provided through the system
2 in order to recover the bureau's costs associated with the development,
3 implementation, and ongoing administration of the system. A fee under
4 this subdivision must be consistent with market pricing and may not
5 exceed three dollars and twenty-five cents (\$3.25). A fee collected under
6 this subdivision shall be deposited in the commission fund. Fees
7 collected by the bureau for the implementation of a statewide electronic
8 lien and title system are limited to those contained in this subdivision.
9 This subdivision expires July 1, 2025.

10 (5) A contract entered into between the bureau and a qualified service
11 provider may not provide for any costs or charges payable by the bureau
12 to the qualified service provider.

13 (6) Upon the implementation of a statewide electronic lien and title
14 system under this section, a qualified service provider may charge
15 participating lienholders or their agents transaction fees consistent with
16 market pricing in addition to the fees described in subdivision (4). A fee
17 under this subdivision may not be charged to a state agency or its agents
18 for lien notification, lien release, lien assignment, or lien transfer. To
19 recover their costs associated with a lien, participating lienholders or
20 their agents may charge:

21 (A) the borrower in a vehicle loan; or

22 (B) the lessee in a vehicle lease;

23 an amount equal to any fee imposed by a qualified service provider
24 under this subdivision, plus a fee in an amount not to exceed three
25 dollars (\$3) for each electronic transaction in which a lien is notated.
26 This subdivision expires July 1, 2025.

27 (7) The contract between the bureau and a qualified service provider
28 must include provisions specifically prohibiting the qualified service
29 provider from using information concerning vehicle titles for any
30 commercial, marketing, business, or other purpose not specifically
31 contemplated by this chapter.

32 (h) Subject to subsection (i), the bureau shall implement, and allow or
33 require the use of, a statewide electronic lien and title system under this
34 section as follows:

35 (1) A statewide electronic lien system that is capable of processing:

36 (A) certificate of title data in which a lien is notated; and

37 (B) the notification, maintenance, and release of security interests in
38 vehicles;

39 through electronic means must be made available for voluntary use by
40 vehicle lienholders not later than July 1, 2022.

41 (2) Subject to subsection (j)(5), the bureau shall require that the
42 statewide electronic lien system made available under subdivision (1) be
43 used for processing:

44 (A) certificate of title data in which a lien is notated; and

45 (B) the notification, maintenance, and release of security interests in
46 vehicles;

47 after June 30, 2023.

48 (3) A statewide electronic title system capable of processing vehicle
49 titles through electronic means must be made available for voluntary use
50 by vehicle dealers, lienholders, and owners not later than July 1, 2025.

- 1 (4) The bureau shall require that the statewide electronic title system
2 made available under subdivision (3) be used for processing vehicle
3 titles after June 30, 2026.
- 4 (i) Subsection (h) does not prohibit the bureau or any:
5 (1) qualified vendor with whom the bureau contracts under subsection
6 (f); or
7 (2) qualified service provider with whom the bureau contracts under
8 subsection (g);
9 from implementing, making available, or requiring the use of a statewide
10 electronic lien system described in subsection (h)(1) at the same time as, or
11 in conjunction with, a statewide electronic title system described in subsection
12 (h)(3), or from implementing, making available, or requiring the use of a
13 statewide electronic lien system described in subsection (h)(1) or a statewide
14 electronic title system described in subsection (h)(3) before the applicable
15 dates otherwise set forth in subsection (h).
- 16 (j) The following apply to the use of a statewide electronic lien system
17 described in subsection (h)(1):
18 (1) Notwithstanding section 5(b) of this chapter, if there are one (1) or
19 more liens or encumbrances on a motor vehicle, the bureau may
20 electronically transmit the lien to the first lienholder and notify the first
21 lienholder of any additional liens. Subsequent lien satisfactions may be
22 electronically transmitted to the bureau and must include the name and
23 address of the person satisfying the lien.
24 (2) Whenever the electronic transmission of lien notifications and lien
25 satisfactions is used, a certificate of title need not be issued until the last
26 lien is satisfied and a clear certificate of title can be issued to the owner
27 of the motor vehicle. The bureau may print or issue electronically the
28 clear certificate of title to the owner or subsequent assignee of the motor
29 vehicle.
30 (3) If a motor vehicle is subject to an electronic lien, the certificate of
31 title for the motor vehicle is considered to be physically held by the
32 lienholder for purposes of compliance with state or federal odometer
33 disclosure requirements.
34 (4) A certified copy of the bureau's electronic record of a lien is
35 admissible in any civil, criminal, or administrative proceeding in Indiana
36 as evidence of the existence of the lien. If a certificate of title is
37 maintained electronically in a statewide electronic title system described
38 in subsection (h)(3), a certified copy of the bureau's electronic record of
39 the certificate of title is admissible in any civil, criminal, or
40 administrative proceeding in Indiana as evidence of the existence and
41 contents of the certificate of title.
42 (5) All individuals and lienholders who conduct at least twelve (12) lien
43 transactions annually must use the statewide electronic lien and title
44 system implemented under this section to record information concerning
45 the perfection and release of a security interest in a vehicle.
46 (6) An electronic notice or release of a lien made through the statewide
47 electronic lien and title system implemented under this section has the
48 same force and effect as a notice or release of a lien made on a paper
49 document.
50 (7) The bureau may convert an existing paper lien to an electronic lien

1 upon request of the primary lienholder. The bureau, or a third party
 2 contracting with the bureau under this section, is authorized to collect
 3 a fee not to exceed three dollars (\$3) for each conversion performed
 4 under this subdivision. A fee under this subdivision may not be charged
 5 to a state agency or its agents.

6 (8) Notwithstanding section 5 of this chapter, any requirement that a
 7 security interest or other information appear on a certificate of title is
 8 satisfied by the inclusion of that information in an electronic file
 9 maintained in an electronic title system.

10 (k) Nothing in this section precludes the bureau from collecting a title fee
 11 for the preparation and issuance of a title.

12 (l) The bureau may adopt rules under IC 4-22-2 to implement this section.
 13 ~~including emergency rules in the manner provided by IC 4-22-2-37.1.~~
 14 ~~Notwithstanding IC 4-22-2-37.1(g); an emergency rule adopted by the bureau~~
 15 ~~under this subsection and in the manner provided by IC 4-22-2-37.1 expires~~
 16 ~~on the date on which a rule that supersedes the emergency rule is adopted by~~
 17 ~~the bureau under IC 4-22-2-24 through IC 4-22-2-36.~~

18 SECTION 92. IC 9-20-1-3, AS AMENDED BY P.L.140-2013, SECTION
 19 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 20 Sec. 3. (a) This subsection does not apply to any highway or street in the state
 21 highway system. Except as provided in subsection (e), local authorities, with
 22 respect to highways under their jurisdiction, may by ordinance:

23 (1) prohibit the operation of vehicles upon any highway; or

24 (2) impose restrictions as to the weight of vehicles to be operated upon
 25 any highway;

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

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

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

39 (1) Prohibit the operation of trucks or other commercial vehicles.

40 (2) Impose limitations as to the weight, size, or use of those vehicles on
 41 designated highways.

42 The prohibitions and limitations must be designated by appropriate signs
 43 placed on the highways.

44 (d) The Indiana department of transportation has the same authority
 45 granted to local authorities in subsections (a) and (c) to determine by
 46 executive order and to impose restrictions as to weight, size, and use of
 47 vehicles operated upon a highway in the state highway system, including state
 48 maintained routes through cities and towns. These restrictions may not be
 49 enforced until signs giving notice of the restrictions are erected upon the
 50 highway or part of the highway affected by the order.

1 (e) The commissioner of the Indiana department of transportation may
 2 designate an order adopted under subsection (d) as ~~an emergency~~ a rule and
 3 adopt the order ~~in the same manner as emergency rules are adopted under~~
 4 ~~IC 4-22-2-37.1. as a rule under IC 4-22-2.~~

5 (f) A local authority may not, in an ordinance passed under subsection (a)
 6 or (c), prohibit the operation of buses that are not more than forty-five (45)
 7 feet in length on any segment of the primary system (as defined in
 8 IC 8-23-1-33) that was in existence on June 1, 1991.

9 SECTION 93. IC 9-20-1-5, AS ADDED BY P.L.198-2016, SECTION 338,
 10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 11 5. The Indiana department of transportation shall adopt ~~emergency rules in the~~
 12 ~~manner provided under IC 4-22-2-37.1~~ **under IC 4-22-2** for the:

- 13 (1) issuance, fee structure, and enforcement of permits for overweight
- 14 divisible loads;
- 15 (2) fee structure of permits for loads on extra heavy duty highways; and
- 16 (3) fee structure of permits for overweight loads.

17 ~~A rule adopted under this section expires only with the adoption of a new~~
 18 ~~superseding rule.~~

19 SECTION 94. IC 9-20-6-2.2, AS ADDED BY P.L.179-2021, SECTION
 20 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 21 Sec. 2.2. (a) This section applies to overweight divisible loads (as defined in
 22 IC 9-13-2-120.7).

23 (b) As used in this section, "equivalent single axle load" means the known
 24 quantifiable and standardized amount of damage to highway pavement
 25 structures equivalent to one (1) pass of a single eighteen thousand (18,000)
 26 pound dual tire axle, with all four (4) tires on the axle inflated to one hundred
 27 ten (110) pounds per square inch.

28 (c) A permit issued under this section does not apply to a highway under
 29 a local authority's jurisdiction.

30 (d) Subject to subsection (e), the Indiana department of transportation may,
 31 upon proper application in writing, grant a permit for transporting overweight
 32 vehicles and overweight divisible loads carrying resources on a highway in
 33 the state highway system, including state maintained routes through cities and
 34 towns.

35 (e) A permit granted under this section may be used only on designated
 36 highways within the state highway system, avoiding highways under a local
 37 authority's jurisdiction.

38 (f) A permit issued under this section may designate the route to be
 39 traversed and may contain any other restrictions or conditions required for the
 40 safe movement of the vehicle. If the department designates a route, a
 41 deviation from that route constitutes a violation subject to a civil penalty
 42 under IC 9-20-18-14.5.

43 (g) A permit issued under this section is limited to a gross vehicle weight
 44 of more than eighty thousand (80,000) pounds, but not more than one hundred
 45 twenty thousand (120,000) pounds.

46 (h) Not later than October 1, 2021, the Indiana department of
 47 transportation shall recalculate and apply permit fees for annual and trip
 48 permits granted under this section based on the Joint Transportation Research
 49 Program publication No. FHWA/IN/JTRP-2014/14. The Indiana department
 50 of transportation shall consider the impact of overweight divisible loads on

- 1 roads and highways in recalculating permit fees under this subsection.
- 2 (i) Except as provided in subsection (k), the Indiana department of
3 transportation may not issue more than eight thousand five hundred (8,500)
4 single trip permits annually for applicants with a total equivalent single axle
5 load calculation of more than 2.40 equivalent single axle load credit.
- 6 (j) A trip permit limit set under subsection (i) and a permit weight limit set
7 under subsection (g) do not include overweight divisible load permits
8 obtained by shippers and carriers that obtained permits before January 1,
9 2021.
- 10 (k) The Indiana department of transportation may temporarily increase the
11 number of permits issued under subsection (i) by order of the commissioner
12 in response to an emergency or changes in market conditions as defined by
13 rules adopted under subsection (m).
- 14 (l) The Indiana department of transportation may limit the number of
15 permits issued under subsection (i) to an individual applicant.
- 16 (m) The Indiana department of transportation shall adopt rules under
17 IC 4-22-2 ~~including emergency rules in the manner provided under~~
18 ~~IC 4-22-2-37.1~~, for the issuance, administration, fee structure, calculation of
19 equivalent single axle load values, and enforcement of a permit under this
20 section due to lack of transportation options for certain resources, supply
21 chain interruptions, or supply dock backlogs.
- 22 (n) The Indiana department of transportation may suspend overweight
23 divisible load permitting if the department observes an unusual increase in:
24 (1) infrastructure damage on a permitted route; or
25 (2) the number of accidents associated with overweight divisible loads.
- 26 (o) Not later than July 1, 2023, the Indiana department of transportation
27 shall submit a report to the legislative council and to the interim study
28 committee on roads and transportation established by IC 2-5-1.3-4 in an
29 electronic format under IC 5-14-6 regarding:
30 (1) the fee structure and recommended changes to the fee structure for
31 permits issued under this section; and
32 (2) the impact of overweight divisible loads on roads and highways.
- 33 (p) Beginning July 1, 2022, the Indiana department of transportation shall,
34 before July 1 of each year, submit a report to the legislative council and to the
35 interim study committee on roads and transportation established by
36 IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the market
37 fluctuation in the number of overweight divisible load permits issued during
38 the previous year.
- 39 (q) Beginning July 1, 2022, the Indiana state police department shall,
40 before July 1 of each year, submit a report to the legislative council and to the
41 interim study committee on roads and transportation established by
42 IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the number of
43 accidents involving applicants permitted for overweight divisible loads. The
44 report must include at least the following:
45 (1) The number of accidents that resulted in property damage.
46 (2) The number of accidents that resulted in personal injury.
- 47 SECTION 95. IC 9-21-3-2, AS AMENDED BY P.L.196-2017, SECTION
48 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
49 Sec. 2. (a) Each traffic signal installation on a street or highway within
50 Indiana must comply with the installation guidelines set forth in the Indiana

1 Manual on Uniform Traffic Control Devices for Streets and Highways.

2 (b) The Indiana department of transportation shall adopt rules under
3 IC 4-22-2 ~~including emergency rules adopted in the manner provided under~~
4 ~~IC 4-22-2-37.1~~, to establish a procedure for approving the installation of
5 traffic control signals under this chapter. The rules must include the
6 following:

7 (1) A procedure that requires a traffic engineering study that verifies that
8 the installation of a traffic control signal at a particular location is
9 necessary.

10 (2) A procedure that does not require a traffic engineering study that
11 verifies that the installation of a traffic control signal at a particular
12 location is necessary.

13 (c) If:

14 (1) the proposed installation is in the immediate vicinity of a school; and

15 (2) the installation does not meet the requirements of this section;

16 the governmental unit responsible for the control of traffic at the location shall
17 grant a special hearing on the question to a person who has properly
18 petitioned for the installation of a traffic signal.

19 SECTION 96. IC 9-21-4-7, AS AMENDED BY P.L.140-2013, SECTION
20 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

21 Sec. 7. (a) Whenever, under this article, the Indiana department of
22 transportation designates or determines the location of, necessity for, and
23 extent of:

24 (1) traffic control devices;

25 (2) state speed limits, other than maximum limits;

26 (3) speed limits on elevated structures;

27 (4) no passing zones;

28 (5) one-way roadways;

29 (6) certain lanes for slow moving traffic;

30 (7) course of turning movements at intersections;

31 (8) dangerous railroad crossings requiring stops;

32 (9) through highways and stop intersections;

33 (10) angle parking; or

34 (11) restrictions on the use of highways for certain periods or for certain
35 vehicles, including low speed vehicles;

36 the designation or determination shall be by order of the commissioner of the
37 Indiana department of transportation and shall, except for subdivision (1), be
38 evidenced by official signs or markings under this article. The commissioner
39 of the Indiana department of transportation may designate an order adopted
40 under this subsection as ~~an emergency a rule~~ and adopt the order ~~in the same~~
41 ~~manner as emergency rules are adopted under IC 4-22-2-37.1. as a rule~~
42 **under IC 4-22-2.**

43 (b) At a trial of a person charged with a violation of the restrictions
44 imposed by subsection (a) and in all civil actions, oral evidence of the
45 location and content of the signs or markings is prima facie evidence of the
46 adoption and application of the restriction by the Indiana department of
47 transportation and the validity of the adoption and application of the
48 restriction. The Indiana department of transportation shall, upon request by
49 a party in an action at law, furnish, under the seal of the Indiana department
50 of transportation, a certification of the order establishing the restriction in

1 question. A certification under this subsection shall be accepted by any court
 2 as conclusive proof of the designation or determination by the commissioner
 3 of the Indiana department of transportation. Certified copies shall be
 4 furnished without cost to the parties to a court action involving the restriction
 5 upon request.

6 (c) Whenever, under this article, a permit or permission of the Indiana
 7 department of transportation is required, the permit must be in writing and
 8 under the seal of the Indiana department of transportation.

9 SECTION 97. IC 9-21-4-10 IS REPEALED [EFFECTIVE JULY 1, 2024].
 10 ~~Sec. 10. If the Indiana department of transportation designates a rule under~~
 11 ~~section 8 or 9 of this chapter as an emergency rule, the department may adopt~~
 12 ~~the rule under IC 4-22-2-37.1.~~

13 SECTION 98. IC 9-24-6.1-2, AS AMENDED BY P.L.256-2017,
 14 SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 2. (a) The bureau shall develop and implement a
 16 commercial driver's license program to:

17 (1) issue commercial driver's licenses, commercial learner's permits, and
 18 related endorsements and restrictions; and

19 (2) regulate persons required to hold a commercial driver's license.

20 (b) Subject to IC 8-2.1-24-18, the program under subsection (a) must
 21 include procedures required to comply with 49 CFR 383 through 49 CFR 399.

22 (c) The bureau may adopt emergency rules in the manner provided under
 23 ~~IC 4-22-2-37.1~~ IC 4-22-2 to implement this chapter.

24 SECTION 99. IC 9-30-6-5.5 IS REPEALED [EFFECTIVE JULY 1, 2024].
 25 ~~Sec. 5.5: (a) Notwithstanding IC 4-22-2, to implement P.L.1-2000, the~~
 26 ~~director of the department of toxicology of the Indiana University School of~~
 27 ~~Medicine may adopt a rule required under section 5 of this chapter, section~~
 28 ~~6 of this chapter, or both in the manner provided for emergency rules under~~
 29 ~~IC 4-22-2-37.1.~~

30 (b) ~~A rule adopted under this section is effective when it is filed with the~~
 31 ~~secretary of state and expires on the latest of the following:~~

32 (1) ~~The date that the director adopts another emergency rule under this~~
 33 ~~section to amend, repeal, or otherwise supersede the previously adopted~~
 34 ~~emergency rule.~~

35 (2) ~~The date that the director adopts a permanent rule under IC 4-22-2~~
 36 ~~to amend, repeal, or otherwise supersede the previously adopted~~
 37 ~~emergency rule.~~

38 (3) ~~July 1, 2001.~~

39 (c) ~~For the purposes of IC 9-30-7-4, IC 14-15-8-14 (before its repeal),~~
 40 ~~IC 35-46-9, and other statutes, the provisions of a rule adopted under this~~
 41 ~~section shall be treated as a requirement under section 5 of this chapter,~~
 42 ~~section 6 of this chapter, or both as appropriate.~~

43 SECTION 100. IC 10-14-4-11, AS AMENDED BY P.L.71-2013,
 44 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 45 1, 2024]: Sec. 11. (a) The director shall adopt rules under IC 4-22-2 to carry
 46 out this chapter.

47 (b) ~~The director may adopt emergency rules in the manner provided under~~
 48 ~~IC 4-22-2-37.1 to carry out the provisions of this chapter.~~

49 SECTION 101. IC 10-17-2-4, AS AMENDED BY P.L.42-2020, SECTION
 50 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

- 1 Sec. 4. (a) As used in this section, "photographic identification" means an
2 identification document that:
- 3 (1) shows the name of the individual to whom the document was issued;
 - 4 (2) shows a photograph of the individual to whom the document was
5 issued;
 - 6 (3) includes an expiration date indicating that the document has not
7 expired; and
 - 8 (4) was issued by the United States or a state or territory of the United
9 States.
- 10 (b) A discharge record is not a public record under IC 5-14-3. A county
11 recorder shall provide a certified copy of a discharge record at the request of
12 the following persons:
- 13 (1) The veteran who is the subject of the discharge record if the veteran
14 provides photographic identification.
 - 15 (2) A person who provides photographic identification that identifies the
16 person as a state, county, or city service officer.
 - 17 (3) A person who provides photographic identification that identifies the
18 person as an employee of the Indiana department of veterans' affairs.
 - 19 (4) A person who:
 - 20 (A) is a funeral director licensed under IC 25-15; and
 - 21 (B) assists with the burial of the veteran who is the subject of the
22 discharge record;if the person provides photographic identification and the person's
23 funeral director license.
24
 - 25 (5) If the veteran who is the subject of the discharge record is deceased,
26 the spouse or next of kin of the deceased, if the spouse or next of kin
27 provides photographic identification and a copy of the veteran's death
28 certificate.
 - 29 (6) The following persons, if the person provides photographic
30 identification:
 - 31 (A) The attorney in fact of the person who is the subject of the
32 discharge record, if the attorney in fact provides a copy of the power
33 of attorney.
 - 34 (B) The guardian of the person who is the subject of the discharge
35 record, if the guardian of the person provides a copy of the court
36 order appointing the guardian of the person.
 - 37 (C) The personal representative of the estate of the deceased, if the
38 person who is the subject of the discharge record is deceased and the
39 personal representative of the estate provides a copy of the court
40 order appointing the personal representative of the estate.
 - 41 (c) To the extent technologically feasible, a county recorder shall take
42 precautions to prevent the disclosure of a discharge record filed with the
43 county recorder before May 15, 2007. After May 14, 2007, a county recorder
44 shall ensure that a discharge record filed with the county recorder is
45 maintained in a separate, confidential, and secure file.
 - 46 (d) Disclosure of a discharge record by the county recorder under this
47 section is subject to IC 5-14-3-10.
 - 48 (e) A person who:
 - 49 (1) is described in subsection (b)(1) through (b)(6); and
 - 50 (2) uses or discloses:

1 (A) a discharge record; or
 2 (B) the information contained in a discharge record;
 3 for a purpose that is outside the scope of the person's authorized or official
 4 capacity commits a Class A infraction.

5 (f) The department shall develop a process concerning the release of
 6 discharge records by county recorders to eligible persons. The process
 7 described under this subsection shall be implemented not later than December
 8 30, 2020.

9 (g) The department may adopt rules under IC 4-22-2 ~~including emergency~~
 10 ~~rules under IC 4-22-2-37.1~~, to implement subsection (f).

11 SECTION 102. IC 10-19-11-4, AS AMENDED BY P.L.187-2021,
 12 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2024]: Sec. 4. (a) Byproduct material shall be licensed and regulated in
 14 Indiana by the Nuclear Regulatory Commission until the governor, on behalf
 15 of the state, enters into an agreement with the Nuclear Regulatory
 16 Commission for the state to assume regulation of the use of byproduct
 17 material under subsection (d).

18 (b) Source material shall be licensed and regulated in Indiana by the
 19 Nuclear Regulatory Commission until the governor, on behalf of the state,
 20 enters into an agreement with the Nuclear Regulatory Commission for the
 21 state to assume regulation of the use of source materials under subsection (d).

22 (c) Special nuclear material shall be licensed and regulated in Indiana by
 23 the Nuclear Regulatory Commission until the governor, on behalf of the state,
 24 enters into an agreement with the Nuclear Regulatory Commission to assume
 25 regulation of the use of special nuclear material under subsection (d).

26 (d) The governor, or the governor's appointee on behalf of the state, may
 27 enter into an agreement with the Nuclear Regulatory Commission to assume
 28 regulation, as authorized under the federal Atomic Energy Act of 1954, of the
 29 use of the following:

- 30 (1) Byproduct material.
- 31 (2) Source material.
- 32 (3) Special nuclear material.

33 (e) An agreement entered into under subsection (d) may provide for the
 34 federal government to relinquish certain of its responsibilities with respect to
 35 sources of ionizing radiation and for the state to assume those responsibilities.

36 (f) After the governor, on behalf of the state, enters into an agreement with
 37 the Nuclear Regulatory Commission under subsection (d), the department
 38 may adopt rules under IC 4-22-2 to implement the agreement. ~~including~~
 39 ~~emergency rules in the manner provided under IC 4-22-2-37.1~~.

40 SECTION 103. IC 10-19-12-14, AS ADDED BY P.L.28-2022, SECTION
 41 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 42 Sec. 14. (a) Rules shall be promulgated under this chapter in accordance with
 43 IC 4-22-2.

44 (b) Orders shall be issued under this chapter in accordance with IC 4-21.5.

45 (c) In any proceeding for licensing ores processed primarily for their
 46 source material content and disposal of byproduct material or for licensing
 47 disposal of low-level radioactive waste, the department shall provide:

- 48 (1) an opportunity, after public notice, for written comments and a
 49 public hearing, with a transcript;
- 50 (2) an opportunity for cross-examination; and

- 1 (3) a written determination of the action to be taken, which is based
 2 upon findings included in the determination and upon evidence
 3 presented during the public comment period.
- 4 (d) In any proceeding for licensing ores processed primarily for their
 5 source material content and disposal of byproduct material or for licensing
 6 disposal of low-level radioactive waste, the department shall prepare, for each
 7 licensed activity that has a significant impact on the human environment, a
 8 written analysis of the impact of such licensed activity on the environment.
 9 The analysis shall be available to the public before the commencement of
 10 hearings held pursuant to subsection (c) and shall include the following:
- 11 (1) An assessment of the radiological and nonradiological impacts to the
 12 public health.
- 13 (2) An assessment of any impact on any waterway and groundwater.
- 14 (3) Consideration of alternatives, including alternative sites and
 15 engineering methods, to the activities to be conducted.
- 16 (4) Consideration of the long-term impacts, including decommissioning,
 17 decontamination, and reclamation of facilities and sites associated with
 18 the licensed activities and management of any radioactive materials that
 19 will remain on the site after such decommissioning, decontamination,
 20 and reclamation.
- 21 (e) The department shall prohibit any major construction with respect to
 22 any activity for which an environmental impact analysis is required by
 23 subsection (d) prior to completion of such analysis.
- 24 (f) Whenever the department finds that an emergency exists requiring
 25 immediate action to protect the public health and safety, the department may
 26 adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** or issue emergency
 27 orders under IC 4-21.5-4 to address the emergency.
- 28 SECTION 104. IC 10-21-3-3, AS ADDED BY P.L.218-2023, SECTION
 29 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 30 Sec. 3. (a) A charter school, accredited nonpublic school, or school
 31 corporation shall apply for a grant from the department in the form and
 32 manner prescribed by the department.
- 33 (b) The department may adopt rules under IC 4-22-2 ~~including emergency~~
 34 ~~rules in the manner provided under IC 4-22-2-37.1;~~ to implement this section.
- 35 SECTION 105. IC 12-8-1.5-11, AS ADDED BY P.L.160-2012, SECTION
 36 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 37 Sec. 11. (a) If:
- 38 (1) the sums appropriated by the general assembly in the biennial budget
 39 to the family and social services administration for the Medicaid
 40 assistance, Medicaid administration, public assistance (TANF), and the
 41 IMPACT (JOBS) work program are insufficient to enable the office of
 42 the secretary to meet its obligations; and
- 43 (2) the failure to appropriate additional funds would:
- 44 (A) violate a provision of federal law; or
- 45 (B) jeopardize the state's share of federal financial participation
 46 applicable to the state appropriations contained in the biennial budget
 47 for Medicaid assistance, Medicaid administration, public assistance
 48 (TANF), or the IMPACT (JOBS) work program;
- 49 then there are appropriated further sums as may be necessary to remedy a
 50 situation described in this subsection, subject to the approval of the budget

1 director and the unanimous recommendation of the members of the budget
 2 committee. However, before approving a further appropriation under this
 3 subsection, the budget director shall explain to the budget committee the
 4 factors indicating that a condition described in subdivision (2) would be met.

5 (b) If:

6 (1) the sums appropriated by the general assembly in the biennial budget
 7 to the family and social services administration for Medicaid assistance,
 8 Medicaid administration, public assistance (TANF), and the IMPACT
 9 (JOBS) work program are insufficient to enable the family and social
 10 services administration to meet its obligations; and

11 (2) neither of the conditions in subsection (a)(2) would result from a
 12 failure to appropriate additional funds;

13 then there are appropriated further sums as may be necessary to remedy a
 14 situation described in this subsection, subject to the approval of the budget
 15 director and the unanimous recommendation of the members of the budget
 16 committee. However, before approving a further appropriation under this
 17 subsection, the budget director shall explain to the budget committee the
 18 factors indicating that a condition described in subdivision (2) would be met.

19 (c) Notwithstanding IC 12-14 and IC 12-15 (except for a clinical advisory
 20 panel established under IC 12-15), and except as provided in subsection (d),
 21 the office of the secretary may by rule adjust programs, eligibility standards,
 22 and benefit levels to limit expenditures from Medicaid assistance, Medicaid
 23 administration, public assistance (TANF), and the IMPACT (JOBS) work
 24 program. The office of the secretary may adopt ~~emergency~~ rules under
 25 ~~IC 4-22-2-37.1~~ **IC 4-22-2** to make an adjustment authorized by this
 26 subsection. However, adjustments under this subsection may not:

27 (1) violate a provision of federal law; or

28 (2) jeopardize the state's share of federal financial participation
 29 applicable to the state appropriations contained in the biennial budget
 30 for Medicaid assistance, Medicaid administration, public assistance
 31 (TANF), and the IMPACT (JOBS) work program.

32 (d) Subject to IC 12-15-21-3, any adjustments made under subsection (c)
 33 must:

34 (1) allow for a licensed provider under IC 12-15 to deliver services
 35 within the scope of the provider's license if the benefit is covered under
 36 IC 12-15; and

37 (2) provide access to services under IC 12-15 from a provider under
 38 IC 12-15-12.

39 SECTION 106. IC 12-8-6.5-11 IS REPEALED [EFFECTIVE JULY 1,
 40 2024]. ~~Sec. 11: The office shall adopt emergency rules under IC 4-22-2-37.1~~
 41 ~~to achieve the reductions needed to avoid expenditures exceeding the~~
 42 ~~Medicaid appropriation made by P.L.224-2003 in the line item appropriation~~
 43 ~~to the FAMILY AND SOCIAL SERVICES ADMINISTRATION;~~
 44 ~~MEDICAID - CURRENT OBLIGATIONS. To the extent that reductions are~~
 45 ~~made to optional Medicaid services as set forth in 42 U.S.C. 1396 et seq., the~~
 46 ~~reductions may be accomplished on a pro rata basis with each optional service~~
 47 ~~being reduced by a proportionate amount. However, the reductions may not~~
 48 ~~be made in a manner that results in the elimination of any optional Medicaid~~
 49 ~~service.~~

50 SECTION 107. IC 12-10-16-5 IS AMENDED TO READ AS FOLLOWS

- 1 [EFFECTIVE JULY 1, 2024]: Sec. 5. (a) The office may adopt rules under
 2 IC 4-22-2 to implement the program.
- 3 (b) ~~The office may adopt emergency rules under IC 4-22-2-37.1 to~~
 4 ~~implement the program on an emergency basis.~~
- 5 SECTION 108. IC 12-11-14-11, AS ADDED BY P.L.12-2016, SECTION
 6 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
- 7 Sec. 11. (a) The board may:
- 8 (1) employ a manager, who is not a member of the board; and
 9 (2) delegate necessary and appropriate functions and authority to the
 10 manager.
- 11 (b) The board has the powers necessary and appropriate to carry out and
 12 effectuate the purposes of this chapter, including the following:
- 13 (1) To develop and implement a qualified ABLE program for Indiana
 14 through:
- 15 (A) rules adopted under IC 4-22-2; ~~or emergency rules adopted in the~~
 16 ~~manner provided under IC 4-22-2-37.1; or~~
 17 (B) rules, guidelines, procedures, or policies established by the
 18 board.
- 19 (2) To conform the qualified ABLE program to meet the requirements
 20 of Section 529A of the Internal Revenue Code and all applicable federal
 21 laws and regulations.
- 22 (3) To retain professional services, including the following:
- 23 (A) Advisers and managers, including investment advisers.
 24 (B) Custodians and other fiduciaries.
 25 (C) Accountants and auditors.
 26 (D) Consultants or other experts.
 27 (E) Actuarial services providers.
 28 (F) Attorneys.
- 29 (4) To establish minimum ABLE account deposit amounts (both initial
 30 and periodic).
- 31 (5) To employ persons, if the board chooses, and as may be necessary,
 32 and to fix the terms of employment.
- 33 (6) To recommend legislation to the governor and the general assembly.
- 34 (7) To apply for designation as a tax exempt entity under the Internal
 35 Revenue Code.
- 36 (8) To sue and be sued.
- 37 (9) To provide or facilitate provision of benefits and incentives for the
 38 benefit of qualified beneficiaries.
- 39 (10) To conform the qualified ABLE program to federal tax advantages
 40 or incentives, to the extent consistent with the purposes and objectives
 41 of this chapter.
- 42 (11) To charge, impose, and collect administrative fees and service
 43 charges in connection with any agreement, contract, or transaction under
 44 a qualified ABLE program.
- 45 (12) To have perpetual succession.
- 46 (13) To establish policies and procedures to govern distributions from
 47 ABLE accounts that are not:
- 48 (A) made on account of the death or disability of an account
 49 beneficiary; or
 50 (B) rollovers.

- 1 (14) To establish penalties for withdrawals of money from ABLE
 2 accounts that are not used exclusively for a qualified disability expense
 3 of an account beneficiary unless a circumstance described in subdivision
 4 (13) applies.
- 5 (15) To establish policies and procedures regarding the transfer of
 6 individual ABLE accounts and the designation of substitute account
 7 beneficiaries.
- 8 (16) To establish policies and procedures for withdrawal of money from
 9 ABLE accounts for, or in reimbursement of, a qualified disability
 10 expense.
- 11 (17) To enter into agreements with ABLE account owners, account
 12 beneficiaries, and contributors, with the agreements naming:
 13 (A) the account owner; and
 14 (B) the account beneficiary.
- 15 (18) To establish ABLE accounts for account beneficiaries. However,
 16 the authority shall establish a separate ABLE account for each account
 17 beneficiary.
- 18 (19) To enter into agreements with financial institutions relating to
 19 ABLE accounts as well as deposits, withdrawals, penalties, allocation of
 20 benefits or incentives, and transfers of accounts, account owners, and
 21 account beneficiaries.
- 22 (20) To develop marketing plans and promotional material.
- 23 (21) To enter into agreements with other states to:
 24 (A) allow Indiana residents to participate in a plan operated by a
 25 contracting state with a qualified ABLE program; or
 26 (B) allow residents of contracting states to participate in the Indiana
 27 qualified ABLE program.
- 28 (22) To do all things necessary and appropriate to carry out the purposes
 29 of this chapter.
- 30 SECTION 109. IC 12-13-16-13, AS ADDED BY P.L.73-2020, SECTION
 31 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 32 Sec. 13. ~~(a)~~ The office of the secretary may adopt rules under IC 4-22-2
 33 necessary to implement this chapter.
- 34 ~~(b) The office of the secretary may adopt emergency rules under~~
 35 ~~IC 4-22-2-37.1 to implement this chapter on an emergency basis:~~
- 36 ~~(c) An emergency rule or an amendment to an emergency rule adopted~~
 37 ~~under this section expires not later than one (1) year after the rule is accepted~~
 38 ~~for filing under IC 4-22-2-37.1(c):~~
- 39 SECTION 110. IC 12-15-41-15, AS AMENDED BY P.L.197-2011,
 40 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2024]: Sec. 15. ~~(a)~~ The office shall adopt rules under IC 4-22-2 to
 42 implement this chapter.
- 43 ~~(b) The office may adopt emergency rules under IC 4-22-2-37.1 to~~
 44 ~~implement this chapter on an emergency basis:~~
- 45 SECTION 111. IC 12-15-44.5-6, AS AMENDED BY P.L.108-2019,
 46 SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 47 UPON PASSAGE]: Sec. 6. (a) For a state fiscal year beginning July 1, 2018,
 48 ~~or thereafter, and before July 1, 2024~~, the office, after review by the state
 49 budget committee, may determine that no incremental fees collected under
 50 IC 16-21-10-13.3 are required to be deposited into the phase out trust fund

- 1 established under section 7 of this chapter. **This subsection expires July 1,**
 2 **2024.**
- 3 (b) If the plan is to be terminated for any reason, the office shall:
 4 (1) if required, provide notice of termination of the plan to the United
 5 States Department of Health and Human Services and begin the process
 6 of phasing out the plan; or
 7 (2) if notice and a phase out plan is not required under federal law,
 8 notify the hospital assessment fee committee (IC 16-21-10) of the
 9 office's intent to terminate the plan and the plan shall be phased out
 10 under a procedure approved by the hospital assessment fee committee.
 11 The office may not submit any phase out plan to the United States Department
 12 of Health and Human Services or accept any phase out plan proposed by the
 13 Department of Health and Human Services without the prior approval of the
 14 hospital assessment fee committee.
- 15 (c) Before submitting:
 16 (1) an extension of; or
 17 (2) a material amendment to;
 18 the plan to the United States Department of Health and Human Services, the
 19 office shall inform the Indiana Hospital Association of the extension or
 20 material amendment to the plan.
- 21 SECTION 112. IC 12-15-44.5-7, AS ADDED BY P.L.213-2015,
 22 SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 7. (a) The phase out trust fund is established for the
 24 purpose of holding the money needed during a phase out period of the plan.
 25 Funds deposited under this section shall be used only:
 26 (1) to fund the state share of the expenses described in
 27 IC 16-21-10-13.3(b)(1)(A) through IC 16-21-10-13.3(b)(1)(F) incurred
 28 during a phase out period of the plan;
 29 (2) after funds from the healthy Indiana trust fund (IC 12-15-44.2-17)
 30 are exhausted; and
 31 (3) to refund hospitals in the manner described in subsection (h).
 32 The fund is separate from the state general fund.
- 33 (b) The fund shall be administered by the office.
 34 (c) The expenses of administering the fund shall be paid from money in the
 35 fund.
- 36 (d) The trust fund must consist of:
 37 (1) the funds described in section 6 of this chapter; and
 38 (2) any interest accrued under this section.
- 39 (e) The treasurer of state shall invest the money in the fund not currently
 40 needed to meet the obligations of the fund in the same manner as other public
 41 money may be invested. Interest that accrues from these investments shall be
 42 deposited in the fund.
- 43 (f) Money in the fund does not revert to the state general fund at the end
 44 of any fiscal year. **However, the budget agency shall transfer all money in**
 45 **the trust fund to the Medicaid contingency and reserve account**
 46 **established by IC 4-12-1-15.5 on or before June 30, 2024.**
- 47 (g) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money
 48 may not be transferred, assigned, or otherwise removed from the fund by the
 49 state board of finance, the budget agency, or any other state agency unless
 50 specifically authorized under this chapter.

1 (h) At the end of the phase out period, any remaining funds and accrued
 2 interest shall be distributed to the hospitals on a pro rata basis based on the
 3 fees authorized by IC 16-21-10 that were paid by each hospital for the state
 4 fiscal year that ended immediately before the beginning of the phase out
 5 period.

6 **(i) This section expires July 1, 2024.**

7 SECTION 113. IC 12-15-44.5-9, AS ADDED BY P.L.213-2015,
 8 SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2024]: Sec. 9. ~~(a)~~ The office may adopt rules under IC 4-22-2
 10 necessary to implement:

11 (1) this chapter; or

12 (2) a Section 1115 Medicaid demonstration waiver concerning the plan
 13 that is approved by the United States Department of Health and Human
 14 Services.

15 ~~(b) The office may adopt emergency rules under IC 4-22-2-37.1 to
 16 implement the plan on an emergency basis:~~

17 ~~(c) An emergency rule or an amendment to an emergency rule adopted
 18 under this section expires not later than the earlier of:~~

19 ~~(1) one (1) year after the rule is accepted for filing under
 20 IC 4-22-2-37.1(c); or~~

21 ~~(2) July 1, 2016.~~

22 SECTION 114. IC 12-17.6-2-11, AS AMENDED BY P.L.35-2016,
 23 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2024]: Sec. 11. (a) The secretary shall adopt rules under IC 4-22-2 to
 25 implement the program.

26 ~~(b) The secretary may adopt emergency rules under IC 4-22-2-37.1 to
 27 implement the program on an emergency basis:~~

28 ~~(c) (b) A rule adopted before April 15, 2016, by the office of children's
 29 health insurance program is transferred to the office of the secretary.~~

30 SECTION 115. IC 13-14-8-1, AS AMENDED BY P.L.140-2013,
 31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2024]: Sec. 1. (a) The board may:

33 (1) adopt;

34 (2) repeal;

35 (3) rescind; or

36 (4) amend;

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

39 ~~(b) If the board may adopt an emergency adopts a provisional rule under
 40 IC 4-22-2-37.1 or an interim rule under IC 4-22-2-37.2 to comply with a
 41 deadline required by or other date provided by federal law, if: the board
 42 shall:~~

43 ~~(1) include the variance procedures are included in the rule; and~~

44 ~~(2) review the permits or licenses granted during the period the
 45 emergency rule is in effect are reviewed after the emergency rule
 46 expires.~~

47 ~~An emergency rule adopted under this subsection may be extended for two (2)
 48 extension periods by adopting another rule under IC 4-22-2-37.1.
 49 IC 4-22-2-37.1(g)(3) does not apply to an emergency rule adopted under this
 50 subsection.~~

1 SECTION 116. IC 13-14-9-4, AS AMENDED BY P.L.249-2023,
2 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: Sec. 4. (a) In addition to the requirements of IC 4-22-2-23 and (if
4 applicable) IC 4-22-2-24, the notice of public comment **period** submitted by
5 the department to the publisher must do the following:

6 (1) Contain a summary of the response of the department to written
7 comments submitted under section 3 of this chapter, if applicable.

8 (2) Request the submission of comments, including suggestions of
9 specific amendments to the language contained in the proposed rule.

10 (3) Identify each element of the proposed rule that imposes a restriction
11 or requirement on persons to whom the proposed rule applies that:

12 (A) is more stringent than a restriction or requirement imposed under
13 federal law; or

14 (B) applies in a subject area in which federal law does not impose a
15 restriction or requirement.

16 (4) With respect to each element identified under subdivision (3),
17 identify:

18 (A) the environmental circumstance or hazard that dictates the
19 imposition of the proposed restriction or requirement to protect
20 human health and the environment;

21 (B) examples in which federal law is inadequate to provide the
22 protection referred to in clause (A); and

23 (C) the:

24 (i) estimated fiscal impact; and

25 (ii) expected benefits;

26 based on the extent to which the proposed rule is more stringent than
27 the restrictions or requirements of federal law, or on the creation of
28 restrictions or requirements in a subject area in which federal law
29 does not impose restrictions or requirements.

30 (5) For any element of the proposed rule that imposes a restriction or
31 requirement that is more stringent than a restriction or requirement
32 imposed under federal law or that applies in a subject area in which
33 federal law does not impose restrictions or requirements, describe the
34 availability for public inspection of all materials relied upon by the
35 department in the development of the proposed rule, including, if
36 applicable:

37 (A) health criteria;

38 (B) analytical methods;

39 (C) treatment technology;

40 (D) economic impact data;

41 (E) environmental assessment data;

42 (F) analyses of methods to effectively implement the proposed rule;

43 and

44 (G) other background data.

45 (b) If the notice provided by the department concerning a proposed rule
46 identifies an element of the proposed rule that imposes a restriction or
47 requirement more stringent than a restriction or requirement imposed under
48 federal law, the proposed rule shall not become effective under this chapter
49 until the adjournment sine die of the regular session of the general assembly
50 that begins after the department provides the notice.

1 (c) Subsection (b) does not prohibit or restrict the commissioner, the
2 department, or the board from:

- 3 (1) adopting provisional rules under IC 4-22-2-37.1;
- 4 (2) taking emergency action under IC 13-14-10; or
- 5 (3) temporarily:

- 6 (A) altering ordinary operating policies or procedures; or
- 7 (B) implementing new policies or procedures;

8 in response to an emergency situation.

9 SECTION 117. IC 13-15-4-3, AS AMENDED BY P.L.140-2013,
10 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2024]: Sec. 3. (a) A board may adopt a rule under IC 4-22-2 that changes
12 a period described under section 1 of this chapter within which the
13 commissioner must approve or deny an application:

14 (1) if:

- 15 (A) the general assembly enacts a statute;
 - 16 (B) a board adopts a rule; or
 - 17 (C) the federal government enacts a statute or adopts a regulation;
- 18 that imposes a new requirement concerning a class of applications that
19 makes it infeasible for the commissioner to approve or deny the
20 application within the period;

21 (2) if:

- 22 (A) the general assembly enacts a statute;
 - 23 (B) a board adopts a rule; or
 - 24 (C) the federal government enacts a statute or adopts a regulation;
- 25 that establishes a new permit program for which a period is not
26 described under section 1 of this chapter; or
- 27 (3) if some other significant factor concerning a class of applications
28 makes it infeasible for the commissioner to approve or deny the
29 application within the period.

30 (b) **If a board may adopt adopts a rule described in subsection (a) as an**
31 **emergency a provisional rule under IC 4-22-2-37.1 if: or as an interim rule**
32 **under IC 4-22-2-37.2, the board shall:**

- 33 (1) **include** the variance procedures **are included** in the rule; and
- 34 (2) **review the** permits or licenses granted during the period the
35 **emergency rule is in effect are reviewed** after the **emergency rule**
36 **expires.**

37 If a board adopts a **provisional rule or an emergency interim rule** under this
38 subsection, the period described in section 1 of this chapter is suspended
39 during the **emergency rulemaking process. An emergency rule adopted under**
40 **this subsection may be extended for two (2) extension periods by adopting**
41 **another emergency rule under IC 4-22-2-37.1. IC 4-22-2-37.1(g)(3) does not**
42 **apply to an emergency rule adopted under this subsection.**

43 SECTION 118. IC 13-22-2-3 IS AMENDED TO READ AS FOLLOWS
44 [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The board shall adopt rules under
45 IC 4-22-2 and IC 13-14-8 to develop criteria for determining hazardous waste.
46 In developing those criteria, the board shall determine whether any waste to
47 be or being disposed of meets any of the following conditions:

- 48 (1) Presents immediate or persistent hazards to humans or wildlife.
- 49 (2) Is resistant to natural degradation or detoxification.
- 50 (3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or

- 1 infectious in addition to any other harmful characteristics.
- 2 (b) The board shall do the following:
- 3 (1) Compile and maintain a listing of wastes that have been determined
- 4 to be hazardous:
- 5 (A) under the criteria described in subsection (a); or
- 6 (B) by regulation of the United States Environmental Protection
- 7 Agency.
- 8 (2) Issue the listing by adopting rules under IC 4-22-2. ~~However, the~~
- 9 ~~board may by resolution adopt an emergency rule under IC 4-22-2-37.1~~
- 10 ~~to declare any waste determined to be hazardous under this section.~~
- 11 (c) The board shall consider actions taken by adjoining states and the
- 12 federal government for purposes of uniform criteria relating to the listing and
- 13 delisting of waste under this section.
- 14 (d) The commissioner may exclude a waste produced at a particular
- 15 generating facility from the listing under subsection (b) if the person seeking
- 16 exclusion of the waste demonstrates to the satisfaction of the commissioner
- 17 that the waste does not meet any of the criteria under which the waste was
- 18 listed as a hazardous waste and:
- 19 (1) the person seeking exclusion has already obtained exclusion of the
- 20 waste from the listing maintained under 40 CFR 261 by the United
- 21 States Environmental Protection Agency; or
- 22 (2) if the department has received authority from the United States
- 23 Environmental Protection Agency to delist waste under 40 CFR 260.20
- 24 and 260.22, the person petitions the commissioner to consider the
- 25 removal of a waste from the listing, and the commissioner follows the
- 26 authorized procedure for delisting.
- 27 (e) The department shall establish a procedure by which a person may
- 28 petition the commissioner to consider the removal of a specific waste from the
- 29 lists maintained under subsection (b).
- 30 SECTION 119. IC 14-10-2-4, AS AMENDED BY P.L.164-2020,
- 31 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
- 32 1, 2024]: Sec. 4. (a) The commission shall adopt rules under IC 4-22-2 to
- 33 carry out the commission's duties under this title.
- 34 (b) The commission may adopt rules to exempt an activity from licensing
- 35 under this title, except:
- 36 (1) IC 14-34;
- 37 (2) IC 14-36-1; and
- 38 (3) IC 14-38-2;
- 39 if the activity poses not more than a minimal potential for harm.
- 40 (c) Except as provided in subsection (d), whenever the department or the
- 41 director has the authority to adopt rules under IC 4-22-2, the commission shall
- 42 exclusively exercise the authority.
- 43 (d) ~~Emergency~~ Rules adopted under section 5 of this chapter shall be
- 44 adopted by the director.
- 45 (e) A person who violates a rule adopted by the commission commits a
- 46 Class C infraction, unless otherwise specified under state law.
- 47 SECTION 120. IC 14-10-2-5, AS AMENDED BY P.L.249-2023,
- 48 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
- 49 1, 2024]: Sec. 5. (a) The department may adopt rules under IC 4-22-2 to carry
- 50 out the duties of the department under the following:

- 1 (1) IC 14-9.
 2 (2) This article.
 3 (3) IC 14-11.
 4 (4) IC 14-12-2.
 5 (5) IC 14-14.
 6 (6) IC 14-15.
 7 (7) IC 14-17-3.
 8 (8) IC 14-18, except IC 14-18-6 and IC 14-18-8.
 9 (9) IC 14-19-1 and IC 14-19-8.
 10 (10) IC 14-21.
 11 (11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
 12 (12) IC 14-23-1.
 13 (13) IC 14-24.
 14 (14) IC 14-25, except IC 14-25-8-3 and IC 14-25-13.
 15 (15) IC 14-26.
 16 (16) IC 14-27.
 17 (17) IC 14-28.
 18 (18) IC 14-29.
 19 (19) IC 14-35-1, IC 14-35-2, and IC 14-35-3.
 20 (20) IC 14-37.
 21 (21) IC 14-38, except IC 14-38-3.
 22 (22) IC 14-39.
- 23 (b) An emergency rule adopted under subsection (a) (as effective before
 24 July 1, 2023) expires not later than one (1) year after the rule is accepted for
 25 filing by the publisher of the Indiana Register.
- 26 (c) A person who violates:
- 27 (1) an emergency rule adopted by the department under IC 4-22-2-37.1
 28 before July 1, 2023; or
 29 (2) ~~an interim a~~ rule adopted by the department under ~~IC 4-22-2-37.2~~
 30 **IC 4-22-2** after June 30, 2023;
- 31 to carry out a provision described in subsection (a) commits a Class C
 32 infraction, unless otherwise specified under state law.
- 33 SECTION 121. IC 14-39-0.5-3, AS ADDED BY P.L.158-2023, SECTION
 34 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 35 Sec. 3. Notwithstanding IC 14-10-2-5(b), an **emergency interim** rule adopted
 36 by the department under IC 14-10-2-5(a)(22) concerning the department's
 37 discharge of the duties imposed upon the department under this article expires
 38 ~~upon the earlier of the following:~~
- 39 ~~(1) One (1) year after the rule is accepted for filing by the publisher of~~
 40 ~~the Indiana Register.~~
 41 ~~(2) Upon the adoption of a rule under this chapter concerning the~~
 42 ~~department's discharge of the duties imposed upon the department under~~
 43 ~~this article: according to IC 4-22-2.3-5.~~
- 44 SECTION 122. IC 15-15-13-14, AS AMENDED BY P.L.190-2019,
 45 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 46 1, 2024]: Sec. 14. ~~(a)~~ The state seed commissioner shall adopt rules under
 47 IC 4-22-2 to implement and administer this chapter.
- 48 ~~(b) The state seed commissioner may adopt emergency rules in the manner~~
 49 ~~provided under IC 4-22-2-37.1 to comply with any federal requirement under~~
 50 ~~the Agriculture Improvement Act of 2018 to implement and administer this~~

1 ~~chapter.~~

2 SECTION 123. IC 15-17-3-14, AS AMENDED BY P.L.41-2021,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2024]: Sec. 14. The board may delegate any of the board's duties to the
5 state veterinarian, except the following:

- 6 (1) The duty to supervise the state veterinarian.
- 7 (2) The duty to hold hearings under this article and IC 4-21.5.
- 8 (3) The duty to adopt rules under IC 4-22-2. However, the board may
9 delegate the duty to adopt ~~emergency provisional~~ rules under
10 IC 4-22-2-37.1 **or interim rules under IC 4-22-2-37.2.**

11 SECTION 124. IC 15-17-10-9, AS AMENDED BY P.L.41-2021,
12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2024]: Sec. 9. If the board determines that an emergency event has
14 occurred or a disease or pest of animals or animal products presents a hazard
15 to the citizens or animals of Indiana, the following action may be taken:

- 16 (1) The board may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~
17 **IC 4-22-2** that facilitate the prevention, detection, control, and
18 eradication of the disease or pest of animals, including the following to:
19 (A) Prohibit or impose conditions on importing animals and objects
20 into Indiana.
21 (B) Require testing of animals and objects.
22 (C) Require vaccination or other treatment of animals and objects.
23 (D) Prohibit or impose conditions on moving animals and objects
24 within Indiana.
25 (E) Govern the disposition of animals and objects.
26 (F) Impose other measures governing animals and objects to protect
27 the citizens and animals of Indiana from diseases and pests of
28 animals.
29 (2) The board may issue emergency orders under IC 4-21.5-4 governing
30 animals and objects in order to protect the citizens and animals of the
31 state from diseases and pests of animals.

32 SECTION 125. IC 15-17-10-10, AS AMENDED BY P.L.9-2022,
33 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2024]: Sec. 10. If the board determines that an emergency event or a
35 disease or pest of animals has resulted in or is likely to result in a large
36 number of dead animals, the board may facilitate the prompt disposal of the
37 dead animals by adopting ~~an emergency a~~ rule under ~~IC 4-22-2-37.1~~
38 **IC 4-22-2** that amends or suspends any of the following:

- 39 (1) IC 15-17-11.
- 40 (2) A rule adopted by the board that governs the disposal of dead
41 animals.

42 SECTION 126. IC 15-18-1-14, AS AMENDED BY P.L.186-2014,
43 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
44 1, 2024]: Sec. 14. (a) Raw milk for processing and milk and milk products
45 must conform to all the standards in the rules adopted by the board.

46 (b) The board shall adopt a rule ~~and may adopt emergency rules~~ under
47 ~~IC 4-22-2-37.1~~ **IC 4-22-2** to establish standards for Grade A milk and milk
48 products. The standards adopted under this section must be:

- 49 (1) the same as; or
- 50 (2) at least as effective in protecting health as;

1 the national standards for Grade A milk adopted by the National Conference
 2 on Interstate Milk Shipments in accordance with the national conference's
 3 Memorandum of Understanding with the United States Department of Health
 4 and Human Services, Food and Drug Administration.

5 (c) The board shall determine when an amendment to national standards
 6 described in subsection (b) has been adopted. If the board determines that an
 7 amendment to the national standards has been adopted, the board shall adopt
 8 rules ~~and may adopt emergency rules~~ under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to
 9 amend the rules adopted by the board under subsection (b) to provide a
 10 standard that is:

11 (1) the same as; or

12 (2) at least as effective in protecting health as;

13 the amendment to the national standards for Grade A milk.

14 (d) The board may adopt standards for the production of manufacturing
 15 grade milk products.

16 (e) The board may do the following:

17 (1) Adopt rules **under IC 4-22-2** defining grades of raw milk and milk
 18 products and various tests to be made at different intervals in the receipt
 19 of raw milk and milk products for the manufacturing or processing of
 20 milk and milk products.

21 (2) Adopt sanitary rules **under IC 4-22-2** concerning the sampling,
 22 production, manufacturing, processing, handling, packing, storing,
 23 distributing, and transporting of milk and milk products for the
 24 enforcement of this chapter.

25 (3) Provide that raw milk and milk products that do not meet the
 26 minimum standards provided and that are unfit for human consumption
 27 be destroyed or removed from distribution channels for human food in
 28 a manner provided by rule.

29 (4) Require training for bulk milk hauler/samplers.

30 SECTION 127. IC 16-19-3-4, AS AMENDED BY P.L.143-2022,
 31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2024]: Sec. 4. (a) The executive board may, by an affirmative vote of a
 33 majority of its members, adopt reasonable rules **under IC 4-22-2** on behalf
 34 of the state department to protect or to improve the public health in Indiana.

35 (b) The rules may concern but are not limited to the following:

36 (1) Nuisances dangerous to public health.

37 (2) The pollution of any water supply other than where jurisdiction is in
 38 the environmental rules board and department of environmental
 39 management.

40 (3) The disposition of excremental and sewage matter.

41 (4) The control of fly and mosquito breeding places.

42 (5) The detection, reporting, prevention, and control of diseases that
 43 affect public health.

44 (6) The care of maternity and infant cases and the conduct of maternity
 45 homes.

46 (7) The production, distribution, and sale of human food.

47 (8) Except as provided in section 4.4 of this chapter, the conduct of
 48 camps.

49 (9) Standards of cleanliness of eating facilities for the public.

50 (10) Standards of cleanliness of sanitary facilities offered for public use.

- 1 (11) The handling, disposal, disinterment, and reburial of dead human
2 bodies.
- 3 (12) Vital statistics.
- 4 (13) Sanitary conditions and facilities in public buildings and grounds,
5 including plumbing, drainage, sewage disposal, water supply, lighting,
6 heating, and ventilation, other than where jurisdiction is vested by law
7 in the fire prevention and building safety commission or other state
8 agency.
- 9 (14) The design, construction, and operation of swimming and wading
10 pools. However, the rules governing swimming and wading pools do not
11 apply to a pool maintained by an individual for the sole use of the
12 individual's household and house guests.
- 13 (c) The executive board shall adopt reasonable rules to regulate the
14 following:
- 15 (1) The sanitary operation of tattoo parlors.
- 16 (2) The sanitary operation of body piercing facilities.
- 17 (d) The executive board may adopt rules on behalf of the state department
18 for the efficient enforcement of this title, except as otherwise provided.
19 However, fees for inspections relating to weight and measures may not be
20 established by the rules.
- 21 (e) The executive board may declare that a rule described in subsection (d)
22 is necessary to meet an emergency and adopt the rule under ~~IC 4-22-2-37.1.~~
23 **IC 4-22-2.**
- 24 (f) The rules of the state department may not be inconsistent with this title
25 and or any other state law.
- 26 SECTION 128. IC 16-21-10-13.3, AS AMENDED BY P.L.201-2023,
27 SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2024]: Sec. 13.3. (a) This section is effective beginning February 1,
29 2015. As used in this section, "plan" refers to the healthy Indiana plan
30 established in IC 12-15-44.5.
- 31 (b) Subject to subsections (c) through (e), the incremental fee under this
32 section may be used to fund the state share of the expenses specified in this
33 subsection if, after January 31, 2015, but before the collection of the fee under
34 this section, the following occur:
- 35 (1) The committee establishes a fee formula to be used to fund the state
36 share of the following expenses described in this subdivision:
- 37 (A) The state share of the capitated payments made to a managed
38 care organization that contracts with the office to provide health
39 coverage under the plan to plan enrollees other than plan enrollees
40 who are eligible for the plan under Section 1931 of the federal Social
41 Security Act.
- 42 (B) The state share of capitated payments described in clause (A) for
43 plan enrollees who are eligible for the plan under Section 1931 of the
44 federal Social Security Act that are limited to the difference between:
- 45 (i) the capitation rates effective September 1, 2014, developed
46 using Medicaid reimbursement rates; and
47 (ii) the capitation rates applicable for the plan developed using the
48 plan's Medicare reimbursement rates described in
49 IC 12-15-44.5-5(a)(2).
- 50 (C) The state share of the state's contributions to plan enrollee

- 1 accounts.
- 2 (D) The state share of amounts used to pay premiums for a premium
- 3 assistance plan implemented under IC 12-15-44.2-20.
- 4 (E) The state share of the costs of increasing reimbursement rates for
- 5 physician services provided to individuals enrolled in Medicaid
- 6 programs other than the plan, but not to exceed the difference
- 7 between the Medicaid fee schedule for a physician service that was
- 8 in effect before the implementation of the plan and the amount equal
- 9 to seventy-five percent (75%) of the previous year federal Medicare
- 10 reimbursement rate for a physician service. The incremental fee may
- 11 not be used for the amount that exceeds seventy-five percent (75%)
- 12 of the federal Medicare reimbursement rate for a physician service.
- 13 (F) The state share of the state's administrative costs that, for
- 14 purposes of this clause, may not exceed one hundred seventy dollars
- 15 (\$170) per person per plan enrollee per year, and adjusted annually
- 16 by the Consumer Price Index.
- 17 ~~(G) The money described in IC 12-15-44.5-6(a) for the phase out~~
- 18 ~~period of the plan.~~
- 19 (2) The committee approves a process to be used for reconciling:
- 20 (A) the state share of the costs of the plan;
- 21 (B) the amounts used to fund the state share of the costs of the plan;
- 22 and
- 23 (C) the amount of fees assessed for funding the state share of the
- 24 costs of the plan.
- 25 For purposes of this subdivision, "costs of the plan" includes the costs
- 26 of the expenses listed in subdivision (1)(A) through ~~(1)(G)~~: **(1)(F)**.
- 27 The fees collected under subdivision (1)(A) through (1)(F) shall be deposited
- 28 into the incremental hospital fee fund established by section 13.5 of this
- 29 chapter. ~~Fees described in subdivision (1)(G) shall be deposited into the phase~~
- 30 ~~out trust fund described in IC 12-15-44.5-7.~~ The fees used for purposes of
- 31 funding the state share of expenses listed in subdivision (1)(A) through (1)(F)
- 32 may not be used to fund expenses incurred on or after the commencement of
- 33 a phase out period of the plan.
- 34 (c) For each state fiscal year for which the fee authorized by this section
- 35 is used to fund the state share of the expenses described in subsection (b)(1),
- 36 the amount of fees shall be reduced by:
- 37 (1) the amount of funds annually designated by the general assembly to
- 38 be deposited in the healthy Indiana plan trust fund established by
- 39 IC 12-15-44.2-17; less
- 40 (2) the annual cigarette tax funds annually appropriated by the general
- 41 assembly for childhood immunization programs under
- 42 IC 12-15-44.2-17(a)(3).
- 43 (d) The incremental fee described in this section may not:
- 44 (1) be assessed before July 1, 2016; and
- 45 (2) be assessed or collected on or after the beginning of a phase out
- 46 period of the plan.
- 47 (e) This section is not intended to and may not be construed to change or
- 48 affect any component of the programs established under section 8 of this
- 49 chapter.
- 50 SECTION 129. IC 16-21-10-16, AS ADDED BY P.L.205-2013, SECTION

1 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 2 Sec. 16. Subject to section 8(b) of this chapter, the office may adopt rules
 3 including emergency rules adopted in the manner provided under
 4 ~~IC 4-22-2-37.1~~, under IC 4-22-2 necessary to implement this chapter. Rules
 5 adopted under this section may be retroactive to the effective date of the
 6 Medicaid state plan amendments or waivers approved under this chapter.

7 SECTION 130. IC 16-29-7-13, AS ADDED BY P.L.202-2018, SECTION
 8 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

9 Sec. 13. (a) The state department shall establish a review period for certificate
 10 of need applications beginning July 1, 2019, and every July 1 thereafter, and
 11 lasting until the following June 30.

12 (b) The state department shall accept certificate of need applications until
 13 July 31 of the review period.

14 (c) The state department shall publish any certificate of need applications
 15 accepted for review on the state department's ~~internet web site~~ website before
 16 August 15 of the review period.

17 (d) The state department shall accept public comments on the certificate
 18 of need applications accepted for review through October 15 of the review
 19 period.

20 (e) The commissioner or the commissioner's designee shall issue any
 21 decision on an accepted certificate of need application not later than April 30
 22 of the review period.

23 (f) The state department shall adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~
 24 IC 4-22-2 to implement a system for the submission of public comments
 25 under subsection (d).

26 SECTION 131. IC 16-29-7-14, AS ADDED BY P.L.202-2018, SECTION
 27 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

28 Sec. 14. (a) The commissioner or the commissioner's designee shall perform
 29 a comparative review on a certificate of need application if:

- 30 (1) at least two (2) applications are submitted during the same review
- 31 period;
- 32 (2) the applications propose to transfer comprehensive care beds into the
- 33 same county; and
- 34 (3) the number of comprehensive care beds for which a certificate of
- 35 need is requested totals more than the county comprehensive care bed
- 36 need in the county where the comprehensive care beds are to be
- 37 transferred.

38 (b) In determining which applicant will receive preference in the
 39 comparative review process, the commissioner or the commissioner's
 40 designee shall:

- 41 (1) review the applications to ensure compliance with section 12(c) of
- 42 this chapter; and
- 43 (2) give weighted priority to the criteria set forth in section 12(d) of this
- 44 chapter.

45 The commissioner or the commissioner's designee shall give preference in
 46 approving the application to a certificate of need application that complies
 47 with section 12 of this chapter and receives the most points under the point
 48 system established under subsection (d). If at least two (2) certificate of need
 49 applications requesting the same activity comply with section 12 of this
 50 chapter and are awarded the same number of points under subsection (d), the

1 commissioner or the commissioner's designee shall give preference to the
 2 application that demonstrates the greatest need for the activity being
 3 requested.

4 (c) The commissioner or the commissioner's designee shall approve a
 5 certificate of need application requesting the:

6 (1) transfer of comprehensive care beds; or

7 (2) construction of a comprehensive care health facility consisting of
 8 transferred beds;

9 subject to comparative review under this section only after finding that the
 10 request in the application is necessary as set forth in this chapter.

11 (d) ~~The state department shall adopt emergency rules under IC 4-22-2-37.1~~
 12 **IC 4-22-2** to establish and implement a certificate of need application point
 13 system in accordance with this section.

14 SECTION 132. IC 16-31-3-24, AS ADDED BY P.L.77-2012, SECTION
 15 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 16 Sec. 24. The commission may implement a certification program for
 17 emergency services personnel regulated by the commission through
 18 ~~emergency rules adopted under IC 4-22-2-37.1.~~ **IC 4-22-2.** ~~An emergency~~
 19 ~~rule adopted under this section expires on the later of the following:~~

20 ~~(1) July 1, 2014.~~

21 ~~(2) The date permanent rules are adopted to replace the emergency rules.~~

22 SECTION 133. IC 16-41-2-1, AS AMENDED BY P.L.112-2020,
 23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2024]: Sec. 1. (a) The state department may adopt rules under IC 4-22-2
 25 ~~including emergency rules under IC 4-22-2-37.1,~~ that establish reporting,
 26 monitoring, and preventive procedures for communicable diseases.

27 (b) The state department shall publish a list of:

28 (1) reportable communicable diseases;

29 (2) other diseases or conditions that pose a serious health risk based
 30 upon the characteristics of the disease or condition; and

31 (3) the control measures for the diseases and conditions;

32 on the state department's ~~Internet web site.~~ **website.** The state department is
 33 not required to adopt rules under subsection (a) for the list described in this
 34 subsection.

35 (c) In updating the list described in subsection (b), the state department:

36 (1) shall consider recommendations from:

37 (A) the United States Centers for Disease Control and Prevention;

38 and

39 (B) the Council of State and Territorial Epidemiologists; and

40 (2) may consult with local health departments.

41 SECTION 134. IC 16-41-21.2-4, AS AMENDED BY THE TECHNICAL
 42 CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
 43 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.
 44 4. (a) Except as provided in subsection (c), the owner or operator having
 45 authority over a child care facility or preschool shall test the drinking water
 46 in the child care facility or preschool before January 1, 2026, to determine
 47 whether lead is present in the drinking water in a concentration that equals or
 48 exceeds the action level for lead.

49 (b) Drinking water testing required by this section must be performed in
 50 accordance with the lead sampling program for school buildings and child

1 care facilities conducted by the Indiana finance authority.

2 (c) If the drinking water in a child care facility or preschool has been tested
3 through a lead sampling program conducted by the Indiana finance authority,
4 the owner or operator having authority over the child care facility or preschool
5 is not required to test the drinking water in the child care facility or preschool
6 before January 1, 2026, under subsection (a).

7 (d) If the testing of the drinking water in a child care facility or preschool
8 under this section indicates that the presence of lead in the drinking water
9 equals or exceeds the action level for lead, the owner or operator having
10 authority over the child care facility or preschool shall take action to reduce
11 the concentration of lead in the drinking water to a level below the action
12 level for lead by:

13 (1) eliminating the source of the lead in the drinking water; or

14 (2) installing a water filtration system that will reduce the level of lead
15 in the drinking water to a level below the action level for lead.

16 (e) A water filtration system installed under subsection (d)(2) must meet
17 the following conditions, as applicable:

18 (1) If the system is a point-of-use water filtration system, it must be
19 certified by a certifying body accredited by a signatory to the
20 International Accreditation Forum Multilateral Recognition
21 Arrangement (~~IAFMA~~), (**IAFMRA**), such as the American National
22 Accreditation Board (ANAB), for drinking water treatment units for lead
23 reduction.

24 (2) If the system is a water treatment system on a drinking water outlet,
25 it must be third party certified:

26 (A) under NSF/ANSI 53 for lead reduction;

27 (B) under NSF/ANSI 42 for particulate reduction (Class 1); or

28 (C) under NSF/ANSI 58 for lead reduction.

29 (f) If the owner or operator of a child care facility or preschool installs a
30 water filtration system under subsection (d)(2), the owner or operator shall:

31 (1) follow the manufacturer's instructions for the installation, use, and
32 maintenance of the water filtration system; and

33 (2) create and follow a maintenance schedule that identifies the person
34 responsible for the installation and maintenance of the water filtration
35 system.

36 (g) The environmental rules board shall, under IC 4-22-2 and IC 13-14-9,
37 adopt rules ~~including emergency rules adopted in the manner provided by~~
38 ~~IC 4-22-2-37.1~~, concerning the ~~lead~~ **action level for lead**. Rules adopted by
39 the environmental rules board shall conform with the forthcoming Lead and
40 Copper Rule Improvements (LCRI) being promulgated by the United States
41 Environmental Protection Agency. ~~Notwithstanding IC 4-22-2-37.1(g), the~~
42 ~~emergency rules that are adopted under this subsection and in the manner~~
43 ~~provided by IC 4-22-2-37.1 expire on the date on which rules that supersede~~
44 ~~the emergency rules are adopted by the board under this subsection and~~
45 ~~IC 4-22-2-24 through IC 4-22-2-36.~~

46 SECTION 135. IC 16-41-43-2.5, AS ADDED BY P.L.114-2020,
47 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
48 1, 2024]: Sec. 2.5. (a) The state department shall approve courses concerning
49 allergies and the administration of auto-injectable epinephrine that are offered
50 by an approved organization (as defined in IC 25-1-4-0.2).

- 1 (b) The state department shall do the following:
- 2 (1) Maintain, on its ~~Internet web site;~~ **website**, a list of all approved
- 3 courses.
- 4 (2) Prescribe the certification process for the course described in
- 5 subsection (a).
- 6 (3) Revoke the certification of an organization that fails to comply with
- 7 any certification prerequisite specified by the state department.
- 8 (c) A person who successfully completes a certified course shall receive
- 9 a certificate of completion. The state department may contract with a third
- 10 party for the purpose of creating or manufacturing the certificate of
- 11 completion, which must meet the requirements set forth in subsection (d).
- 12 (d) A certificate of completion issued under subsection (c) must:
- 13 (1) have dimensions that permit the certificate of completion to be
- 14 carried in a wallet; and
- 15 (2) display the following information:
- 16 (A) The first and last name of the person.
- 17 (B) The first and last name of the course instructor.
- 18 (C) The name of the entity responsible for providing the course, if
- 19 applicable.
- 20 (D) The date the course described in subsection (a) was completed.
- 21 (E) Any other information required by the state department.
- 22 (e) The state department may adopt rules under IC 4-22-2 ~~including~~
- 23 ~~emergency rules under IC 4-22-2-37.1;~~ to implement this section.
- 24 SECTION 136. IC 16-42-5-0.3, AS AMENDED BY P.L.56-2023,
- 25 SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2024]: Sec. 0.3. (a) The state department may adopt rules
- 27 ~~establishing under IC 4-22-2 to establish~~ the initial schedule of civil
- 28 penalties required under section 28 of this chapter, as added by P.L.266-2001,
- 29 at any time after May 11, 2001. ~~in the manner provided for the adoption of~~
- 30 ~~emergency rules under IC 4-22-2-37.1. An emergency rule adopted under this~~
- 31 ~~section expires on the later of:~~
- 32 ~~(1) the date permanent rules are adopted to replace the emergency rules;~~
- 33 ~~or~~
- 34 ~~(2) July 1, 2003.~~
- 35 (b) A corporation or local health department that, before January 1, 2001,
- 36 adopted monetary penalties for the violation of any state or local law or rule
- 37 concerning food handling or food establishments may continue to enforce
- 38 those locally prescribed monetary penalties (including the issuance of tickets
- 39 or citations authorized by local law) and deposit the amounts collected as
- 40 prescribed by local law until the later of:
- 41 (1) the date permanent rules are adopted establishing the schedule of
- 42 civil penalties required under section 28 of this chapter, as added by
- 43 P.L.266-2001; or
- 44 (2) July 1, 2003.
- 45 SECTION 137. IC 16-42-11-5.5, AS ADDED BY P.L.41-2021, SECTION
- 46 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
- 47 Sec. 5.5. The state egg board may adopt ~~emergency~~ rules under
- 48 ~~IC 4-22-2-37.1~~ **IC 4-22-2** when there is a declared emergency or sudden
- 49 disruption that affects the commerce of eggs.
- 50 SECTION 138. IC 20-19-2-14.5, AS AMENDED BY P.L.239-2015,

- 1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2024]: Sec. 14.5. (a) As used in this section:
- 3 (1) "college and career readiness educational standards" means Indiana
4 standards that a high school graduate must meet to obtain the requisite
5 knowledge and skill to transition without remediation to postsecondary
6 education or training, and ultimately into a sustainable career; and
7 (2) "cut scores" means the scores that define a student's performance on
8 an assessment, including passing, failing, or falling into a performance
9 category.
- 10 (b) The state board shall adopt Indiana college and career readiness
11 educational standards. The educational standards must do the following:
- 12 (1) Meet national and international benchmarks for college and career
13 readiness standards and be aligned with postsecondary educational
14 expectations.
15 (2) Use the highest standards in the United States.
16 (3) Comply with federal standards to receive a flexibility waiver under
17 20 U.S.C. 7861, as in effect on January 1, 2014.
18 (4) Prepare Indiana students for college and career success, including
19 the proper preparation for nationally recognized college entrance
20 examinations such as the ACT and SAT.
21 (5) Maintain Indiana sovereignty.
22 (6) Provide strict safeguards to protect the confidentiality of student
23 data.
- 24 (c) The state, or the state board on behalf of the state, may not enter into
25 or renew an agreement with any organization, entity, group, or consortium
26 that requires the state to cede any measure of autonomy or control of
27 education standards and assessments, including cut scores. The state board
28 may not adopt Common Core (Common Core State Standards Initiative) or
29 an assessment or test, except as provided in this subsection, that is produced
30 solely by the United States government or a consortium of states. However,
31 the state board is not prohibited from incorporating as part of Indiana's
32 statewide assessments any assessment, part of an assessment, or series of
33 questions if the assessment, part of an assessment, or series of questions is
34 aligned to Indiana's academic standards.
- 35 (d) The state board may adopt ~~emergency rules in the manner provided in~~
36 ~~IC 4-22-2-37.1~~ **under IC 4-22-2** to implement this section. ~~As provided in~~
37 ~~IC 4-22-2-37.1~~ ~~for an emergency rule adopted under this section to be~~
38 ~~effective after one (1) extension period; the rule must be adopted in~~
39 ~~conformity with the procedures under IC 4-22-2-24 through IC 4-22-2-36.~~
- 40 SECTION 139. IC 20-20-40-16, AS AMENDED BY P.L.227-2017,
41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2024]: Sec. 16. ~~(a)~~ The commission
43 ~~(1)~~ shall adopt rules under IC 4-22-2 ~~and~~
44 ~~(2)~~ may adopt emergency rules in the manner provided under
45 ~~IC 4-22-2-37.1;~~
46 to carry out the purposes of this chapter.
- 47 ~~(b)~~ An emergency rule adopted under subsection ~~(a)~~(2) expires on the
48 earlier of:
49 ~~(1)~~ November 15, 2018; or
50 ~~(2)~~ the effective date of a rule adopted under IC 4-22-2-22.5 through

- 1 ~~IC 4-22-2-36 that supersedes the emergency rule.~~
- 2 SECTION 140. IC 20-26-11-11.5, AS AMENDED BY P.L.108-2019,
- 3 SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2024]: Sec. 11.5. (a) The following definitions apply to this section:
- 5 (1) "ADM" means average daily membership (as defined in
- 6 IC 20-18-2-2).
- 7 (2) "Facility" means a secure private facility described in
- 8 IC 31-9-2-115(a)(1).
- 9 (3) "School corporation" means the Indiana school or charter school that
- 10 is receiving state tuition support for the student at the time of the
- 11 student's admission to the facility.
- 12 (4) "Student" means an individual who:
- 13 (A) is more than five (5) years of age and less than twenty-three (23)
- 14 years of age;
- 15 (B) has been admitted to a facility; and
- 16 (C) was enrolled in a school corporation during the school year
- 17 immediately preceding the student's admission to the facility.
- 18 (b) This section applies to a student if:
- 19 (1) the student is placed in a facility under the written order of a
- 20 physician licensed under IC 25-22.5;
- 21 (2) the written order of the physician licensed under IC 25-22.5 is based
- 22 on medical necessity, as determined by a physician licensed under
- 23 IC 25-22.5; and
- 24 (3) the student receives educational services provided by the facility.
- 25 (c) A facility shall provide written notice to the school corporation not later
- 26 than five (5) business days (excluding weekends and holidays) after a student
- 27 described in subsection (b) is admitted to the facility. The written notice must
- 28 include the following:
- 29 (1) The student's name, address, and date of birth.
- 30 (2) The date on which the student was admitted to the facility.
- 31 (3) A copy of the physician's written order.
- 32 (4) A statement that the student has opted out of attending school under
- 33 ~~IC 20-26-11-8: section 8 of this chapter.~~
- 34 (5) A statement that the facility will provide all educational services to
- 35 the student during the student's admission in the facility.
- 36 (d) The school corporation shall pay the facility a daily per diem as
- 37 determined under subsection (e) for the educational services provided by the
- 38 facility to the student during the student's admission in the facility. The school
- 39 corporation may not be required to pay for any educational services provided
- 40 to the student by the facility exceeding one hundred eighty (180) instructional
- 41 days or an amount exceeding the student's proportionate share of state
- 42 distributions paid to the school corporation, as determined under subsection
- 43 (e).
- 44 (e) A school corporation shall pay to the facility an amount, prorated
- 45 according to the number of instructional days for which the student receives
- 46 the educational services, equal to:
- 47 (1) the student's proportionate share (as compared to the school
- 48 corporation's total ADM) of basic tuition support (as determined under
- 49 IC 20-43-6-3) distributions that are made to the school corporation for
- 50 the school year; and

1 (2) any special education grants received by the school corporation for
2 the student under IC 20-43-7.

3 Upon request of a facility, the department shall verify the amounts described
4 in this subsection for a student admitted to the facility.

5 (f) A school corporation responsible for making a per diem payment under
6 this section shall pay the facility not later than sixty (60) days after receiving
7 an invoice from the facility. The school corporation and the facility are
8 entitled to the same remedies for disagreements over amounts or nonpayment
9 of an amount due as are provided under the laws governing transfer tuition.

10 (g) For each student admitted to a facility, the facility shall provide the
11 following in accordance with rules adopted by the state board:

12 (1) An educational opportunity, including special education and related
13 services, that is comparable to that of a student attending a school in the
14 school corporation.

15 (2) A level of educational services from the facility that is comparable
16 to that of a student attending a school in the school corporation.

17 (3) Unless otherwise provided in a student's individualized education
18 program (as defined in IC 20-18-2-9), educational services that include
19 at least the following:

20 (A) An instructional day that meets the requirements of IC 20-30-2-2.

21 (B) A school year with at least one hundred eighty (180) student
22 instructional days as provided under IC 20-30-2-3.

23 (C) Educationally appropriate textbooks and other materials.

24 (D) Educational services provided by licensed teachers.

25 (h) The state board shall adopt a rule **under IC 4-22-2** that addresses the
26 responsibilities of the school corporation and the facility with regard to a
27 student with an individualized education program.

28 (i) This section does not limit a student's right to attend a school as
29 provided in ~~IC 20-26-11-8~~: **section 8 of this chapter**.

30 (j) The state board shall adopt rules under IC 4-22-2 as necessary to
31 implement this section.

32 ~~(k) The state board may adopt emergency rules in the manner provided in~~
33 ~~IC 4-22-2-37.1 to implement this section.~~

34 SECTION 141. IC 20-26-12-1, AS AMENDED BY P.L.201-2023,
35 SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b) but
37 notwithstanding any other law, each governing body of a school corporation
38 and each organizer of a charter school shall purchase from a publisher, either
39 individually or through a purchasing cooperative of school corporations, as
40 applicable, the curricular materials selected by the proper local officials, and
41 shall provide at no cost the curricular materials to each student enrolled in the
42 school corporation or charter school. Curricular materials provided to a
43 student under this section remain the property of the governing body of the
44 school corporation or organizer of the charter school.

45 (b) This section does not prohibit a governing body of a school corporation
46 or an organizer of a charter school from assessing and collecting a reasonable
47 fee for lost or significantly damaged curricular materials in accordance with
48 rules established by the state board under subsection (c). Fees collected under
49 this subsection must be deposited in the separate curricular materials account
50 established under IC 20-40-22-9 for the school in which the student was

1 enrolled at the time the fee was imposed.

2 (c) The state board shall adopt rules under IC 4-22-2 ~~including emergency~~
3 ~~rules in the manner provided in IC 4-22-2-37.1;~~ to implement this section.

4 SECTION 142. IC 20-28-2-6, AS AMENDED BY P.L.20-2017, SECTION
5 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
6 Sec. 6. (a) Subject to subsection (c) and in addition to the powers and duties
7 set forth in this article, the state board may adopt rules under IC 4-22-2 to do
8 the following:

9 (1) Set standards for teacher licensing and for the administration of a
10 professional licensing and certification process by the department.

11 (2) Approve or disapprove teacher preparation programs.

12 (3) Set fees to be charged in connection with teacher licensing.

13 (4) Suspend, revoke, or reinstate teacher licenses.

14 (5) Enter into agreements with other states to acquire reciprocal
15 approval of teacher preparation programs.

16 (6) Set standards for teacher licensing concerning new subjects of study.

17 (7) Evaluate work experience and military service concerning
18 postsecondary education and experience equivalency.

19 (8) Perform any other action that:

20 (A) relates to the improvement of instruction in the public schools
21 through teacher education and professional development through
22 continuing education; and

23 (B) attracts qualified candidates for teacher education from among
24 the high school graduates of Indiana.

25 (9) Set standards for endorsement of school psychologists as
26 independent practice school psychologists under IC 20-28-12.

27 (10) Before July 1, 2011, set standards for sign language interpreters
28 who provide services to children with disabilities in an educational
29 setting and an enforcement mechanism for the interpreter standards.

30 (b) Notwithstanding subsection (a)(1), an individual is entitled to one (1)
31 year of occupational experience for purposes of obtaining an occupational
32 specialist certificate under this article for each year the individual holds a
33 license under IC 25-8-6.

34 (c) The state board shall adopt rules under IC 4-22-2 ~~including emergency~~
35 ~~rules under IC 4-22-2-37.1;~~ to establish procedures to expedite the issuance,
36 renewal, or reinstatement under this article of a license or certificate of a
37 person whose spouse serves on active duty (as defined in IC 25-1-12-2) and
38 is assigned to a duty station in Indiana.

39 SECTION 143. IC 20-29-6-6.1, AS AMENDED BY P.L.228-2017,
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
41 1, 2024]: Sec. 6.1. (a) After ratification of a contract under section 6 of this
42 chapter, a school employer shall submit the ratified collective bargaining
43 agreement, including the compensation model developed under
44 IC 20-28-9-1.5, to the board.

45 (b) The board shall appoint a staff member or an ad hoc panel member to
46 review each submitted collective bargaining agreement and to make a written
47 recommendation concerning the collective bargaining agreement's
48 compliance with this chapter, including a penalty for any noncompliance. The
49 review must be completed before May 31 of the year in which the current
50 collective bargaining agreement expires.

1 (c) Not later than fifteen (15) days after a recommendation has been made
 2 under subsection (b), one (1) or both parties to a collective bargaining
 3 agreement may appeal to the board, in writing, the decision made in the
 4 recommendation. If the board does not receive an appeal not later than fifteen
 5 (15) days after issuing a recommendation, the recommendation becomes the
 6 final order of the board.

7 (d) If the board receives a timely appeal, the board may make a decision
 8 on the recommendation with or without oral argument. The board may request
 9 that the parties submit briefs. The board must issue a ruling on the appeal not
 10 later than thirty (30) days after the last of the following occurs:

- 11 (1) The appeal is received.
- 12 (2) Briefs are received.
- 13 (3) Oral arguments are held.

14 (e) IC 4-21.5 does not apply to a review under subsection (b) or (d).

15 (f) If, following the review of a collective bargaining agreement, the board
 16 finds the collective bargaining agreement does not comply with this chapter,
 17 the board shall issue an order that may include one (1) or more of the
 18 following items:

- 19 (1) Ordering the parties to cease and desist from all identified areas of
 20 noncompliance.
- 21 (2) Preventing the parties from ratifying any subsequent collective
 22 bargaining agreements until the parties receive written approval from the
 23 board or the board's agent.
- 24 (3) Requiring other action as deemed appropriate by the board as
 25 authorized by state law.

26 (g) The board may send the board's compliance findings to other state
 27 agencies as necessary.

28 (h) After a school employer has submitted a collective bargaining
 29 agreement under subsection (a), the school employer and an exclusive
 30 representative may not enter into a new collective bargaining agreement
 31 containing the noncompliant provision until the school employer has received
 32 either:

- 33 (1) the board's order regarding the compliance of the submitted
 34 collective bargaining agreement with this chapter; or
- 35 (2) other written approval from the board or an agent of the board.

36 (i) If any provision of the collective bargaining agreement is found not to
 37 be compliant with this chapter, the provision that is found to be noncompliant
 38 with this chapter shall not affect other provisions of the collective bargaining
 39 agreement that can be given effect without the noncompliant provision, and
 40 to this end the provisions of collective bargaining agreement are severable.

41 (j) The board

42 ~~(1)~~ shall adopt rules under IC 4-22 and

43 ~~(2)~~ may adopt emergency rules in the manner provided under
 44 ~~IC 4-22-2-37.1;~~

45 as necessary to implement this section.

46 ~~(k)~~ An emergency rule adopted by the board under subsection (j) expires
 47 on the earliest of the following dates:

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

49 ~~(2)~~ The date the emergency rule is amended or repealed by a later rule
 50 adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or IC 4-22-2-37.1.

1 ~~(j)~~ ~~One (1) year after the date the emergency rule is adopted.~~

2 ~~(h)~~ ~~(k)~~ This subsection applies only to a school corporation that has a
3 compensation plan developed under IC 20-28-9-1.5 but does not have a
4 ratified collective bargaining agreement. A school corporation shall, not later
5 than October 1 of the year in which the compensation plan becomes effective,
6 submit the school corporation's compensation plan to the board.

7 ~~(m)~~ ~~(l)~~ If a school corporation fails to timely file a compensation plan as
8 required under subsection ~~(h)~~; ~~(k)~~, the school corporation's compensation plan
9 is considered not in compliance with IC 20-28-9-1.5 and this section unless
10 a compliance officer of the board finds good cause shown for the delay.

11 SECTION 144. IC 20-30-16-13, AS ADDED BY P.L.80-2017, SECTION
12 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
13 Sec. 13. The state board may adopt rules under IC 4-22-2 ~~including~~
14 ~~emergency rules in the manner provided under IC 4-22-2-37.1;~~ to administer
15 this chapter.

16 SECTION 145. IC 20-31-4.1-10, AS AMENDED BY P.L.168-2022,
17 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2024]: Sec. 10. The state board shall adopt rules under IC 4-22-2 ~~and may~~
19 ~~adopt emergency rules under IC 4-22-2-37.1;~~ necessary to implement this
20 chapter.

21 SECTION 146. IC 20-31-8-5.4, AS ADDED BY P.L.2-2014, SECTION
22 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
23 Sec. 5.4. (a) Not later than November 15, 2013, the state board shall establish
24 new categories or designations of school performance under the requirements
25 of this chapter to replace 511 IAC 6.2-6. The new standards of assessing
26 school performance:

- 27 (1) must be based on a measurement of individual student academic
28 performance and growth to proficiency; and
29 (2) may not be based on a measurement of student performance or
30 growth compared with peers.

31 511 IAC 6.2-6 is void on the effective date of the ~~emergency or final~~ rules
32 adopted under this section.

33 (b) After July 1, 2013, the state board

34 ~~(1)~~ shall adopt rules under IC 4-22-2 ~~and~~

35 ~~(2)~~ ~~may adopt emergency rules in the manner provided in~~
36 ~~IC 4-22-2-37.1;~~

37 to implement this chapter.

38 ~~(c)~~ ~~An emergency rule adopted under subsection (b) expires on the earlier~~
39 ~~of:~~

40 ~~(1)~~ ~~November 15, 2014; or~~

41 ~~(2)~~ ~~the effective date of a rule that establishes categories or designations~~
42 ~~of school improvement described in this section and supersedes the~~
43 ~~emergency rule.~~

44 ~~(d)~~ ~~(c)~~ Before beginning the rulemaking process to establish new
45 categories or designations of school improvement, the state board shall report
46 to the general assembly the proposed new categories or designations in an
47 electronic format under IC 5-14-6.

48 SECTION 147. IC 20-43-10-3.5, AS AMENDED BY P.L.201-2023,
49 SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
50 JULY 1, 2024]: Sec. 3.5. (a) As used in this section, "school" means a school

- 1 corporation, charter school, and a virtual charter school.
- 2 (b) Subject to the requirements of this section, a school qualifies for a
3 teacher appreciation grant as provided in this section for a state fiscal year if
4 one (1) or more licensed teachers:
- 5 (1) employed in the classroom by the school; or
 - 6 (2) directly providing virtual education;
- 7 were rated as effective or as highly effective, using the most recently
8 completed teacher ratings.
- 9 (c) A school may not receive a teacher appreciation grant under this
10 section unless:
- 11 (1) the school has in the state fiscal year in which the teacher
12 appreciation grants are made under this section:
 - 13 (A) adopted an annual policy concerning the distribution of teacher
14 appreciation grants; and
 - 15 (B) submitted the policy to the department for approval; and
 - 16 (2) the department has approved the policy.
- 17 The department shall specify the date by which a policy described in
18 subdivision (1) must be submitted to the department.
- 19 (d) The amount of a teacher appreciation grant for a qualifying school
20 corporation or virtual charter school is equal to:
- 21 (1) thirty-seven dollars and fifty-cents (\$37.50); multiplied by
 - 22 (2) the school's current ADM.
- 23 However, the grant amount for a virtual charter school may not exceed the
24 statewide average grant amount.
- 25 (e) The following apply to the distribution of teacher appreciation grants:
- 26 (1) If the total amount to be distributed as teacher appreciation grants for
27 a particular state fiscal year exceeds the amount appropriated by the
28 general assembly for teacher appreciation grants for that state fiscal year,
29 the total amount to be distributed as teacher appreciation grants to
30 schools shall be proportionately reduced so that the total reduction
31 equals the amount of the excess. The amount of the reduction for a
32 particular school is equal to the total amount of the excess multiplied by
33 a fraction. The numerator of the fraction is the amount of the teacher
34 appreciation grant that the school would have received if a reduction
35 were not made under this section. The denominator of the fraction is the
36 total amount that would be distributed as teacher appreciation grants to
37 all schools if a reduction were not made under this section.
 - 38 (2) If the total amount to be distributed as teacher appreciation grants for
39 a particular state fiscal year is less than the amount appropriated by the
40 general assembly for teacher appreciation grants for that state fiscal year,
41 the total amount to be distributed as teacher appreciation grants to
42 schools for that particular state fiscal year shall be proportionately
43 increased so that the total amount to be distributed equals the amount of
44 the appropriation for that particular state fiscal year.
- 45 (f) The annual teacher appreciation grant to which a school is entitled for
46 a state fiscal year shall be distributed to the school before December 5 of that
47 state fiscal year.
- 48 (g) The following apply to a school's policy under subsection (c)
49 concerning the distribution of teacher appreciation grants:
- 50 (1) The governing body shall differentiate between a teacher rated as a

- 1 highly effective teacher and a teacher rated as an effective teacher. The
2 policy must provide that the amount of a stipend awarded to a teacher
3 rated as a highly effective teacher must be at least twenty-five percent
4 (25%) more than the amount of a stipend awarded to a teacher rated as
5 an effective teacher.
- 6 (2) The governing body of a school may differentiate between school
7 buildings.
- 8 (3) A stipend to an individual teacher in a particular year is not subject
9 to collective bargaining and is in addition to the minimum salary or
10 increases in salary set under IC 20-28-9-1.5. The governing body may
11 provide that an amount not exceeding fifty percent (50%) of the amount
12 of a stipend to an individual teacher in a particular state fiscal year
13 becomes a permanent part of and increases the base salary of the teacher
14 receiving the stipend for school years beginning after the state fiscal year
15 in which the stipend is received. The addition to base salary is not
16 subject to collective bargaining.
- 17 (h) A teacher appreciation grant received by a school shall be allocated
18 among and used only to pay cash stipends to all licensed teachers employed
19 in the classroom who are rated as effective or as highly effective and
20 employed by the school as of December 1. A school may allocate up to twenty
21 percent (20%) of the grant received by the school to provide a supplemental
22 award to teachers with less than five (5) years of service who are rated as
23 effective or as highly effective. A school may allocate up to ten percent (10%)
24 of the grant received by the school to provide a supplemental award to
25 teachers who serve as mentors to teachers who have less than two (2) years
26 of service. The supplemental awards are in addition to the award made from
27 the part of the grant that is allocated to all eligible teachers.
- 28 (i) The lead school corporation or interlocal cooperative administering a
29 cooperative or other special education program or administering a career and
30 technical education program, including programs managed under
31 IC 20-26-10, IC 20-35-5, IC 20-37, or IC 36-1-7, shall award teacher
32 appreciation grant stipends to and carry out the other responsibilities of an
33 employing school corporation under this section for the teachers in the special
34 education program or career and technical education program.
- 35 (j) A school shall distribute all stipends from a teacher appreciation grant
36 to individual teachers within twenty (20) business days of the date the
37 department distributes the teacher appreciation grant to the school. Any part
38 of the teacher appreciation grant not distributed as stipends to teachers before
39 February must be returned to the department on the earlier of the date set by
40 the department or June 30 of that state fiscal year.
- 41 (k) The department, after review by the budget committee, may waive the
42 December 5 deadline under subsection (f) to distribute an annual teacher
43 appreciation grant to the school under this section for that state fiscal year and
44 approve an extension of that deadline to a later date within that state fiscal
45 year, if the department determines that a waiver and extension of the deadline
46 are in the public interest.
- 47 (l) The state board may adopt rules under IC 4-22-2 ~~including emergency~~
48 ~~rules in the manner provided in IC 4-22-2-37.1~~, as necessary to implement
49 this section.
- 50 (m) This section expires June 30, 2025.

1 SECTION 148. IC 20-49-10-13, AS ADDED BY P.L.211-2018(ss),
 2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2024]: Sec. 13. ~~(a)~~ The state board, in consultation with the secured school
 4 safety board, may adopt

5 ~~(1)~~ rules under IC 4-22-2 or

6 ~~(2)~~ emergency rules under IC 4-22-2-37.1;

7 necessary to implement this chapter.

8 ~~(b)~~ An emergency rule adopted by the state board under this section
 9 expires on the earlier of the following dates:

10 ~~(1)~~ The expiration date stated in the emergency rule-

11 ~~(2)~~ The date the emergency rule is amended or repealed by a later rule
 12 adopted under IC 4-22-2-

13 SECTION 149. IC 20-51-4-4.6, AS AMENDED BY P.L.106-2016,
 14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2024]: Sec. 4.6. ~~(a)~~ The state board shall adopt rules under IC 4-22-2
 16 including emergency rules adopted in the manner provided under
 17 ~~IC 4-22-2-37.1~~, for the provision of special education or related services to an
 18 eligible choice scholarship student who receives an amount under section
 19 4(a)(2) of this chapter. The rules adopted under this section shall include
 20 annual reporting requirements, monitoring, and consequences for
 21 noncompliance by an eligible school.

22 ~~(b)~~ An emergency rule adopted by the state board under this section
 23 expires on the earliest of the following dates:

24 ~~(1)~~ The expiration date stated in the emergency rule-

25 ~~(2)~~ The date the emergency rule is amended or repealed by a later rule
 26 adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under
 27 ~~IC 4-22-2-37.1~~;

28 ~~(3)~~ One ~~(1)~~ year after the date the emergency rule is adopted-

29 SECTION 150. IC 20-51-4-7, AS AMENDED BY P.L.108-2019,
 30 SECTION 235, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2024]: Sec. 7. (a) The department shall administer this chapter.

32 (b) The department shall approve an application for an eligible school
 33 within fifteen (15) days after the date the school requests to participate in the
 34 choice scholarship program.

35 (c) The department shall approve an application for a choice scholarship
 36 student within fifteen (15) days after the date the student requests to
 37 participate in the choice scholarship program.

38 (d) Each year, at a minimum, the department shall accept applications from
 39 March 1 through September 1 for eligible schools for the upcoming school
 40 year.

41 (e) Each year, the department shall accept applications for choice
 42 scholarship students from:

43 (1) March 1 through September 1 for the upcoming school year; and

44 (2) November 1 through January 15 for the spring semester of the
 45 current school year.

46 (f) This chapter may not be construed in a manner that would impose
 47 additional requirements for approving an application for an eligible school
 48 placed in a "null" or "no letter grade" category established under
 49 IC 20-31-8-3(b).

50 (g) The department shall adopt rules under IC 4-22-2 to implement this

1 chapter.

2 (h) ~~The department may adopt emergency rules under IC 4-22-2-37.1 to~~
3 ~~implement this chapter.~~

4 SECTION 151. IC 20-52-6-1, AS ADDED BY P.L.168-2022, SECTION
5 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
6 Sec. 1. The state board may adopt rules under IC 4-22-2 ~~including emergency~~
7 ~~rules in the manner provided under IC 4-22-2-37.1~~; necessary to administer
8 this article.

9 SECTION 152. IC 21-9-4-7, AS AMENDED BY P.L.2-2007, SECTION
10 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
11 Sec. 7. In addition to any power granted by this article, the board has all
12 powers necessary or convenient to carry out and effectuate the purposes and
13 objectives of this article, the purposes and objectives of the education savings
14 programs, and the powers delegated by law or executive order, including the
15 following powers:

16 (1) To develop and implement the education savings programs and,
17 notwithstanding any provision in this article to the contrary, other
18 services consistent with the purposes and objectives of this article,
19 through:

20 (A) ~~rules or emergency rules~~ adopted under IC 4-22-2; or
21 (B) rules, guidelines, procedures, or policies established by the board
22 and approved by the commission for higher education.

23 (2) To conform the education savings programs and, notwithstanding
24 any provision in this article to the contrary, services consistent with the
25 purposes and objectives of this article, to the requirements of a qualified
26 state tuition program set forth in Section 529 of the Internal Revenue
27 Code and all applicable federal regulations, through:

28 (A) ~~rules or emergency rules~~ adopted under IC 4-22-2; or
29 (B) guidelines, procedures, or policies established by the board.

30 (3) To retain professional services, including the following:

31 (A) Financial advisers and managers.
32 (B) Custodians and other fiduciaries.
33 (C) Investment advisers and managers.
34 (D) Accountants and auditors.
35 (E) Consultants or other experts.
36 (F) Actuarial services providers.
37 (G) Attorneys.

38 (4) To establish minimum account deposit amounts (both initial and
39 periodic).

40 (5) To employ persons, if the board chooses, and as may be necessary,
41 and to fix the terms of their employment.

42 (6) To recommend legislation to the governor and general assembly.

43 (7) To apply for designation as a tax exempt entity under the Internal
44 Revenue Code.

45 (8) To adopt such rules, bylaws, procedures, guidelines, and policies as
46 are necessary to carry out the education savings programs and services
47 and the authority's management and operations.

48 (9) To sue and be sued.

49 (10) To provide or facilitate provision of benefits and incentives for the
50 benefit of qualified beneficiaries, account owners, contributors, or

- 1 account beneficiaries as the board's resources allow or as are directed or
 2 provided for by the general assembly.
- 3 (11) To conform the education savings programs to federal tax
 4 advantages or incentives, as in existence periodically, to the extent
 5 consistent with the purposes and objectives of this article.
- 6 (12) To interpret, in rules, policies, guidelines, and procedures, the
 7 provisions of this article broadly in light of the purposes and objectives
 8 of this article.
- 9 (13) To charge, impose, and collect administrative fees and service
 10 charges in connection with any agreement, contract, or transaction under
 11 an education savings program or services.
- 12 (14) To have perpetual succession.
- 13 SECTION 153. IC 21-9-7-8 IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) Contributions to an account may not
 15 exceed the amount necessary to provide for the qualified higher education
 16 expenses of the account beneficiary.
- 17 (b) The authority shall adopt rules ~~or emergency rules~~ under IC 4-22-2 to
 18 determine the maximum account balance applicable to all accounts of account
 19 beneficiaries with the same expected year of enrollment.
- 20 SECTION 154. IC 21-9-7-9 IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2024]: Sec. 9. The authority may adopt rules ~~or~~
 22 ~~emergency rules~~ under IC 4-22-2 to establish a penalty for a distribution that
 23 is not used exclusively for the qualified higher education expenses of an
 24 account beneficiary. However, the authority may not establish a penalty for
 25 distributions described in ~~IC 21-9-7-1(1)~~. **section 1(1) of this chapter.**
- 26 SECTION 155. IC 22-2-18.1-27, AS ADDED BY P.L.147-2020,
 27 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2024]: Sec. 27. (a) The department shall adopt rules under IC 4-22-2
 29 ~~including emergency rules adopted in the manner provided under~~
 30 ~~IC 4-22-2-37.1~~, to:
- 31 (1) develop a schedule for the submission of the registration under
 32 section 26 of this chapter; and
- 33 (2) implement this chapter.
- 34 (b) The department may establish recommendations for rest breaks.
- 35 SECTION 156. IC 22-4-13.3-7, AS ADDED BY P.L.183-2015, SECTION
 36 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 37 Sec. 7. (a) An employer that complies with a notice described in section 3 of
 38 this chapter that is regular on its face is not liable in any civil action for any
 39 conduct taken in compliance with the notice.
- 40 (b) An employer that complies with a notice described in section 3 of this
 41 chapter is discharged from liability to an employee for the part of the
 42 employee's income that was withheld in compliance with the notice.
- 43 (c) If a court issues an order to stay a withholding of income, the
 44 department is not liable in any civil action to an individual who is the subject
 45 of the income withholding for amounts withheld from the individual's income
 46 before the stay becomes effective.
- 47 (d) Administrative income withholdings issued under this chapter are
 48 subject to the limitations set forth in IC 24-4.5-5-105. A withholding under
 49 this chapter is not an assignment of wages under IC 22-2-6.
- 50 (e) The department may adopt rules under IC 4-22-2 ~~including emergency~~

1 rules in the manner provided under IC ~~4-22-2-37-1~~, to carry out the
2 department's responsibilities under this chapter.

3 SECTION 157. IC 22-4-14-3, AS AMENDED BY P.L.119-2020,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2024]: Sec. 3. (a) An individual who is receiving benefits as determined
6 under IC 22-4-15-1(c)(8) may restrict the individual's availability because of
7 the individual's need to address the physical, psychological, or legal effects
8 of being a victim of domestic or family violence (as defined in IC 31-9-2-42).

9 (b) An unemployed individual shall be eligible to receive benefits with
10 respect to any week only if the individual:

11 (1) is physically and mentally able to work;

12 (2) is available for work;

13 (3) is found by the department to be making an effort to secure full-time
14 work; and

15 (4) participates in reemployment services and reemployment and
16 eligibility assessment activities as required by section 3.2 of this chapter
17 or when directed by the department as provided under section 3.5 of this
18 chapter, unless the department determines that:

19 (A) the individual has completed the reemployment services; or

20 (B) failure by the individual to participate in or complete the
21 reemployment services is excused by the director under
22 IC 22-4-14-2(b).

23 (c) For the purpose of this article, unavailability for work of an individual
24 exists in, but is not limited to, any case in which, with respect to any week, it
25 is found:

26 (1) that such individual is engaged by any unit, agency, or
27 instrumentality of the United States, in charge of public works or
28 assistance through public employment, or any unit, agency, or
29 instrumentality of this state, or any political subdivision thereof, in
30 charge of any public works or assistance through public employment;

31 (2) that such individual is in full-time active military service of the
32 United States, or is enrolled in civilian service as a conscientious
33 objector to military service;

34 (3) that such individual is suspended for misconduct in connection with
35 the individual's work; or

36 (4) that such individual is in attendance at a regularly established public
37 or private school during the customary hours of the individual's
38 occupation or is in any vacation period intervening between regular
39 school terms during which the individual is a student. However, this
40 subdivision does not apply to any individual who is attending a regularly
41 established school, has been regularly employed and upon becoming
42 unemployed makes an effort to secure full-time work and is available for
43 suitable full-time work with the individual's last employer, or is
44 available for any other full-time employment deemed suitable.

45 (d) Notwithstanding any other provisions in this section or IC 22-4-15-2,
46 no otherwise eligible individual shall be denied benefits for any week because
47 the individual is in training with the approval of the department, nor shall
48 such individual be denied benefits with respect to any week in which the
49 individual is in training with the approval of the department by reason of the
50 application of the provisions of this section with respect to the availability for

1 work or active search for work or by reason of the application of the
 2 provisions of IC 22-4-15-2 relating to failure to apply for, or the refusal to
 3 accept, suitable work. The department shall by rule prescribe the conditions
 4 under which approval of such training will be granted.

5 (e) Notwithstanding subsection (b), (c), or (d), or IC 22-4-15-2, an
 6 otherwise eligible individual shall not be denied benefits for any week or
 7 determined not able, available, and actively seeking work, because the
 8 individual is responding to a summons for jury service. The individual shall:

9 (1) obtain from the court proof of the individual's jury service; and

10 (2) provide to the department, in the manner the department prescribes
 11 by rule, proof of the individual's jury service.

12 (f) If an otherwise eligible individual is unable to work or unavailable for
 13 work on any normal work day of the week, the individual shall be eligible to
 14 receive benefits with respect to such week reduced by one-third (1/3) of the
 15 individual's weekly benefit amount for each day of such inability to work or
 16 unavailability for work.

17 (g) An individual has made an effort to secure full-time work with respect
 18 to any week in which the individual has:

19 (1) completed activities directed by the department under sections 3.2
 20 and 3.5 of this chapter;

21 (2) completed any work search activities as directed by the department
 22 under rules adopted by the department under subsection (h); and

23 (3) affirmed the individual has made an effort to secure full-time work.

24 (h) Not later than December 31, 2021, the department shall adopt rules
 25 under IC 4-22-2 ~~including emergency rules adopted in the same manner~~
 26 ~~provided under IC 4-22-2-37.1~~, to define:

27 (1) the acceptable types of work search activities;

28 (2) the number of work search activities required to be completed in any
 29 week;

30 (3) the requirements for producing documentation; and

31 (4) the requirement to apply to, and accept if offered, suitable jobs
 32 referred by the department.

33 (i) The rules adopted by the department under subsection (h) shall:

34 (1) take into consideration whether an individual has a reasonable
 35 assurance of reemployment and, if so, the length of the prospective
 36 period of unemployment; and

37 (2) be consistent with the guidance provided by the United States
 38 Department of Labor in Training and Employment Notice No. 17-19,
 39 dated February 10, 2020.

40 SECTION 158. IC 22-4.1-21-10, AS AMENDED BY P.L.178-2016,
 41 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2024]: Sec. 10. (a) The office for career and technical schools is established
 43 to carry out the responsibilities of the department under this chapter.

44 (b) The department may employ and fix compensation for necessary
 45 administrative staff.

46 (c) The department may adopt reasonable rules under IC 4-22-2 ~~including~~
 47 ~~emergency rules in the manner provided under IC 4-22-2-37.1~~, to implement
 48 this chapter.

49 SECTION 159. IC 22-6-6-11, AS ADDED BY P.L.2-2012, SECTION 1,
 50 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec.

1 11. An individual who is employed by an employer may file a complaint that
 2 alleges a violation or threatened violation of this chapter with the attorney
 3 general, the department of labor, or the prosecuting attorney of the county in
 4 which the individual is employed. Upon receiving a complaint under this
 5 section, the attorney general, department of labor, or prosecuting attorney
 6 may:

- 7 (1) investigate the complaint; and
- 8 (2) enforce compliance if a violation of this chapter is found.

9 In addition to any other remedy available under this chapter, if the department
 10 of labor determines that a violation or a threatened violation of this chapter
 11 has occurred, the department of labor may issue an administrative order
 12 providing for any of the civil remedies described in section 12 of this chapter.
 13 The department of labor may adopt rules under IC 4-22-2 ~~including~~
 14 ~~emergency rules under IC 4-22-2-37.1~~, to carry out its responsibilities under
 15 this chapter.

16 SECTION 160. IC 22-8-1.1-16.1, AS AMENDED BY P.L.123-2006,
 17 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2024]: Sec. 16.1. (a) The commission may adopt emergency temporary
 19 standards under ~~IC 4-22-2-37.1~~. **IC 4-22-2**. The emergency temporary
 20 standard shall be published in a newspaper of general circulation published
 21 in Marion County, Indiana, at least ten (10) days before the filing with the
 22 publisher of the Indiana Register. In the exercise of this power, the
 23 commission shall first expressly determine:

- 24 (1) that employees are exposed to grave danger from exposure to
 25 substances or agents determined to be toxic or physically harmful or
 26 from new hazards; and
- 27 (2) that such emergency **temporary** standard is necessary to protect
 28 employees from such danger.

29 (b) ~~Temporary emergency standards shall be effective only until a~~
 30 ~~permanent standard is adopted under IC 4-22-2, or for six (6) months from the~~
 31 ~~date of publication, whichever period is shorter. The publication of an~~
 32 ~~emergency temporary standard shall begin a proceeding in accordance with~~
 33 ~~section 15 of this chapter.~~

34 SECTION 161. IC 22-13-2-8, AS AMENDED BY P.L.156-2020,
 35 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2024]: Sec. 8. (a) The commission shall adopt rules under IC 4-22-2 to
 37 create equipment laws applicable to regulated lifting devices.

38 (b) The commission shall adopt rules under IC 4-22-2 to create equipment
 39 laws applicable to regulated boilers and pressure vessels.

40 (c) The commission may adopt ~~emergency rules under IC 4-22-2-37.1~~ **only**
 41 **IC 4-22-2** to adopt by reference all or part of the following national boiler and
 42 pressure vessel codes:

- 43 (1) The American Society of Mechanical Engineers Boiler and Pressure
 44 Vessel Code.
- 45 (2) The National Board of Boiler and Pressure Vessel Inspectors
 46 Inspection Code.
- 47 (3) The American Petroleum Institute 510 Pressure Vessel Inspection
 48 Code.
- 49 (4) Any subsequent editions of the codes listed in subdivisions (1)
 50 through (3).

1 ~~(d)~~ An emergency rule adopted under subsection ~~(e)~~ expires on the earlier
2 of the following dates:

3 (1) Not more than two (2) years after the emergency rule is accepted for
4 filing with the publisher of the Indiana Register.

5 (2) The date a permanent rule is adopted under IC 4-22-2.

6 ~~(e)~~ ~~(d)~~ The commission shall adopt rules under IC 4-22-2 to create
7 equipment laws applicable to regulated amusement devices.

8 SECTION 162. IC 22-13-2-8.5, AS AMENDED BY P.L.218-2014,
9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2024]: Sec. 8.5. (a) The commission shall adopt rules under IC 4-22-2 for
11 outdoor event equipment at outdoor performances to protect the safety of
12 persons at the outdoor performances. The commission may:

13 (1) exempt small assemblies of outdoor event equipment, as defined by
14 the commission, from some or all fees or other requirements that
15 otherwise would apply to outdoor event equipment under a rule adopted
16 under this section or another building law; or

17 (2) establish alternative procedures, fees, or other requirements, or any
18 combination, for small assemblies of outdoor event equipment, as
19 defined by the commission.

20 ~~(b)~~ The commission may adopt temporary rules in the manner provided for
21 the adoption of emergency rules under IC 4-22-2-37.1 to carry out subsection
22 ~~(a)~~; including temporary rules concerning a schedule of fees for design
23 releases or inspections; or both. A temporary rule adopted under this
24 subsection expires on the earliest of the following:

25 ~~(1)~~ The date specified in the temporary rule.

26 ~~(2)~~ The date another temporary rule adopted under this subsection or a
27 rule adopted under IC 4-22-2 supersedes or repeals the previously
28 adopted temporary rule.

29 ~~(3)~~ January 1, 2016.

30 ~~(e)~~ ~~(b)~~ Subject to this section, a city, town, or county that regulated outdoor
31 event equipment before March 15, 2012, under an ordinance adopted before
32 March 15, 2012, may, if the ordinance is in effect on March 15, 2012,
33 continue to regulate outdoor event equipment under the ordinance after March
34 14, 2012, in the same manner that the city, town, or county applied the
35 ordinance before March 15, 2012. However, a statewide code of fire safety
36 laws or building laws governing outdoor event equipment that is adopted by
37 the commission under this section after March 14, 2012, takes precedence
38 over any part of a city, town, or county ordinance that is in conflict with the
39 commission's adopted code. The ordinances to which this section applies
40 include Chapter 536 of the Revised Code of the Consolidated City and County
41 Indianapolis/Marion, Indiana Codified through Ordinance No. 36, 2011,
42 passed August 15, 2011. (Supp. No. 27). A city, town, or county to which this
43 subsection applies need not be certified or approved under IC 22-15-3-1 or
44 another law to continue to regulate outdoor event equipment after March 14,
45 2012.

46 ~~(d)~~ ~~(c)~~ This subsection applies to cities, towns, and counties described in
47 subsection ~~(e)~~ ~~(b)~~ and any other city, town, or county that, after March 14,
48 2012, adopts an ordinance governing outdoor event equipment that is
49 approved by the commission or the state building commissioner. The city,
50 town, or county shall require compliance with:

- 1 (1) the rules adopted under this section;
 2 (2) orders issued under IC 22-13-2-11 that grant a variance to the rules
 3 adopted under this section;
 4 (3) orders issued under IC 22-12-7 that apply the rules adopted under
 5 this section; and
 6 (4) a written interpretation of the rules adopted under this section
 7 binding on the unit under IC 22-13-5-3 or IC 22-13-5-4;
 8 on both private and public property located within the boundaries of the city,
 9 town, or county, including, in the case of a consolidated city, the state
 10 fairgrounds. This subsection does not limit the authority of a unit (as defined
 11 in IC 36-1-2-23) under IC 36-7-2-9 to enforce building laws and orders and
 12 written interpretations related to building laws.
- 13 SECTION 163. IC 22-13-2-11, AS AMENDED BY P.L.249-2019,
 14 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2024]: Sec. 11. (a) The department or the commission may grant a variance
 16 to any rule adopted by the commission. However, the commission may grant
 17 a variance under this section only if the department places the application for
 18 the variance on the commission's agenda.
- 19 (b) To qualify for a variance, an applicant must pay the fee set under
 20 IC 22-12-6-6 and file an application, on a form approved by the department,
 21 that contains facts demonstrating that:
- 22 (1) compliance with the rule will impose an undue hardship upon the
 23 applicant or prevent the preservation of an architecturally significant or
 24 historically significant part of a building or other structure; and
 25 (2) either:
 26 (A) noncompliance with the rule; or
 27 (B) compliance with an alternative requirement approved by the body
 28 considering the variance application;
 29 will not be adverse to the public health, safety, or welfare.
- 30 (c) A variance granted under this section is conditioned upon compliance
 31 with an alternative standard approved under subsection (b)(2)(B).
- 32 (d) A variance granted under this section takes precedence over conflicting
 33 rules adopted by a state agency and conflicting ordinances and other
 34 regulations adopted by a political subdivision.
- 35 (e) Variances granted by the boiler and pressure vessel rules board and the
 36 regulated amusement device safety board prior to July 1, 2019, are valid and
 37 remain in full force and effect.
- 38 (f) The department shall make all variance applications available for
 39 review on a public portal.
- 40 (g) Local fire and building officials shall receive notice of variance
 41 applications filed under this section within their respective jurisdictions.
- 42 (h) A local fire official, local building official, or other interested party
 43 may submit documentation regarding a variance application to the department
 44 or commission for review and consideration prior to an initial determination
 45 being made on the application by the department or the commission.
- 46 (i) The department or commission shall wait at least five (5) business days
 47 after a variance application is filed before making an initial determination on
 48 the application.
- 49 (j) The commission may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~
 50 **IC 4-22-2** to implement this section. ~~An emergency rule adopted under this~~

1 ~~subsection expires not later than July 1, 2021.~~

2 SECTION 164. IC 22-13-2-11.5, AS AMENDED BY P.L.249-2019,
3 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2024]: Sec. 11.5. (a) As used in this section, "NFPA 72" refers to NFPA 72,
5 National Fire Alarm and Signaling Code, 2010 Edition, published by the
6 National Fire Protection Association, 1 Batterymarch Park, Quincy,
7 Massachusetts 02169-7471.

8 (b) It is the intent of the general assembly that NFPA 72, as may be
9 amended by the commission under subsection (c), be incorporated into the
10 Indiana Administrative Code. Not later than July 1, 2014, the commission
11 shall adopt rules under IC 4-22-2 to amend 675 IAC 28-1-28 to incorporate
12 NFPA 72 into the Indiana Administrative Code, subject to subsection (c)(1)
13 and (c)(2). ~~The commission may adopt emergency rules in the manner
14 provided under IC 4-22-2-37.1 to comply with this subsection. An emergency
15 rule adopted by the commission under IC 4-22-2-37.1 to comply with this
16 subsection expires on the date a rule that supersedes the emergency rule is
17 adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.~~

18 (c) In adopting rules to incorporate NFPA 72 into the Indiana
19 Administrative Code, as required by subsection (b), the commission may
20 amend NFPA 72 as the commission considers appropriate. However, the rules
21 finally adopted by the commission to comply with this section must do the
22 following:

23 (1) Incorporate the definition of, and associated requirements for:

24 (A) a managed facilities-based voice network (MFVN); and

25 (B) a public switched telephone network (PSTN);

26 as set forth in NFPA 72.

27 (2) Allow digital alarm communicator systems that make use of a
28 managed facilities-based voice network (MFVN) to transmit signals
29 from a fire alarm system to an offsite monitoring facility, subject to the
30 requirements for those systems set forth in NFPA 72.

31 (d) If the commission does not comply with subsection (b), the following
32 apply on July 1, 2014:

33 (1) The definition of, and associated requirements for:

34 (A) a managed facilities-based voice network (MFVN); and

35 (B) a public switched telephone network (PSTN);

36 as set forth in NFPA 72, are considered incorporated into the Indiana
37 Administrative Code. Any provisions of 675 IAC 28-1-28 (or any rules
38 adopted by a state agency, or any ordinances or other regulations
39 adopted by a political subdivision) that conflict with the definitions and
40 requirements described in this subdivision are superseded by the
41 definitions and requirements described in this subdivision. This
42 subdivision continues to apply until the commission adopts rules that
43 amend 675 IAC 28-1-28 to incorporate NFPA 72 into the Indiana
44 Administrative Code and that comply with subsection (c)(1) and (c)(2).

45 (2) A person that after June 30, 2014, installs or uses a digital alarm
46 communicator system that:

47 (A) makes use of a managed facilities-based voice network (MFVN)

48 to transmit signals from a fire alarm system to an offsite monitoring
49 facility; and

50 (B) meets the requirements for such a system set forth in NFPA 72;

1 is not required to obtain a variance under section 11 of this chapter for
2 the installation or use.

3 SECTION 165. IC 22-14-2-7, AS AMENDED BY P.L.249-2019,
4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2024]: Sec. 7. (a) This section does not limit the powers, rights, duties, and
6 other responsibilities of municipal or county governments or impose
7 requirements affecting pension laws or any other laws.

8 (b) This section does not require a member of a fire department to be
9 certified.

10 (c) The education board may:

11 (1) certify firefighting training and education programs that meet the
12 standards set by the education board;

13 (2) certify fire department instructors who meet the qualifications set by
14 the education board;

15 (3) direct research in the field of firefighting and fire prevention and
16 accept gifts and grants to direct this research;

17 (4) recommend curricula for advanced training courses and seminars in
18 fire science or fire engineering training to public and private
19 postsecondary educational institutions;

20 (5) certify fire service personnel and nonfire service personnel who meet
21 the qualifications set by the education board;

22 (6) require fire service personnel certified at any level to fulfill
23 continuing education requirements in order to maintain certification; or

24 (7) contract or cooperate with any person and adopt rules under
25 IC 4-22-2, ~~including emergency rules in the manner provided under~~
26 ~~IC 4-22-2-37.1~~ and as authorized under IC 36-8-10.5-7, to carry out its
27 responsibilities under this section.

28 (d) The education board may impose a reasonable fee for the issuance of
29 a certification described in subsection (c). The board shall deposit the fee in
30 the fire and building services fund established by IC 22-12-6-1.

31 SECTION 166. IC 22-14-8-10, AS ADDED BY P.L.217-2023, SECTION
32 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
33 Sec. 10. (a) The commission may adopt rules under IC 4-22-2 to implement
34 this chapter and to specify standards for the installation and operation of
35 utility scale battery energy storage systems consistent with:

36 (1) this chapter; and

37 (2) NFPA 855.

38 (b) Rules adopted by the commission under subsection (a) must include
39 standards for:

40 (1) chemical spill prevention and control; and

41 (2) appropriate setbacks from surface water resources;

42 for the installation and expansion of utility scale battery energy storage
43 systems, as necessary to protect soil and surface water resources from
44 chemicals contained in or produced by utility scale battery energy storage
45 systems. In establishing the standards described in this subsection, the
46 commission shall consult with the department of environmental management
47 or the department of natural resources, as appropriate.

48 ~~(c) In adopting rules under this section, the commission may adopt~~
49 ~~emergency rules in the manner provided by IC 4-22-2-37.1.~~

50 SECTION 167. IC 22-15-6-2, AS AMENDED BY P.L.187-2021,

1 SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2024]: Sec. 2. (a) The department may conduct a program of
3 inspections of regulated boilers and pressure vessels.

4 (b) The department shall do the following:

5 (1) Issue a regulated boiler and pressure vessel operating permit to an
6 applicant who qualifies under this section.

7 (2) Perform an operating permit inspection of a boiler or pressure vessel
8 owned by the state.

9 (3) Conduct a program to audit boiler and pressure vessel inspectors
10 licensed under section 5 of this chapter.

11 (4) Conduct a program to audit inspections completed by a boiler and
12 pressure vessel inspector licensed under section 5 of this chapter.

13 (c) Except as provided in subsection (e), an operating permit issued under
14 this section expires one (1) year after it is issued.

15 (d) To qualify for an operating permit or to renew an operating permit
16 under this section, an applicant must do the following:

17 (1) Apply for an operating permit on a form approved by the department.

18 (2) Demonstrate through an inspection, performed by an inspector
19 licensed under section 5 of this chapter, that the regulated boiler or
20 pressure vessel covered by the application complies with the rules
21 adopted by the commission.

22 (3) Submit a report of the inspection conducted under subdivision (2) to
23 the department.

24 (4) Pay the fee set under IC 22-12-6-6(a)(8).

25 (e) The commission may, by rule adopted under IC 4-22-2, specify:

26 (1) a period between inspections of more than one (1) year; and

27 (2) an expiration date for an operating permit longer than one (1) year
28 from the date of issuance.

29 However, the commission may not set an inspection period of greater than
30 five (5) years or issue an operating permit valid for a period of more than five
31 (5) years for regulated pressure vessels or steam generating equipment that is
32 an integral part of a continuous processing unit.

33 (f) For any inspection conducted by the department under this section, the
34 department may designate an inspector licensed under section 5 of this
35 chapter to act as the department's agent for purposes of the inspection.

36 (g) The commission may adopt ~~emergency~~ rules in the manner provided
37 under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement this chapter. ~~An emergency rule~~
38 ~~adopted under this subsection expires on the earliest of the following dates:~~

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

40 ~~(2) The date the emergency rule is amended or repealed by a later rule~~
41 ~~adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under~~
42 ~~IC 4-22-2-37.1.~~

43 ~~(3) July 1, 2021.~~

44 SECTION 168. IC 23-19-2-5, AS ADDED BY P.L.106-2014, SECTION
45 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
46 Sec. 5. The commissioner may adopt ~~emergency~~ rules in the manner provided
47 under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement this chapter.

48 SECTION 169. IC 24-4.4-1-101, AS AMENDED BY P.L.129-2020,
49 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
50 1, 2024]: Sec. 101. (a) This article shall be known and may be cited as the

1 First Lien Mortgage Lending Act.

2 (b) Notwithstanding any other provision of this article or IC 24-4.5, the
3 department may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~, **IC 4-22-2**, to
4 remain effective until codified in the Indiana Code, in order to provide for a
5 system of licensing creditors and mortgage loan originators that meets the
6 requirements of:

7 (1) the Secure and Fair Enforcement for Mortgage Licensing Act of
8 2008 (H.R. 3221 Title V) and the interpretations of that Act issued by
9 the Secretary of Housing and Urban Development and the Consumer
10 Financial Protection Bureau; and

11 (2) the subsequent amendment of the Secure and Fair Enforcement for
12 Mortgage Licensing Act of 2008 by the Economic Growth, Regulatory
13 Relief, and Consumer Protection Act (P.L. 115-174, 132 Stat. 1296).

14 SECTION 170. IC 24-4.4-3-105, AS AMENDED BY P.L.35-2010,
15 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2024]: Sec. 105. Except as otherwise provided, IC 4-21.5-3 governs any
17 action taken by the department under this chapter or IC 24-4.4-2-401 through
18 IC 24-4.4-2-405. IC 4-22-2 applies to the adoption of rules by the department
19 under this article. All proceedings for administrative review under IC 4-21.5-3
20 or judicial review under IC 4-21.5-5 shall be held in Marion County.
21 ~~However, if the department determines that an emergency exists, the~~
22 ~~department may adopt any rules authorized by this article under~~
23 ~~IC 4-22-2-37.1.~~

24 SECTION 171. IC 24-4.5-1-106, AS AMENDED BY P.L.85-2020,
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2024]: Sec. 106. (1) The dollar amounts in this article designated as subject
27 to change shall change, as provided in this section, according to the Consumer
28 Price Index for Urban Wage Earners and Clerical Workers: U.S. City
29 Average, All Items, 1957-59 equals 100, compiled by Bureau of Labor
30 Statistics, United States Department of Labor, and referred to in this section
31 as the Index. The Index for October, 1971, is the Reference Base Index.

32 (2) The dollar amounts shall change on January 1 of each odd-numbered
33 year if the percentage of change, calculated to the nearest whole percentage
34 point, between the Index at the end of the preceding odd-numbered year and
35 the Reference Base Index is ten percent (10%) or more, except that:

36 (a) the portion of the percentage change in the Index in excess of a
37 multiple of ten percent (10%) shall be disregarded and the dollar
38 amounts shall change only in multiples of ten percent (10%) of the
39 amounts on March 5, 1971;

40 (b) the dollar amounts shall not change if the amounts required by this
41 section are those currently in effect pursuant to this article as a result of
42 earlier application of the section; and

43 (c) in no event shall the dollar amounts be reduced below the amounts
44 appearing in this article on March 5, 1971.

45 (3) If the Index is revised after December 1967, the percentage of change
46 shall be calculated on the basis of the revised Index. If the revision of the
47 Index changes the Reference Base Index, a revised Reference Base Index
48 shall be determined by multiplying the Reference Base Index by the ratio of
49 the revised Index to the current Index, as each was for the first month in
50 which the revised Index is available. If the Index is superseded, the Index is

1 the one represented by the Bureau of Labor Statistics as reflecting most
2 accurately changes in the purchasing power of the dollar for consumers.

3 (4) The department shall issue ~~an emergency a rule under IC 4-22-2-37.1~~
4 **IC 4-22-2** announcing:

5 (a) sixty (60) days before January 1 of each odd-numbered year in which
6 dollar amounts are to change, the changes in dollar amounts required by
7 subsection (2); and

8 (b) promptly after the changes occur, changes in the Index required by
9 subsection (3), including, when applicable, the numerical equivalent of
10 the Reference Base Index under a revised Reference Base Index and the
11 designation or title of any index superseding the Index.

12 ~~An emergency rule adopted under this subsection expires on the date the~~
13 ~~department is next required to issue a rule under this subsection.~~

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

18 SECTION 172. IC 24-4.5-6-107, AS AMENDED BY P.L.137-2014,
19 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2024]: Sec. 107. ~~(†)~~ Except as otherwise provided, IC 4-21.5-3 governs all
21 agency action taken by the department under this chapter or IC 24-4.5-3-501
22 through IC 24-4.5-3-513. All proceedings for administrative review under
23 IC 4-21.5-3 or judicial review under IC 4-21.5-5 shall be held in Marion
24 County. The provisions of IC 4-22-2 prescribing procedures for the adoption
25 of rules by agencies apply to the adoption of rules by the department of
26 financial institutions under this article. ~~However, if the department declares~~
27 ~~an emergency in the document containing the rule, the department may adopt~~
28 ~~rules permitted by this chapter under IC 4-22-2-37.1.~~

29 ~~(2) A rule under subsection (†) adopted under IC 4-22-2-37.1 expires on~~
30 ~~the date the department next adopts a rule under the statute authorizing or~~
31 ~~requiring the rule.~~

32 SECTION 173. IC 24-5-26.5-13, AS ADDED BY P.L.176-2021,
33 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2024]: Sec. 13. The attorney general may adopt rules under IC 4-22-2
35 including emergency rules in the manner provided under IC 4-22-2-37.1, to
36 carry out this chapter. ~~An emergency rule adopted by the attorney general~~
37 ~~under this section expires on the earlier of the following dates:~~

38 ~~(1) The expiration date in the emergency rule.~~

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

42 SECTION 174. IC 24-6-3-16 IS AMENDED TO READ AS FOLLOWS
43 [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) The state department may adopt
44 ~~emergency rules under IC 4-22-2-37.1~~ **IC 4-22-2** to establish standards for
45 weights and measures to be used by the state department. A standard adopted
46 under this section must be the same as or at least as effective as the standards
47 adopted by the National Conference on Weights and Measures, including
48 amendments to those standards in effect on June 30, 1993, and found in:

49 (1) Handbook 44: Specification, Tolerances, and Other Technical
50 Requirements for Weighing and Measuring Devices;

- 1 (2) Handbook 130: Chapter A, Uniform Packaging and Labeling
 2 Regulation;
 3 (3) Handbook 130: Chapter B, Uniform Regulation for the Method of
 4 Sale of Commodities, except for Section 2.20; and
 5 (4) Handbook 133: Checking the Net Contents of Packaged Goods;
 6 all published by the National Institute of Standards and Technology.
- 7 (b) The state department may determine when an amendment to federal
 8 standards described in subsection (a) has been adopted. If the state
 9 department determines that an amendment to the federal standards has been
 10 adopted, the state department may adopt ~~emergency~~ rules under
 11 ~~IC 4-22-2-37.1~~ **IC 4-22-2** to amend the rules adopted by the state department
 12 under subsection (a). ~~An emergency~~ **A** rule adopted under this subsection
 13 must provide a standard that is:
- 14 (1) the same as; or
 15 (2) at least as effective as;
 16 the amendment to the federal standards for weights and measures. ~~An~~
 17 ~~emergency~~ **A** rule adopted under this subsection must take effect not later
 18 than sixty (60) days after the date of publication of the amendment to the
 19 federal standards.
- 20 SECTION 175. IC 24-7-7-1, AS AMENDED BY P.L.29-2022, SECTION
 21 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 22 Sec. 1. (a) The department shall enforce this article. To carry out this
 23 responsibility, the department may do the following:
- 24 (1) Receive and act on complaints, take action designed to obtain
 25 voluntary compliance with this article, or commence proceedings on the
 26 department's own initiative.
 27 (2) Issue and enforce administrative orders under IC 4-21.5.
 28 (3) Counsel persons and groups on their rights and duties under this
 29 article.
 30 (4) Establish programs for the education of consumers with respect to
 31 rental purchase agreement practices and problems.
 32 (5) Make studies appropriate to effectuate the purposes and policies of
 33 this article and make the results available to the public.
 34 (6) Adopt rules under IC 4-22-2 ~~including emergency rules under~~
 35 ~~IC 4-22-2-37.1~~; to carry out this article.
 36 (7) Maintain more than one (1) office within Indiana.
 37 (8) Bring a civil action to restrain a person from violating this article and
 38 for other appropriate relief, and exercise the same enforcement powers
 39 provided under IC 24-4.5-6-108.
 40 (9) Require a lessor to refund to the lessee any overcharges resulting
 41 from the lessor's noncompliance with:
- 42 (A) the terms of a rental purchase agreement; or
 43 (B) this article, or any order or rule issued or adopted by the
 44 department under this article.
- 45 (b) If the department determines, after notice and an opportunity to be
 46 heard, that a person has violated this article, or any order or rule issued or
 47 adopted by the department under this article, the department may, in addition
 48 to or instead of all other remedies available under this section, impose upon
 49 the person a civil penalty not greater than ten thousand dollars (\$10,000) per
 50 violation.

1 SECTION 176. IC 24-14-10-3, AS ADDED BY P.L.281-2019, SECTION
2 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
3 Sec. 3. The attorney general may adopt rules under IC 4-22-2 to implement
4 this article. ~~including emergency rules in the manner provided by~~
5 ~~IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule~~
6 ~~adopted by the attorney general under this section and in the manner provided~~
7 ~~by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~
8 ~~emergency rule is adopted by the attorney general under IC 4-22-2-24 through~~
9 ~~IC 4-22-2-36.~~

10 SECTION 177. IC 25-1-1.1-6, AS AMENDED BY P.L.90-2019,
11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2024]: Sec. 6. (a) This section applies to a license or certificate under this
13 title that is in effect on July 1, 2018, or created on or established after that
14 date.

15 (b) As used in this section, "crime" has the meaning set forth in
16 IC 33-23-1-4.

17 (c) As used in this section, "criminal history information" has the meaning
18 set forth in IC 5-2-4-1.

19 (d) Not later than November 1, 2018, a board, commission, or committee
20 shall revise its licensing or certification requirements to the extent necessary
21 to explicitly list the crimes that may disqualify an individual from receiving
22 a license or certificate under this title. The board, commission, or committee
23 may not:

24 (1) use nonspecific terms, such as moral turpitude or good character, as
25 a licensing or certification requirement; or

26 (2) consider an arrest that does not result in a conviction.

27 (e) A board's, commission's, or committee's use of an individual's
28 conviction of a crime as a conviction of concern is limited to a crime directly
29 related to the duties and responsibilities of the occupation or profession for
30 which the individual is applying for or holds a license or certification.

31 (f) If an individual has a conviction of concern, the period of
32 disqualification may not exceed five (5) years after the date of the conviction,
33 unless the individual:

34 (1) was convicted of a crime of violence (as defined by IC 35-50-1-2(a));

35 (2) was convicted of an offense relating to a criminal sexual act (as
36 defined by IC 35-31.5-2-216); or

37 (3) is convicted of a second or subsequent crime during the
38 disqualification period.

39 (g) An individual having a conviction of concern may at any time petition
40 a board, commission, or committee requiring a license or certificate for a
41 determination as to whether the individual's conviction of concern will
42 disqualify the individual from receiving the license or certification. An
43 individual filing a petition under this subsection shall submit the following:

44 (1) At no expense to the state, a national criminal background check by
45 the Federal Bureau of Investigation.

46 (2) Any additional information requested by the board, commission, or
47 committee to assist the board, commission, or committee in its review
48 of the individual's petition.

49 (h) If an individual has a conviction of concern, the board, commission, or
50 committee shall consider the following in determining whether to deny a

- 1 license or certification to the individual based on the following factors:
- 2 (1) The nature and seriousness of the crime for which the individual was
- 3 convicted.
- 4 (2) The passage of time since the commission of the crime.
- 5 (3) The relationship of the crime to the ability, capacity, and fitness
- 6 required to perform the duties and discharge the responsibilities of the
- 7 occupation.
- 8 (4) Evidence of rehabilitation or treatment undertaken by the individual
- 9 that might mitigate against a direct relation to the ability, capacity, and
- 10 fitness required to perform the duties and discharge the responsibilities
- 11 of the occupation.
- 12 (i) If a board, commission, or committee determines an individual's
- 13 conviction of concern disqualifies the individual from receiving a license or
- 14 certification solely or in part because of the individual's criminal history, the
- 15 board, commission, or committee shall notify the individual in writing of the
- 16 following:
- 17 (1) The grounds and reasons for the denial or disqualification.
- 18 (2) The individual has the right to a hearing to challenge the licensing
- 19 authority's decision.
- 20 (3) The earliest date the individual may reapply for a license or
- 21 certification or the earliest date the individual can petition the board,
- 22 commission, or committee for a review.
- 23 (4) Evidence of rehabilitation may be considered upon reapplication.
- 24 (5) Findings for each of the factors specified in subdivisions (1) through
- 25 (4).
- 26 Any written determination that an individual's criminal history contains a
- 27 conviction of concern that merits the denial of a license must be documented
- 28 in written findings under subdivision (1) by clear and convincing evidence
- 29 sufficient for review by a court. In an administrative hearing or a civil action
- 30 reviewing the denial of a license, a board, commission, or committee has the
- 31 burden of proof on the question of whether the individual's criminal history,
- 32 based on the standards provided in subsection (h), should lead to the denial
- 33 of a license.
- 34 (j) The board, commission, or committee shall inform the individual of its
- 35 determination concerning the individual's petition not later than sixty (60)
- 36 days after the petition, criminal history information, and any other information
- 37 requested under subsection (g) is received by the board, commission, or
- 38 committee.
- 39 (k) The board, commission, or committee may charge a fee established
- 40 under IC 25-1-8 that does not exceed twenty-five dollars (\$25) to pay its costs
- 41 of reviewing a petition filed under subsection (g).
- 42 (l) A board, commission, or committee may adopt rules under IC 4-22-2
- 43 to implement this section. ~~including emergency rules under IC 4-22-2-37.1.~~
- 44 ~~Notwithstanding IC 4-22-2-37.1(g); an emergency rule adopted by the board,~~
- 45 ~~commission, or committee under this section and in the manner provided by~~
- 46 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~
- 47 ~~emergency rule is adopted by the board, commission, or committee under~~
- 48 ~~IC 4-22-2-24 through IC 4-22-2-36.~~
- 49 SECTION 178. IC 25-1-5.3-1, AS ADDED BY P.L.249-2023, SECTION
- 50 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

- 1 Sec. 1. The following definitions apply throughout this chapter:
- 2 (1) "Agency" has the meaning set forth in IC 25-1-5-2.
- 3 (2) "Applicant" has the meaning set forth in IC 25-1-5-11.
- 4 (3) "Board" has the meaning set forth in IC 25-1-5-2.
- 5 (4) "Compliant", with respect to a licensure rule, means a licensure rule
- 6 that the agency or a board has adopted.
- 7 (5) "Enactment date" means the date on which a statute **that** requires
- 8 rulemaking for a licensure rule ~~to become~~ **becomes** effective or
- 9 otherwise requires rulemaking to commence.
- 10 (6) "Executive director" refers to the individual described in
- 11 IC 25-1-5-5.
- 12 (7) "Licensee" has the meaning set forth in IC 25-1-5-11.
- 13 (8) "Licensure rule" means a rule that:
- 14 (A) relates to the issuance of a license, certificate, registration, or
- 15 permit, or a requirement or prerequisite for obtaining a license, or
- 16 keeping a license in good standing; and
- 17 (B) is required by statute with an enactment date after January 1,
- 18 2023, to be adopted by the agency or a board.
- 19 (9) "Material detriment" means:
- 20 (A) an inability to obtain a license, certification, permit, or other
- 21 credential from the agency or a board;
- 22 (B) an inability to:
- 23 (i) practice;
- 24 (ii) perform a procedure; or
- 25 (iii) engage in a particular professional activity in Indiana or
- 26 another jurisdiction; or
- 27 (C) any other substantial burden to professional or business interests.
- 28 (10) "Noncompliant", with respect to a licensure rule, means a licensure
- 29 rule that the agency or a board has not adopted as **a permanent rule**
- 30 **under the procedures in IC 4-22-2-23 through IC 4-22-2-36 or** an
- 31 interim rule under IC 4-22-2-37.2 ~~within on or before the later of the~~
- 32 **following:**
- 33 (A) Six (6) months ~~of from~~ the enactment date.
- 34 (B) **The date provided in a statute that requires rulemaking for**
- 35 **a licensure rule to become effective.**
- 36 SECTION 179. IC 25-1-5.3-2, AS ADDED BY P.L.249-2023, SECTION
- 37 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
- 38 Sec. 2. (a) If a licensee or applicant believes that the agency or a board has
- 39 failed to adopt a licensure rule within six (6) months of the enactment date **or**
- 40 **by the date provided in a statute that requires rulemaking for a licensure**
- 41 **rule to become effective, whichever is later,** an applicant or licensee who
- 42 has suffered a material detriment as a result of a noncompliant licensure rule
- 43 may seek damages from the agency or board by bringing an action in a court
- 44 of competent jurisdiction.
- 45 (b) A court shall not certify a class in any matter seeking damages under
- 46 this section.
- 47 (c) In a matter seeking damages under this section, a court may order the
- 48 following:
- 49 (1) An injunction requiring adoption of a compliant interim licensure
- 50 rule not earlier than six (6) months from the date of the order.

- 1 (2) Damages equal to the amount of the material detriment caused by the
 2 noncompliant licensure rule, including prospective damages through the
 3 date established under subdivision (1).
 4 (3) Court costs and attorney's fees.
 5 (d) IC 34-13-3 applies to an action brought under this section.
 6 SECTION 180. IC 25-1-9-23, AS AMENDED BY P.L.190-2023,
 7 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2024]: Sec. 23. (a) This section does not apply to emergency services.
 9 (b) As used in this section, "covered individual" means an individual who
 10 is entitled to be provided health care services at a cost established according
 11 to a network plan.
 12 (c) As used in this section, "emergency services" means services that are:
 13 (1) furnished by a provider qualified to furnish emergency services; and
 14 (2) needed to evaluate or stabilize an emergency medical condition.
 15 (d) As used in this section, "in network practitioner" means a practitioner
 16 who is required under a network plan to provide health care services to
 17 covered individuals at not more than a preestablished rate or amount of
 18 compensation.
 19 (e) As used in this section, "network plan" means a plan under which
 20 facilities and practitioners are required by contract to provide health care
 21 services to covered individuals at not more than a preestablished rate or
 22 amount of compensation.
 23 (f) As used in this section, "out of network" means that the health care
 24 services provided by the practitioner to a covered individual are not subject
 25 to the covered individual's health carrier network plan.
 26 (g) As used in this section, "practitioner" means the following:
 27 (1) An individual who holds:
 28 (A) an unlimited license, certificate, or registration;
 29 (B) a limited or probationary license, certificate, or registration;
 30 (C) a temporary license, certificate, registration, or permit;
 31 (D) an intern permit; or
 32 (E) a provisional license;
 33 issued by the board (as defined in IC 25-0.5-11-1) regulating the
 34 profession in question.
 35 (2) An entity that:
 36 (A) is owned by, or employs; or
 37 (B) performs billing for professional health care services rendered
 38 by;
 39 an individual described in subdivision (1).
 40 The term does not include a dentist licensed under IC 25-14, an optometrist
 41 licensed under IC 25-24, or a provider facility (as defined in IC 25-1-9.8-10).
 42 (h) An in network practitioner who provides covered health care services
 43 to a covered individual may not charge more for the covered health care
 44 services than allowed according to the rate or amount of compensation
 45 established by the individual's network plan.
 46 (i) An out of network practitioner who provides health care services at an
 47 in network facility to a covered individual may not be reimbursed more for the
 48 health care services than allowed according to the rate or amount of
 49 compensation established by the covered individual's network plan unless all
 50 of the following conditions are met:

- 1 (1) At least five (5) business days before the health care services are
2 scheduled to be provided to the covered individual, the practitioner
3 provides to the covered individual, on a form separate from any other
4 form provided to the covered individual by the practitioner, a statement
5 in conspicuous type that meets the following requirements:
- 6 (A) Includes a notice reading substantially as follows: "[Name of
7 practitioner] is an out of network practitioner providing [type of care]
8 with [name of in network facility], which is an in network provider
9 facility within your health carrier's plan. [Name of practitioner] will
10 not be allowed to bill you the difference between the price charged
11 by the practitioner and the rate your health carrier will reimburse for
12 the services during your care at [name of in network facility] unless
13 you give your written consent to the charge."
- 14 (B) Sets forth the practitioner's good faith estimate of the amount that
15 the practitioner intends to charge for the health care services
16 provided to the covered individual.
- 17 (C) Includes a notice reading substantially as follows concerning the
18 good faith estimate set forth under clause (B): "The estimate of our
19 intended charge for [name or description of health care services] set
20 forth in this statement is provided in good faith and is our best
21 estimate of the amount we will charge. If our actual charge for [name
22 or description of health care services] exceeds our estimate by the
23 greater of:
- 24 (i) one hundred dollars (\$100); or
25 (ii) five percent (5%);
26 we will explain to you why the charge exceeds the estimate."
- 27 (2) The covered individual signs the statement provided under
28 subdivision (1), signifying the covered individual's consent to the charge
29 for the health care services being greater than allowed according to the
30 rate or amount of compensation established by the network plan.
- 31 (j) If an out of network practitioner does not meet the requirements of
32 subsection (i), the out of network practitioner shall include on any bill
33 remitted to a covered individual a written statement in conspicuous type
34 stating that the covered individual is not responsible for more than the rate or
35 amount of compensation established by the covered individual's network plan
36 plus any required copayment, deductible, or coinsurance.
- 37 (k) If a covered individual's network plan remits reimbursement to the
38 covered individual for health care services subject to the reimbursement
39 limitation of subsection (i), the network plan shall provide with the
40 reimbursement a written statement in conspicuous type that states that the
41 covered individual is not responsible for more than the rate or amount of
42 compensation established by the covered individual's network plan and that
43 is included in the reimbursement plus any required copayment, deductible, or
44 coinsurance.
- 45 (l) If the charge of a practitioner for health care services provided to a
46 covered individual exceeds the estimate provided to the covered individual
47 under subsection (i)(1)(B) by the greater of:
- 48 (1) one hundred dollars (\$100); or
49 (2) five percent (5%);
50 the facility or practitioner shall explain in a writing provided to the covered

1 individual why the charge exceeds the estimate.

2 (m) An in network practitioner is not required to provide a covered
3 individual with the good faith estimate if the nonemergency health care
4 service is scheduled to be performed by the practitioner within five (5)
5 business days after the health care service is ordered.

6 (n) The department of insurance shall adopt ~~emergency~~ rules under
7 ~~IC 4-22-2-37.1~~ **IC 4-22-2** to specify the requirements of the notifications set
8 forth in subsections (j) and (k).

9 (o) The requirements of this section do not apply to a practitioner who:

10 (1) is required to comply with; and

11 (2) is in compliance with;

12 45 CFR Part 149, Subparts E and G, as may be enforced and amended by the
13 federal Department of Health and Human Services.

14 SECTION 181. IC 25-1-9.3-9, AS AMENDED BY P.L.207-2021,
15 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2024]: Sec. 9. (a) The board shall, in consultation with the medical
17 licensing board, adopt rules under IC 4-22-2 to implement this chapter,
18 including:

19 (1) a process to grant or deny waivers or renewals of waivers from the
20 requirement to issue electronically transmitted prescriptions for
21 controlled substances due to:

22 (A) economic hardship;

23 (B) technological limitations outside the control of the prescriber that
24 are not otherwise specified in section 8 of this chapter; or

25 (C) other circumstances determined by the board; and

26 (2) a list of circumstances in which issuing an electronically transmitted
27 prescription would be impractical and cause delay that would adversely
28 impact the user's medical condition.

29 (b) Any rules adopted under this chapter must be substantially similar to
30 the requirements and exceptions under:

31 (1) 42 U.S.C. 1395w-104; and

32 (2) any regulations adopted under 42 U.S.C. 1395w-104.

33 ~~(c) The board, in consultation with the medical licensing board, may adopt~~
34 ~~emergency rules in the manner provided in IC 4-22-2-37.1. A rule adopted~~
35 ~~under this section expires on the earlier of the following:~~

36 ~~(1) The date that the rule is superseded, amended, or repealed by a~~
37 ~~permanent rule adopted under IC 4-22-2.~~

38 ~~(2) July 1, 2023.~~

39 ~~(d)~~ (c) A provision described in:

40 (1) section 8(1) through 8(4);

41 (2) section 8(6); and

42 (3) section 8(7);

43 of this chapter does not require a waiver of any rule adopted under this
44 chapter.

45 SECTION 182. IC 25-2.1-2-16, AS ADDED BY P.L.25-2012, SECTION
46 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
47 Sec. 16. (a) The board may adopt a rule under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to
48 incorporate by reference into a rule the latest statement, edition, or
49 compilation of the professional standards governing the competent practice
50 of accountancy that are:

- 1 (1) enacted in a federal or state statute, rule, or regulation; or
 2 (2) adopted by an agent of the United States, a state, or a nationally
 3 recognized organization or association, including the AICPA, the
 4 International Accounting Standards Board, and the Public Company
 5 Accounting Oversight Board.
- 6 (b) The board may, by resolution, authorize the executive director of the
 7 Indiana professional licensing agency to adopt one (1) or more rules described
 8 in subsection (a) on behalf of the board. The authorization may be limited as
 9 determined by the board. The board may revise or terminate an authorization
 10 by resolution. The executive director of the Indiana professional licensing
 11 agency shall adopt rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** in conformity with
 12 the resolution adopted by the board. A rule adopted on behalf of the board by
 13 the executive director must:
- 14 (1) be signed by the executive director;
 15 (2) specify on the signature page that the executive director is acting on
 16 behalf of the board; and
 17 (3) be submitted to the publisher of the Indiana Register under
 18 ~~IC 4-22-2-37.1~~ **IC 4-22-2** with a copy of the resolution authorizing the
 19 rulemaking.
- 20 A rule adopted by the executive director in conformity with this subsection
 21 shall be treated as a rule of the board.
- 22 ~~(c) A rule described in subsection (a) or (b) expires on the later of the date:~~
 23 ~~(1) specified in the rule; or~~
 24 ~~(2) that another rule becomes effective that amends or repeals the~~
 25 ~~previously issued rule.~~
- 26 SECTION 183. IC 25-22.5-13-1, AS ADDED BY P.L.185-2013,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2024]: Sec. 1. (a) ~~Before November 1, 2013,~~ The board shall adopt
 29 **emergency** rules in the manner provided under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to
 30 establish standards and procedures to do the following:
- 31 (1) Receive and review petitions from the attorney general seeking board
 32 authorization to examine a physician's records and controlled substances
 33 inventory and materials to investigate the physician's controlled
 34 substances prescribing practices.
 35 (2) Authorize, where appropriate, the attorney general to examine
 36 records, materials, and inventory relating to the physician's controlled
 37 substance prescribing practices.
 38 (3) Provide safeguards and protections for physicians against
 39 unreasonable and oppressive examination authorizations and actions
 40 taken to carry out the authorizations, including limitations on
 41 interference with regular practice operations and other appropriate due
 42 process provisions.
- 43 ~~(b) Before November 1, 2014, the board shall adopt permanent rules under~~
 44 ~~IC 4-22-2 to establish permanent rules for the standards and procedures~~
 45 ~~described in subsection (a).~~
- 46 ~~(c) An emergency rule adopted under subsection (a) remains in effect until~~
 47 ~~the effective date of the permanent rules adopted under subsection (b).~~
- 48 ~~(d) (b) The rules adopted under this section do not abrogate or eliminate~~
 49 ~~the attorney general's investigative authority under IC 4-6-3-3, IC 4-6-10-3,~~
 50 ~~IC 25-1-7-4, or any other applicable statute or rule.~~

1 SECTION 184. IC 25-22.5-13-4 IS REPEALED [EFFECTIVE JULY 1,
2 2024]. ~~Sec. 4. A board, commission, or agency required to adopt rules under~~
3 ~~this chapter may adopt emergency rules in the manner provided under~~
4 ~~IC 4-22-2-37.1 for the same purposes.~~

5 SECTION 185. IC 25-22.5-13-8, AS AMENDED BY P.L.56-2023,
6 SECTION 235, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2024]: Sec. 8. The medical licensing board of Indiana shall, in
8 consultation with the Indiana department of health, the office of the secretary
9 of family and social services, and representatives of prescriber stakeholders,
10 adopt

11 ~~(1) emergency rules under IC 4-22-2-37.1 before December 1, 2017; and~~
12 ~~(2) rules under IC 4-22-2~~

13 setting forth the conditions the board considers necessary under
14 IC 25-1-9.7-2(b)(1)(D) to be exempted from the prescribing limitations set
15 forth in IC 25-1-9.7-2(a).

16 SECTION 186. IC 25-26-13-4, AS AMENDED BY P.L.5-2016, SECTION
17 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
18 Sec. 4. (a) The board may:

19 (1) adopt rules under IC 4-22-2 for implementing and enforcing this
20 chapter;

21 (2) establish requirements and tests to determine the moral, physical,
22 intellectual, educational, scientific, technical, and professional
23 qualifications for applicants for pharmacists' licenses;

24 (3) refuse to issue, deny, suspend, or revoke a license or permit or place
25 on probation or fine any licensee or permittee under this chapter;

26 (4) regulate the sale of drugs and devices in the state of Indiana;

27 (5) impound, embargo, confiscate, or otherwise prevent from disposition
28 any drugs, medicines, chemicals, poisons, or devices which by
29 inspection are deemed unfit for use or would be dangerous to the health
30 and welfare of the citizens of the state of Indiana; the board shall follow
31 those embargo procedures found in IC 16-42-1-18 through
32 IC 16-42-1-31, and persons may not refuse to permit or otherwise
33 prevent members of the board or their representatives from entering
34 such places and making such inspections;

35 (6) prescribe minimum standards with respect to physical characteristics
36 of pharmacies, as may be necessary to the maintenance of professional
37 surroundings and to the protection of the safety and welfare of the
38 public;

39 (7) subject to IC 25-1-7, investigate complaints, subpoena witnesses,
40 schedule and conduct hearings on behalf of the public interest on any
41 matter under the jurisdiction of the board;

42 (8) prescribe the time, place, method, manner, scope, and subjects of
43 licensing examinations which shall be given at least twice annually; and

44 (9) perform such other duties and functions and exercise such other
45 powers as may be necessary to implement and enforce this chapter.

46 (b) The board shall adopt rules under IC 4-22-2 for the following:

47 (1) Establishing standards for the competent practice of pharmacy.

48 (2) Establishing the standards for a pharmacist to counsel individuals
49 regarding the proper use of drugs.

50 (3) Establishing standards and procedures before January 1, 2006, to

- 1 ensure that a pharmacist:
- 2 (A) has entered into a contract that accepts the return of expired
3 drugs with; or
- 4 (B) is subject to a policy that accepts the return of expired drugs of;
5 a wholesaler, manufacturer, or agent of a wholesaler or manufacturer
6 concerning the return by the pharmacist to the wholesaler, the
7 manufacturer, or the agent of expired legend drugs or controlled drugs.
8 In determining the standards and procedures, the board may not interfere
9 with negotiated terms related to cost, expenses, or reimbursement
10 charges contained in contracts between parties, but may consider what
11 is a reasonable quantity of a drug to be purchased by a pharmacy. The
12 standards and procedures do not apply to vaccines that prevent
13 influenza, medicine used for the treatment of malignant hyperthermia,
14 and other drugs determined by the board to not be subject to a return
15 policy. An agent of a wholesaler or manufacturer must be appointed in
16 writing and have policies, personnel, and facilities to handle properly
17 returns of expired legend drugs and controlled substances.
- 18 (c) The board may grant or deny a temporary variance to a rule it has
19 adopted if:
- 20 (1) the board has adopted rules which set forth the procedures and
21 standards governing the grant or denial of a temporary variance; and
22 (2) the board sets forth in writing the reasons for a grant or denial of a
23 temporary variance.
- 24 (d) The board shall adopt rules and procedures, in consultation with the
25 medical licensing board, concerning the electronic transmission of
26 prescriptions. The rules adopted under this subsection must address the
27 following:
- 28 (1) Privacy protection for the practitioner and the practitioner's patient.
29 (2) Security of the electronic transmission.
30 (3) A process for approving electronic data intermediaries for the
31 electronic transmission of prescriptions.
32 (4) Use of a practitioner's United States Drug Enforcement Agency
33 registration number.
34 (5) Protection of the practitioner from identity theft or fraudulent use of
35 the practitioner's prescribing authority.
- 36 (e) The governor may direct the board to develop:
- 37 (1) a prescription drug program that includes the establishment of
38 criteria to eliminate or significantly reduce prescription fraud; and
39 (2) a standard format for an official tamper resistant prescription drug
40 form for prescriptions (as defined in IC 16-42-19-7(1)).
- 41 The board may adopt rules under IC 4-22-2 necessary to implement this
42 subsection.
- 43 (f) The standard format for a prescription drug form described in
44 subsection (e)(2) must include the following:
- 45 (1) A counterfeit protection bar code with human readable
46 representation of the data in the bar code.
47 (2) A thermochromic mark on the front and the back of the prescription
48 that:
- 49 (A) is at least one-fourth (1/4) of one (1) inch in height and width;
50 and

- 1 (B) changes from blue to clear when exposed to heat.
- 2 (g) The board may contract with a supplier to implement and manage the
3 prescription drug program described in subsection (e). The supplier must:
- 4 (1) have been audited by a third party auditor using the SAS 70 audit or
5 an equivalent audit for at least the three (3) previous years; and
6 (2) be audited by a third party auditor using the SAS 70 audit or an
7 equivalent audit throughout the duration of the contract;
- 8 in order to be considered to implement and manage the program.
- 9 (h) The board shall adopt rules under IC 4-22-2 ~~or emergency rules in the~~
10 ~~manner provided under IC 4-22-2-37.1 that take effect on July 1, 2016,~~
11 ~~concerning:~~
- 12 (1) professional determinations made under IC 35-48-4-14.7(d); and
13 (2) the determination of a relationship on record with the pharmacy
14 under IC 35-48-4-14.7.
- 15 (i) The board may:
- 16 (1) review professional determinations made by a pharmacist; and
17 (2) take appropriate disciplinary action against a pharmacist who
18 violates a rule adopted under subsection (h) concerning a professional
19 determination made;
- 20 under IC 35-48-4-14.7 concerning the sale of ephedrine and pseudoephedrine.
- 21 SECTION 187. IC 25-26-13-4.4, AS ADDED BY P.L.202-2017,
22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2024]: Sec. 4.4. The board may adopt ~~emergency rules~~ **a rule** under
24 ~~IC 4-22-2-37.1~~ **IC 4-22-2** concerning pharmacies that perform compounding.
- 25 SECTION 188. IC 25-26-13-31.7, AS AMENDED BY P.L.143-2022,
26 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2024]: Sec. 31.7. (a) Subject to rules adopted under subsection (c), a
28 pharmacy technician may administer any immunization to an individual under
29 a drug order or prescription, as delegated by the pharmacist.
- 30 (b) Subject to rules adopted under subsection (c), a pharmacy technician
31 may administer an immunization to an individual or a group of individuals
32 under a drug order, under a prescription, or according to a protocol approved
33 by a physician, as delegated by the pharmacist.
- 34 (c) The board shall adopt rules under IC 4-22-2 to establish requirements
35 applying to a pharmacy technician who administers an immunization to an
36 individual or group of individuals. The rules adopted under this section must
37 provide for the direct supervision of the pharmacy technician by a pharmacist,
38 a physician, a physician assistant, or an advanced practice registered nurse.
39 ~~Before July 1, 2021, the board shall adopt emergency rules under~~
40 ~~IC 4-22-2-37.1 to establish the requirements described in this subsection.~~
41 ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the board~~
42 ~~under this subsection and in the manner provided by IC 4-22-2-37.1 expires~~
43 ~~on the date on which a rule that supersedes the emergency rule is adopted by~~
44 ~~the board under IC 4-22-2-24 through IC 4-22-2-36.~~
- 45 (d) The board must approve all programs that provide training to pharmacy
46 technicians to administer immunizations as permitted by this section.
- 47 SECTION 189. IC 25-26-14-32, AS ADDED BY P.L.180-2018, SECTION
48 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
49 Sec. 32. ~~(a)~~ The board shall adopt rules under IC 4-22-2 ~~including emergency~~
50 ~~rules adopted in the manner provided under IC 4-22-2-37.1,~~ to establish

1 requirements for a third party logistics license, license fees, and other relevant
 2 matters consistent with the Drug Supply Chain Security Act (21 U.S.C.
 3 360eee et seq.).

4 (b) ~~An emergency rule adopted by the board under this section expires on~~
 5 ~~the date the emergency rule is amended or repealed by a later rule adopted~~
 6 ~~under IC 4-22-2-22.5 through IC 4-22-2-36.~~

7 SECTION 190. IC 25-26-23-2, AS ADDED BY P.L.119-2011, SECTION
 8 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 9 Sec. 2. (a) The board shall adopt rules under IC 4-22-2 to implement this
 10 chapter.

11 (b) ~~The board may adopt emergency rules under IC 4-22-2-37.1 to~~
 12 ~~implement this chapter.~~

13 SECTION 191. IC 25-34.1-2-5, AS AMENDED BY P.L.84-2016,
 14 SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 5. The commission may:

- 16 (1) administer and enforce the provisions of this article;
- 17 (2) adopt rules in accordance with IC 4-22-2 and prescribe forms for
- 18 licenses, applications, and other documents which are necessary or
- 19 appropriate for the administration and enforcement of this article;
- 20 (3) issue, deny, suspend, and revoke licenses in accordance with this
- 21 article, which licenses shall remain the property of the commission;
- 22 (4) subject to IC 25-1-7, investigate complaints concerning licensees or
- 23 persons the commission has reason to believe should be licensees,
- 24 including complaints respecting failure to comply with this article or the
- 25 rules, and, when appropriate, take action pursuant to IC 25-34.1-6;
- 26 (5) bring actions, in the name of the state of Indiana, in an appropriate
- 27 circuit court, superior court, or probate court in order to enforce
- 28 compliance with this article or the rules;
- 29 (6) inspect the records of a licensee in accordance with rules and
- 30 standards prescribed by the commission;
- 31 (7) conduct, or designate a member or other representative to conduct,
- 32 public hearings on any matter for which a hearing is required under this
- 33 article and exercise all powers granted in IC 4-21.5;
- 34 (8) adopt a seal containing the words "Indiana Real Estate Commission"
- 35 and, through its executive director, certify copies and authenticate all
- 36 acts of the commission;
- 37 (9) utilize counsel, consultants, and other persons who are necessary or
- 38 appropriate to administer and enforce this article and the rules;
- 39 (10) enter into contracts and authorize expenditures that are necessary
- 40 or appropriate, subject to IC 25-1-6, to administer and enforce this
- 41 article and the rules;
- 42 (11) maintain the commission's office, files, records, and property in the
- 43 city of Indianapolis;
- 44 (12) grant, deny, suspend, and revoke approval of examinations and
- 45 courses of study as provided in IC 25-34.1-5;
- 46 (13) provide for the filing and approval of surety bonds which are
- 47 required by IC 25-34.1-5;
- 48 (14) adopt rules in accordance with IC 4-22-2 necessary for the
- 49 administration of the investigative fund established under
- 50 IC 25-34.1-8-7.5;

1 (15) adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to adopt any
 2 or all parts of Uniform Standards of Professional Appraisal Practice
 3 (USPAP), including the comments to the USPAP, as published by the
 4 Appraisal Standards Board of the Appraisal Foundation, under the
 5 authority of Title XI of the Financial Institutions Reform, Recovery, and
 6 Enforcement Act (12 U.S.C. 3331-3351);

7 (16) exercise other specific powers conferred upon the commission by
 8 this article; and

9 (17) adopt rules under IC 4-22-2 governing education, including
 10 prelicensing, postlicensing, and continuing education.

11 SECTION 192. IC 25-34.1-11-15.5, AS ADDED BY P.L.15-2018,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2024]: Sec. 15.5. (a) This section applies to an appraisal management
 14 company that qualifies as an appraisal management company under 12 U.S.C.
 15 3350(11).

16 (b) As used in this section, "Appraisal Subcommittee" refers to the
 17 Appraisal Subcommittee of the Federal Financial Institutions Examination
 18 Council.

19 (c) As used in this section, "covered transaction" has the meaning set forth
 20 in the federal interagency AMC Rule (12 CFR 34.210-34.216; 12 CFR
 21 225.190-225.196; 12 CFR 323.8-323.14; 12 CFR 1222.20-1222.26).

22 (d) As used in this section, "performed an appraisal", with respect to a real
 23 estate appraiser and an appraisal management company, means the appraisal
 24 service requested of the real estate appraiser by the appraisal management
 25 company was provided to the appraisal management company.

26 (e) An appraisal management company to which this section applies shall
 27 pay to the board the annual AMC registry fee, as established by the Appraisal
 28 Subcommittee, as follows:

29 (1) In the case of an appraisal management company that has been in
 30 existence for more than one (1) year, twenty-five dollars (\$25)
 31 multiplied by the number of real estate appraisers who have performed
 32 an appraisal for the appraisal management company in connection with
 33 a covered transaction in Indiana during the previous year.

34 (2) In the case of an appraisal management company that has not been
 35 in existence for more than one (1) year, twenty-five dollars (\$25)
 36 multiplied by the number of real estate appraisers who have performed
 37 an appraisal for the appraisal management company in connection with
 38 a covered transaction in Indiana since the appraisal management
 39 company commenced doing business.

40 (f) The AMC registry fee required by this section is in addition to the
 41 registration fee required by section 15 of this chapter.

42 (g) The board shall transmit the AMC registry fees collected under this
 43 section to the Appraisal Subcommittee on an annual basis. For purposes of
 44 this subsection, the board may align a one (1) year period with any twelve
 45 (12) month period, which may or not may not be based on the calendar year.
 46 Only those appraisal management companies whose registry fees have been
 47 transmitted to the Appraisal Subcommittee will be eligible to be on the AMC
 48 Registry (as defined in 12 U.S.C. 1102.401(a)).

49 (h) Upon recommendations of the board under IC 25-34.1-8-6.5, the
 50 commission may do the following:

- 1 (1) Adopt rules under IC 4-22-2 to implement this section.
 2 (2) Amend rules adopted under this subsection as necessary to conform
 3 the annual AMC registry fee required by this section with the AMC
 4 registry fee established by the Appraisal Subcommittee.
 5 ~~In adopting or amending a rule under this subsection, the commission may~~
 6 ~~adopt emergency rules in the manner provided by IC 4-22-2-37.1.~~
 7 ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the~~
 8 ~~commission under this subsection and in the manner provided by~~
 9 ~~IC 4-22-2-37.1 expires on the date on which a rule that supersedes the~~
 10 ~~emergency rule is adopted by the commission under IC 4-22-2-24 through~~
 11 ~~IC 4-22-2-36.~~

12 SECTION 193. IC 25-38.1-2-14.5, AS ADDED BY P.L.48-2022,
 13 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2024]: Sec. 14.5. If the board determines that an emergency presents a risk
 15 to the delivery of competent, honest, and principled veterinary services in
 16 Indiana as described in IC 15-17.5-2-4, the board may adopt ~~emergency rules~~
 17 ~~in the manner provided under IC 4-22-2-37.1~~ **IC 4-22-2** that:

- 18 (1) suspend or modify licensing, examination, continuing education, or
 19 permit requirements under this article; or
 20 (2) implement measures that safeguard the health, safety, and welfare of
 21 the citizens and animals of Indiana.

22 SECTION 194. IC 27-1-12.1-15, AS ADDED BY P.L.115-2011,
 23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2024]: Sec. 15. (a) The commissioner may adopt rules under IC 4-22-2 to
 25 implement this chapter.

26 (b) The rules adopted under subsection (a) may specify the following
 27 concerning limited purpose subsidiaries:

- 28 (1) Requirements for reserves, including actuarial certification.
 29 (2) Requirements for securities.
 30 (3) Authorized investments.
 31 (4) Requirements with respect to reinsurance ceded or assumed by the
 32 limited purpose subsidiary.
 33 (5) Requirements for dividends and distributions.
 34 (6) Requirements for operations.
 35 (7) Conditions of, forms for, and approval of the financing of a limited
 36 purpose subsidiary.

37 ~~(e) The commissioner may adopt emergency rules under IC 4-22-2-37.1~~
 38 ~~to implement this section if the commissioner determines that:~~

- 39 ~~(1) the need for a rule is so immediate and substantial that rulemaking~~
 40 ~~procedures under IC 4-22-2-23 through IC 4-22-2-36 are inadequate to~~
 41 ~~address the need; and~~
 42 ~~(2) an emergency rule is likely to address the need.~~

43 SECTION 195. IC 27-1-23-7 IS AMENDED TO READ AS FOLLOWS
 44 [EFFECTIVE JULY 1, 2024]: Sec. 7. The commissioner may adopt **rules**
 45 under IC 4-22-2 ~~such rules and orders as are necessary~~ to carry out this
 46 chapter. ~~including emergency rules under IC 4-22-2-37.1.~~

47 SECTION 196. IC 27-1-45-8, AS AMENDED BY P.L.165-2022,
 48 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 49 1, 2024]: Sec. 8. (a) An out of network practitioner who provides health care
 50 services at an in network facility to a covered individual may not be

1 reimbursed more for the health care services than allowed according to the
2 rate or amount of compensation established by the covered individual's
3 network plan as described in subsection (b) unless all of the following
4 conditions are met:

5 (1) At least five (5) business days before the health care service is
6 scheduled to be provided to the covered individual, the facility or
7 practitioner provides to the covered individual, on a form separate from
8 any other form provided to the covered individual by the facility or
9 practitioner, a statement in conspicuous type that meets the following
10 requirements:

11 (A) Includes a notice reading substantially as follows: "[Name of
12 facility or practitioner] is an out of network practitioner providing
13 [type of care], with [name of in network facility], which is an in
14 network provider facility within your health carrier's plan. [Name of
15 facility or practitioner] will not be allowed to bill you the difference
16 between the price charged for the services and the rate your health
17 carrier will reimburse for the services during your care at [name of
18 in network facility] unless you give your written consent to the
19 charge."

20 (B) Sets forth the facility's or practitioner's good faith estimate of the
21 established fee for the health care services provided to the covered
22 individual.

23 (C) Includes a notice reading substantially as follows concerning the
24 good faith estimate set forth under clause (B): "The estimate of our
25 intended charge for [name or description of health care services] set
26 forth in this statement is provided in good faith and is our best
27 estimate of the amount we will charge. If the actual charge for [name
28 or description of health care services] exceeds our estimate by the
29 greater of:

30 (i) one hundred dollars (\$100); or

31 (ii) five percent (5%);

32 we will explain to you why the charge exceeds the estimate."

33 (2) The covered individual signs the statement provided under
34 subdivision (1), signifying the covered individual's consent to the charge
35 for the health care services being greater than allowed according to the
36 rate or amount of compensation established by the network plan.

37 (b) If an out of network practitioner does not meet the requirements of
38 subsection (a), the out of network practitioner shall include on any bill
39 remitted to a covered individual a written statement in conspicuous type
40 stating that the covered individual is not responsible for more than the rate or
41 amount of compensation established by the covered individual's network plan
42 plus any required copayment, deductible, or coinsurance.

43 (c) If a covered individual's network plan remits reimbursement to the
44 covered individual for health care services that did not meet the requirements
45 of subsection (a), the network plan shall provide with the reimbursement a
46 written statement in conspicuous type that states that the covered individual
47 is not responsible for more than the rate or amount of compensation
48 established by the covered individual's network plan and that is included in
49 the reimbursement plus any required copayment, deductible, or coinsurance.

50 (d) If the charge of a facility or practitioner for health care services

1 provided to a covered individual exceeds the estimate provided to the covered
2 individual under subsection (a)(1)(B) by an amount greater than:

- 3 (1) one hundred dollars (\$100); or
- 4 (2) five percent (5%);

5 the facility or practitioner shall explain in a writing provided to the covered
6 individual why the charge exceeds the estimate.

7 (e) The department shall adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~
8 **IC 4-22-2** to specify the requirements of the notifications set forth in:

- 9 (1) subsections (b) and (c); and
- 10 (2) IC 25-1-9-23(j) and IC 25-1-9-23(k).

11 SECTION 197. IC 27-7-3-15.5, AS AMENDED BY P.L.175-2019,
12 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2024]: Sec. 15.5. (a) This section applies to the following transactions:

14 (1) A mortgage transaction (as defined in IC 24-9-3-7(a)) that:

15 (A) is:

- 16 (i) a first lien purchase money mortgage transaction; or
- 17 (ii) a refinancing transaction; and

18 (B) is closed by a closing agent after December 31, 2009.

19 (2) A real estate transaction (as defined in IC 24-9-3-7(b)) that:

20 (A) does not involve a mortgage transaction described in subdivision
21 (1); and

22 (B) is closed by a closing agent (as defined in IC 6-1.1-12-43(a)(2))
23 after December 31, 2011.

24 (b) For purposes of this subsection, a person described in this subsection
25 is involved in a transaction to which this section applies if the person
26 participates in or assists with, or will participate in or assist with, a transaction
27 to which this section applies. The department shall establish and maintain an
28 electronic system for the collection and storage of the following information,
29 to the extent applicable, concerning a transaction to which this section
30 applies:

31 (1) In the case of a transaction described in subsection (a)(1), the name
32 and license number (under IC 23-2.5) of each loan broker involved in
33 the transaction.

34 (2) In the case of a transaction described in subsection (a)(1), the name
35 and license or registration number of any mortgage loan originator who
36 is:

37 (A) either licensed or registered under state or federal law as a
38 mortgage loan originator consistent with the Secure and Fair
39 Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5101
40 et seq.); and

41 (B) involved in the transaction.

42 (3) The name and license number (under IC 25-34.1) of each:

- 43 (A) broker company; and
- 44 (B) broker if any;

45 involved in the transaction.

46 (4) The following information:

47 (A) The:

- 48 (i) name of; and
- 49 (ii) code assigned by the NAIC to;

50 each title insurance underwriter involved in the transaction.

- 1 (B) The type of title insurance policy issued in connection with the
 2 transaction.
- 3 (5) The name and license number (under IC 27-1-15.6) of each title
 4 insurance agency and agent involved in the transaction as a closing
 5 agent (as defined in IC 6-1.1-12-43(a)(2)).
- 6 (6) The following information:
- 7 (A) The name and:
 8 (i) license or certificate number (under IC 25-34.1-3-8) of each
 9 licensed or certified real estate appraiser; or
 10 (ii) license number (under IC 25-34.1) of each broker;
 11 who appraises the property that is the subject of the transaction.
- 12 (B) The name and registration number (under IC 25-34.1-11-10) of
 13 any appraisal management company that performs appraisal
 14 management services (as defined in IC 25-34.1-11-3) in connection
 15 with the transaction.
- 16 (7) In the case of a transaction described in subsection (a)(1), the name
 17 of the creditor and, if the creditor is required to be licensed under
 18 IC 24-4.4, the license number of the creditor.
- 19 (8) In the case of a transaction described in subsection (a)(1)(A)(i) or
 20 (a)(2), the name of the seller of the property that is the subject of the
 21 transaction.
- 22 (9) In the case of a transaction described in subsection (a)(1)(A)(i), the
 23 following information:
- 24 (A) The name of the buyer of the property that is the subject of the
 25 transaction.
- 26 (B) The purchase price of the property that is the subject of the
 27 transaction.
- 28 (C) The loan amount of the mortgage transaction.
- 29 (10) In the case of a transaction described in subsection (a)(2), the
 30 following information:
- 31 (A) The name of the buyer of the property that is the subject of the
 32 transaction.
- 33 (B) The purchase price of the property that is the subject of the
 34 transaction.
- 35 (11) In the case of a transaction described in subsection (a)(1)(A)(ii), the
 36 following information:
- 37 (A) The name of the borrower in the mortgage transaction.
- 38 (B) The loan amount of the refinancing.
- 39 (12) The:
- 40 (A) name; and
 41 (B) license number, certificate number, registration number, or other
 42 code, as appropriate;
 43 of any other person that is involved in a transaction to which this section
 44 applies, as the department may prescribe.
- 45 (c) The system established by the department under this section must
 46 include a form that:
- 47 (1) is uniformly accessible in an electronic format to the closing agent
 48 (as defined in IC 6-1.1-12-43(a)(2)) in the transaction; and
 49 (2) allows the closing agent to do the following:
- 50 (A) Input information identifying the property that is the subject of

- 1 the transaction by lot or parcel number, street address, or some other
2 means of identification that the department determines:
- 3 (i) is sufficient to identify the property; and
4 (ii) is determinable by the closing agent.
- 5 (B) Subject to subsection (d) and to the extent determinable, input
6 the applicable information described in subsection (b).
- 7 (C) Respond to the following questions, if applicable:
- 8 (i) "On what date did you receive the closing instructions from the
9 creditor in the transaction?"
10 (ii) "On what date did the transaction close?"
- 11 (D) Submit the form electronically to a data base maintained by the
12 department.
- 13 (d) Not later than the time of the closing or the date of disbursement,
14 whichever is later, each person described in subsection (b), other than a
15 person described in subsection (b)(8), (b)(9), (b)(10), or (b)(11), shall provide
16 to the closing agent in the transaction the person's:
- 17 (1) legal name; and
18 (2) license number, certificate number, registration number, or NAIC
19 code, as appropriate;
- 20 to allow the closing agent to comply with subsection (c)(2)(B). In the case of
21 a transaction described in subsection (a)(1), the person described in
22 subsection (b)(7) shall, with the cooperation of any person involved in the
23 transaction and described in subsection (b)(6)(A) or (b)(6)(B), provide the
24 information described in subsection (b)(6). In the case of a transaction
25 described in subsection (a)(1)(A)(ii), the person described in subsection
26 (b)(7) shall also provide the information described in subsection (b)(11). A
27 person described in subsection (b)(3)(B) who is involved in the transaction
28 may provide the information required by this subsection for a person
29 described in subsection (b)(3)(A) that serves as the broker company for the
30 person described in subsection (b)(3)(B). The closing agent shall determine
31 the information described in subsection (b)(8), (b)(9), and (b)(10) from the
32 HUD-1 settlement statement, or in the case of a transaction described in
33 subsection (a)(2), from the contract or any other document executed by the
34 parties in connection with the transaction.
- 35 (e) The closing agent in a transaction to which this section applies shall
36 submit the information described in subsection (d) to the data base described
37 in subsection (c)(2)(D) not later than twenty (20) business days after the date
38 of closing or the date of disbursement, whichever is later.
- 39 (f) Except for a person described in subsection (b)(8), (b)(9), (b)(10), or
40 (b)(11), a person described in subsection (b) who fails to comply with
41 subsection (d) or (e) is subject to a civil penalty of one hundred dollars (\$100)
42 for each closing with respect to which the person fails to comply with
43 subsection (d) or (e). The penalty:
- 44 (1) may be enforced by the state agency that has administrative
45 jurisdiction over the person in the same manner that the agency enforces
46 the payment of fees or other penalties payable to the agency; and
47 (2) shall be paid into the home ownership education account established
48 by IC 5-20-1-27.
- 49 (g) Subject to subsection (h), the department shall make the information
50 stored in the data base described in subsection (c)(2)(D) accessible to:

- 1 (1) each entity described in IC 4-6-12-4; and
 2 (2) the homeowner protection unit established under IC 4-6-12-2.
- 3 (h) The department, a closing agent who submits a form under subsection
 4 (c), each entity described in IC 4-6-12-4, and the homeowner protection unit
 5 established under IC 4-6-12-2 shall exercise all necessary caution to avoid
 6 disclosure of any information:
- 7 (1) concerning a person described in subsection (b), including the
 8 person's license, registration, or certificate number; and
 9 (2) contained in the data base described in subsection (c)(2)(D);
 10 except to the extent required or authorized by state or federal law.
- 11 (i) The department may adopt rules under IC 4-22-2 ~~including emergency~~
 12 ~~rules under IC 4-22-2-37.1~~, to implement this section. Rules adopted by the
 13 department under this subsection may establish procedures for the department
 14 to:
- 15 (1) establish;
 16 (2) collect; and
 17 (3) change as necessary;
- 18 an administrative fee to cover the department's expenses in establishing and
 19 maintaining the electronic system required by this section.
- 20 (j) If the department adopts a rule under IC 4-22-2 to establish an
 21 administrative fee to cover the department's expenses in establishing and
 22 maintaining the electronic system required by this section, as allowed under
 23 subsection (i), the department may:
- 24 (1) require the fee to be paid:
- 25 (A) to the closing agent responsible for inputting the information and
 26 submitting the form described in subsection (c)(2); and
 27 (B) by the borrower, the seller, or the buyer in the transaction;
- 28 (2) allow the closing agent described in subdivision (1)(A) to retain a
 29 part of the fee collected to cover the closing agent's costs in inputting the
 30 information and submitting the form described in subsection (c)(2); and
 31 (3) require the closing agent to pay the remainder of the fee collected to
 32 the department for deposit in the title insurance enforcement fund
 33 established by IC 27-7-3.6-1, for the department's use in establishing and
 34 maintaining the electronic system required by this section.
- 35 SECTION 198. IC 27-8-6-8, AS AMENDED BY P.L.170-2022, SECTION
 36 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 37 Sec. 8. (a) As used in this section, "emergency medical services" has the
 38 meaning set forth in IC 16-18-2-110.
- 39 (b) As used in this section, "emergency medical services provider
 40 organization" means a provider of emergency medical services that is certified
 41 by the Indiana emergency medical services commission as an advanced life
 42 support provider organization under rules adopted under IC 16-31-3.
- 43 (c) As used in this section, "policy of accident and sickness insurance" has
 44 the meaning set forth in IC 27-8-5-1. However, for purposes of this section,
 45 the term does not include the following:
- 46 (1) Accident only, credit, dental, vision, Medicare supplement, long term
 47 care, or disability income insurance.
 48 (2) Coverage issued as a supplement to liability insurance.
 49 (3) Automobile medical payment insurance.
 50 (4) A specified disease policy.

- 1 (5) A policy that provides a stipulated daily, weekly, or monthly
 2 payment to an insured without regard to the actual expense of the
 3 confinement.
- 4 (6) A short term insurance plan (as defined in IC 27-8-5.9-3).
- 5 (d) A policy of accident and sickness insurance that provides coverage for
 6 emergency medical services must provide reimbursement for emergency
 7 medical services that are:
- 8 (1) rendered by an emergency medical services provider organization;
 9 (2) within the emergency medical services provider organization's scope
 10 of practice;
 11 (3) performed or provided as advanced life support services; and
 12 (4) performed or provided during a response initiated through the 911
 13 system regardless of whether the patient is transported.
- 14 (e) Reimbursement for basic and advanced life support services through
 15 a policy to which this section applies must be provided on an equal basis
 16 regardless of whether the services involve transportation of the patient by
 17 ambulance.
- 18 (f) If multiple emergency medical services provider organizations qualify
 19 and submit a claim for reimbursement under this section for an encounter, the
 20 insurer:
- 21 (1) may reimburse under this section only for one (1) claim per patient
 22 encounter; and
 23 (2) shall reimburse the claim submitted by the emergency medical
 24 services provider organization that performed or provided the majority
 25 of advanced life support services for the patient.
- 26 (g) The department may adopt rules under IC 4-22-2 ~~including emergency~~
 27 ~~rules under IC 4-22-2-37.1;~~ to implement this section.
- 28 (h) This section does not require a policy of accident and sickness
 29 insurance to provide coverage for emergency medical services.
- 30 SECTION 199. IC 27-10-2-4.6, AS ADDED BY P.L.147-2022, SECTION
 31 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 32 Sec. 4.6. The commissioner shall adopt
 33 ~~(1) before July 1, 2022, emergency rules under IC 4-22-2-37.1; and~~
 34 ~~(2) rules under IC 4-22-2~~
 35 to implement section 4.5 of this chapter.
- 36 SECTION 200. IC 27-13-7-27, AS AMENDED BY P.L.170-2022,
 37 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 38 1, 2024]: Sec. 27. (a) This section applies to each of the following:
- 39 (1) An individual contract.
 40 (2) A group contract.
- 41 (b) As used in this section, "emergency medical services" has the meaning
 42 set forth in IC 16-18-2-110.
- 43 (c) As used in this section, "emergency medical services provider
 44 organization" means a provider of emergency medical services that is certified
 45 by the Indiana emergency medical services commission as an advanced life
 46 support provider organization under rules adopted under IC 16-31-3.
- 47 (d) An individual contract and a group contract that provide coverage for
 48 emergency medical services must provide reimbursement for emergency
 49 medical services that are:
- 50 (1) rendered by an emergency medical services provider organization;

- 1 (2) within the emergency medical services provider organization's scope
 2 of practice;
- 3 (3) performed or provided as advanced life support services; and
 4 (4) performed or provided during a response initiated through the 911
 5 system regardless of whether the patient is transported.
- 6 (e) Reimbursement for basic and advanced life support services through
 7 a contract to which this section applies must be provided on an equal basis
 8 regardless of whether the services involve transportation of the patient by
 9 ambulance.
- 10 (f) If multiple emergency medical services provider organizations qualify
 11 and submit a claim for reimbursement under this section, the health
 12 maintenance organization:
- 13 (1) may reimburse under this section only for one (1) claim per patient
 14 encounter; and
 15 (2) shall reimburse the claim submitted by the emergency medical
 16 services provider organization that performed or provided the majority
 17 of advanced life support services.
- 18 (g) The department may adopt rules under IC 4-22-2 ~~including emergency~~
 19 ~~rules under IC 4-22-2-37.1~~, to implement this section.
- 20 (h) This section does not require an individual contract or a group contract
 21 to provide coverage for emergency medical services.
- 22 SECTION 201. IC 28-1-13-7.1 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2024]: Sec. 7.1. (a) As used in this section, "federally
 24 chartered bank" means a bank that was incorporated under 12 U.S.C. 21 et
 25 seq. and is doing business in Indiana.
- 26 (b) As used in this section, "rollover mortgage" means a loan that:
- 27 (1) is secured by a first mortgage on real estate improved by:
 28 (A) a dwelling for one (1) to four (4) families; or
 29 (B) a combination home and business building; and
 30 (2) may be subject to rate adjustments at regularly scheduled times.
- 31 (c) As used in this section, "state chartered bank" means a bank that was
 32 incorporated under the laws of Indiana and is doing business in Indiana. The
 33 term includes a savings bank organized under the laws of Indiana.
- 34 (d) A state chartered bank may make, arrange, purchase, or sell loans or
 35 extensions of credit secured by liens or interests in real estate as:
- 36 (1) may be so made, arranged, purchased, or sold by a federally
 37 chartered bank under a federal law or regulation; or
 38 (2) prescribed by order of the department or by a rule adopted by the
 39 department under IC 4-22-2.
- 40 (e) In addition to loans authorized by subsection (d), a state chartered bank
 41 may make rollover mortgage loans. A rollover mortgage loan made by a state
 42 chartered bank is subject to the following requirements and restrictions:
- 43 (1) At each scheduled adjustment time, if the loan is not then in default,
 44 the lender shall make rate adjustments available for the amount of the
 45 outstanding loan for the remaining term of the loan.
 46 (2) Any adjustment in the loan must be made without administrative
 47 charges to the borrower.
 48 (3) Scheduled adjustments of the loan must be at least one (1) year apart.
 49 (4) The lender may not charge any penalty or other assessment for the
 50 prepayment of the loan by the borrower at the time of any adjustment.

1 (5) At each scheduled adjustment time, the lender and the borrower may
 2 agree to increase or decrease the interest rate applicable to the
 3 outstanding balance of the loan.

4 (6) At the option of the lender, the borrower may be granted the option
 5 to extend the amortization period for purposes of calculating monthly
 6 payments on the loan in accordance with the following rules:

7 (A) The extension of the amortization period may equal up to
 8 one-third (1/3) of the original amortization period, irrespective of
 9 whether this extends the amortization period beyond thirty (30) years.

10 (B) To the extent of any extension of the amortization period, the
 11 amortization period will be reduced upon a subsequent downward
 12 adjustment in the interest rate.

13 ~~(f) The department may adopt an emergency rule under IC 4-22-2-37.1 to~~
 14 ~~implement this section.~~

15 SECTION 202. IC 28-15-11-17, AS AMENDED BY P.L.140-2013,
 16 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2024]: Sec. 17. (a) Any statement, disclosure, or notification required by
 18 this chapter with respect to an alternative mortgage loan may be made in the
 19 form prescribed by the primary federal regulator or its successor for a similar
 20 alternative mortgage loan made by a federal savings association.

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

25 SECTION 203. IC 31-25-2-21, AS AMENDED BY P.L.198-2019,
 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2024]: Sec. 21. (a) As used in this section, "transitional services plan"
 28 means a plan that provides information concerning the following to an
 29 individual described in subsection (b):

30 (1) Education.

31 (2) Employment.

32 (3) Housing.

33 (4) Health care, including information concerning the individual's
 34 eligibility and participation in the Medicaid program.

35 (5) Development of problem solving skills.

36 (6) Available local, state, and federal financial assistance.

37 (b) The department shall implement a program that provides a transitional
 38 services plan to the following:

39 (1) An individual who has become or will become:

40 (A) eighteen (18) years of age; or

41 (B) emancipated;

42 while receiving foster care.

43 (2) An individual who:

44 (A) is at least eighteen (18) but less than twenty-one (21) years of
 45 age; and

46 (B) is receiving collaborative care under IC 31-28-5.8.

47 (c) A transitional services plan for an individual described in subsection
 48 (b) shall contain a document that:

49 (1) describes the rights of the individual with respect to:

50 (A) education, health, visitation, and court participation;

- 1 (B) the right to be provided with the individual's medical documents
 2 and any other medical information; and
 3 (C) the right to stay safe and avoid exploitation; and
 4 (2) includes a signed acknowledgment by the individual that the:
 5 (A) individual has been provided with a copy of the document
 6 described in subdivision (1); and
 7 (B) rights contained in the document have been explained to the
 8 individual in an age appropriate manner.
- 9 (d) The individual's child representatives selected by the individual under
 10 IC 31-34-15-7 or IC 31-37-19-1.7 may participate in the development of a
 11 transitional services plan for the individual.
- 12 (e) The department, as part of the program described in this section, in
 13 cooperation with the office of Medicaid policy and planning, shall include, as
 14 part of the transitional services plan for an individual described in subsection
 15 (b), the enrollment of the individual in the Medicaid program.
- 16 (f) The department shall adopt rules under IC 4-22-2 ~~including emergency~~
 17 ~~rules under IC 4-22-2-37.1~~; necessary to implement the program described in
 18 this section.
- 19 SECTION 204. IC 31-27-2-4, AS AMENDED BY P.L.56-2023, SECTION
 20 301, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
 21 Sec. 4. (a) The department shall adopt rules under IC 4-22-2 ~~including~~
 22 ~~emergency rules under IC 4-22-2-37.1~~; concerning the licensing and
 23 inspection of:
- 24 (1) child caring institutions, foster family homes, group homes, and child
 25 placing agencies after consultation with the following:
 26 (A) Indiana department of health.
 27 (B) Fire prevention and building safety commission; and
 28 (2) child caring institutions and group homes that are licensed for infants
 29 and toddlers after consultation with the division of family resources.
- 30 (b) The rules adopted under subsection (a) shall be applied by the
 31 department and state fire marshal in the licensing and inspection of applicants
 32 for a license and licensees under this article.
- 33 (c) The rules adopted under IC 4-22-2 must establish minimum standards
 34 for the care and treatment of children in a secure private facility.
- 35 (d) The rules described in subsection (c) must include standards governing
 36 the following:
 37 (1) Admission criteria.
 38 (2) General physical and environmental conditions.
 39 (3) Services and programs to be provided to confined children.
 40 (4) Procedures for ongoing monitoring and discharge planning.
 41 (5) Procedures for the care and control of confined persons that are
 42 necessary to ensure the health, safety, and treatment of confined
 43 children.
- 44 (e) The department shall license a facility as a secure private facility if the
 45 facility:
 46 (1) meets the minimum standards required under subsection (c);
 47 (2) provides a continuum of care and services; and
 48 (3) is licensed under IC 31-27-3.
- 49 (f) A waiver of the rules may not be granted for treatment and reporting
 50 requirements.

1 SECTION 205. IC 31-27-4-2, AS AMENDED BY P.L.123-2014,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: Sec. 2. (a) A person may not operate a therapeutic foster family
4 home without a certificate issued under this article.

5 (b) The state or a political subdivision of the state may not operate a
6 therapeutic foster family home without a certificate issued under this article.

7 (c) The department may issue a certificate only for a therapeutic foster
8 family home that meets:

9 (1) all the certification requirements of a foster family home; and

10 (2) the additional requirements described in this section.

11 (d) To receive a certificate for the operation of a therapeutic foster family
12 home, a person must do the following:

13 (1) Be licensed as a foster parent under this chapter and 465 IAC 2-1-1
14 et seq.

15 (2) Participate in preservice training that includes:

16 (A) preservice training to be licensed as a foster parent under 465
17 IAC 2-1-1 et seq.; and

18 (B) additional preservice training in therapeutic foster care.

19 (e) A person who is issued a certificate to operate a therapeutic foster
20 family home shall, within one (1) year after meeting the training requirements
21 of subsection (d)(2) and, annually thereafter, participate in training that
22 includes:

23 (1) training as required in order to be licensed as a foster parent under
24 465 IAC 2-1-1 et seq.; and

25 (2) additional training in therapeutic foster care.

26 (f) An operator of a therapeutic foster family home may not provide
27 supervision and care in a therapeutic foster family home to more than four (4)
28 children at the same time, including the children for whom the applicant or
29 operator is a relative, guardian, or custodian, and only two (2) of the children
30 may be foster children. The department may grant an exception to this
31 subsection whenever the placement of siblings in the same therapeutic foster
32 family home is desirable, the foster child has an established, meaningful
33 relationship with the therapeutic foster parent, or it is otherwise in the foster
34 child's best interests.

35 (g) An operator of a therapeutic foster family home that has a therapeutic
36 foster child placed with the therapeutic foster family home may not accept a
37 placement of a child who is not a therapeutic foster child unless the child who
38 is not a therapeutic foster child is a sibling of the therapeutic foster child who
39 is placed with the therapeutic foster family home or it is in the best interests
40 of the child being placed.

41 (h) A therapeutic foster family home may provide care for an individual
42 receiving collaborative care under IC 31-28-5.8.

43 (i) The department shall adopt rules under IC 4-22-2 ~~including emergency~~
44 ~~rules under IC 4-22-2-37.1~~, necessary to carry out this section, including rules
45 governing the number of hours of training required under subsections (d) and
46 (e).

47 (j) If a therapeutic foster family home does not meet the requirements
48 under subsection (f) or (g) on July 1, 2011, any foster child placed in the
49 home prior to July 1, 2011, may remain placed. However, a new placement
50 of a child may not be made in violation of this section.

1 SECTION 206. IC 34-55-10-2.5, AS AMENDED BY P.L.140-2013,
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2024]: Sec. 2.5. (a) The department of financial institutions shall adopt a
 4 rule under IC 4-22-2 establishing the amount for each exemption under
 5 section 2(c)(1) through 2(c)(3) of this chapter to take effect not earlier than
 6 January 1, 2010, and not later than March 1, 2010.

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

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

18 (d) The department of financial institutions shall round the amount of an
 19 exemption determined under subsections (a) and (b) to the nearest fifty dollars
 20 (\$50).

21 (e) A rule establishing amounts for exemptions under this section may not
 22 reduce an exemption amount below the exemption amount on July 1, 2005.

23 ~~(f) The department of financial institutions may adopt a rule under~~
 24 ~~subsection (a) or subsection (b) as an emergency rule under IC 4-22-2-37.1.~~

25 ~~(g) An emergency rule adopted by the department of financial institutions~~
 26 ~~under this section expires on the earlier of the following dates:~~

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

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

31 SECTION 207. IC 35-38-2.6-6, AS AMENDED BY P.L.72-2023,
 32 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2024]: Sec. 6. (a) As used in this section, "home" means the actual living
 34 area of the temporary or permanent residence of a person.

35 (b) A person confined on work release or home detention in a community
 36 corrections program receives one (1) day of accrued time for each day the
 37 person is confined on work release or home detention.

38 (c) In addition to accrued time under subsection (b), a person who is
 39 placed on a level of supervision as part of a community corrections program
 40 under this chapter is entitled to earn good time credit under IC 35-50-6-3 and
 41 IC 35-50-6-3.1. A person placed on a level of supervision as part of a
 42 community corrections program may not earn educational credit under
 43 IC 35-50-6-3.3.

44 (d) The department of correction shall adopt rules under IC 4-22-2 ~~and~~
 45 ~~may adopt emergency rules under IC 4-22-2-37.1~~, concerning the deprivation
 46 of earned good time credit for a person who is placed on a level of supervision
 47 as part of a community corrections program under this chapter.

48 (e) A person who is placed on a level of supervision as part of a
 49 community corrections program under this chapter may be deprived of earned
 50 good time credit as provided under rules adopted by the department of

1 correction under IC 4-22-2. ~~including IC 4-22-2-37.1.~~

2 SECTION 208. IC 35-48-4-14.3, AS AMENDED BY P.L.5-2016,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2024]: Sec. 14.3. (a) The board shall adopt

5 ~~(1) a rule under IC 4-22-2 or~~

6 ~~(2) an emergency rule in the manner provided under IC 4-22-2-37.1;~~

7 to declare that a product is an extraction resistant or a conversion resistant
8 form of ephedrine or pseudoephedrine.

9 (b) The board, in consultation with the state police, shall find that a
10 product is an extraction resistant or a conversion resistant form of ephedrine
11 or pseudoephedrine if the board determines that the product does not pose a
12 significant risk of being used in the manufacture of methamphetamine. In
13 making its determination under this subsection, the board may receive
14 information from the federal Drug Enforcement Administration (DEA) as to
15 whether a product is extraction resistant or conversion resistant.

16 SECTION 209. IC 36-8-10.5-7, AS AMENDED BY P.L.139-2023,
17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2024]: Sec. 7. (a) The education board shall adopt rules under IC 4-22-2
19 establishing minimum basic training requirements for full-time firefighters
20 and volunteer firefighters, subject to subsection (b) and section 7.5 of this
21 chapter. The requirements must include training in the following areas:

22 (1) Orientation.

23 (2) Personal safety.

24 (3) Forcible entry.

25 (4) Ventilation.

26 (5) Apparatus.

27 (6) Ladders.

28 (7) Self-contained breathing apparatus.

29 (8) Hose loads.

30 (9) Streams.

31 (10) Basic recognition of special hazards.

32 (b) A person who fulfills the certification requirements for:

33 (1) Firefighter I; or

34 (2) Firefighter II;

35 is considered to comply with the requirements established under subsection
36 (a).

37 (c) In addition to the requirements of subsections (a), (d), and (f), the
38 minimum basic training requirements for full-time firefighters and volunteer
39 firefighters must include successful completion of a basic or inservice course
40 of education and training on sudden infant death syndrome that is certified by
41 the Indiana emergency medical services commission (created under
42 IC 16-31-2-1) in conjunction with the state health commissioner.

43 (d) In addition to the requirements of subsections (a), (c), and (f), the
44 minimum basic training requirements for full-time and volunteer firefighters
45 must include successful completion of an instruction course on vehicle
46 emergency response driving safety. The education board shall adopt rules
47 under IC 4-22-2 to operate this course.

48 (e) In addition to the requirements of subsections (a), (c), (d), and (f), the
49 minimum basic training requirements for full-time and volunteer firefighters
50 must include successful completion of a basic or inservice course of education

1 and training in interacting with individuals with autism that is certified by the
 2 Indiana emergency medical services commission (created under
 3 IC 16-31-2-1).

4 (f) This subsection does not apply to volunteer firefighters. After
 5 December 31, 2024, in addition to the requirements of subsections (a), (c),
 6 (d), and (e), the minimum basic training requirement for full-time firefighters
 7 must include training, which may be completed online or by other means of
 8 virtual instruction, that addresses the mental health and wellness of
 9 firefighters, including:

- 10 (1) healthy coping skills to preserve the mental health of firefighters and
- 11 to manage the stress and trauma related to employment as a firefighter;
- 12 (2) recognition of:
 - 13 (A) symptoms of posttraumatic stress disorder; and
 - 14 (B) signs of suicidal behavior; and
- 15 (3) information on mental health resources available for firefighters.

16 (g) The education board may adopt ~~emergency rules in the manner~~
 17 ~~provided under IC 4-22-2-37.1~~ **IC 4-22-2** concerning the adoption of the most
 18 current edition of the following National Fire Protection Association
 19 standards, subject to amendment by the board:

- 20 (1) NFPA 472.
- 21 (2) NFPA 1001.
- 22 (3) NFPA 1002.
- 23 (4) NFPA 1003.
- 24 (5) NFPA 1006.
- 25 (6) NFPA 1021.
- 26 (7) NFPA 1031.
- 27 (8) NFPA 1033.
- 28 (9) NFPA 1035.
- 29 (10) NFPA 1041.
- 30 (11) NFPA 1521.
- 31 (12) NFPA 1670.

32 (h) ~~Notwithstanding any provision in IC 4-22-2-37.1 to the contrary, an~~
 33 ~~emergency rule described in subsection (g) expires on the earlier of the~~
 34 ~~following dates:~~

- 35 (1) ~~Two (2) years after the date on which the emergency rule is accepted~~
 36 ~~for filing with the publisher of the Indiana Register.~~
- 37 (2) ~~The date a permanent rule is adopted under this chapter.~~

38 (i) ~~At least sixty (60) days before the education board adopts an emergency~~
 39 ~~rule under subsection (g), the education board shall:~~

- 40 (1) ~~notify the public of its intention to adopt an emergency rule by~~
 41 ~~publishing a notice of intent to adopt an emergency rule in the Indiana~~
 42 ~~Register; and~~
- 43 (2) ~~provide a period for public hearing and comment for the proposed~~
 44 ~~rule.~~

45 ~~The publication notice described in subdivision (1) must include an overview~~
 46 ~~of the intent and scope of the proposed emergency rule and the statutory~~
 47 ~~authority for the rule.~~

48 **SECTION 210. An emergency is declared for this act.**

(Reference is to ESB 4 as printed February 22, 2024.)

Conference Committee Report
on
Engrossed Senate Bill 4

Signed by:

Senator Garten
Chairperson

Representative Thompson

Senator Niezgodski

Representative Jordan

Senate Conferees

House Conferees