Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1211

AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 4-4-41-11, AS ADDED BY P.L.89-2021, SECTION 11 AND P.L.158-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 11. The office shall adopt rules under IC 4-22-2 necessary for the administration of this chapter. In adopting the rules required by this section, the office may adopt emergency rules in the manner provided by IC 4-22-2-37.1. ~~Notwithstanding IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the office under this section and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the office under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 2. IC 4-13-1-28 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 28. (a) As used in this section, "blockchain technology" means distributed ledger technology that uses a distributed, decentralized, shared, and replicated ledger that may be public or private, permissioned or permissionless, and that may include the use of electronic currencies or electronic tokens as a medium of electronic exchange.**

(b) As used in this section, "distributed ledger technology" means any data base that is consensually shared and synchronized across multiple sites, institutions, or geographies allowing for

public witnesses to such transactions and may include supporting infrastructure, including blockchain technology.

(c) As used in this section, "office of technology" refers to the office of technology established by IC 4-13.1-2-1.

(d) Not later than October 1, 2022, the department shall issue, on behalf of the office of technology, a request for information in compliance with IC 5-23-4.5 for purposes of exploring how the use of blockchain technology could be used by a state agency to:

(1) achieve greater cost efficiency and cost effectiveness; and

(2) improve consumer:

(A) convenience;

(B) experience;

(C) data security; and

(D) data privacy.

(e) The request for information shall include participation from the following state agencies:

(1) The office of technology.

(2) The election division of the office of the secretary of state (IC 3-6-4.2-1).

(3) The dealer services division of the office of the secretary of state (IC 9-32-2-11).

(4) The securities division of the office of the secretary of state (IC 23-19-6-1).

(5) The bureau of motor vehicles (IC 9-14-7).

(6) Any other state agency that wishes to participate.

(7) Any state agency identified by a respondent as potentially benefiting from the use of blockchain technology.

(f) A state agency described in subsection (e)(6) shall assist a respondent with any reasonable request for assistance or information needed for the respondent to complete the response to the request for information.

(g) The department shall set the deadline for submissions of the request for information under this section as not later than February 1, 2023.

(h) Subject to IC 5-23-4.5-3, the office of technology shall prepare a report that includes:

(1) information regarding the responses to the request for information under this section, including a copy of a response to the request for information if the person who submitted the response waived confidentiality in writing;

(2) any recommendations by the office of technology regarding the request for information or the responses to the

request for information; and

(3) any other information that the office of technology determines is relevant to the request for information.

(i) Not later than March 31, 2023, the office of technology shall submit the report prepared under subsection (h) to the legislative council in an electronic format under IC 5-14-6.

(j) This section expires July 1, 2023.

SECTION 3. IC 4-22-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) "Agency" means any officer, board, commission, department, division, bureau, committee, or other governmental entity exercising any of the executive (including the administrative) powers of state government. The term does not include the judicial or legislative departments of state government or a political subdivision as defined in IC 36-1-2-13.

(b) "Rule" means the whole or any part of an agency statement of general applicability that:

(1) has or is designed to have the effect of law; and

(2) implements, interprets, or prescribes:

(A) law or policy; or

(B) the organization, procedure, or practice requirements of an agency.

(c) "Rulemaking action" means the process of formulating or adopting a rule. The term does not include an agency action.

(d) "Agency action" has the meaning set forth in IC 4-21.5-1-4.

(e) "Person" means an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

(f) "Publisher" refers to the publisher of the Indiana Register and Indiana Administrative Code, which is the legislative council, or the legislative services agency operating under the direction of the council.

(g) "Emergency rule" refers to a rule authorized by a statute outside this article to be adopted in accordance with the procedures in section 37.1 of this chapter.

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

SECTION 4. IC 4-22-2-13, AS AMENDED BY P.L.2-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. (a) Subject to subsections (b), (c), and (d), this chapter applies to the addition, amendment, or repeal of a rule in every rulemaking action.

(b) This chapter does not apply to the following agencies:

(1) Any military officer or board.

(2) Any state educational institution.

(c) This chapter does not apply to a rulemaking action that results in any of the following rules:

(1) A resolution or directive of any agency that relates solely to internal policy, internal agency organization, or internal procedure and does not have the effect of law.

(2) A restriction or traffic control determination of a purely local nature that:

(A) is ordered by the commissioner of the Indiana department of transportation;

(B) is adopted under IC 9-20-1-3(d), IC 9-21-4-7, or IC 9-20-7; and

(C) applies only to one (1) or more particularly described intersections, highway portions, bridge causeways, or viaduct areas.

(3) A rule adopted by the secretary of state under IC 26-1-9.1-526.

(4) An executive order or proclamation issued by the governor.

(d) Except as specifically set forth in IC 13-14-9, sections 24, **24.5,** 26, 27, and 29 of this chapter do not apply to rulemaking actions under IC 13-14-9.

SECTION 5. IC 4-22-2-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 24.5. (a) This section applies to proposed rules submitted to the publisher after June 30, 2022.**

(b) At the same time an agency submits a proposed rule to the publisher under section 24 of this chapter, the agency shall submit to the publisher the following:

(1) If applicable, the economic impact statement prepared by the agency under IC 4-22-2.1-5.

(2) If the rule imposes a penalty, fine, or other similar negative impact on a person or business, a written explanation of the penalty, fine, or other similar negative impact, and why the penalty, fine, or other similar negative impact is considered necessary.

(c) The publisher shall provide a copy of the materials submitted by an agency under this section in an electronic format to:

(1) each member of the standing committee or standing committees that have subject matter jurisdiction most closely relating to the subject matter of the rule;

(2) the governor; and

(3) the office of management and budget.

(d) The publisher shall publish the materials submitted under

subsection (b) in the Indiana Register.

SECTION 6. IC 4-22-2-28, AS AMENDED BY P.L.237-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 28. (a) The following definitions apply throughout this section:

(1) "Ombudsman" refers to the small business ombudsman designated under IC 5-28-17-6.

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

(b) The ombudsman:

(1) shall review a proposed rule that:

(A) imposes requirements or costs on small businesses (as defined in IC 4-22-2.1-4); and

(B) is referred to the ombudsman by an agency under IC 4-22-2.1-5(c); and

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

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

(c) Subject to subsection (e) and not later than fifty (50) days before the public hearing for a proposed rule required by section 26 of this chapter, an agency shall submit the proposed rule to the office of management and budget for a review under subsection (d), if the agency proposing the rule determines that the rule will have a total estimated economic impact greater than five hundred thousand dollars ($500,000) on all regulated persons. In determining the total estimated economic impact under this subsection, the agency shall consider any applicable information submitted by the regulated persons affected by the rule. To assist the office of management and budget in preparing the fiscal impact statement required by subsection (d), the agency shall submit, along with the proposed rule, the data used and assumptions made by the agency in determining the total estimated economic impact of the rule.

(d) Except as provided in subsection (e), before the adoption of the rule, and not more than forty-five (45) days after receiving a proposed

rule under subsection (c), the office of management and budget shall prepare, using the data and assumptions provided by the agency proposing the rule, along with any other data or information available to the office of management and budget, a fiscal impact statement concerning the effect that compliance with the proposed rule will have on:

(1) the state; and

(2) all persons regulated by the proposed rule.

The fiscal impact statement must contain the total estimated economic impact of the proposed rule and a determination concerning the extent to which the proposed rule creates an unfunded mandate on a state agency or political subdivision. The fiscal impact statement is a public document. The office of management and budget shall make the fiscal impact statement available to interested parties upon request and to the agency proposing the rule. The agency proposing the rule shall consider the fiscal impact statement as part of the rulemaking process and shall provide the office of management and budget with the information necessary to prepare the fiscal impact statement, including any economic impact statement prepared by the agency under IC 4-22-2.1-5. The office of management and budget may also receive and consider applicable information from the regulated persons affected by the rule in preparation of the fiscal impact statement.

(e) With respect to a proposed rule subject to IC 13-14-9:

(1) the department of environmental management shall give written notice to the office of management and budget of the proposed date of preliminary adoption of the proposed rule not less than sixty-six (66) days before that date; and

(2) the office of management and budget shall prepare the fiscal impact statement referred to in subsection (d) not later than twenty-one (21) days before the proposed date of preliminary adoption of the proposed rule.

(f) In determining whether a proposed rule has a total estimated economic impact greater than five hundred thousand dollars ($500,000), the agency proposing the rule shall consider the impact of the rule on any regulated person that already complies with the standards imposed by the rule on a voluntary basis.

(g) For purposes of this section, a rule is fully implemented after:

(1) the conclusion of any phase-in period during which:

(A) the rule is gradually made to apply to certain regulated persons; or

(B) the costs of the rule are gradually implemented; and

(2) the rule applies to all regulated persons that will be affected

by the rule.

In determining the total estimated economic impact of a proposed rule under this section, the agency proposing the rule shall consider the annual economic impact on all regulated persons beginning with the first twelve (12) month period after the rule is fully implemented. The agency may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The agency shall describe any assumptions made and any data used in determining the total estimated economic impact of a rule under this section.

(h) An agency shall provide the legislative council in an electronic format under IC 5-14-6 with any analysis, data, and description of assumptions submitted to the office of management and budget under this section or section 40 of this chapter at the same time the agency submits the information to the office of management and budget. The office of management and budget shall provide the legislative council in an electronic format under IC 5-14-6 any fiscal impact statement and related supporting documentation prepared by the office of management and budget under this section or section 40 of this chapter at the same time the office of management and budget provides the fiscal impact statement to the agency proposing the rule. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

(i) **Subject to IC 4-22-2.5-3.5,** an agency shall provide the legislative council in an electronic format under IC 5-14-6 with any economic impact or fiscal impact statement, including any supporting data, studies, or analysis, prepared for a rule proposed by the agency or subject to readoption by the agency to comply with:

(1) a requirement in section 19.5 of this chapter to minimize the expenses to regulated entities that are required to comply with the rule;

(2) a requirement in section 24 of this chapter to publish a justification of any requirement or cost that is imposed on a regulated entity under the rule;

(3) a requirement in IC 4-22-2.1-5 to prepare a statement that describes the annual economic impact of a rule on all small businesses after the rule is fully implemented;

(4) a requirement in IC 4-22-2.5-3.1 to conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses;

(5) a requirement in IC 13-14-9-3 or IC 13-14-9-4 to publish information concerning the fiscal impact of a rule or alternatives to a rule subject to these provisions; or

(6) a requirement under any other law to conduct an analysis of the cost, economic impact, or fiscal impact of a rule;

regardless of whether the total estimated economic impact of the proposed rule is more than five hundred thousand dollars ($500,000), as soon as practicable after the information is prepared. Information submitted under this subsection must identify the rule to which the information is related by document control number assigned by the publisher.

SECTION 7. IC 4-22-2-37.1, AS AMENDED BY P.L.140-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 37.1. (a) The following do not apply to a rule adopted under this section:

(1) Sections ~~24~~ **23** through 36 of this chapter.

(2) IC 13-14-9.

(b) **In conformity with section 14 of this chapter, this section creates only procedural rights and imposes only procedural duties. This section does not delegate substantive authority to an agency to adopt a rule. This section applies only if a statute outside this article delegates substantive rulemaking authority to the agency and that statute or another statute expressly authorizes the agency to exercise the rulemaking authority in accordance with the emergency procedures in this section.** A ~~rule may be adopted under this section~~ **statute outside this article authorizes an agency to exercise the agency's rulemaking authority in accordance with the procedures in this section** if ~~a~~ **the** statute ~~delegating authority to an agency to adopt rules authorizes adoption of such a rule:~~ **expressly states that rules may or shall be adopted:**

(1) under this section; or

(2) in the manner provided by this section.

(c) **To initiate a rulemaking proceeding under this section, an agency must:**

(1) demonstrate through findings of fact that:

(A) an imminent peril to the public health, safety, or welfare;

(B) avoidance of a loss of federal funding for an agency program or a violation of federal law or regulation;

(C) a change in the agency's governing statutes or a federal program; or

(D) avoidance of any other substantial negative impact to

the public interest;

requires the immediate adoption of a rule in accordance with this section; and

(2) ~~After~~ ~~an~~ ~~agency~~ ~~adopts~~ ~~a~~ ~~rule~~ ~~under~~ ~~this~~ ~~section,~~ ~~the~~ ~~agency~~ ~~shall~~ submit the rule **and findings of fact** to the publisher for the assignment of a document control number.

The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the ~~rule~~ ~~and~~ ~~other~~ documents to be submitted under this subsection. **The agency may adopt the emergency rule before or after submission of the emergency rule to the publisher. The publisher shall assign a document control number for the rule. The publisher shall also provide a copy of the emergency rule in an electronic format to each member of the standing committee or standing committees that have subject matter jurisdiction most closely relating to the subject matter of the emergency rule, the governor, and the office of management and budget, along with a statement indicating that the rule has been submitted to the attorney general for review.**

(d) After the document control number has been assigned **and the agency adopts the emergency rule,** the agency shall submit the **emergency** rule, **the findings required under subsection (c)(1), the document number, the documents required by section 21 of this chapter, and any other documents specified by the attorney general** to the ~~publisher~~ ~~for~~ ~~filing.~~ **attorney general for review.** The agency shall submit the rule in the form required by section 20 of this chapter. ~~and~~ ~~with~~ ~~the~~ ~~documents~~ ~~required~~ ~~by~~ ~~section~~ ~~21~~ ~~of~~ ~~this~~ ~~chapter.~~ The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) The attorney general shall conduct an expedited review of a rule submitted under subsection (d). The attorney general shall review a rule under this section to determine if it:

(1) has been adopted without statutory authority;

(2) has been adopted without complying with this section;

(3) has been adopted without complying with the statute authorizing the agency to adopt emergency rules under this section; or

(4) violates another law.

The attorney general shall complete the review within a time consistent with the emergency. The attorney general may return the rule to the agency without disapproving the rule, and the agency may recall and resubmit the rule to the attorney general

under the same document number in accordance with section 40 of this chapter. If the attorney general does not approve the rule for legality and form before the thirty-first day after the rule is submitted, the rule is deemed approved, and the agency may submit it to the publisher.

~~(e)~~ **(f) When a rule has been approved or deemed approved for legality and form by the attorney general, the agency shall immediately submit the rule to the publisher for filing.** Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; ~~and~~

(2) electronically record the date and time that the rule is accepted;

(3) publish the emergency rule; and

(4) provide in an electronic format a copy of the electronic rule along with a statement indicating that the rule has been approved by the attorney general to:

(A) each member of the standing committee or standing committees that have subject matter jurisdiction most closely relating to the subject matter of the emergency rule;

(B) the governor; and

(C) the office of management and budget.

~~(f)~~ **(g)** A rule adopted by an agency under this section takes effect on the latest of the following dates:

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

(2) The date and time that the rule is accepted for filing under subsection ~~(e).~~ **(f).**

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

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

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

~~(g)~~ **(h)** ~~Unless otherwise provided by the statute authorizing adoption of the rule:~~ **Except as permitted under subsection (k) or (l):**

(1) a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection ~~(e);~~ **(f);**

(2) a rule adopted under this section may be extended by adopting another rule under this section, but only for one (1) extension period; and

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

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

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

(B) IC 13-14-9;

as applicable.

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

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

(k) This subsection applies if a statute delegates authority to an agency to adopt an emergency rule and a change in the agency's governing statutes or a federal program requires an immediate adoption of an emergency rule. An agency may extend a rule for not more than six (6) extension periods in addition to the extension period permitted under subsection (h)(2) if the agency determines the additional extensions are needed to allow sufficient time to adopt a rule under sections 24 through 36 of this chapter or IC 13-14-9.

(l) This subsection is intended to establish uniform procedures for the implementation of emergency rules not described in subsection (k). If a statute outside this chapter (regardless of whether the statute is enacted before, on, or after July 1, 2022) permits an emergency rule to be:

(1) effective for more than ninety (90) days, the emergency rule expires ninety (90) days after the rule becomes effective, unless, before the expiration date, the agency provides electronic notice to the publisher stating the reasons for continuation of the emergency rule and the legislative council approves the continuation of the emergency rule; or

(2) extended for more than one (1) extension period, the agency may not apply the statute to extend the emergency rule for more than one (1) extension period of not more than ninety (90) days, unless, before the extension period elapses, the agency provides electronic notice to the publisher stating the reasons for additional extensions of the emergency rule and the legislative council approves the requested additional extension of the emergency rule.

However, if an emergency rule (including an emergency rule in effect on an extension) is in effect on July 1, 2022, the emergency rule expires on the earlier of the date that the emergency rule would expire without the application of this subsection or January 1, 2025, unless, before the expiration, the agency provides

electronic notice to the publisher stating the reasons for continuation of the emergency rule and the legislative council approves the requested continuation of the emergency rule. The publisher shall publish notice of a request under this subsection in the Indiana Register and provide the chair and vice chair of the legislative council with the request submitted to the publisher. The publisher shall publish notice of a determination of the legislative council under this subsection in the Indiana Register.

SECTION 8. IC 4-22-2.5-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1.1. (a) This section applies to the following:

(1) A rule that is required to receive or maintain:

(A) delegation;

(B) primacy; or

(C) approval;

for state implementation or operation of a program established under federal law.

(2) A rule that is required to begin or continue receiving federal funding for the implementation or operation of a program.

(b) A rule described in subsection (a) does not expire under this chapter. However, **except as provided in subsection (c),** an agency shall readopt a rule described in this section before ~~January 1~~ **July 1** of the ~~seventh~~ **fourth** year after the year in which the rule takes effect as set forth in this chapter.

(c) For a rule described in subsection (a) that takes effect before July 1, 2022, the agency shall readopt the rule not later than June 30, 2026.

SECTION 9. IC 4-22-2.5-2, AS AMENDED BY P.L.215-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. ~~(a) Except as provided in subsection (b) or section 1.1 of this chapter, an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on January 1 of the seventh year after the year in which the amendment takes effect.~~

~~(b) An administrative rule that:~~

~~(1) was adopted under IC 4-22-2;~~

~~(2) is in force on December 31, 1995; and~~

~~(3) is not amended by a rule that takes effect after December 31, 1995, and before January 1, 2002;~~

~~expires not later than January 1, 2002.~~

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

SECTION 10. IC 4-22-2.5-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 2.1. (a) Except as provided in subsection (b) or section 1.1 of this chapter, an administrative rule adopted under IC 4-22-2 expires July 1 of the fourth year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on July 1 of the fourth year after the year in which the amendment takes effect.**

(b) This subsection applies to an administrative rule that:

(1) was adopted under IC 4-22-2 or readopted under this chapter after December 31, 2015, and before January 1, 2020; and

(2) is in force on June 30, 2022.

The expiration date of a rule described in this subsection is extended under this subsection if the agency intends to readopt the rule. The rule expires on July 1, 2024.

SECTION 11. IC 4-22-2.5-3, AS AMENDED BY P.L.188-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) An agency that wishes to readopt a rule that is subject to expiration under this chapter must:

(1) follow the procedure for adoption of administrative rules under IC 4-22-2; and

(2) for a rule that expires under this chapter:

(A) after June 30, 2005, conduct any review required under section 3.1 of this chapter; **and**

(B) after June 30, 2024:

(i) conduct any review and compile any reports required under section 3.1 of this chapter; and

(ii) provide the notification and any reports as required under section 3.5 of this chapter.

(b) An agency may adopt a rule under IC 4-22-2 in anticipation of a rule's expiration under this chapter.

(c) An agency may not use IC 4-22-2-37.1 to readopt a rule that is subject to expiration under this chapter.

SECTION 12. IC 4-22-2.5-3.1, AS ADDED BY P.L.188-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2022]: Sec. 3.1. (a) This section applies to a rule that:

(1) expires under this chapter after June 30, 2005; and

(2) imposes requirements or costs on small businesses.

(b) As used in this section, "small business" has the meaning set forth in IC 4-22-2.1-4.

(c) **Subject to subsection (e),** before an agency may act under section 3 of this chapter to readopt a rule described in subsection (a), the agency shall conduct a review to consider whether there are any alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses. In reviewing a rule under this section, the agency shall consider the following:

(1) The continued need for the rule.

(2) The nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency.

(3) The complexity of the rule, including any difficulties encountered by:

(A) the agency in administering the rule; or

(B) small businesses in complying with the rule.

(4) The extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances.

(5) The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time.

(d) This subsection applies to a rule that was adopted through a rulemaking action initiated by the agency under IC 4-22-2-23 after June 30, 2005. **Subject to subsection (e),** in reviewing the rule under this section, the agency shall reexamine the most recent economic impact statement prepared by the agency under IC 4-22-2.1-5. The agency shall consider:

(1) the degree to which the factors analyzed in the statement have changed since the statement was prepared; and

(2) whether:

(A) any regulatory alternatives included in the statement under IC 4-22-2.1-5(a)(5); or

(B) any regulatory alternatives not considered by the agency at the time the statement was prepared;

could be implemented to replace one (1) or more of the rule's existing requirements.

(e) This subsection applies to a rule that expires under this chapter after June 30, 2024. Before an agency may act under section 3 of this chapter to readopt a rule described in subsection (a), and not later than January 1 of the third year after the year in which the rule most recently took effect, the agency shall:

(1) conduct the review under subsection (c) and prepare a written report detailing the agency's findings in the review; and

(2) conduct the reexamination under subsection (d) and make any necessary updates to the economic impact statement.

~~(e)~~ **(f)** After conducting the review required by this section **and providing the notification required under section 3.5 of this chapter,** the agency shall:

(1) readopt the rule without change, if no alternative regulatory methods exist that could minimize the economic impact of the rule on small businesses while still achieving the purpose of the rule;

(2) amend the rule to implement alternative regulatory methods that will minimize the economic impact of the rule on small businesses; or

(3) repeal the rule, if the need for the rule no longer exists.

SECTION 13. IC 4-22-2.5-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 3.5. (a) This section applies to a rule that expires under this chapter after June 30, 2024.**

(b) Subject to subsection (e), before an agency may act under section 3 of this chapter to readopt a rule described in subsection (a), and not later than January 1 of the third year after the year in which the rule most recently took effect, the agency shall provide notice of the pending readoption of the rule to the publisher. At the same time the agency provides notice of the pending readoption of the rule, the agency shall submit the following:

(1) A copy of the written report prepared under section 3.1(e)(1) of this chapter.

(2) A copy of the updated economic impact statement prepared by the agency under section 3.1(e)(2) of this chapter. If no update of the economic impact statement was necessary under section 3.1(e)(2) of this chapter, the agency shall provide a copy of the most recent economic impact statement prepared by the agency under IC 4-22-2.1-5.

(3) If the rule imposes a penalty, fine, or other similar negative impact on a person or business, a written description

of the penalty, fine, or other similar negative impact, and why the penalty, fine, or other similar negative impact is considered necessary.

(c) The publisher shall provide a copy of the materials submitted by an agency in an electronic format to:

(1) each member of the standing committee or standing committees that have subject matter jurisdiction most closely relating to the subject matter of the rule;

(2) the governor; and

(3) the office of management and budget.

(d) The publisher shall publish the materials submitted under subsection (b) in the Indiana Register.

(e) If an agency intends to readopt a rule described in section 2.1(b) of this chapter, the agency shall submit the materials under subsection (b) not later than January 1, 2023.

SECTION 14. IC 4-22-2.5-4, AS AMENDED BY P.L.123-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) Except as provided in subsection (b) and subject to ~~section~~ **sections** 3.1 **and 3.5** of this chapter, an agency may readopt all rules subject to expiration under this chapter under one (1) rule that lists all rules that are readopted by their titles and subtitles only. A rule that has expired but is readopted under this subsection may not be removed from the Indiana Administrative Code.

(b) If, not later than thirty (30) days after an agency's publication of notice of its intention to adopt a rule under IC 4-22-2-23 using the listing allowed under subsection (a), a person submits to the agency a written request and the person's basis for the request that a particular rule be readopted separately from the readoption rule described in subsection (a), the agency must:

(1) readopt that rule separately from the readoption rule described in subsection (a); and

(2) follow the procedure for adoption of administrative rules under IC 4-22-2 with respect to the rule.

(c) If the agency does not receive a written request under subsection (b) regarding a rule within thirty (30) days after the agency's publication of notice, the agency may:

(1) submit the rule for filing with the publisher under IC 4-22-2-35; or

(2) elect the procedure for readoption under IC 4-22-2.

SECTION 15. IC 4-22-2.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. If a rule is not readopted before the expiration date for the rule and the governor finds

that the failure to readopt the rule causes an emergency to exist, the governor may, by executive order issued before the rule's expiration date, postpone the expiration date of the rule until a date that is one (1) year after the date specified in section ~~2~~ **2.1** of this chapter.

SECTION 16. IC 4-30-3-9, AS AMENDED BY P.L.140-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) The commission may adopt emergency rules under IC 4-22-2-37.1.

(b) **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the commission under this section expires on the earlier of the following dates:

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

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

SECTION 17. IC 4-31-3-9, AS AMENDED BY P.L.140-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) Subject to section 14 of this chapter, the commission may:

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

(A) the forms of wagering that are permitted;

(B) the number of races;

(C) the procedures for wagering;

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

(E) fees for the issuance and renewal of:

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

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

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

(F) investigative fees;

(G) fines and penalties; and

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

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

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

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

(b) **Except as provided in IC 4-22-2-37.1,** an emergency rule

adopted by the commission under subsection (a) expires on the earlier of the following dates:

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

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

SECTION 18. IC 5-2-23-9, AS ADDED BY P.L.165-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) The criminal justice institute may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement this chapter.

(b) **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted under this section expires on the earlier of the following dates:

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

(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 or under IC 4-22-2-37.1.

(c) The criminal justice institute may readopt an emergency rule that has expired.

SECTION 19. IC 5-20-9-8, AS ADDED BY P.L.103-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The authority may adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided by IC 4-22-2-37.1, to establish the policies and procedures required under section 6 of this chapter and to otherwise implement this chapter. Rules or emergency rules adopted by the authority under this section must take effect not later than January 1, 2018.

(b) ~~Notwithstanding IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the authority in the manner provided by IC 4-22-2-37.1 to establish the policies and procedures required under section 6 of this chapter and to otherwise implement this chapter expires on the date a rule that supersedes the emergency rule is adopted by the authority under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 20. IC 5-28-5-8, AS AMENDED BY P.L.140-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The corporation shall adopt rules under IC 4-22-2 to carry out its duties under this article. The board may also adopt emergency rules under IC 4-22-2-37.1 to carry out its duties under this article.

(b) **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted under subsection (a) expires on the expiration date stated in

the rule.

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

SECTION 21. IC 5-28-41-14.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.5. All broadband infrastructure projects that are funded in whole or in part by a grant or loan from the fund must satisfy the criteria and requirements as described in IC 4-4-38.5.**

SECTION 22. IC 5-33-5-8, AS ADDED BY P.L.78-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The corporation shall adopt rules under IC 4-22-2 to carry out its duties under this article. The board may also adopt emergency rules in the manner provided under IC 4-22-2-37.1 to carry out its duties under this article.

(b) **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted under subsection (a) expires on the expiration date stated in the rule.

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

SECTION 23. IC 6-8.1-16.3-9, AS ADDED BY P.L.147-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. The department may adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1, to implement this chapter. **Except as provided in IC 4-22-2-37.1,** an emergency rule implemented under this section expires on the earlier of the following dates:

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

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

SECTION 24. IC 8-1-2-101.5, AS ADDED BY P.L.160-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 101.5. (a) This section applies to:

(1) a water main extension;

(2) a wastewater main extension; or

(3) an agreement that:

(A) is for a water main extension or a wastewater main

extension; and

(B) is entered into after June 30, 2020, by a utility and the person requesting the extension.

(b) As used in this section, "utility" means a municipally owned utility (as defined in IC 8-1-2-1(h)) that provides water service or wastewater service, or both, to the public.

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

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

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

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

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

(e) The commission shall adopt by:

(1) order; or

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

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

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

(1) not exceed:

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

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

whichever is less; and

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

SECTION 25. IC 8-1-8.5-13, AS ADDED BY P.L.60-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. (a) The general assembly finds that it is in the public interest to support the reliability, availability, and diversity of electric generating capacity in Indiana for the purpose of providing reliable and stable electric service to customers of public utilities.

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

(c) As used in this section, "MISO" refers to the regional transmission organization known as the Midcontinent Independent System Operator that operates the bulk power transmission system serving most of the geographic territory in Indiana.

(d) As used in this section, "planning reserve margin requirement", with respect to a public utility for a particular resource planning year, means the planning reserve margin requirement for that planning year that the public utility is obligated to meet in accordance with the public utility's membership in the appropriate regional transmission organization.

(e) As used in this section, "reliability adequacy metrics", with respect to a public utility, means calculations used to demonstrate both of the following:

(1) That the public utility:

(A) has in place sufficient summer UCAP; or

(B) can reasonably acquire not more than thirty percent (30%) of its total summer UCAP from capacity markets, such that it will have sufficient summer UCAP;

to provide reliable electric service to Indiana customers, and to meet its planning reserve margin requirement and other federal reliability requirements described in subsection (i)(4).

(2) That the public utility:

(A) has in place sufficient winter UCAP; or

(B) can reasonably acquire not more than thirty percent (30%) of its total winter UCAP from capacity markets, such that it will have sufficient winter UCAP;

to provide reliable electric service to Indiana customers, and to

meet its planning reserve margin requirement and other federal reliability requirements described in subsection (i)(4).

For purposes of this subsection, "capacity markets" means the auctions conducted by an appropriate regional transmission organization to determine a market clearing price for capacity based on the planning reserve margin requirements established by the appropriate regional transmission organization.

(f) As used in this section, "summer unforced capacity", or "summer UCAP", with respect to an electric generating facility, means:

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

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

(g) As used in this section, "winter unforced capacity", or "winter UCAP", with respect to an electric generating facility, means:

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

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

(3) if the appropriate regional transmission organization does not require a metric described in subdivision (1) or (2), a metric that:

(A) can be used to demonstrate that a public utility has sufficient capacity to:

(i) provide reliable electric service to Indiana customers for the winter period; and

(ii) meet its planning reserve margin requirement and other federal reliability requirements described in subsection (i)(4); and

(B) is acceptable to the commission.

(h) A public utility that owns and operates an electric generating facility serving customers in Indiana shall operate and maintain the facility using good utility practices and in a manner:

(1) reasonably intended to support the provision of reliable and economic electric service to customers of the public utility; and

(2) reasonably consistent with the resource reliability requirements of MISO or any other appropriate regional transmission organization.

(i) Not later than thirty (30) days after the deadline for submitting an annual planning reserve margin report to MISO, each public utility providing electric service to Indiana customers shall, regardless of whether the public utility is required to submit an annual planning reserve margin report to MISO, file with the commission a report, in a form specified by the commission, that provides the following information for each of the next three (3) resource planning years, beginning with the planning year covered by the planning reserve margin report to MISO described in this subsection:

(1) The:

(A) capacity;

(B) location; and

(C) fuel source;

for each electric generating facility that is owned and operated by the electric utility and that will be used to provide electric service to Indiana customers.

(2) The amount of generating resource capacity or energy, or both, that the public utility has procured under contract and that will be used to provide electric service to Indiana customers, including the:

(A) capacity;

(B) location; and

(C) fuel source;

for each electric generating facility that will supply capacity or energy under the contract, to the extent known by the public utility.

(3) The amount of demand response resources available to the public utility under contracts and tariffs.

(4) The following:

(A) The planning reserve margin requirements established by MISO for the planning years covered by the report, to the extent known by the public utility with respect to any particular planning year covered by the report.

(B) If applicable, any other planning reserve margin requirement that:

(i) applies to the planning years covered by the report; and

(ii) the public utility is obligated to meet in accordance with the public utility's membership in an appropriate regional transmission organization;

to the extent known by the public utility with respect to any particular planning year covered by the report.

(C) Other federal reliability requirements that the public utility is obligated to meet in accordance with its membership in an appropriate regional transmission organization with respect to the planning years covered by the report, to the extent known by the public utility with respect to any particular planning year covered by the report.

For each planning reserve margin requirement reported under clause (A) or (B), the public utility shall include a comparison of that planning reserve margin requirement to the planning reserve margin requirement established by the same regional transmission organization for the 2021-2022 planning year.

(5) The reliability adequacy metrics of the public utility, as forecasted for the three (3) planning years covered by the report.

(j) Upon request by a public utility, the commission shall determine whether information provided in a report filed by the public utility under subsection (i):

(1) is confidential under IC 5-14-3-4 or is a trade secret under IC 24-2-3;

(2) is exempt from public access and disclosure by Indiana law; and

(3) shall be treated as confidential and protected from public access and disclosure by the commission.

(k) A joint agency created under IC 8-1-2.2 may file the report required under subsection (i) as a consolidated report on behalf of any or all of the municipally owned utilities that make up its membership.

(l) A:

(1) corporation organized under IC 23-17 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13; or

(2) general district corporation within the meaning of IC 8-1-13-23;

may file the report required under subsection (i) as a consolidated report on behalf of any or all of the cooperatively owned electric utilities that it serves.

(m) In reviewing a report filed by a public utility under subsection (i), the commission may request technical assistance from MISO or any other appropriate regional transmission organization in determining:

(1) the planning reserve margin requirements or other federal reliability requirement that the public utility is obligated to meet, as described in subsection (i)(4); and

(2) whether the resources available to the public utility under ~~subsections~~ **subsection** (i)(1) through (i)(3) will be adequate to support the provision of reliable electric service to the public utility's Indiana customers.

(n) If, after reviewing a report filed by a public utility under subsection (i), the commission is not satisfied that the public utility can:

(1) provide reliable electric service to the public utility's Indiana customers; or

(2) meet its planning reserve margin requirement or other federal reliability requirements that the public utility is obligated to meet, as described in subsection (i)(4);

during one (1) more of the planning years covered by the report, the commission may conduct an investigation under IC 8-1-2-58 and IC 8-1-2-59 as to the reasons for the public utility's potential inability to meet the requirements described in subdivision (1) or (2), or both.

(o) If, upon investigation under IC 8-1-2-58 and IC 8-1-2-59, and after notice and hearing, as required by IC 8-1-2-59, the commission determines that the capacity resources available to the public utility under ~~subsections~~ **subsection** (i)(1) through (i)(3) will not be adequate to support the provision of reliable electric service to the public utility's Indiana customers, or to allow the public utility to meet its planning reserve margin requirements or other federal reliability requirements that the public utility is obligated to meet (as described in subsection (i)(4)), the commission shall issue an order directing the public utility to acquire or construct such capacity resources that are reasonable and necessary to enable the public utility to provide reliable electric service to its Indiana customers, and to meet its planning reserve margin requirements or other federal reliability requirements described in subsection (i)(4). Not later than ninety (90) days after the date of the commission's order under this subsection, the public utility shall file for approval with the commission a plan to comply with the commission's order. The public utility's plan may include:

(1) a request for a certificate of public convenience and necessity under this chapter; or

(2) an application under IC 8-1-8.8;

or both.

(p) Beginning in 2022, the commission shall before November 1 of each year submit to the governor and to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8) a report that includes the following:

(1) The commission's analysis regarding the ability of public

utilities to:

(A) provide reliable electric service to Indiana customers; and

(B) meet their planning reserve margin requirements or other federal reliability requirements;

for the next three (3) utility resource planning years, based on the most recent reports filed by public utilities under subsection (i).

(2) A summary of:

(A) the projected demand for retail electricity in Indiana over the next calendar year; and

(B) the amount and type of capacity resources committed to meeting the projected demand.

In preparing the summary required under this subdivision, the commission may consult with the forecasting group established under section 3.5 of this chapter.

A report under this subsection to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8) must be in an electronic format under IC 5-14-6.

(q) The commission may adopt rules under IC 4-22-2 to implement this section. In adopting rules to implement this section, the commission may adopt emergency rules in the manner provided by IC 4-22-2-37.1. ~~Notwithstanding IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the commission under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 26. IC 8-1-26-18.5, AS ADDED BY P.L.46-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 18.5. (a) This section applies to any new or replacement underground facility that an operator installs or causes to be installed after June 30, 2020, in any public right-of-way or on any private property.

(b) Subject to any other applicable federal or state laws or regulations, for any new or replacement underground facility that an operator installs or causes to be installed, the operator shall ensure that:

(1) the materials from which the facility is constructed are capable of being detected from above ground level using standard equipment and technologies used by the utility locating industry, such as electromagnetic locating equipment and electromagnetic induction surveys; or

(2) if the materials from which the facility is constructed are not capable of being detected from above ground level using standard

locating techniques, as described in subdivision (1), the facility is:

(A) encased by conductive material; or

(B) equipped with an electrically conducting wire or other means of locating the facility while it is underground.

(c) The commission may adopt rules under IC 4-22-2 to implement this section, including emergency rules in the manner provided under IC 4-22-2-37.1. ~~Notwithstanding IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the commission under this subsection and in the manner provided under IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 27. IC 8-1-34-24.5, AS AMENDED BY HEA 1111-2022, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 24.5. (a) This section applies to any unit that receives franchise fees paid to the unit under:

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

(2) an unexpired local franchise issued by the unit before July 1, 2006;

with respect to a particular calendar year.

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

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

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

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

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

(B) a previous calendar year;

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

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

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

(d) Upon receiving the annual reports required under this section,

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

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

SECTION 28. IC 8-1-37-10, AS AMENDED BY HEA 1111-2022, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10. (a) Subject to subsection (d), the commission shall adopt rules under IC 4-22-2 to establish the Indiana voluntary clean energy portfolio standard program. The program established under this section must be a voluntary program that provides incentives to participating electricity suppliers that undertake to supply specified percentages of the total electricity supplied to their Indiana retail electric customers from clean energy.

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

(1) incorporate:

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

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

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

(2) require the commission to determine, before approving an application under section 11 of this chapter, that the approval of the application will not result in an increase to the retail rates and charges of the electricity supplier above what could reasonably be

expected if the application were not approved;

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

(4) be consistent with this chapter.

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

(d) The commission may adopt emergency rules under IC 4-22-2-37.1 to adopt the rules required by this section. **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the commission under IC 4-22-2-37.1 expires on the date a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 29. IC 8-1-40-12, AS ADDED BY P.L.264-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. (a) Before January 1, 2018, the commission shall amend 170 IAC 4-4.2-4, and an electricity supplier shall amend the electricity supplier's net metering tariff, to do the following:

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

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

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

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

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

SECTION 30. IC 8-1-40-21, AS ADDED BY P.L.264-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 21. (a) Subject to subsection (b) and sections 10 and 11 of this chapter, after June 30, 2017, the commission's rules and standards set forth in:

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

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

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

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

(1) update fees or charges;

(2) adopt revisions necessitated by new technologies; or

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

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

SECTION 31. IC 8-1-40-23, AS ADDED BY P.L.264-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 23. (a) A customer that produces distributed generation has the following rights regarding the installation and ownership of distributed generation equipment:

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

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

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

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

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

(6) The right to know if a provider of distributed generation equipment insures the distributed generation equipment against damage or loss and, if applicable, any circumstances under which

the provider does not insure against or otherwise cover damage to or loss of the distributed generation equipment.

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

(b) The attorney general, in consultation with the commission, shall adopt rules under IC 4-22-2 that the attorney general considers necessary to implement and enforce this section, including a rule requiring written disclosure of the rights set forth in subsection (a) by a provider of distributed generation equipment to a customer. In adopting the rules required by this subsection, the attorney general may adopt emergency rules in the manner provided by IC 4-22-2-37.1. ~~Notwithstanding IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the attorney general under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the attorney general under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 32. IC 8-1-40.5-19, AS ADDED BY P.L.80-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 19. The commission shall adopt rules under IC 4-22-2 to implement this chapter. In adopting the rules required by this section, the commission may adopt emergency rules in the manner provided by IC 4-22-2-37.1. ~~Notwithstanding IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the commission under this section and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 33. IC 8-2.1-28-5, AS ADDED BY P.L.218-2017, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) The department may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to carry out this chapter.

(b) **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted under subsection (a) expires on the date a rule that supersedes the emergency rule is adopted by the department under IC 4-22-2-22.5 through IC 4-22-2-36.

SECTION 34. IC 8-15-2-5, AS AMENDED BY P.L.140-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. The authority may do the following:

(1) Construct, maintain, repair, police, and operate toll road projects (as defined in this chapter), public improvements, and

arterial streets and roads under section 1 of this chapter and establish rules for the use of any such toll road project, public improvement, or arterial street or road.

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

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

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

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

(A) sell, transfer, and convey any such land or any interest therein so acquired, or any portion thereof, whether by purchase, condemnation, or otherwise, and whether such land or interest therein had been public or private, when the same shall no longer be needed for such purposes; and

(B) transfer and convey any such lands or interest therein as may be necessary or convenient for the construction and operation of any toll road project, or as otherwise required under the provisions of this chapter to a state agency or political subdivision.

(6) Designate the locations and establish, limit, and control such points of ingress to and egress from each toll road project as may be necessary or desirable in the judgment of the authority to ensure the proper operation and maintenance of such projects, and to prohibit entrance to such project from any point not so designated. The authority shall not grant, for the operation of transient lodging facilities, either ingress to or egress from any project, including the service areas thereof on which are located service stations and restaurants, and including toll plazas and paved portions of the right-of-way. The authority shall cause to be

erected, at its cost, at all points of ingress and egress, large and suitable signs facing traffic from each direction on the toll road. Such signs shall designate the number and other designations, if any, of all United States or state highways of ingress or egress, the names of all Indiana municipalities with a population of five thousand (5,000) or more within a distance of seventy-five (75) miles on such roads of ingress or egress, and the distance in miles to such designated municipalities.

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

(A) a contract for compensation for personal services;

(B) a contract with the department under IC 8-9.5-8-7;

(C) a lease with the department under IC 8-9.5-8-8; or

(D) a contract, a lease, or another agreement under IC 8-15.5;

involves an expenditure of more than ten thousand dollars ($10,000), the authority shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in such other publications as the authority shall determine. Such notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The authority may reject any and all bids. A bond with good and sufficient surety shall be required by the authority of all contractors in an amount equal to at least fifty percent (50%) of the contract price, conditioned upon the faithful performance of the contract. The authority shall require a bid, performance, and payment bond from a contractor for a project if the estimated cost of the project is more than two hundred thousand dollars ($200,000). The authority may require a bid, performance, or payment bond from a contractor for a project if the estimated cost of the project is not more than two hundred thousand dollars ($200,000).

(8) Employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, bond

counsel, other attorneys with the approval of the attorney general, and other employees and agents as may be necessary in its judgment to carry out the provisions of this chapter, and to fix their compensation. However, all such expenses shall be payable solely from the proceeds of toll road revenue bonds issued under the provisions of this chapter or from revenues.

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

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

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

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

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

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

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

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

SECTION 35. IC 8-15-2-14, AS AMENDED BY P.L.140-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. (a) The authority may do the following:

(1) Fix, revise, charge, and collect tolls for the use of each toll road project by any person, partnership, association, limited liability company, or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion and for placing thereon telephone, telegraph, electric light, or power lines.

(2) Fix the terms, conditions, and rates of charge for such use, including assessments for the failure to pay required tolls, subject, however, to the state's police power.

(3) Collect tolls, user fees, or other charges through manual or nonmanual methods, including, but not limited to, automatic vehicle identification systems, electronic toll collection systems, and, to the extent permitted by law, including rules adopted by the authority under ~~IC 8-15-2-17.2(a)(10),~~ **section 17.2(a)(10) of this chapter,** global positioning systems and photo or video based toll collection or toll collection enforcement systems.

(4) Adopt rules under IC 4-22-2-37.1 authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means under subdivision (3). **Except as provided in IC 4-22-2-37.1,** a rule adopted under this subdivision expires on the expiration date stated by the authority in the rule.

(b) Notwithstanding subsection (a), no toll or charge shall be made by the authority under this section or under a public-private agreement entered into under IC 8-15.5 for:

(1) the operation of temporary lodging facilities located upon or adjacent to any project, nor may the authority itself operate or gratuitously permit the operation of such temporary lodging facilities by other persons without any toll or charge; or

(2) placing in, on, along, over, or under such project, such telephone, telegraph, electric light or power lines, equipment, or facilities as may be necessary to serve establishments located on the project or as may be necessary to interconnect any public utility facilities on one (1) side of the toll road project with those on the other side.

(c) All contracts executed by the authority shall be preserved in the principal office of the authority.

(d) In the case of a toll road project that is not leased to the department under IC 8-9.5-8-7, the tolls shall be fixed and adjusted for each toll road project so that the aggregate of the tolls from the project, together with other revenues that are available to the authority without prior restriction or encumbrance, will at least be adequate to pay:

(1) the cost of operating, maintaining, and repairing the toll road project, including major repairs, replacements, and improvements;

(2) the principal of and the interest on bonds issued in connection with the toll road project, as the principal and interest becomes due and payable, including any reserve or sinking fund required for the project; and

(3) the payment of principal of and interest on toll road bonds issued by the authority in connection with any other toll road project, including any reserve or sinking fund required for the project, but only to the extent that the authority provides by resolution and subject to the provisions of any trust agreement relating to the project.

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

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

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

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

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

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

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

(3) Except as prohibited by the resolution authorizing the issuance of bonds under this chapter or the trust agreement securing them, for any purpose relating to any toll road project, including the

subject toll road project, as the authority provides by resolution.

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

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

(j) In the case of a toll road project that is leased to the department under IC 8-9.5-8-8, the lease must require that the department fix tolls for the toll road project that comply with IC 8-9.5-8-8(c)(6).

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

SECTION 36. IC 8-15-2-17.2, AS AMENDED BY P.L.140-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17.2. (a) Notwithstanding IC 9, the authority may adopt rules:

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

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

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

(i) The administrative cost of issuing the permit.

(ii) The potential damage the vehicle represents to the project.

(iii) The potential safety hazard the vehicle represents.

(2) Establishing the minimum speed that a motor vehicle may be

driven on the interstate defense network of dual highways.

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

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

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

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

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

(8) Determining the limitation on use of a toll road project by pedestrians and aircraft and by vehicles of a type specified in such rules and regulations.

(9) Regulating commercial activity on a toll road project, including but not limited to:

(A) the offering or display of goods or services for sale;

(B) the posting, distributing, or displaying of signs, advertisements, or other printed or written material; and

(C) the operation of a mobile or stationary public address system.

(10) Establishing enforcement procedures and making assessments for the failure to pay required tolls. The authority may adopt rules under this subdivision under IC 4-22-2-37.1. **Except as provided in IC 4-22-2-37.1,** a rule under this subdivision adopted under IC 4-22-2-37.1 expires on the expiration date stated in the rule.

(b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:

(1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and

(2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation established by the authority under this section that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violated:

(1) a size or weight limitation established by the authority under this section; or

(2) a rule adopted under subsection (a)(10);

for a period of not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a weight or size limitation established by the authority under this section, the court may recommend suspension of the person's current chauffeur's license only if the violation was committed knowingly.

SECTION 37. IC 8-15.5-7-8, AS AMENDED BY P.L.140-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The authority may fix user fees under this chapter by rule under IC 4-22-2-37.1. **Except as provided in IC 4-22-2-37.1,** a rule adopted under this subsection expires on the expiration date stated in the rule.

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

SECTION 38. IC 8-23-5-10, AS AMENDED BY P.L.156-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10. (a) The following definitions apply only throughout this section:

(1) "Communications infrastructure" includes all facilities and equipment used to provide communications service (as defined in IC 8-1-32.5-3), including fiber conduit. The term does not include a vertical structure.

(2) "Dig once program" refers to the dig once broadband corridor program required under subsection (b).

(3) "Fiber conduit" means protective conduit of a size and material that is suitable for underground installation of broadband fiber infrastructure.

(4) "Limited access highway" means any roadway that is under the jurisdiction and control of the department and that is one (1) of the following:

(A) An interstate.

(B) A toll road, tollway, or toll bridge.

(C) U.S. 30.

(D) U.S. 31.

(5) "Vertical structure" means a privately owned structure that is more than one hundred (100) feet above ground and that is used primarily for providing wireless communications service. The term includes related equipment associated with the structure,

including air conditioned equipment shelters and rooms, electronic equipment, and supporting equipment.

(b) Not later than January 1, 2022, the department shall:

(1) implement a dig once broadband corridor program to manage the location, installation, and maintenance of communications infrastructure that is used for the provision of broadband services and is located within highway rights-of-way of limited access highways; and

(2) adopt policies, procedures, and standards under the dig once program for required installation of fiber conduit by a public or private entity that performs an excavation within a limited access highway right-of-way.

(c) The dig once program shall apply only to locations along or within a limited access highway right-of-way. The dig once program shall not apply to the placement of communications infrastructure that laterally crosses a roadway under the control of the department.

(d) Except as provided in subsection (e), the department shall impose a fee for the use of communications infrastructure installed and maintained under subsection (b). The amount of the fee may not be more than the reasonable fair market value of the use of the highway right-of-way within the broadband corridor.

(e) Except for portions of a U.S. route that is a limited access highway under subsection (a)(4), with respect to state routes or U.S. routes, the department may impose only:

(1) a one (1) time permit application fee for the location or installation of communications infrastructure that is used for the provision of broadband services and is placed along or within a highway right-of-way; and

(2) routine right-of-way permit fees to enter the department's rights-of-way for the maintenance of existing facilities.

(f) The department shall not unreasonably discriminate with respect to the following among entities requesting access to broadband corridors or other department controlled rights-of-way:

(1) Approving applications, issuing permits, or otherwise establishing terms and conditions for the location, installation, and maintenance of communications infrastructure used for the provision of broadband services.

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

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

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

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

SECTION 39. IC 9-17-5-6, AS ADDED BY P.L.81-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) As used in this section, "qualified service provider" means a person able to provide electronic lien or electronic title services in coordination with vehicle lienholders and state departments of motor vehicles.

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

(1) develop;

(2) implement; and

(3) provide ongoing support with respect to;

a statewide electronic lien and title system under this section.

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

(1) vehicle titles;

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

(3) the notification, maintenance, and release of security interests in vehicles;

through electronic means instead of paper documents.

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

(1) To facilitate and promote commerce and governmental transactions by validating and authorizing the use of electronic records.

(2) To modernize the law and eliminate barriers to electronic

commerce and governmental transactions resulting from uncertainties related to handwritten and other written materials.

(3) To promote uniformity of the law among the states relating to the use of electronic and similar technological means of effecting and performing commercial and governmental transactions.

(4) To promote public confidence in the validity, integrity, and reliability of electronic commerce and governmental transactions.

(5) To promote the development of the legal and business infrastructure necessary to implement electronic commerce and governmental transactions.

(e) The bureau may:

(1) contract with one (1) or more qualified vendors to develop and implement a statewide electronic lien and title system; or

(2) develop and make available to qualified service providers a well defined set of information services that will enable secure access to the data and internal application components necessary to facilitate the creation of a statewide electronic lien and title system.

(f) If the bureau elects under subsection (e)(1) to contract with one (1) or more qualified vendors to develop and implement a statewide electronic lien and title system, the following apply:

(1) The bureau shall issue a competitive request for proposals to assess the qualifications of any vendor seeking to develop, implement, and provide ongoing support for the system. The bureau may reserve the right to receive input concerning specifications for the establishment and operation of the system from parties that do not respond to the bureau's request for proposals.

(2) A contract entered into between the bureau and a qualified vendor may not provide for any costs or charges payable by the bureau to the qualified vendor. The qualified vendor shall reimburse the bureau for any reasonable and documented costs incurred by the bureau and directly associated with the development, implementation, or ongoing support of the system.

(3) Upon implementing a statewide electronic lien and title system under this section, the qualified vendor may charge participating lienholders or their agents a fee for each lien notification transaction provided through the system, in order to recover the qualified vendor's costs associated with the development, implementation, and ongoing administration of the system. A lien notification fee under this subdivision must be consistent with market pricing and may not exceed three dollars

and fifty cents ($3.50). The qualified vendor may not charge lienholders or their agents any additional fee for lien releases, assignments, or transfers. The qualified vendor may not charge a fee under this subdivision to a state agency or its agents for lien notification, lien release, lien assignment, or lien transfer. To recover their costs associated with the lien, participating lienholders or their agents may charge:

(A) the borrower in a vehicle loan; or

(B) the lessee in a vehicle lease;

an amount equal to any lien notification fee imposed by the qualified vendor under this subdivision, plus a fee in an amount not to exceed three dollars ($3) for each electronic transaction in which a lien is notated.

(4) A qualified vendor may also serve as a qualified service provider to motor vehicle lienholders if the following conditions are met:

(A) The contract between the bureau and the qualified vendor must include provisions specifically prohibiting the qualified vendor from using information concerning vehicle titles for any commercial, marketing, business, or other purpose not specifically contemplated by this chapter.

(B) The contract between the bureau and the qualified vendor must include an acknowledgment by the qualified vendor that the qualified vendor is required to enter into agreements to exchange electronic lien data with any:

(i) qualified service providers that offer electronic lien or title services in Indiana and that have been approved by the bureau for participation in the system; and

(ii) qualified service providers that are not qualified vendors.

(C) The bureau must periodically monitor the fees charged by a qualified vendor that also:

(i) serves as a qualified service provider to lienholders; or

(ii) provides services as a qualified vendor to other qualified service providers;

to ensure that the qualified vendor is not engaging in predatory pricing.

(g) If the bureau elects under subsection (e)(2) to develop an interface to provide qualified service providers secure access to data to facilitate the creation of a statewide electronic lien and title system, the following apply:

(1) The bureau shall establish:

(A) the total cost to develop the statewide electronic lien and

title system by July 1, 2021;

(B) qualifications for third party service providers offering electronic lien services; and

(C) a qualification process to:

(i) evaluate electronic lien and title system technologies developed by third party service providers; and

(ii) determine whether such technologies comply with defined security and platform standards.

(2) Not later than February 1, 2022, the bureau shall publish on the bureau's Internet web site the qualifications established by the bureau under subdivision (1). A third party service provider that seeks to become qualified by the bureau under this subsection must demonstrate the service provider's qualifications, in the form and manner specified by the bureau, not later than thirty (30) days after the date of the bureau's publication under this subdivision. After the elapse of the thirty (30) day period during which third party service providers may respond to the bureau's publication under this subdivision, the bureau shall notify each responding third party service provider as to whether the third party service provider has met the qualifications established by the bureau under subdivision (1) and is approved to participate in the statewide electronic lien and title system.

(3) Not later than thirty (30) days after receiving a notice of approval from the bureau under subdivision (2), each qualified service provider shall remit to the bureau a payment in an amount equal to the total development costs of the system divided by the total number of qualified service providers participating in the system.

(4) If a third party service provider that did not:

(A) submit proof of its qualifications under subdivision (2); or

(B) pay initial development costs under subdivision (3);

later wishes to participate in the system, the third party service provider may apply to the bureau to participate in the system. The bureau shall allow the third party service provider to participate in the system if the third party service provider meets the qualifications established by the bureau under subdivision (1) and pays to the department the third party service provider's proportional share of the system development costs.

(5) Each qualified service provider shall remit to the bureau, on a date prescribed by the bureau, an annual fee established by the bureau and not to exceed three thousand dollars ($3,000), to be used for the operation and maintenance of the system.

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

(7) Upon the implementation of a statewide electronic lien and title system under this section, a qualified service provider may charge participating lienholders or their agents transaction fees consistent with market pricing. A fee under this subdivision may not be charged to a state agency or its agents for lien notification, lien release, lien assignment, or lien transfer.

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

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

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

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

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

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

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

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

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

after June 30, 2022.

(3) A statewide electronic title system capable of processing vehicle titles through electronic means must be made available for voluntary use by vehicle dealers, lienholders, and owners not later than July 1, 2022.

(4) The bureau shall require that the statewide electronic title system made available under subdivision (3) be used for processing vehicle titles after June 30, 2023.

(i) Subsection (h) does not prohibit the bureau or any:

(1) qualified vendor with whom the bureau contracts under subsection (f); or

(2) qualified service provider with whom the bureau contracts

under subsection (g);

from implementing, making available, or requiring the use of a statewide electronic lien system described in subsection (h)(1) at the same time as, or in conjunction with, a statewide electronic title system described in subsection (h)(3), or from implementing, making available, or requiring the use of a statewide electronic lien system described in subsection (h)(1) or a statewide electronic title system described in subsection (h)(3) before the applicable dates otherwise set forth in subsection (h).

(j) The following apply to the use of a statewide electronic lien system described in subsection (h)(1):

(1) Notwithstanding section 5(b) of this chapter, if there are one (1) or more liens or encumbrances on a motor vehicle, the bureau may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the bureau and must include the name and address of the person satisfying the lien.

(2) Whenever the electronic transmission of lien notifications and lien satisfactions is used, a certificate of title need not be issued until the last lien is satisfied and a clear certificate of title can be issued to the owner of the motor vehicle. The bureau may print or issue electronically the clear certificate of title to the owner or subsequent assignee of the motor vehicle.

(3) If a motor vehicle is subject to an electronic lien, the certificate of title for the motor vehicle is considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements.

(4) A certified copy of the bureau's electronic record of a lien is admissible in any civil, criminal, or administrative proceeding in Indiana as evidence of the existence of the lien. If a certificate of title is maintained electronically in a statewide electronic title system described in subsection (h)(3), a certified copy of the bureau's electronic record of the certificate of title is admissible in any civil, criminal, or administrative proceeding in Indiana as evidence of the existence and contents of the certificate of title.

(5) All individuals and lienholders who conduct at least twelve (12) lien transactions annually must use the statewide electronic lien and title system implemented under this section to record information concerning the perfection and release of a security interest in a vehicle.

(6) An electronic notice or release of a lien made through the

statewide electronic lien and title system implemented under this section has the same force and effect as a notice or release of a lien made on a paper document.

(7) The bureau may convert an existing paper lien to an electronic lien upon request of the primary lienholder. The bureau, or a third party contracting with the bureau under this section, is authorized to collect a fee not to exceed three dollars ($3) for each conversion performed under this subdivision. A fee under this subdivision may not be charged to a state agency or its agents.

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

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

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

SECTION 40. IC 9-20-1-5, AS ADDED BY P.L.198-2016, SECTION 338, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. The Indiana department of transportation shall adopt emergency rules in the manner provided under IC 4-22-2-37.1 for the:

(1) issuance, fee structure, and enforcement of permits for overweight divisible loads;

(2) fee structure of permits for loads on extra heavy duty highways; and

(3) fee structure of permits for overweight loads.

Except as provided in IC 4-22-2-37.1, a rule adopted under this section expires only with the adoption of a new superseding rule.

SECTION 41. IC 9-30-6-5.5, AS AMENDED BY P.L.40-2012, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5.5. (a) Notwithstanding IC 4-22-2, to implement P.L.1-2000, the director of the department of toxicology of the Indiana University School of Medicine may adopt a rule required under section 5 of this chapter, section 6 of this chapter, or both in the manner provided for emergency rules under IC 4-22-2-37.1.

(b) A rule adopted under this section is effective when it is filed

with the secretary of state and, **except as provided in IC 4-22-2-37.1,** expires on the latest of the following:

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

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

(3) July 1, 2001.

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

SECTION 42. IC 12-13-16-13, AS ADDED BY P.L.73-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. (a) The office of the secretary may adopt rules under IC 4-22-2 necessary to implement this chapter.

(b) The office of the secretary may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter on an emergency basis.

(c) **Except as provided in IC 4-22-2-37.1,** an emergency rule or an amendment to an emergency rule adopted under this section expires not later than one (1) year after the rule is accepted for filing under ~~IC 4-22-2-37.1(e).~~ **IC 4-22-2-37.1(f).**

SECTION 43. IC 13-14-8-1, AS AMENDED BY P.L.140-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The board may:

(1) adopt;

(2) repeal;

(3) rescind; or

(4) amend;

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

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

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

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

Except as provided in IC 4-22-2-37.1, an emergency rule adopted under this subsection may be extended for two (2) extension periods by adopting another rule under IC 4-22-2-37.1. ~~IC 4-22-2-37.1(g)(3) does not apply to an emergency rule adopted under this subsection.~~

SECTION 44. IC 13-14-9-4, AS AMENDED BY P.L.218-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The department shall provide notice in the 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.

(8) Identify whether the proposed rule imposes a penalty, fine, or other similar negative impact on a person or business, and if so, contain a written description of the penalty, fine, or other similar negative impact, and why the penalty, fine, or other similar negative impact is considered necessary.

(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; **and**

(3) if the proposed rule imposes a penalty, fine, or other similar negative impact on a person or business as described in subsection (a)(8), shall be submitted by the publisher, in an electronic format to:

(A) each member of the standing committee or standing committees that have subject matter jurisdiction most closely relating to the subject matter of the rule;

(B) the governor; and

(C) the office of management and budget.

(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.

SECTION 45. IC 13-14-9.5-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1.1. (a) This section applies to the following:

(1) A rule that is required to receive or maintain:

(A) delegation;

(B) primacy; or

(C) approval;

for state implementation or operation of a program established under federal law.

(2) A rule that is required to begin or continue receiving federal funding for the implementation or operation of a program.

(b) A rule described in subsection (a) does not expire under this chapter.

(c) In the ~~seventh~~ **fourth** year after the effective date of a rule or an amendment to a rule described in subsection (a), the department shall publish a notice in the Indiana Register. The notice may contain a list of several rules that have been effective for ~~seven (7)~~ **four (4)** years. A separate notice must be published for each board with rulemaking authority. A notice under this subsection must provide for the following:

(1) A written comment period of at least thirty (30) days.

(2) A request for comments on specific rules that should be reviewed through the regular rulemaking process under IC 13-14-9.

(3) A notice of public hearing before the appropriate board.

(4) The information required to be identified or described under ~~IC 13-14-9-4(5)~~ **IC 13-14-9-4(a)(5)** through ~~IC 13-14-9-4(7)~~ **IC 13-14-9-4(a)(8)** in the same manner that would apply if the proposed renewal of the expired rule were a proposal to adopt a new rule.

(d) The department shall:

(1) prepare responses to all comments received during the comment period; and

(2) provide all comments and responses to the board during the public board hearing;

described in subsection (c).

(e) The board, after considering the written comments and responses, as well as testimony at the public hearing described in subsection (c), shall direct the department on whether additional rulemaking actions must be initiated to address concerns raised to the board.

(f) For the rules described in subsection (a) that are effective on or before:

(1) July 1, 2001, the notice described in subsection (c) shall be published in the Indiana Register before December 31, 2008; **or**

(2) July 1, 2022, the notice described in subsection (c) shall be published in the Indiana Register not later than June 30, 2026.

SECTION 46. IC 13-14-9.5-2, AS AMENDED BY P.L.215-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. ~~(a) Except as provided in subsection (b) or section 1.1 of this chapter, an administrative rule adopted under IC 13-14-9 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on January 1 of the seventh year after the year in which the amendment takes effect.~~

~~(b) An administrative rule that:~~

~~(1) was adopted under a provision of IC 13 that has been repealed by a recodification of IC 13;~~

~~(2) is in force on December 31, 1995; and~~

~~(3) is not amended by a rule that takes effect after December 31, 1995, and before January 1, 2002;~~

~~expires not later than January 1, 2002.~~

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

SECTION 47. IC 13-14-9.5-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 2.1. (a) Except as provided in subsection (b) or section 1.1 of this chapter, an administrative rule adopted under IC 13-14-9 expires July 1 of the fourth year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on July 1 of the fourth year after the year in which the amendment takes effect.**

(b) This subsection applies to an administrative rule that:

(1) was adopted under IC 4-22-2 or IC 13-14-9, or readopted under IC 4-22-2.5 or this chapter after December 31, 2015, and before January 1, 2020; and

(2) is in force on June 30, 2022.

The expiration date of a rule described in this subsection is extended under this subsection if the agency intends to readopt the rule. The rule expires on July 1, 2024.

SECTION 48. IC 13-14-9.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The department or a board that has rulemaking authority under this title may adopt a rule under IC 13-14-9 in anticipation of a rule's expiration under this chapter.

(b) Except as provided in section 5 of this chapter, the department or a board that has rulemaking authority under this title may not use emergency rule procedures to readopt a rule that is subject to expiration under this chapter.

(c) This subsection applies to a rule that expires under this chapter after June 30, 2024. Subject to subsection (f), before the department or a board that has rulemaking authority under this title may readopt a rule under this section, and not later than January 1 of the third year after the year in which the rule most recently took effect, the department or board shall provide notice of the pending readoption of the rule to the publisher. At the same time the agency provides notice of the pending readoption of the rule, the agency shall submit:

(1) a copy of the rule;

(2) any economic impact statement prepared concerning the rule; and

(3) if the rule imposes a penalty, fine, or other similar negative impact on a person or business, a written description of the penalty, fine, or other similar negative impact, and why the penalty, fine, or other similar negative impact is considered necessary.

(d) The publisher shall provide a copy of any materials submitted under subsection (c) in an electronic format to:

(1) each member of the standing committee or standing committees that have subject matter jurisdiction most closely relating to the subject matter of the rule;

(2) the governor; and

(3) the office of management and budget.

(e) The publisher shall publish the materials submitted under

subsection (c) in the Indiana Register.

(f) If the department or a board that has rulemaking authority under this title intends to readopt a rule described in section 2.1(b) of this chapter, the department or board shall submit the materials under subsection (c) not later than January 1, 2023.

SECTION 49. IC 13-14-9.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. If a rule is not readopted and the governor finds that the failure to readopt the rule causes an emergency to exist, the governor may, by executive order issued before the rule's expiration date, postpone the expiration date of the rule until a date that is one (1) year after the date specified in section ~~2~~ **2.1** of this chapter.

SECTION 50. IC 13-15-4-3, AS AMENDED BY P.L.140-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) A board may adopt a rule under IC 4-22-2 that changes a period described under section 1 of this chapter within which the commissioner must approve or deny an application:

(1) if:

(A) the general assembly enacts a statute;

(B) a board adopts a rule; or

(C) the federal government enacts a statute or adopts a regulation;

that imposes a new requirement concerning a class of applications that makes it infeasible for the commissioner to approve or deny the application within the period;

(2) if:

(A) the general assembly enacts a statute;

(B) a board adopts a rule; or

(C) the federal government enacts a statute or adopts a regulation;

that establishes a new permit program for which a period is not described under section 1 of this chapter; or

(3) if some other significant factor concerning a class of applications makes it infeasible for the commissioner to approve or deny the application within the period.

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

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

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

If a board adopts an emergency rule under this subsection, the period described in section 1 of this chapter is suspended during the

emergency rulemaking process. **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted under this subsection may be extended for two (2) extension periods by adopting another emergency rule under IC 4-22-2-37.1. ~~IC 4-22-2-37.1(g)(3) does not apply to an emergency rule adopted under this subsection.~~

SECTION 51. IC 16-31-3-24, AS ADDED BY P.L.77-2012, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 24. The commission may implement a certification program for emergency services personnel regulated by the commission through emergency rules adopted under IC 4-22-2-37.1. **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted under this section expires on the later of the following:

(1) July 1, 2014.

(2) The date permanent rules are adopted to replace the emergency rules.

SECTION 52. IC 16-42-5-0.3, AS ADDED BY P.L.220-2011, SECTION 323, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 0.3. (a) The state department of health may adopt rules establishing the initial schedule of civil penalties required under section 28 of this chapter, as added by P.L.266-2001, at any time after May 11, 2001, in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1. **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted under this section expires on the later of:

(1) the date permanent rules are adopted to replace the emergency rules; or

(2) July 1, 2003.

(b) A corporation or local health department that, before January 1, 2001, adopted monetary penalties for the violation of any state or local law or rule concerning food handling or food establishments may continue to enforce those locally prescribed monetary penalties (including the issuance of tickets or citations authorized by local law) and deposit the amounts collected as prescribed by local law until the later of:

(1) the date permanent rules are adopted establishing the schedule of civil penalties required under section 28 of this chapter, as added by P.L.266-2001; or

(2) July 1, 2003.

SECTION 53. IC 20-49-10-13, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. (a) The state board, in consultation with the secured school safety board, may adopt:

(1) rules under IC 4-22-2; or

(2) emergency rules under IC 4-22-2-37.1;

necessary to implement this chapter.

(b) **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the state board under this section expires on the earlier of the following dates:

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

(2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2.

SECTION 54. IC 22-13-2-11.5, AS AMENDED BY P.L.249-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 11.5. (a) As used in this section, "NFPA 72" refers to NFPA 72, National Fire Alarm and Signaling Code, 2010 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471.

(b) It is the intent of the general assembly that NFPA 72, as may be amended by the commission under subsection (c), be incorporated into the Indiana Administrative Code. Not later than July 1, 2014, the commission shall adopt rules under IC 4-22-2 to amend 675 IAC 28-1-28 to incorporate NFPA 72 into the Indiana Administrative Code, subject to subsection (c)(1) and (c)(2). The commission may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to comply with this subsection. **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the commission under IC 4-22-2-37.1 to comply with this subsection expires on the date a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

(c) In adopting rules to incorporate NFPA 72 into the Indiana Administrative Code, as required by subsection (b), the commission may amend NFPA 72 as the commission considers appropriate. However, the rules finally adopted by the commission to comply with this section must do the following:

(1) Incorporate the definition of, and associated requirements for:

(A) a managed facilities-based voice network (MFVN); and

(B) a public switched telephone network (PSTN);

as set forth in NFPA 72.

(2) Allow digital alarm communicator systems that make use of a managed facilities-based voice network (MFVN) to transmit signals from a fire alarm system to an offsite monitoring facility, subject to the requirements for those systems set forth in NFPA 72.

(d) If the commission does not comply with subsection (b), the

following apply on July 1, 2014:

(1) The definition of, and associated requirements for:

(A) a managed facilities-based voice network (MFVN); and

(B) a public switched telephone network (PSTN);

as set forth in NFPA 72, are considered incorporated into the Indiana Administrative Code. Any provisions of 675 IAC 28-1-28 (or any rules adopted by a state agency, or any ordinances or other regulations adopted by a political subdivision) that conflict with the definitions and requirements described in this subdivision are superseded by the definitions and requirements described in this subdivision. This subdivision continues to apply until the commission adopts rules that amend 675 IAC 28-1-28 to incorporate NFPA 72 into the Indiana Administrative Code and that comply with subsection (c)(1) and (c)(2).

(2) A person that after June 30, 2014, installs or uses a digital alarm communicator system that:

(A) makes use of a managed facilities-based voice network (MFVN) to transmit signals from a fire alarm system to an offsite monitoring facility; and

(B) meets the requirements for such a system set forth in NFPA 72;

is not required to obtain a variance under section 11 of this chapter for the installation or use.

SECTION 55. IC 24-4.4-1-101, AS AMENDED BY P.L.129-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 101. (a) This article shall be known and may be cited as the First Lien Mortgage Lending Act.

(b) Notwithstanding any other provision of this article or IC 24-4.5, **but except as provided in IC 4-22-2-37.1,** the department may adopt emergency rules under IC 4-22-2-37.1, to remain effective until codified in the Indiana Code, in order to provide for a system of licensing creditors and mortgage loan originators that meets the requirements of:

(1) the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (H.R. 3221 Title V) and the interpretations of that Act issued by the Secretary of Housing and Urban Development and the Consumer Financial Protection Bureau; and

(2) the subsequent amendment of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 by the Economic Growth, Regulatory Relief, and Consumer Protection Act (P.L. 115-174, 132 Stat. 1296).

SECTION 56. IC 24-4.5-1-106, AS AMENDED BY P.L.85-2020,

SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 106. (1) The dollar amounts in this article designated as subject to change shall change, as provided in this section, according to the Consumer Price Index for Urban Wage Earners and Clerical Workers: U.S. City Average, All Items, 1957-59 equals 100, compiled by Bureau of Labor Statistics, United States Department of Labor, and referred to in this section as the Index. The Index for October, 1971, is the Reference Base Index.

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

(a) the portion of the percentage change in the Index in excess of a multiple of ten percent (10%) shall be disregarded and the dollar amounts shall change only in multiples of ten percent (10%) of the amounts on March 5, 1971;

(b) the dollar amounts shall not change if the amounts required by this section are those currently in effect pursuant to this article as a result of earlier application of the section; and

(c) in no event shall the dollar amounts be reduced below the amounts appearing in this article on March 5, 1971.

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

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

(a) sixty (60) days before January 1 of each odd-numbered year in which dollar amounts are to change, the changes in dollar amounts required by subsection (2); and

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

Except as provided in IC 4-22-2-37.1, an emergency rule adopted

under this subsection expires on the date the department is next required to issue a rule under this subsection.

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

SECTION 57. IC 24-4.5-6-107, AS AMENDED BY P.L.137-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 107. (1) Except as otherwise provided, IC 4-21.5-3 governs all agency action taken by the department under this chapter or IC 24-4.5-3-501 through IC 24-4.5-3-513. All proceedings for administrative review under IC 4-21.5-3 or judicial review under IC 4-21.5-5 shall be held in Marion County. The provisions of IC 4-22-2 prescribing procedures for the adoption of rules by agencies apply to the adoption of rules by the department of financial institutions under this article. However, if the department declares an emergency in the document containing the rule, the department may adopt rules permitted by this chapter under IC 4-22-2-37.1.

(2) **Except as provided in IC 4-22-2-37.1,** a rule under subsection (1) adopted under IC 4-22-2-37.1 expires on the date the department next adopts a rule under the statute authorizing or requiring the rule.

SECTION 58. IC 24-5-26.5-13, AS ADDED BY P.L.176-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. The attorney general may adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1, to carry out this chapter. **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the attorney general under this section expires on the earlier of the following dates:

(1) The expiration date in the emergency rule.

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

SECTION 59. IC 24-14-10-3, AS ADDED BY P.L.281-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. The attorney general may adopt rules under IC 4-22-2 to implement this article, including emergency rules in the manner provided by IC 4-22-2-37.1. ~~Notwithstanding IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the attorney general under this section and in the manner provided by IC 4-22-2-37.1 expires on the date on which

a rule that supersedes the emergency rule is adopted by the attorney general under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 60. IC 25-1-1.1-6, AS AMENDED BY P.L.90-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) This section applies to a license or certificate under this title that is in effect on July 1, 2018, or created on or established after that date.

(b) As used in this section, "crime" has the meaning set forth in IC 33-23-1-4.

(c) As used in this section, "criminal history information" has the meaning set forth in IC 5-2-4-1.

(d) Not later than November 1, 2018, a board, commission, or committee shall revise its licensing or certification requirements to the extent necessary to explicitly list the crimes that may disqualify an individual from receiving a license or certificate under this title. The board, commission, or committee may not:

(1) use nonspecific terms, such as moral turpitude or good character, as a licensing or certification requirement; or

(2) consider an arrest that does not result in a conviction.

(e) A board's, commission's, or committee's use of an individual's conviction of a crime as a conviction of concern is limited to a crime directly related to the duties and responsibilities of the occupation or profession for which the individual is applying for or holds a license or certification.

(f) If an individual has a conviction of concern, the period of disqualification may not exceed five (5) years after the date of the conviction, unless the individual:

(1) was convicted of a crime of violence (as defined by IC 35-50-1-2(a));

(2) was convicted of an offense relating to a criminal sexual act (as defined by IC 35-31.5-2-216); or

(3) is convicted of a second or subsequent crime during the disqualification period.

(g) An individual having a conviction of concern may at any time petition a board, commission, or committee requiring a license or certificate for a determination as to whether the individual's conviction of concern will disqualify the individual from receiving the license or certification. An individual filing a petition under this subsection shall submit the following:

(1) At no expense to the state, a national criminal background check by the Federal Bureau of Investigation.

(2) Any additional information requested by the board,

commission, or committee to assist the board, commission, or committee in its review of the individual's petition.

(h) If an individual has a conviction of concern, the board, commission, or committee shall consider the following in determining whether to deny a license or certification to the individual based on the following factors:

(1) The nature and seriousness of the crime for which the individual was convicted.

(2) The passage of time since the commission of the crime.

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

(4) Evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation.

(i) If a board, commission, or committee determines an individual's conviction of concern disqualifies the individual from receiving a license or certification solely or in part because of the individual's criminal history, the board, commission, or committee shall notify the individual in writing of the following:

(1) The grounds and reasons for the denial or disqualification.

(2) The individual has the right to a hearing to challenge the licensing authority's decision.

(3) The earliest date the individual may reapply for a license or certification or the earliest date the individual can petition the board, commission, or committee for a review.

(4) Evidence of rehabilitation may be considered upon reapplication.

(5) Findings for each of the factors specified in subdivisions (1) through (4).

Any written determination that an individual's criminal history contains a conviction of concern that merits the denial of a license must be documented in written findings under subdivision (1) by clear and convincing evidence sufficient for review by a court. In an administrative hearing or a civil action reviewing the denial of a license, a board, commission, or committee has the burden of proof on the question of whether the individual's criminal history, based on the standards provided in subsection (h), should lead to the denial of a license.

(j) The board, commission, or committee shall inform the individual of its determination concerning the individual's petition not later than

sixty (60) days after the petition, criminal history information, and any other information requested under subsection (g) is received by the board, commission, or committee.

(k) The board, commission, or committee may charge a fee established under IC 25-1-8 that does not exceed twenty-five dollars ($25) to pay its costs of reviewing a petition filed under subsection (g).

(l) A board, commission, or committee may adopt rules under IC 4-22-2 to implement this section, including emergency rules under IC 4-22-2-37.1. ~~Notwithstanding IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the board, commission, or committee under this section and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the board, commission, or committee under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 61. IC 25-2.1-2-16, AS ADDED BY P.L.25-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. (a) The board may adopt a rule under IC 4-22-2-37.1 to incorporate by reference into a rule the latest statement, edition, or compilation of the professional standards governing the competent practice of accountancy that are:

(1) enacted in a federal or state statute, rule, or regulation; or

(2) adopted by an agent of the United States, a state, or a nationally recognized organization or association, including the AICPA, the International Accounting Standards Board, and the Public Company Accounting Oversight Board.

(b) The board may, by resolution, authorize the executive director of the Indiana professional licensing agency to adopt one (1) or more rules described in subsection (a) on behalf of the board. The authorization may be limited as determined by the board. The board may revise or terminate an authorization by resolution. The executive director of the Indiana professional licensing agency shall adopt rules under IC 4-22-2-37.1 in conformity with the resolution adopted by the board. A rule adopted on behalf of the board by the executive director must:

(1) be signed by the executive director;

(2) specify on the signature page that the executive director is acting on behalf of the board; and

(3) be submitted to the publisher of the Indiana Register under IC 4-22-2-37.1 with a copy of the resolution authorizing the rulemaking.

A rule adopted by the executive director in conformity with this subsection shall be treated as a rule of the board.

(c) **Except as provided in IC 4-22-2-37.1,** a rule described in subsection (a) or (b) expires on the later of the date:

(1) specified in the rule; or

(2) that another rule becomes effective that amends or repeals the previously issued rule.

SECTION 62. IC 25-26-13-31.7, AS AMENDED BY P.L.207-2021, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 31.7. (a) Subject to rules adopted under subsection (c), a pharmacy technician may administer an influenza or coronavirus disease immunization to an individual under a drug order or prescription.

(b) Subject to rules adopted under subsection (c), a pharmacy technician may administer an influenza or coronavirus disease immunization to an individual or a group of individuals under a drug order, under a prescription, or according to a protocol approved by a physician.

(c) The board shall adopt rules under IC 4-22-2 to establish requirements applying to a pharmacy technician who administers an influenza or coronavirus disease immunization to an individual or group of individuals. The rules adopted under this section must provide for the direct supervision of the pharmacy technician by a pharmacist, a physician, a physician assistant, or an advanced practice registered nurse. Before July 1, 2021, the board shall adopt emergency rules under IC 4-22-2-37.1 to establish the requirements described in this subsection concerning the influenza immunization and the coronavirus disease immunization. ~~Notwithstanding IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the board under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the board under IC 4-22-2-24 through IC 4-22-2-36.

(d) The board must approve all programs that provide training to pharmacy technicians to administer influenza and coronavirus disease immunizations as permitted by this section.

SECTION 63. IC 25-26-14-32, AS ADDED BY P.L.180-2018, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 32. (a) The board shall adopt rules under IC 4-22-2, including emergency rules adopted in the manner provided under IC 4-22-2-37.1, to establish requirements for a third party logistics license, license fees, and other relevant matters consistent with the Drug Supply Chain Security Act (21 U.S.C. 360eee et seq.).

(b) **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the board under this section expires on the date the

emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36.

SECTION 64. IC 25-34.1-11-15.5, AS ADDED BY P.L.15-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15.5. (a) This section applies to an appraisal management company that qualifies as an appraisal management company under 12 U.S.C. 3350(11).

(b) As used in this section, "Appraisal Subcommittee" refers to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

(c) As used in this section, "covered transaction" has the meaning set forth in the federal interagency AMC Rule (12 CFR 34.210-34.216; 12 CFR 225.190-225.196; 12 CFR 323.8-323.14; 12 CFR 1222.20-1222.26).

(d) As used in this section, "performed an appraisal", with respect to a real estate appraiser and an appraisal management company, means the appraisal service requested of the real estate appraiser by the appraisal management company was provided to the appraisal management company.

(e) An appraisal management company to which this section applies shall pay to the board the annual AMC registry fee, as established by the Appraisal Subcommittee, as follows:

(1) In the case of an appraisal management company that has been in existence for more than one (1) year, twenty-five dollars ($25) multiplied by the number of real estate appraisers who have performed an appraisal for the appraisal management company in connection with a covered transaction in Indiana during the previous year.

(2) In the case of an appraisal management company that has not been in existence for more than one (1) year, twenty-five dollars ($25) multiplied by the number of real estate appraisers who have performed an appraisal for the appraisal management company in connection with a covered transaction in Indiana since the appraisal management company commenced doing business.

(f) The AMC registry fee required by this section is in addition to the registration fee required by section 15 of this chapter.

(g) The board shall transmit the AMC registry fees collected under this section to the Appraisal Subcommittee on an annual basis. For purposes of this subsection, the board may align a one (1) year period with any twelve (12) month period, which may or not may not be based on the calendar year. Only those appraisal management companies whose registry fees have been transmitted to the Appraisal

Subcommittee will be eligible to be on the AMC Registry (as defined in 12 U.S.C. 1102.401(a)).

(h) Upon recommendations of the board under IC 25-34.1-8-6.5, the commission may do the following:

(1) Adopt rules under IC 4-22-2 to implement this section.

(2) Amend rules adopted under this subsection as necessary to conform the annual AMC registry fee required by this section with the AMC registry fee established by the Appraisal Subcommittee.

In adopting or amending a rule under this subsection, the commission may adopt emergency rules in the manner provided by IC 4-22-2-37.1. ~~Notwithstanding~~ ~~IC 4-22-2-37.1(g),~~ **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the commission under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the commission under IC 4-22-2-24 through IC 4-22-2-36.

SECTION 65. IC 34-55-10-2.5, AS AMENDED BY P.L.140-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2.5. (a) The department of financial institutions shall adopt a rule under IC 4-22-2 establishing the amount for each exemption under section 2(c)(1) through 2(c)(3) of this chapter to take effect not earlier than January 1, 2010, and not later than March 1, 2010.

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

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

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

(e) A rule establishing amounts for exemptions under this section may not reduce an exemption amount below the exemption amount on July 1, 2005.

(f) The department of financial institutions may adopt a rule under subsection (a) or subsection (b) as an emergency rule under IC 4-22-2-37.1.

(g) **Except as provided in IC 4-22-2-37.1,** an emergency rule adopted by the department of financial institutions under this section expires on the earlier of the following dates:

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

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

SECTION 66. **An emergency is declared for this act.**

Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____