



April 7, 2023

ENGROSSED HOUSE BILL No. 1626

DIGEST OF HB 1626 (Updated April 6, 2023 10:44 am - DI 129)

Citations Affected: IC 14-10; IC 14-39.

Synopsis: Administrative rules concerning carbon dioxide. Authorizes the department of natural resources (department) to adopt emergency rules to carry out the duties of the department under the article of the Indiana Code concerning carbon dioxide. Requires the natural resources commission (commission) to adopt rules to implement the article of the Indiana Code concerning carbon dioxide. Provides that the rules adopted by the commission: (1) must include the provisions necessary for the department's discharge of the duties imposed upon the department under; and (2) may establish fees for the administration and implementation of; the article of the Indiana Code concerning carbon dioxide. Specifies that any fees established by the commission for the administration and implementation of the article: (1) are subject to review by the budget committee; and (2) may not be increased unless the budget committee reviews the increase.

Effective: Upon passage; July 1, 2023.

Soliday, Jackson

(SENATE SPONSORS — KOCH, RANDOLPH LONNIE M)

January 19, 2023, read first time and referred to Committee on Natural Resources.
February 9, 2023, reported — Do Pass.
February 20, 2023, read second time, amended, ordered engrossed.
February 21, 2023, engrossed.
February 23, 2023, read third time, passed. Yeas 85, nays 1.

SENATE ACTION

March 6, 2023, read first time and referred to Committee on Natural Resources.
March 20, 2023, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
April 6, 2023, amended, reported favorably — Do Pass.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1626

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

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

1 SECTION 1. IC 14-10-2-5, AS AMENDED BY P.L.164-2020,
2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 5. (a) The department may adopt emergency
4 rules under IC 4-22-2-37.1 to carry out the duties of the department
5 under the following:
6 (1) IC 14-9.
7 (2) This article.
8 (3) IC 14-11.
9 (4) IC 14-12-2.
10 (5) IC 14-14.
11 (6) IC 14-15.
12 (7) IC 14-17-3.
13 (8) IC 14-18, except IC 14-18-6 and IC 14-18-8.
14 (9) IC 14-19-1 and IC 14-19-8.
15 (10) IC 14-21.
16 (11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
17 (12) IC 14-23-1.

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- 1 (13) IC 14-24.
 2 (14) IC 14-25, except IC 14-25-8-3 and IC 14-25-13.
 3 (15) IC 14-26.
 4 (16) IC 14-27.
 5 (17) IC 14-28.
 6 (18) IC 14-29.
 7 (19) IC 14-35-1, IC 14-35-2, and IC 14-35-3.
 8 (20) IC 14-37.
 9 (21) IC 14-38, except IC 14-38-3.
 10 **(22) IC 14-39.**
 11 (b) A rule adopted under subsection (a) expires not later than one
 12 (1) year after the rule is accepted for filing by the publisher of the
 13 Indiana Register.
 14 (c) A person who violates an emergency rule adopted by the
 15 department commits a Class C infraction, unless otherwise specified
 16 under state law.
 17 SECTION 2. IC 14-39-0.5 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2023]:
 20 **Chapter 0.5. Rulemaking**
 21 **Sec. 1. The natural resources commission shall adopt rules**
 22 **under IC 4-22-2 to implement this article.**
 23 **Sec. 2. The rules adopted by the commission under section 1 of**
 24 **this chapter:**
 25 (1) must include the provisions necessary to the department's
 26 discharge of the duties imposed upon the department under
 27 this article; and
 28 (2) may establish fees for the administration and
 29 implementation of this article after review by the budget
 30 committee. In addition, the amount of the fee determined
 31 under this subdivision may not subsequently be increased
 32 unless the increase is reviewed by the budget committee.
 33 **Sec. 3. Notwithstanding IC 14-10-2-5(b), an emergency rule**
 34 **adopted by the department under IC 14-10-2-5(a)(22) concerning**
 35 **the department's discharge of the duties imposed upon the**
 36 **department under this article expires upon the earlier of the**
 37 **following:**
 38 (1) One (1) year after the rule is accepted for filing by the
 39 publisher of the Indiana Register.
 40 (2) Upon the adoption of a rule under this chapter concerning
 41 the department's discharge of the duties imposed upon the
 42 department under this article.



1 **SECTION 3. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1626, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1626 as introduced.)

LINDAUER

Committee Vote: Yeas 8, Nays 0

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1626 be amended to read as follows:

Page 2, line 29, after "article." insert "**Any fees established by the commission under this subdivision are subject to review by the budget committee.**".

(Reference is to HB 1626 as printed February 9, 2023.)

SOLIDAY

 COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1626, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 29, delete "Any fees established by the".

Page 2, delete lines 30 through 31, begin a new line blocked left and insert:

"Any fees established by the commission under this section are subject to review by the budget committee."

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1626 as reprinted February 21, 2023.)

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GLICK, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1626, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 29, delete "." and insert "**after review by the budget committee. In addition, the amount of the fee determined under this subdivision may not subsequently be increased unless the increase is reviewed by the budget committee.**".

Delete lines 30 through 31.

and when so amended that said bill do pass.

(Reference is to EHB 1626 as printed March 21, 2023.)

BASSLER

Committee Vote: Yeas 8, Nays 1.

