

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1082

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-14-1-11.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 11.7. (a) Before July 1 of each year, the department shall report:**

- (1) any administrative rule that has been:**
 - (A) proposed by the department; or**
 - (B) adopted by the board;**
- (2) any operating policy or procedure that has been instituted or altered by the department; and**
- (3) any nonrule policy or statement that has been proposed or put into effect under section 11.5 of this chapter;**

since the preceding July 1 that constitutes a change in the policy previously followed by the department under this title and the rules adopted by the board.

(b) The report required under subsection (a) shall be submitted in an electronic format under IC 5-14-6 to the executive director of the legislative services agency, who shall present it to the legislative council established by IC 2-5-1.1-1 before the following September 1.

SECTION 2. IC 13-14-9-4, AS AMENDED BY P.L.100-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4. (a) The department shall provide notice in the**

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Indiana Register of the second public comment period required by section 2 of this chapter. A notice provided under this section must do the following:

- (1) Contain the full text of the proposed rule, to the extent required under IC 4-22-2-24(c).
- (2) Contain a summary of the response of the department to written comments submitted under section 3 of this chapter during the first public comment period.
- (3) Request the submission of comments, including suggestions of specific amendments to the language contained in the proposed rule.
- (4) Contain the full text of the commissioner's written findings under section 7 of this chapter, if applicable.
- (5) Identify each element of the proposed rule that imposes a restriction or requirement on persons to whom the proposed rule applies that:
 - (A) is more stringent than a restriction or requirement imposed under federal law; or
 - (B) applies in a subject area in which federal law does not impose a restriction or requirement.
- (6) With respect to each element identified under subdivision (5), identify:
 - (A) the environmental circumstance or hazard that dictates the imposition of the proposed restriction or requirement to protect human health and the environment;
 - (B) examples in which federal law is inadequate to provide the protection referred to in clause (A); and
 - (C) the:
 - (i) estimated fiscal impact; and
 - (ii) expected benefits;
 based on the extent to which the proposed rule is more stringent than the restrictions or requirements of federal law, or on the creation of restrictions or requirements in a subject area in which federal law does not impose restrictions or requirements.
- (7) For any element of the proposed rule that imposes a restriction or requirement that is more stringent than a restriction or requirement imposed under federal law or that applies in a subject area in which federal law does not impose restrictions or requirements, describe the availability for public inspection of all materials relied upon by the department in the development of the proposed rule, including, if applicable:



- (A) health criteria;
 - (B) analytical methods;
 - (C) treatment technology;
 - (D) economic impact data;
 - (E) environmental assessment data;
 - (F) analyses of methods to effectively implement the proposed rule; and
 - (G) other background data.
- (b) The notice required under subsection (a):
- (1) shall be published electronically in the Indiana Register under procedures established by the publisher; **and**
 - (2) **if any element of the proposed rule to which the notice relates imposes a restriction or requirement that is more stringent than a restriction or requirement imposed under federal law, shall be submitted in an electronic format under IC 5-14-6 to the executive director of the legislative services agency, who shall present the notice to the legislative council established by IC 2-5-1.1-1.**
- (c) **If the notice provided by the department concerning a proposed rule identifies, under subsection (a)(5), an element of the proposed rule that imposes a restriction or requirement more stringent than a restriction or requirement imposed under federal law, the proposed rule shall not become effective under this chapter until the adjournment sine die of the regular session of the general assembly that begins after the department provides the notice.**
- (d) **Subsections (b)(2) and (c) do not prohibit or restrict the commissioner, the department, or the board from:**
- (1) adopting emergency rules under IC 4-22-2-37.1;
 - (2) taking emergency action under IC 13-14-10; or
 - (3) temporarily:
 - (A) altering ordinary operating policies or procedures; or
 - (B) implementing new policies or procedures;
- in response to an emergency situation.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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