Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 4

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 2-5-42.4-8, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The legislative services agency shall establish and maintain a system for making available to the public information about the amount and effectiveness of workforce related programs.

(b) The legislative services agency shall develop and publish on the general assembly's ~~Internet web site~~ **website** a multiyear schedule that lists all workforce related programs and indicates the year when the report will be published for each workforce related program reviewed. The legislative services agency may revise the schedule as long as the legislative services agency provides for a systematic review, analysis, and evaluation of all workforce related programs and ~~that~~ each workforce related program is reviewed at least once. ~~every five (5) years.~~

SECTION 2. IC 3-6-4.1-14, AS AMENDED BY P.L.169-2015, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. (a) In addition to other duties prescribed by law, the commission shall do the following:

(1) Administer Indiana election laws.

(2) Adopt rules under IC 4-22-2 to do the following:

(A) Govern the fair, legal, and orderly conduct of elections, including the following:

(i) ~~Emergency~~ Rules described in section 16 of this chapter to implement a court order requiring the commission, the election division, or an election board or official to administer an election in a manner not authorized by this title.

(ii) Rules (including joint rules with other agencies when necessary) to implement and administer NVRA.

(B) Carry out IC 3-9 (campaign finance).

(C) Govern the establishment of precincts under IC 3-11-1.5.

(D) Specify procedures and fees for the processing of an application from a vendor for voting systems approval and testing.

(3) Advise and exercise supervision over local election and registration officers.

(b) This section does not divest a county election board of any powers and duties imposed on the board in IC 3-6-5, except that if there is a deadlock on a county election board, the county election board shall submit the question to the commission for final determination.

SECTION 3. IC 3-6-4.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. The commission, by unanimous vote of the entire membership of the commission, may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement a court order requiring the commission, the election division, or an election board or official to administer an election in a manner not authorized by this title.

SECTION 4. 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, 2024]: 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), 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 5. IC 4-12-1-15.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) The Medicaid contingency and reserve account is established within the

state general fund for the purpose of providing money for timely payment of Medicaid claims, obligations, and liabilities. Money in the account must be used to pay Medicaid claims, obligations, and liabilities. The account shall be administered by the budget agency.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the following:

(1) Appropriations to the account.

(2) Other Medicaid appropriations transferred to the account with the approval of the governor and the budget agency.

(3) Money transferred to the account from the phase out trust fund established by IC 12-15-44.5-7 (before its expiration).

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

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

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

(1) the use of a particular state agency;

(2) the deposit of a particular state revenue source; or

(3) the purposes of a particular state purpose or a particular state program.

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

(1) A fund established for the purpose of administering a federal program or a fund established for the deposit of money received from the federal government.

(2) The public deposit insurance fund maintained by the board for depositories under IC 5-13.

(3) A trust fund.

(4) A fund that is subject to a statutorily required minimum balance.

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

(1) The name of the fund.

(2) The legal fund balance on June 30 of the previous state fiscal year.

(3) Citation of the statute or other authority for establishing the fund.

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

(1) make any appropriate recommendations concerning the listed dedicated funds; and

(2) submit the list prepared under subsection (c) and any recommendations made under subdivision (1) in an electronic format under IC 5-14-6 to the legislative council and to the budget committee.

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

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

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

(1) Hire or contract with administrative law judges and other employees as necessary to carry out the purposes of this chapter.

(2) Assign administrative law judges from the office to preside over administrative proceedings.

(3) Adopt rules under IC 4-22-2 establishing a code of judicial conduct for administrative law judges. The code of judicial conduct for administrative law judges applies to each person acting as an administrative law judge for the office. ~~The director may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement a code of judicial conduct for administrative law judges.~~

(4) Receive complaints alleging violations of the code of judicial conduct for administrative law judges, investigate the complaints, and take administrative or disciplinary action as deemed appropriate and warranted.

(5) Establish and administer a program to train and educate administrative law judges.

(6) Require all administrative law judges for the office to annually complete a number of hours of training and education determined by the director.

(7) Provide and coordinate education for administrative law

judges on the code of judicial conduct for administrative law judges, professionalism, administrative practices, and other subjects necessary to carry out the purposes of this chapter.

(8) Render advisory opinions to administrative law judges concerning the code of judicial conduct for administrative law judges. Information and advice contained in an advisory opinion are considered:

(A) specific to the person who requests the opinion and to the facts presented; and

(B) confidential records under IC 5-14-3-4(b)(6).

(9) Consult with agency heads on hiring and performance evaluations of administrative law judges for the agencies of the agency heads.

SECTION 8. IC 4-22-2-3, AS AMENDED BY P.L.249-2023, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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.

The term includes a fee, a fine, a civil penalty, a financial benefit limitation, or another payment amount set by an agency that otherwise qualifies as a rule.

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

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

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

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

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

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

(1) The cost benefit requirements in IC 4-3-22-13.

(2) Each of the standards in section 19.5 of this chapter.

(3) If applicable, the requirements for fees, fines, and civil penalties in section 19.6 of this chapter.

(4) The annual economic impact on small businesses statement required under IC 4-22-2.1-5.

(5) If applicable, the information required under IC 13-14-9-4.

(6) A determination whether the combined implementation and compliance costs of a proposed rule are at least one

million dollars ($1,000,000) for businesses, units, and individuals over any two (2) year period.

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

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

(1) imposed on a regulated entity under the rule; and

(2) not expressly required by:

(A) the statute authorizing the agency to adopt the rule; or

(B) any other state or federal law.

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

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

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

(1) a provisional rule that was issued as the result of the governor declaring an emergency under IC 10-14-3 and is only valid during the emergency;

(2) a provisional or interim rule that complies only with the requirements of a:

(A) federal law;

(B) federal regulation; or

(C) federal grant or loan program; or

(3) an interim rule that incorporates a new or updated:

(A) building;

(B) equipment;

(C) firefighting;

(D) safety; or

(E) professional;

code.

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

SECTION 11. IC 4-22-2-22.8, AS ADDED BY P.L.249-2023, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 22.8. (a) After conducting a regulatory analysis

under section 22.7 of this chapter, if an agency elects to adopt a rule subject to section 23 of this chapter or IC 13-14-9, the agency shall submit a request to the budget agency and the office of management and budget to authorize commencement of the public comment periods under this chapter or IC 13-14-9 (as applicable). The request must include the following:

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

(2) The full text of the proposed rule (including a copy of any matter incorporated by reference under section 21 of this chapter) in the form required by the publisher, including citations to any related authorizing and affected Indiana statutes.

(3) The regulatory analysis, including supporting data, prepared under section 22.7 of this chapter.

(4) Any other information required by the office of management and budget.

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

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

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

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

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

(d) If the implementation and compliance costs of a proposed

rule are expected to exceed the threshold set forth in section 22.7(c)(6) of this chapter, the office of management and budget shall submit the rule to the legislative council, in an electronic format under IC 5-14-6, within thirty (30) days of completing the review of the regulatory analysis. The chairperson of legislative council shall inform members of the budget committee of a rule submitted under this subsection. The budget agency and the office of management and budget may not approve any part of a proposed rule covered by this subsection prior to review of the proposed rule by the budget committee.

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

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

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

(1) A statement of the date, time, and place at which the hearing required by section 26 of this chapter will be convened, including information for how to attend the public hearing remotely.

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

(3) The latest version of the regulatory analysis submitted to the

budget agency and the office of management and budget under section 22.8 of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

Inadequacy or insufficiency of the published description or regulatory analysis in a notice published under this section does not invalidate a

rulemaking action.

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

(d) The publisher shall review materials submitted under this section and determine the date that the publisher intends to publish the text of the proposed rule and the notice in the Indiana Register. If the submitted material complies with this section, the publisher shall establish the intended publication date, assign a document control number to the proposed rule, and provide a written or an electronic mail authorization to proceed to the agency. The publisher shall publish the following in the Indiana Register on the intended publication date:

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

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

SECTION 13. IC 4-22-2-28, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 28. (a) ~~The following definitions apply throughout~~ **As used in** 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 imposes requirements or costs on small businesses (as defined in IC 4-22-2.1-4); 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.

SECTION 14. IC 4-22-2-31, AS AMENDED BY P.L.249-2023, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 31. After an agency has complied with section 29 of this chapter, or adopted the rule in conformity with IC 13-14-9, as applicable, the agency shall submit its rule to the attorney general for approval. The agency shall submit the following to the attorney general:

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

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

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

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

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

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

(1) Sections 23 through 27 of this chapter or IC 13-14-9 (as applicable).

(2) Sections 28 through 36 of this chapter.

The amendments to this section made in the 2023 regular session of the general assembly apply to provisional rules that are accepted for filing by the publisher of the Indiana Register after June 30, 2023, regardless of whether the adopting agency initiated official action to adopt the rule by the name of emergency rule or provisional rule before July 1, 2023. An action taken before July 1, 2023, in conformity with this section (as effective after June 30, 2023) is validated to the same extent as if the action was taken after June 30, 2023.

(b) An agency may adopt a rule on a subject for which the agency has rulemaking authority using the procedures in this section if the governor finds that the agency proposing to adopt the rule has demonstrated to the satisfaction of the governor that use of provisional rulemaking procedures under this section is necessary to avoid:

(1) an imminent and a substantial peril to public health, safety, or welfare;

(2) an imminent and a material loss of federal funds for an agency program;

(3) an imminent and a material deficit;

(4) an imminent and a substantial violation of a state or federal law or the terms of a federal agreement or program;

(5) injury to the business or interests of the people or any public utility of Indiana as determined under IC 8-1-2-113;

(6) an imminent and a substantial peril to:

(A) wildlife; or

(B) domestic animal;

health, safety, or welfare; or

(7) the spread of invasive species, pests, or diseases affecting plants.

To obtain a determination from the governor, an agency must submit to the governor the text of the proposed provisional rule, **the regulatory analysis required under section 22.7 of this chapter,** a statement justifying the need for provisional rulemaking procedures, and any additional information required by the governor in the form and in the manner required by the governor.

(c) The governor may not approve provisional rulemaking for any part of a proposed provisional rule that:

(1) adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties; ~~before submitting the proposal to the budget committee for review.~~ **or**

(2) is expected to exceed the threshold set forth in section 22.7(c)(6) of this chapter;

prior to the budget committee's review of the proposed provisional rule. A notice of determination by the governor shall include findings that explain the basis for the determination. The notice of determination shall be provided to the agency in an electronic format. Approval of a request shall be treated as a determination that the rule meets the criteria in **subsection (b) and** this subsection.

~~(c)~~ **(d)** After the governor approves provisional rulemaking procedures for a rule but before the agency adopts the provisional rule, the agency shall obtain a document control number from the publisher. The publisher shall determine the documents and the format of the documents that must be submitted to the publisher to obtain a document control number. The agency must submit at least the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The publisher shall determine the format of the provisional rule and

other documents to be submitted under this subsection. The substantive text of the adopted provisional rule must be substantially similar to the text of the proposed provisional rule submitted to the governor. A provisional rule may suspend but not repeal a rule approved by the governor under section 34 of this chapter.

~~(f)~~ **(g)** Subject to subsections ~~(c)~~ **(d)** and ~~(e)~~ **(f)** and section 39 of this chapter, the publisher shall:

(1) accept the provisional rule for filing;

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

(3) publish the text of the:

(A) adopted provisional rule;

(B) regulatory analysis (excluding appendices containing data, studies, or analyses referenced in the regulatory analysis); and ~~the~~

(C) governor's approval in the Indiana Register.

~~(g)~~ **(h)** A provisional 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 provisional rule.

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

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

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

(5) The statutory effective date for a provisional rule set forth in law.

~~(h)~~ **(i)** An agency may amend a provisional rule with another provisional rule by following the procedures in this section for the amended provisional rule. However, unless otherwise provided by IC 4-22-2.3, a provisional rule and all amendments of a provisional rule by another provisional rule expire not later than one hundred eighty (180) days after the initial provisional rule is accepted for filing under subsection ~~(f).~~ **(g). Unless otherwise provided by IC 4-22-2.3-2,** the subject of the provisional rule, including all amendments to the provisional rule, may not be subsequently extended under this section or section 37.2 of this chapter. If the governor determines that the circumstance that is the basis for using the procedures under this section ceases to exist, the governor may terminate the provisional rule before the lapse of one hundred eighty (180) days. The termination is

effective when filed with the publisher. The publisher shall publish the termination notice in the Indiana Register.

~~(i)~~ **(j)** Subject to subsection ~~(j),~~ **(k),** the attorney general or the governor may file an objection to a provisional rule that is adopted under this section not later than forty-five (45) days after the date that a provisional rule or amendment to a provisional rule is accepted for filing under subsection ~~(f).~~ **(g).** The objection must cite the document control number for the affected provisional rule and state the basis for the objection. When filed with the publisher, the objection has the effect of invalidating the provisional rule or amendment to a provisional rule. The publisher shall publish the objection in the Indiana Register.

~~(j)~~ **(k)** The attorney general may file a written objection to a provisional rule under subsection ~~(i)~~ **(j)** only if the attorney general determines that the provisional rule has been adopted:

(1) without statutory authority; or

(2) without complying with this section.

A notice of objection to a provisional rule by the attorney general must include findings that explain the basis for the determination. The notice of objection shall be provided to the agency in an electronic format.

SECTION 16. IC 4-22-2-37.2, AS ADDED BY P.L.249-2023, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 37.2. (a) The following do not apply to a rule adopted under this section:

(1) Sections 23 through 27 of this chapter or IC 13-14-9 (as applicable).

(2) Sections 28 through 36 of this chapter.

This section as added by the 2023 regular session of the general assembly applies to interim rules that are accepted for filing by the publisher of the Indiana Register after June 30, 2023, regardless of whether the adopting agency initiated official action to adopt the interim rule before July 1, 2023. An action taken before July 1, 2023, in conformity with this section (as effective after June 30, 2023) is validated to the same extent as if the action was taken after June 30, 2023.

(b) An agency may only adopt a rule on a subject for which the agency has rulemaking authority using the procedures in this section if the governor finds that the agency proposing to adopt the rule has demonstrated to the satisfaction of the governor that use of interim rulemaking procedures under this section is necessary to implement:

(1) a new state or federal law or program, rule of another state agency, federal regulation, or federal grant or loan agreement, or

(if used by the agency to carry out the agency's responsibilities) a building, an equipment, a firefighting, a safety, or a professional code adopted by a nationally recognized organization;

(2) a change in a state or federal law or program, rule of another state agency, federal regulation, federal grant or loan agreement, or (if used by the agency to carry out the agency's responsibilities) a building, an equipment, a firefighting, a safety, or a professional code adopted by a nationally recognized organization; or

(3) a category of rule authorized under IC 4-22-2.3 to be adopted as an interim rule;

before the time that a final rule approved by the governor under section 34 of this chapter could reasonably take effect.

(c) To obtain a determination from the governor, an agency must submit to the governor the text of the proposed interim rule, a statement justifying the need for interim rulemaking procedures, and any additional information required by the governor in the form and in the manner required by the governor. The governor may not approve interim rulemaking for any part of a proposed interim rule that:

(1) adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties; **or**

(2) is expected to exceed the threshold set forth in section 22.7(c)(6) of this chapter;

~~before submitting the proposal~~ **prior** to the budget ~~committee~~ **committee's** ~~for~~ review **of the proposed interim rule.** A notice of determination by the governor shall include findings that explain the basis for the determination. The notice of determination shall be provided to the agency in an electronic format. Approval of a request shall be treated as a determination that the rule meets the criteria in this subsection.

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

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

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

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

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

~~(3)~~ **(5)** If the **proposed** interim rule adds or amends language to increase or expand application of a fee, fine, or civil penalty or a schedule of fees, fines, or civil penalties, the agenda of the budget

committee meeting at which the rule was scheduled for review.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(6)~~ **(7)** A date that is thirty (30) days after the notice is published in the Indiana Register by which written comments are due and a statement explaining that any person may submit written comments concerning the proposed interim rule during the public comment period and instructions on when, where, and how the person may submit written comments.

However, inadequacy or insufficiency of the subject matter description

under subdivision (1) or a statement of justification under subdivision ~~(3)~~ **(4)** in a notice does not invalidate a rulemaking action. An agency may continue the public comment period by publishing a subsequent notice in the Indiana Register extending the public comment period.

(f) Before adopting the interim rule, the agency shall prepare a written response to comments received by the agency, including the reasons for rejecting any recommendations made in the comments.

(g) After an agency has completed the public comment period and complied with subsection (f), the agency may:

(1) adopt a rule that is identical to a proposed interim rule published in the Indiana Register under this section; or

(2) adopt a revised version of a proposed interim rule published under this section and include provisions that did not appear in the initially published proposed version.

An agency may not adopt an interim rule that substantially differs from the version of the proposed interim rule published in the Indiana Register under this section, unless it is a logical outgrowth of any proposed interim rule as supported by any written comments submitted during the public comment period.

(h) After the agency adopts the interim rule, the agency shall submit the following to the publisher for filing:

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

(2) A summary of the comments received by the agency during the public comment period and the agency's response to the comments.

(3) A signature page that indicates that the agency has adopted the interim rule in conformity with all procedures required by law.

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

The publisher shall determine the format of the interim rule and other documents to be submitted under this subsection. An interim rule may suspend but not repeal a rule approved by the governor under section 34 of this chapter.

(i) Subject to subsection (h) and section 39 of this chapter, the publisher shall:

(1) accept the interim rule for filing;

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

(3) publish the text of the:

(A) adopted interim rule;

(B) regulatory analysis (excluding appendices containing

data, studies, or analyses referenced in the regulatory analysis); and ~~the~~

(C) governor's approval in the Indiana Register.

(j) An interim 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 interim rule.

(2) The date and time that the interim rule is accepted for filing under subsection (i).

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

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

(5) The statutory effective date for an interim rule set forth in law.

(k) An agency may amend an interim rule with another interim rule by following the procedures in this section for adoption of an interim rule. Except as provided in IC 4-22-2.3, an interim rule and all subsequent rules on the same subject adopted under section 37.1 of this chapter or this section expire not later than four hundred twenty-five (425) days after the initial interim rule is accepted for filing under subsection (i).

(l) Subject to subsection (m), the attorney general or the governor may file an objection to an interim rule that is adopted under this section not later than forty-five (45) days after the date that an interim rule or amendment to an interim rule is accepted for filing under subsection (i). The objection must cite the document control number for the affected interim rule and state the basis for the objection. When filed with the publisher, the objection has the effect of invalidating the interim rule or amendment to an interim rule. The publisher shall publish the objection in the Indiana Register.

(m) The attorney general may file a written objection to an interim rule under subsection (l) only if the attorney general determines that the interim rule has been adopted:

(1) without statutory authority; or

(2) without complying with this section.

A notice of objection to an interim rule by the attorney general must include findings that explain the basis for the determination. The notice of objection shall be provided to the agency in an electronic format.

SECTION 17. IC 4-22-2-38, AS AMENDED BY P.L.249-2023, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 38. (a) This section applies to a rulemaking action

resulting in any of the following rules:

(1) A rule that brings another rule into conformity with section 20 of this chapter.

(2) A rule that amends another rule to replace an inaccurate reference to a statute, rule, regulation, other text, governmental entity, or location with an accurate reference, when the inaccuracy is the result of the rearrangement of a federal or state statute, rule, or regulation under a different citation number, a federal or state transfer of functions from one (1) governmental entity to another, a change in the name of a federal or state governmental entity, or a change in the address of an entity.

(3) A rule correcting any other typographical, clerical, or spelling error in another rule.

(b) Sections ~~24~~ **23** through 37.2 of this chapter do not apply to rules described in subsection (a).

(c) Notwithstanding any other statute, an agency may adopt a rule described by subsection (a) without complying with any statutory notice, hearing, adoption, or approval requirement. In addition, the governor may adopt a rule described in subsection (a) for an agency without the agency's consent or action.

(d) A rule described in subsection (a) shall be submitted to the publisher for the assignment of a document control number. The agency (or the governor, for 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 number of copies of the rule and other documents to be submitted under this subsection.

(e) After a document control number is assigned, the agency (or the governor, for the agency) shall submit the rule to the publisher for filing. The agency (or the governor, for 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.

(f) 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 it is accepted.

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

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

(2) The date that is forty-five (45) days from the date and time

that the rule adopted under this section is accepted for filing under subsection (f).

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

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

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

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

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

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

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

(B) not expressly required by:

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

(ii) any other state or federal law.

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

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

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

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

(C) The consolidation or simplification of compliance or

reporting requirements for small businesses.

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

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

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

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

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

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

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

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

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

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

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

(i) more data on the impact of the proposed rule on small

businesses can be gathered and evaluated; or

(ii) less intrusive or less costly alternative methods of achieving the purpose of the proposed rule can be effectively implemented with respect to small businesses.

(b) Upon receipt of the small business ombudsman's written comments under subsection (a), the agency shall make the comments available:

(1) for public inspection and copying at the offices of the agency under IC 5-14-3;

(2) electronically through the electronic gateway administered under IC 4-13.1-2-2(a)(6) by the office of technology; and

(3) for distribution at the public hearing required by IC 4-22-2-26.

(c) Before finally adopting a rule under IC 4-22-2-29, and in the same manner that the agency considers public comments under IC 4-22-2-27, the agency must fully consider the comments submitted by the small business ombudsman under subsection (a). After considering the comments under this subsection, the agency may:

(1) adopt any version of the rule permitted under IC 4-22-2-29; or

(2) abandon or delay the rulemaking action as recommended by the small business ombudsman under subsection (a)(2)(D), if applicable.

SECTION 20. IC 4-22-2.3-6, AS ADDED BY P.L.249-2023, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. The following apply to the department of financial institutions:

(1) The department of financial institutions shall adopt rules under the interim rule procedures in IC 4-22-2-37.2 announcing:

(A) sixty (60) days before January 1 of each odd-numbered year in which dollar amounts under IC 24-4.5 (Uniform Consumer Credit Code) are to change, the changes in dollar amounts required by IC 24-4.5-1-106(2);

(B) promptly after the changes occur, changes in the Index required by IC 24-4.5-1-106(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;

(C) the adjustments required under IC 24-9-2-8 concerning high cost home loans; and

(D) the adjustments required under IC 34-55-10-2 (bankruptcy exemptions; limitations) or IC 34-55-10-2.5.

A rule described in this subdivision expires not later than January of the next odd-numbered year after the department of financial

institutions is required to issue the rule.

(2) The department of financial institutions may adopt a rule under the interim rule procedures in IC 4-22-2-37.2 for a rule permitted under IC 24-4.4-1-101 (licensing system for creditors and mortgage loan originators) or IC 24-4.5 (Uniform Consumer Credit Code) if the department of financial institutions declares an emergency. A rule described in this subdivision expires not later than two (2) years after the rule is effective.

(3) The department of financial institutions may adopt a rule described in IC 34-55-10-2 (bankruptcy exemptions; limitations) or IC 34-55-10-2.5 in conformity with the procedures in IC 4-22-2-23 through IC 4-22-2-36 or the interim rule procedures in IC 4-22-2-37.2. A rule described in this subdivision adopted under IC 4-22-2-37.2 expires not later than two (2) years after the rule is accepted for filing by the publisher of the Indiana Register.

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

SECTION 21. IC 4-22-2.3-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 10. (a) An agency may adopt interim rules under IC 4-22-2-37.2 to implement a reduction, a full or partial waiver, or an elimination of a fee, fine, or civil penalty included in a rule adopted under IC 4-22-2.**

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

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

(1) if the agency readopts the rule:

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

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

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

SECTION 22. IC 4-22-2.6-1, AS ADDED BY P.L.249-2023, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as provided in this section and section 10 of this chapter, a rule **adopted under IC 4-22-2-23 through IC 4-22-2-36** expires January 1 of the fifth year after the year in which the rule takes effect, unless the rule expires or is repealed on an earlier date. Except for an amendment made under IC 4-22-2-38, the expiration date of a rule under this section is extended each time that a rule:

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

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

(3) readopting;

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 23. IC 4-22-2.6-3, AS ADDED BY P.L.249-2023, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2024]: Sec. 3. (a) Except as provided in subsection (b), if an agency intends to readopt a rule, the agency shall, not later than January 1 of the ~~fourth~~ year ~~after~~ **preceding** the year in which the rule ~~takes effect,~~ **expires under this chapter,** provide an initial notice of the intended readoption in an electronic format designated by the publisher to legislators and legislative committees in the manner and on the schedule specified by the legislative council or the personnel subcommittee of the legislative council acting for the legislative council.

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

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

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

(b) The notice must include the following:

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

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

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

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

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

(6) Any other information required by the publisher.

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

Register. After:

(1) establishing the intended publication date; and

(2) receiving the material as required by this section;

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

SECTION 25. IC 4-30-3-9 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 9. (a) The commission may adopt emergency rules under IC 4-22-2-37.1.~~

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

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

SECTION 27. IC 4-31-3-9, AS AMENDED BY P.L.140-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) 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 28. IC 4-31-7.5-11, AS ADDED BY P.L.268-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. The commission shall adopt rules under IC 4-22-2 ~~including emergency rules adopted in the manner provided in IC 4-22-2-37.1,~~ to implement this chapter. Rules adopted under this section may include rules that prescribe:

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

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

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

(4) record keeping requirements;

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

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

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

(1) Administering this article.

(2) Establishing the conditions under which charity gaming in

Indiana may be conducted, including the manner in which a qualified organization may supervise a qualified card game conducted under IC 4-32.3-5-11(b).

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

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

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

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

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

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

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

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

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

(A) The credibility and integrity of gambling operations authorized by this article.

(B) The regulatory process provided in this article.

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

(3) Provide for the establishment and collection of license fees and taxes imposed under this article.

(4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.

(5) Levy and collect penalties for noncriminal violations of this article.

(6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

(7) Be present through the commission's gaming agents during the time gambling operations are conducted on a riverboat to do the following:

(A) Certify the revenue received by a riverboat.

(B) Receive complaints from the public.

(C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that

the commission considers necessary and proper.

~~(8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:~~

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

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

~~(9)~~ **(8)** Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection ~~(c).~~ **(b).**

~~(10)~~ **(9)** Establish the requirements for a power of attorney submitted under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16.

~~(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).~~

~~(c)~~ **(b)** Rules adopted under subsection ~~(a)(9)~~ **(a)(8)** must provide the following:

(1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat or other facility under the jurisdiction of the commission.

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

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

(4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.

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

(6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in

the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

SECTION 31. IC 4-33-6-2, AS AMENDED BY P.L.142-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) A person applying for an owner's license under this chapter must pay a nonrefundable application fee to the commission. The commission shall determine the amount of the application fee.

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) This subsection applies to an applicant who applies after June 30, 2009, for an owner's license. An applicant shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the applicant's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under ~~IC 4-33-4-3(a)(10);~~ **IC 4-33-4-3(a)(9);** and

(4) be submitted on the date that the applicant pays the application fee described in subsection (a).

(d) The commission shall review the applications for an owner's license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the owner's license.

(e) The costs of investigating an applicant for an owner's license under this chapter shall be paid from the application fee paid by the applicant.

(f) An applicant for an owner's license under this chapter must pay all additional costs that are:

(1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the applicant.

SECTION 32. IC 4-33-6-22, AS ADDED BY P.L.142-2009, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2024]: Sec. 22. (a) This section applies to any licensed owner who was not required to submit a proposed power of attorney when applying for an owner's license.

(b) A licensed owner shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the licensed owner's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under ~~IC 4-33-4-3(a)(10);~~ **IC 4-33-4-3(a)(9);** and

(4) be submitted before:

(A) November 1, 2009, in the case of a person holding an owner's license on July 1, 2009; or

(B) the deadline imposed by the commission in the case of a licensed owner who is subject to this section and not described by clause (A).

(c) The commission may not renew an owner's license unless the commission:

(1) receives a proposed power of attorney from the licensed owner;

(2) approves the trustee identified by the power of attorney; and

(3) approves the power of attorney.

(d) A licensed owner must petition the commission for its approval of any changes to a power of attorney approved by the commission.

SECTION 33. IC 4-33-6.5-2, AS AMENDED BY P.L.1-2010, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) A person, including a person who holds or has an interest in an owner's license issued under this article, may file an application with the commission to serve as an operating agent under this chapter. An applicant must pay a nonrefundable application fee to the commission in an amount to be determined by the commission.

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) This subsection applies to an applicant who applies after May

12, 2009, to serve as an operating agent under this chapter. An applicant shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the applicant's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under ~~IC 4-33-4-3(a)(10);~~ **IC 4-33-4-3(a)(9);** and

(4) be submitted on the date that the applicant pays the application fee described in subsection (a).

(d) The commission shall review the applications filed under this chapter and shall inform each applicant of the commission's decision.

(e) The costs of investigating an applicant to serve as an operating agent under this chapter shall be paid from the application fee paid by the applicant.

(f) An applicant to serve as an operating agent under this chapter must pay all additional costs that are:

(1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the applicant.

SECTION 34. IC 4-33-6.5-16, AS ADDED BY P.L.142-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) The person holding an operating agent contract on July 1, 2009, shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the operating agent's trustee to operate the riverboat. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee;

(3) conform with the requirements established by the commission under ~~IC 4-33-4-3(a)(10);~~ **IC 4-33-4-3(a)(9);** and

(4) be submitted before November 1, 2009.

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

(1) receives a proposed power of attorney from the operating agent;

(2) approves the trustee identified by the power of attorney; and

(3) approves the power of attorney.

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

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

(1) Mixed martial arts.

(2) Martial arts, including the following:

(A) Jujutsu.

(B) Karate.

(C) Kickboxing.

(D) Kung fu.

(E) Tae kwon do.

(F) Judo.

(G) Sambo.

(H) Pankration.

(I) Shootwrestling.

(3) Professional wrestling.

(4) Boxing.

(5) Sparring.

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

~~(1) the need for a rule is so immediate and substantial that the ordinary rulemaking procedures under IC 4-22-2 are inadequate to address the need; and~~

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

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

(1) Administering this chapter.

(2) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of paid fantasy sports.

(3) Establishing rules concerning the review of the permits or licenses necessary for a game operator, licensed facility, or licensee.

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

(b) The division and the commission shall allow game operators who are operating in Indiana on March 31, 2016, to continue operating

until they have received or have been denied a license.

SECTION 37. IC 4-35-4-2, AS AMENDED BY P.L.255-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The commission shall do the following:

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

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

(B) The regulatory process provided in this article.

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

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

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

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

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

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

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

~~(7)~~ **(6)** Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection ~~(c).~~ **(b).**

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

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

~~(c)~~ **(b)** Rules adopted under subsection ~~(a)(7)~~ **(a)(6)** must provide the following:

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

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

(3) Except as provided by rule of the commission, a person who

participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.

(4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.

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

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

SECTION 38. IC 4-35-5-9, AS ADDED BY P.L.142-2009, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) A permit holder or an applicant for a gambling game license shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the permit holder's or applicant's trustee to conduct gambling games at a racetrack. The power of attorney submitted under this subsection must:

(1) be executed in the manner required by IC 30-5;

(2) describe the powers that may be delegated to the proposed trustee; and

(3) conform with the requirements established by the commission under ~~IC 4-35-4-2(a)(8).~~ **IC 4-35-4-2(a)(7).**

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

(1) Before November 1, 2009, in the case of a permit holder who holds a gambling game license as of July 1, 2009.

(2) Before the deadline established by the commission, in the case of a person who applies for a gambling game license after December 31, 2008.

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

SECTION 39. IC 4-36-3-3, AS ADDED BY P.L.95-2008,

SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. ~~(a)~~ The commission may adopt rules under IC 4-22-2 for the establishment, implementation, and operation of type II gambling games and to ensure that the type II gambling operations are consistently operated in a fair and honest manner.

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

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

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

SECTION 40. IC 4-38-3-1, AS ADDED BY P.L.293-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The commission shall adopt rules under IC 4-22-2 ~~including emergency rules in the manner provided under IC 4-22-2-37.1;~~ to implement this article. Rules adopted under this section must include the following:

(1) Standards for the conduct of sports wagering under this article.

(2) Standards and procedures to govern the conduct of sports wagering, including the manner in which:

(A) wagers are received;

(B) payouts are paid; and

(C) point spreads, lines, and odds are determined.

(3) Standards for allowing a certificate holder to offer sports wagering as an interactive form of gaming.

(4) Rules prescribing the manner in which a certificate holder's books and financial records relating to sports wagering are maintained and audited, including standards for the daily counting of a certificate holder's gross receipts from sports wagering and standards to ensure that internal controls are followed.

(5) Rules concerning compulsive gambling.

(6) Standards for approving procedures and technologies necessary to comply with the requirements of IC 4-38-9.

(7) Standards for approving procedures and technologies necessary for a certificate holder or vendor to securely and efficiently maintain and store records of all bets and wagers placed with the certificate holder or vendor.

(8) Rules establishing geofence standards concerning where a wager may and may not be placed, including:

(A) only placing wagers within the boundaries of Indiana; and

(B) prohibiting wagers at the location of particular sporting events.

(9) Standards for allowing a certificate holder to accept wagers through a mobile device under IC 4-38-5-12.

(10) Rules concerning the use of the source of data in sports wagering.

SECTION 41. IC 5-2-23-9, AS ADDED BY P.L.165-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) 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 42. IC 5-10-8-23, AS ADDED BY P.L.115-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 23. (a) As used in this section, "covered individual" means an individual who is entitled to coverage under a state employee health plan.

(b) As used in this section, "emergency medical services provider organization" means a provider of emergency medical services that is certified by the Indiana emergency medical services commission as an advanced life support provider organization under rules adopted under IC 16-31-3.

(c) As used in this section, "state employee health plan" means either of the following that provides coverage for emergency medical services:

(1) A self-insurance program established under section 7(b) of this chapter to provide group health coverage.

(2) A contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

(d) A state employee health plan that provides coverage for emergency medical services must at least provide reimbursement, subject to applicable deductible and coinsurance, for a covered individual for emergency medical services that are:

(1) rendered by an emergency medical services provider organization;

(2) within the emergency medical services provider organization's scope of practice;

(3) performed or provided as advanced life support services; and

(4) performed or provided during a response initiated through the 911 system, regardless of whether the patient was transported.

(e) If multiple emergency medical services provider organizations qualify and submit a claim for reimbursement under this section for an encounter, the state employee health plan:

(1) may only reimburse, subject to applicable deductible and coinsurance, under this section for one (1) claim per patient encounter; and

(2) shall reimburse, subject to applicable deductible and coinsurance, the claim submitted by the emergency medical services provider organization that performed or provided the majority of advanced life support services for the patient.

(f) The state personnel department may adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ to implement this section.

(g) This section does not restrict the state employee health plan from providing coverage beyond the requirements in this section.

SECTION 43. IC 5-20-9-8, AS ADDED BY P.L.103-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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), 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 44. IC 5-28-5-8, AS AMENDED BY P.L.140-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) 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), but the extension period may not exceed the period for which the original rule was in effect.~~

SECTION 45. IC 5-33-5-8, AS ADDED BY P.L.78-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) 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), but the extension period may not exceed the period for which the original rule was in effect.~~

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

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

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

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

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

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

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

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

(d) The Indiana board may develop a form for petitions under subsection (c) that outlines:

(1) the appeal process;

(2) the burden of proof; and

(3) evidence necessary to warrant a change to an assessment or

reassessment.

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

(1) Independent, licensed appraisers.

(2) Attorneys.

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

(4) Other qualified individuals.

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

(g) With respect to each petition for review filed under subsection (c), the special masters shall:

(1) set a hearing date;

(2) give notice of the hearing at least thirty (30) days before the hearing date, by mail, to:

(A) the taxpayer;

(B) the department of local government finance;

(C) the township assessor (if any); and

(D) the county assessor;

(3) conduct a hearing and hear all evidence submitted under this section; and

(4) make evidentiary findings and file a report with the Indiana board.

(h) At the hearing under subsection (g):

(1) the taxpayer shall present:

(A) the taxpayer's evidence that the assessment or reassessment is incorrect;

(B) the method by which the taxpayer contends the assessment or reassessment should be correctly determined; and

(C) comparable sales, appraisals, or other pertinent information concerning valuation as required by the Indiana board; and

(2) the department of local government finance shall present its evidence that the assessment or reassessment is correct.

(i) The Indiana board may dismiss a petition for review filed under subsection (c) if the evidence and other information required under subsection (h)(1) is not provided at the hearing under subsection (g).

(j) The township assessor (if any) and the county assessor may

attend and participate in the hearing under subsection (g).

(k) The Indiana board may:

(1) consider the report of the special masters under subsection (g)(4);

(2) make a final determination based on the findings of the special masters without:

(A) conducting a hearing; or

(B) any further proceedings; and

(3) incorporate the findings of the special masters into the board's findings in resolution of the appeal.

(l) The Indiana board may adopt rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to:

(1) establish procedures to expedite:

(A) the conduct of hearings under subsection (g); and

(B) the issuance of determinations of appeals under subsection (k); and

(2) establish deadlines:

(A) for conducting hearings under subsection (g); and

(B) for issuing determinations of appeals under subsection (k).

(m) A determination by the Indiana board of an appeal under subsection (k) is subject to appeal to the tax court under IC 6-1.1-15.

SECTION 47. IC 6-1.1-22.5-8, AS AMENDED BY P.L.197-2016, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) Subject to subsection (c), a provisional statement must:

(1) be on a form prescribed by the department of local government finance;

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

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

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

(ii) that the second installment is either the amount specified in a reconciling statement or, if a reconciling statement is not sent until after the second installment is due, an amount

equal to fifty percent (50%) of the tax liability that was payable in the same year as the assessment date for the property for which the provisional statement is issued, subject to any adjustments to the tax liability authorized by the department of local government finance under subsection (e) and approved by the county treasurer; and

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

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

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

(3) indicate:

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

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

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

(ii) will be credited against a reconciling statement;

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

"Under Indiana law, _____ County (insert county) has sent provisional statements. The statement is due to be paid in installments on _____ (insert date) and _____ (insert date). The first installment is equal to fifty percent (50%) of your tax liability for taxes payable in _____ (insert year), subject to adjustment to the tax liability authorized by the department of local government finance and approved by the county treasurer. The second installment is either the amount specified in a reconciling statement that will be sent to you, or (if a reconciling statement is not sent until after the second installment is due) an amount equal to fifty percent (50%) of your tax liability for taxes payable in _____ (insert year), subject to adjustment to the tax liability authorized by the department of local government finance and approved by the county treasurer. After the abstract of

property is complete, you will receive a reconciling statement in the amount of your actual tax liability for taxes payable in _____ (insert year) minus the amount you pay under this provisional statement.";

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

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

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

(A) delinquent:

(i) taxes; and

(ii) special assessments;

(B) penalties; and

(C) interest;

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

(A) a checklist that shows:

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

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

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

(C) an explanation of the tax consequences and applicable

penalties if a taxpayer unlawfully claims a standard deduction under IC 6-1.1-12-37 on:

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

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

(8) include any other information the county treasurer requires.

(b) The county may apply a standard deduction, supplemental standard deduction, or homestead credit calculated by the county's property system on a provisional bill for a qualified property. If a provisional bill has been used for property tax billings for two (2) consecutive years and a property qualifies for a standard deduction, supplemental standard deduction, or homestead credit for the second year a provisional bill is used, the county shall apply the standard deduction, supplemental standard deduction, or homestead credit calculated by the county's property system on the provisional bill.

(c) For purposes of this section, property taxes that are:

(1) first due and payable in the current calendar year on a provisional statement under section 6 or 6.5 of this chapter; and

(2) based on property taxes first due and payable in the immediately preceding calendar year or on a percentage of those property taxes;

are determined after excluding from the property taxes first due and payable in the immediately preceding calendar year property taxes imposed by one (1) or more taxing units in which the tangible property is located that are attributable to a levy that no longer applies for property taxes first due and payable in the current calendar year.

(d) If there was no property tax rate of the cross-county entity for taxes first due and payable in the immediately preceding calendar year for use under subsection (a)(2)(B), the department of local government finance shall provide an estimated tax rate calculated to approximate the actual tax rate that will apply when the tax rate is finally determined.

(e) The department of local government finance shall:

(1) authorize the types of adjustments to tax liability that a county treasurer may approve under subsection (a)(2)(A) including:

(A) adjustments for any new construction on the property or any damage to the property;

(B) any necessary adjustments for credits, deductions, or the local income tax;

(C) adjustments to include current year special assessments or exclude special assessments payable in the year of the

assessment date but not payable in the current year;

(D) adjustments to include delinquent:

(i) taxes; and

(ii) special assessments;

(E) adjustments to include penalties that are due and owing; and

(F) adjustments to include interest that is due and owing; and

(2) notify county treasurers in writing of the types of adjustments authorized under subdivision (1).

SECTION 48. IC 6-1.1-22.5-20, AS AMENDED BY P.L.86-2018, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 20. For purposes of a provisional statement under section 6 of this chapter, the department of local government finance may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to provide a methodology for a county treasurer to issue provisional statements with respect to real property, taking into account new construction of improvements placed on the real property, damage, and other losses related to the real property:

(1) after the assessment date of the year preceding the assessment date to which the provisional statement applies; and

(2) before the assessment date to which the provisional statement applies.

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

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

(1) administer a program for level three assessor-appraiser certifications;

(2) design a curriculum for level three assessor-appraiser certification candidates that:

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

(i) nationally recognized assessing organizations;

(ii) postsecondary educational institutions; or

(iii) other education delivery organizations;

in each subject matter area of the curriculum; and

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

(3) carry out a program to approve courses that meet the requirements of the curriculum described in subdivision (2) and

approve course sponsors that provide these courses.

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

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

~~(1) The date specified in the temporary rule.~~

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

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

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

SECTION 50. IC 6-1.1-50-10, AS ADDED BY P.L.239-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. The department of local government finance may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement this chapter. ~~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) January 1, 2025.~~

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

under this article, including procedures for:

(1) prehearing conferences;

(2) hearings;

(3) allowing the Indiana board, upon agreement of all parties to the proceeding, to determine that a petition does not require a hearing because it presents substantially the same issue that was decided in a prior Indiana board determination;

(4) voluntary arbitration;

(5) voluntary mediation;

(6) submission of an agreed record;

(7) upon agreement of all parties to the proceedings, joinder of petitions concerning the same or similar issues; and

(8) small claims.

(b) Rules under subsection (a)(8):

(1) may include rules that:

(A) prohibit discovery;

(B) restrict the length of a hearing; and

(C) establish when a hearing is not required; and

(2) must allow a party to be able to elect out of the small claims rules.

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

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

(1) a taxpayer has filed written notice to obtain a county board's review of an action by a township or county official; and

(2) the county board has not given written notice of its decision on the issues under review.

SECTION 53. IC 6-2.5-5-8.2, AS ADDED BY P.L.137-2022, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8.2. (a) Except as provided in subsection (f), a transaction in which a person acquires an aircraft for rental or leasing in the ordinary course of the person's business is not exempt from the state gross retail tax unless the person establishes, under guidelines adopted by the department in the manner provided in IC 4-22-2, ~~(including the adoption of emergency rules under IC 4-22-2-37.1),~~ that the annual amount of the gross lease revenue derived from leasing or rental of the aircraft, which may include revenue from related party

transactions, is equal to or greater than seven and five-tenths percent (7.5%) of the:

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

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

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

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

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

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

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

(g) The exemptions allowed under subsections (a) and (f) apply regardless of the relationship, if any, between the person or lessor and

the lessee or renter of the aircraft.

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

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

(2) income from doing business in this state;

(3) income from a trade or profession conducted in this state;

(4) compensation for labor or services rendered within this state; and

(5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property to the extent that the income is apportioned to Indiana under this section or if the income is allocated to Indiana or considered to be derived from sources within Indiana under this section.

Income from a pass through entity shall be characterized in a manner consistent with the income's characterization for federal income tax purposes and shall be considered Indiana source income as if the person, corporation, or pass through entity that received the income had directly engaged in the income producing activity. Income that is derived from one (1) pass through entity and is considered to pass through to another pass through entity does not change these characteristics or attribution provisions. In the case of nonbusiness income described in subsection (g), only so much of such income as is allocated to this state under the provisions of subsections (h) through (k) shall be deemed to be derived from sources within Indiana. In the case of business income, only so much of such income as is apportioned to this state under the provision of subsection (b) shall be deemed to be derived from sources within the state of Indiana. In the case of compensation of a team member (as defined in section 2.7 of this chapter), only the portion of income determined to be Indiana income under section 2.7 of this chapter is considered derived from sources within Indiana. In the case of a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code, only so much of the income as is apportioned to Indiana under subsection (s) is considered derived from sources within Indiana. Income derived from Indiana shall be taxable to the fullest extent permitted by the Constitution of the United

States and federal law, regardless of whether the taxpayer has a physical presence in Indiana.

(b) Except as provided in subsection (l), if business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, the business income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by the following:

(1) For all taxable years that begin after December 31, 2006, and before January 1, 2008, a fraction. The:

(A) numerator of the fraction is the sum of the property factor plus the payroll factor plus the product of the sales factor multiplied by three (3); and

(B) denominator of the fraction is five (5).

(2) For all taxable years that begin after December 31, 2007, and before January 1, 2009, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by four and sixty-seven hundredths (4.67); and

(B) denominator of the fraction is six and sixty-seven hundredths (6.67).

(3) For all taxable years beginning after December 31, 2008, and before January 1, 2010, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eight (8); and

(B) denominator of the fraction is ten (10).

(4) For all taxable years beginning after December 31, 2009, and before January 1, 2011, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eighteen (18); and

(B) denominator of the fraction is twenty (20).

(5) For all taxable years beginning after December 31, 2010, the sales factor.

(c) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the taxable year. However, with respect to a foreign corporation, the denominator does not include the average value of real or tangible personal property

owned or rented and used in a place that is outside the United States. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average of property shall be determined by averaging the values at the beginning and ending of the taxable year, but the department may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the taxpayer's property.

(d) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year. However, with respect to a foreign corporation, the denominator does not include compensation paid in a place that is outside the United States. Compensation is paid in this state if:

(1) the individual's service is performed entirely within the state;

(2) the individual's service is performed both within and without this state, but the service performed without this state is incidental to the individual's service within this state; or

(3) some of the service is performed in this state and:

(A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state; or

(B) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual is a resident of this state.

(e) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere during the taxable year. Sales include receipts from intangible property and receipts from the sale or exchange of intangible property. However, with respect to a foreign corporation, the denominator does not include sales made in a place that is outside the United States. Regardless of the f.o.b. point or other conditions of the sale, sales of tangible personal property are in this state if:

(1) the property is delivered or shipped to a purchaser that is within Indiana, other than the United States government; or

(2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state and the purchaser is

the United States government.

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

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

(1) The receipts are attributable to Indiana:

(A) under subsection (s), (t), or (u); or

(B) under section 2.2 of this chapter.

(2) The receipts are from the provision of telecommunications services and broadcast services, provided that:

(A) all of the costs of performance related to the receipts are attributable to Indiana; or

(B) if the costs of performance are incurred both within and outside this state, the greater portion of such costs are incurred in this state than in any other state.

(3) Receipts, other than receipts described in subdivisions (1) and (2), are in this state if the taxpayer's market for the sales is in this state. The taxpayer's market for sales is in this state:

(A) in the case of sale, rental, lease, or license of real property, if and to the extent the property is located in this state;

(B) in the case of rental, lease, or license of tangible personal property, if and to the extent the property is located in this state;

(C) in the case of sale of a service, if and to the extent the benefit of the service is received in this state;

(D) in the case of intangible property that is rented, leased, or licensed, if and to the extent the property is used in this state, provided that intangible property used in marketing a good or service to a consumer is "used in this state" if that good or service is purchased by a consumer who is in this state; and

(E) in the case of intangible property that is sold, if and to the extent the property is used in this state, provided that:

(i) a contract right, government license, or similar intangible property that authorizes the holder to conduct a business activity in a specific geographic area is "used in this state" if the geographic area includes all or part of this state;

(ii) receipts from intangible property sales that are contingent on the productivity, use, or disposition of the intangible property shall be treated as receipts from the rental, lease, or licensing of such intangible property under clause (D); and

(iii) all other receipts from a sale of intangible property shall be excluded from the numerator and denominator of the receipts factor.

(4) If the state or states of attribution under subdivision (3) cannot be determined, the state or states of attribution shall be determined by the state or states in which the delivery of the service occurs.

(5) If the state of attribution cannot be determined under subdivision (3) or (4), such receipt shall be excluded from the denominator of the receipts factor.

(g) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (h) through (k).

(h)(1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocated to this state:

(i) if and to the extent that the property is utilized in this state; or

(ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year, and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(i)(1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

(i) the property had a situs in this state at the time of the sale; or

(ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial

domicile is in this state.

(j) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(k)(1) Patent and copyright royalties are allocable to this state:

(i) if and to the extent that the patent or copyright is utilized by the taxpayer in this state; or

(ii) if and to the extent that the patent or copyright is utilized by the taxpayer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(l) If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(1) separate accounting;

(2) for a taxable year beginning before January 1, 2011, the exclusion of any one (1) or more of the factors, except the sales factor;

(3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or

(4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

Notwithstanding IC 6-8.1-5-1(c), a taxpayer petitioning for, or the department requiring, the use of an alternative method to effectuate an equitable allocation and apportionment of the taxpayer's income under this subsection bears the burden of proof that the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within this state and that the

alternative method to the allocation and apportionment provisions of this article is reasonable.

(m) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

(n) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if:

(1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(o) Notwithstanding subsections (l) and (m), the department may not, under any circumstances, require that income, deductions, and credits attributable to a taxpayer and another entity be reported in a combined income tax return for any taxable year, if the other entity is:

(1) a foreign corporation; or

(2) a corporation that is classified as a foreign operating corporation for the taxable year by section 2.4 of this chapter.

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

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

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

(s) This subsection applies to a corporation that is a life insurance

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

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

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

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

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

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

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

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

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

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

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

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

(1) For taxable years beginning after December 25, 2016, if a taxpayer is required to include amounts in the taxpayer's federal

adjusted gross income, federal taxable income, or IRC 965 Transition Tax Statement, line 1 as a result of Section 965 of the Internal Revenue Code, the following apply:

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

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

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

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

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

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

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

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

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

regard to that federal taxable income.

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

(v) The following apply:

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

(2) Rules adopted under subdivision (1) must be consistent with the Multistate Tax Commission model regulations for income tax apportionment as in effect on January 1, 2019, including any specialized industry provisions, except to the extent expressly inconsistent with this chapter. A rule is valid unless the rule is not consistent with the Multistate Tax Commission model regulations. If a rule is partially valid and partially invalid, the rule remains in effect to the extent the rule is valid.

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

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

(1) determined a credit for those Indiana qualified research expenses under either Section 41(a)(1) of the Internal Revenue Code or Section 41(c)(4) of the Internal Revenue Code for that taxable year; and

(2) claimed the determined credit for those Indiana qualified research expenses under either Section 41(a)(1) of the Internal Revenue Code or Section 41(c)(4) of the Internal Revenue Code for that taxable year.

(b) If a taxpayer claims a credit for those qualified research expenses under this chapter for a taxable year and does not claim a credit for those qualified research expenses for federal tax purposes under Section 41(a)(1) of the Internal Revenue Code or Section 41(c)(4) of the Internal Revenue Code in that taxable year, the taxpayer

must disclose to the department any reasons for not claiming the credit for those Indiana qualified research expenses for federal purposes for the taxable year. The disclosure under this subsection shall be made in the manner specified by the department.

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

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

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

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

(1) the taxpayer is present at all times when the representation occurs; or

(2) the person representing the taxpayer has a properly executed power of attorney authorizing the person to represent the taxpayer.

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

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

SECTION 58. IC 6-8.1-3-17, AS AMENDED BY P.L.146-2020, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 17. (a) Before an original tax appeal is filed with the tax court under IC 33-26, the commissioner, or the taxpayer rights advocate office to the extent granted the authority by the commissioner,

may settle any tax liability dispute if a substantial doubt exists as to:

(1) the constitutionality of the tax under the Constitution of the State of Indiana;

(2) the right to impose the tax;

(3) the correct amount of tax due;

(4) the collectability of the tax; or

(5) whether the taxpayer is a resident or nonresident of Indiana.

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

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

(1) for any tax liability resulting from the taxpayer's failure to comply with IC 6-3-1-3.5(b)(3) with regard to the tax imposed by IC 4-33-13 or IC 4-35-8; or

(2) if the taxpayer participated in any previous amnesty program under:

(A) this section (as in effect on December 31, 2014); or

(B) IC 6-2.5-14.

The time in which a voluntary payment of tax liability may be made (or the taxpayer may enter into a payment program acceptable to the department for the payment of the unpaid listed taxes in full in the manner and time established in a written payment program agreement between the department and the taxpayer) under the amnesty program is limited to the period determined by the department, not to exceed eight (8) regular business weeks ending before the earlier of the date set by the department or January 1, 2017. The amnesty program must provide that, upon payment by a taxpayer to the department of all listed taxes due from the taxpayer for a tax period (or payment of the unpaid listed taxes in full in the manner and time established in a written payment program agreement between the department and the taxpayer), entry into an agreement that the taxpayer is not eligible for any other amnesty program that may be established and waives any part of interest and penalties on the same type of listed tax that is being granted amnesty in the current amnesty program, and compliance with all other amnesty conditions adopted under a rule of the department in effect on the date the voluntary payment is made, the department:

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

(2) shall release any liens imposed;

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

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

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

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

(1) the department has issued:

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

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

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

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

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

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

SECTION 59. 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, 2024]: 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. ~~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 60. IC 6-8.1-18-10, AS ADDED BY P.L.97-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. The department may adopt rules under IC 4-22-2 ~~including emergency rules in the manner provided under IC 4-22-2-37.1,~~ for the administration and enforcement of this chapter.

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

(1) Issuance.

(2) Scope.

(3) Permit fee.

(4) Expiration.

(5) Revocation and suspension.

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

(1) Issuance.

(2) Scope.

(3) Permit fee.

(4) Expiration.

(5) Revocation and suspension.

SECTION 63. IC 8-1-2-42, AS AMENDED BY P.L.61-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 42. (a) No change shall be made in any schedule, including schedules of joint rates, except upon thirty (30) days notice to the commission, and approval by the commission, and all such changes shall be plainly indicated upon existing schedules or by filing

new schedules in lieu thereof thirty (30) days prior to the time the same are to take effect. The commission may prescribe a shorter time within which a change may be made. A public, municipally owned, or cooperatively owned utility may not file a request for a general increase in its basic rates and charges within fifteen (15) months after the filing date of its most recent request for a general increase in its basic rates and charges, except that the commission may order a more timely increase if:

(1) the requested increase relates to a different type of utility service;

(2) the commission finds that the utility's financial integrity or service reliability is threatened; or

(3) the increase is based on:

(A) a rate structure previously approved by the commission; or

(B) orders of federal courts or federal regulatory agencies having jurisdiction over the utility.

The phrase "general increase in basic rates and charges" does not include changes in rates related solely to the cost of fuel or to the cost of purchased gas or purchased electricity or adjustments in accordance with tracking provisions approved by the commission. In addition to other tracking provisions the commission finds appropriate, the commission may approve periodic tracking mechanisms for water utilities and wastewater utilities to permit recovery of changes in property taxes. The commission may also approve periodic tracking mechanisms calculated to recover from customers located within the geographic boundaries of local units of government the incremental costs of operation and maintenance of water utilities and wastewater utilities resulting from policies or ordinances that are adopted by those local units and that the commission determines to be unusual but not necessarily unreasonable under section 101 of this chapter. The commission shall adopt rules under IC 4-22-2 ~~including emergency rules in the manner provided by IC 4-22-2-37.1,~~ to define what is unreasonable with respect to road cut permits and other specifications or policies established by a local unit that imposes costs on water or wastewater utilities.

(b) No schedule of rates, tolls, and charges of a public, municipally owned, or cooperatively owned utility which includes or authorizes any changes in charges based upon costs is effective without the approval of the commission. Before the commission approves any changes in the schedule of rates, tolls, and charges of an electric utility, which generates and sells electricity, based upon the cost of fuel to generate electricity or upon the cost of fuel included in the cost of purchased

electricity, the utility consumer counselor shall examine the books and records of the public, municipally owned, or cooperatively owned generating utility to determine the cost of fuel upon which the proposed charges are based. In addition, before such a fuel cost charge becomes effective, the commission shall hold a summary hearing on the sole issue of the fuel charge. The utility consumer counselor shall conduct the utility consumer counselor's review and make a report to the commission within twenty (20) days after the utility's request for the fuel cost charge is filed. The commission shall hold the summary hearing and issue its order within twenty (20) days after it receives the utility consumer counselor's report. The provisions of this section and sections 39, 43, 54, 55, 56, 59, 60, and 61 of this chapter concerning the filing, printing, and changing of rate schedules and the time required for giving notice of hearing and requiring publication of notice do not apply to such a fuel cost charge or such a summary hearing.

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

(d) An electric generating utility may apply for a change in its fuel charge not more often than each three (3) months. When such application is filed the petitioning utility shall show to the commission its cost of fuel to generate electricity and the cost of fuel included in the cost of purchased electricity, for the period between its last order from the commission approving fuel costs in its basic rates and the latest month for which actual fuel costs are available. The petitioning utility shall also estimate its average fuel costs for the three (3) calendar months subsequent to the expiration of the twenty (20) day period allowed the commission in subsection (b). The commission shall conduct a formal hearing solely on the fuel cost charge requested in the petition subject to the notice requirements of IC 8-1-1-8 and shall grant the electric utility the requested fuel cost charge if it finds that:

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

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

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

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

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

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

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

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

schedules.

(g) No schedule of rates, tolls, and charges of a public, municipally owned, or cooperatively owned gas utility that includes or authorizes any changes in charges based upon gas costs is effective without the approval of the commission except those rates, tolls, and charges contained in schedules that contain specific provisions for changes in gas costs or the cost of gas that have previously been approved by the commission. Gas costs or cost of gas may include the gas utility's costs for gas purchased by it from pipeline suppliers, costs incurred for leased gas storage and related transportation, costs for supplemental and substitute gas supplies, costs incurred for exploration and development of its own sources of gas supplies and other expenses relating to gas costs as shall be approved by the commission. Changes in a gas utility's rates, tolls, and charges based upon changes in its gas costs shall be made in accordance with the following:

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

(2) Regardless of the pendency of any request for a gas cost adjustment by any gas utility, the books and records pertaining to cost of gas of all public, municipally owned, or cooperatively owned gas utilities shall be examined by the utility consumer counselor not less often than annually. The utility consumer counselor shall provide the commission with a report as to the examination of said books and records within a reasonable time following said examination. The utility consumer counselor may,

if appropriate, request of the commission a reduction or elimination of the gas cost adjustment. Upon such request, the commission shall hold a hearing forthwith in the manner provided in sections 58, 59, and 60 of this chapter.

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

(A) the gas utility has made every reasonable effort to acquire long term gas supplies so as to provide gas to its retail customers at the lowest gas cost reasonably possible;

(B) the pipeline supplier or suppliers of the gas utility has requested or has filed for a change in the costs of gas pursuant to the jurisdiction and procedures of a duly constituted regulatory authority;

(C) the gas cost adjustment applied for will not result, in the case of a public utility, in its earning a return in excess of the return authorized by the commission in the last proceeding in which the basic rates and charges of the public utility were approved; however, subject to section 42.3 of this chapter, if the gas cost adjustment applied for will result in the public utility earning a return in excess of the return authorized by the commission in the last proceeding in which basic rates and charges of the gas utility were approved, the gas cost adjustment applied for will be reduced to the point where no such excess of return will be earned; and

(D) the utility's estimate of its prospective average gas costs for each such future recovery period is reasonable and gives effect to:

(i) the actual gas costs experienced by the utility during the latest recovery period for which actual gas costs are available; and

(ii) the actual gas costs recovered by the adjustment of the

same recovery period.

(4) Should the commission at any time determine that an emergency exists that could result in an abnormal change in gas costs, it may, in order to protect the public or the utility from the adverse effects of such change suspend the provisions of subdivision (3) as to the utility or utilities affected by such an emergency and initiate such procedures as may be necessary to protect both the public and the utility from harm. The commission shall lift the suspension when it is satisfied the emergency no longer exists.

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

SECTION 64. IC 8-1-2-101.5, AS ADDED BY P.L.160-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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), 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 65. IC 8-1-2-113 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 113. (a) The commission may, when it considers necessary to prevent injury to the business or interests of the people or any public utility of this state in case of any emergency to be judged by the commission, temporarily alter, amend, or with the consent of the public utility concerned, suspend any existing rates, service, practices, schedules, and order relating to or affecting any public utility or part of any public utility in this state. The alterations, amendments, or suspensions of the rates, service, schedules, or practices made by the commission shall apply to one (1) or more of the public utilities in this state or to any portion thereof, as directed by the commission, and shall take effect at the time and remain in force for the length of time prescribed by the

commission.

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

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

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

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

(1) one hundred (100); or

(2) more than fifty percent (50%);

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

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

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

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

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

(A) Receive complaints from customers of the utility concerning:

(i) rules and policies established by the utility's board of directors;

(ii) the utility's rates and charges;

(iii) utility service quality; or

(iv) other matters concerning the utility's operations, management, or service, as specifically set forth in the petition.

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

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

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

(e) 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 implement this section.

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

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

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

(A) alone; or

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

at a single site; and

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

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

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

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

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

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

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

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

(i) are located in Indiana; and

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

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

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

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

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

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

(A) the United States Nuclear Regulatory Commission;

(B) the department of environmental management; or

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

(4) That any:

(A) reports;

(B) notices of violations; or

(C) other notifications;

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

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

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

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

from the small modular nuclear reactor on the site of the small

modular nuclear reactor without first meeting all applicable requirements of the United States Nuclear Regulatory Commission.

(d) 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.~~ **under IC 4-22-2.** ~~Notwithstanding IC 4-22-2-37.1(g), 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.~~

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

SECTION 68. IC 8-1-8.5-13, AS AMENDED BY P.L.55-2023, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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, "capacity market" means an auction 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 for a planning year with respect to which an auction has not yet been conducted.

(d) As used in this section, "fall unforced capacity", or "fall 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 fall 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 fall period; and

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

(B) is acceptable to the commission.

(e) 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.

(f) 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.

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

(1) Subject to subsection (q)(2)(B), that the public utility:

(A) has in place sufficient summer UCAP; or

(B) can reasonably acquire not more than:

(i) thirty percent (30%) of its total summer UCAP from capacity markets, with respect to a report filed with the commission under subsection (l) before July 1, 2023; or

(ii) fifteen percent (15%) of its total summer UCAP from capacity markets, with respect to a report filed with the commission under subsection (l) after June 30, 2023;

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 (l)(4).

(2) Subject to subsection (q)(2)(B), that the public utility:

(A) has in place sufficient winter UCAP; or

(B) can reasonably acquire not more than:

(i) thirty percent (30%) of its total winter UCAP from capacity markets, with respect to a report filed with the commission under subsection (l) before July 1, 2023; or

(ii) fifteen percent (15%) of its total winter UCAP from capacity markets, with respect to a report filed with the commission under subsection (l) after June 30, 2023;

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 (l)(4).

(3) Subject to subsection (q)(2)(B), with respect to a report filed with the commission under subsection (l) after June 30, 2026, that the public utility:

(A) has in place sufficient spring UCAP; or

(B) can reasonably acquire not more than fifteen percent (15%) of its total spring UCAP from capacity markets, such that it will have sufficient spring 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 (l)(4).

(4) Subject to subsection (q)(2)(B), with respect to a report filed with the commission under subsection (l) after June 30, 2026, that the public utility:

(A) has in place sufficient fall UCAP; or

(B) can reasonably acquire not more than fifteen percent (15%) of its total fall UCAP from capacity markets, such that it will have sufficient fall 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 (l)(4).

(h) As used in this section, "spring unforced capacity", or "spring 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 spring 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 spring period; and

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

(l)(4); and

(B) is acceptable to the commission.

(i) 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.

(j) 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 (l)(4); and

(B) is acceptable to the commission.

(k) 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.

(l) 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.

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

(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.

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

(o) 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 (l) as a consolidated report on behalf of any or all of the cooperatively owned electric utilities that it serves.

(p) In reviewing a report filed by a public utility under subsection (l), 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 requirements that the public utility is obligated to meet, as described in subsection (l)(4); and

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

(q) If, after reviewing a report filed by a public utility under

subsection (l), the commission is not satisfied that the public utility can:

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

(2) either:

(A) satisfy both:

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

(ii) the reliability adequacy metrics set forth in subsection (g); or

(B) provide sufficient reason as to why the public utility is unable to satisfy both:

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

(ii) the reliability adequacy metrics set forth in subsection (g);

during one (1) more of the planning years covered by the report, the commission may conduct an investigation under IC 8-1-2-58 through IC 8-1-2-60 as to the reasons for the public utility's potential inability to meet the requirements described in subdivision (1) or (2), or both.

(r) If, upon investigation under IC 8-1-2-58 through IC 8-1-2-60, 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 (l)(1) through (l)(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 satisfy both its planning reserve margin requirements or other federal reliability requirements that the public utility is obligated to meet (as described in subsection (l)(4)) and the reliability adequacy metrics set forth in subsection (g), 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 satisfy both its planning reserve margin requirements or other federal reliability requirements described in subsection (l)(4) and the reliability adequacy metrics set forth in subsection (g). 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.

(s) Beginning in 2022, the commission shall include in its annual report under IC 8-1-1-14 the following information:

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

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

(B) satisfy both:

(i) their planning reserve margin requirements or other federal reliability requirements; and

(ii) the reliability adequacy metrics set forth in subsection (g);

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

(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.

(3) Beginning with the commission's annual report filed under IC 8-1-1-14 in 2025, the commission's analysis regarding the appropriate percentage or portion of:

(A) total spring UCAP that public utilities should be authorized to acquire from capacity markets under subsection (g)(3)(B); and

(B) total fall UCAP that public utilities should be authorized to acquire from capacity markets under subsection (g)(4)(B).

(t) 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), 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 69. IC 8-1-26-18.5, AS ADDED BY P.L.46-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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), 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 70. IC 8-1-34-24.5, AS AMENDED BY P.L.71-2022, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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. ~~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 71. IC 8-1-37-10, AS AMENDED BY P.L.71-2022, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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~~ **IC 4-22-2** to adopt the rules required by this section. ~~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 72. IC 8-1-40-12, AS ADDED BY P.L.264-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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), 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 73. IC 8-1-40-21, AS ADDED BY P.L.264-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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), 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 74. IC 8-1-40-23, AS ADDED BY P.L.264-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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), 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 75. IC 8-1-40.1-6, AS ADDED BY P.L.71-2022, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. In adopting rules under this chapter, the commission may adopt ~~emergency~~ rules ~~in the manner provided by IC 4-22-2-37.1.~~ **under IC 4-22-2.** ~~Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the commission under this chapter 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 76. IC 8-1-40.5-19, AS ADDED BY P.L.80-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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), 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 77. IC 8-1-43-9, AS ADDED BY P.L.94-2022, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. The commission shall adopt rules under IC 4-22-2 to implement this chapter. ~~In adopting 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), 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 78. IC 8-2.1-28-5, AS ADDED BY P.L.218-2017, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. ~~(a)~~ The department may adopt ~~emergency~~ rules ~~in the manner provided~~ under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to carry out this chapter.

~~(b) 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 79. IC 8-3-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15. If a carrier fails to provide the equipment, motive power, and other facilities necessary to properly receive and care for the business on their lines, as required by this chapter, or fails to perform the duties enjoined upon it by this chapter, and because of the failure considerable traffic on its line is refused or not promptly moved as required by this chapter, resulting in material injury to the citizens of a community in Indiana, or the industries or commerce of Indiana, then the Indiana department of transportation, after five (5) days notice to the carrier interested and a hearing, shall adopt temporary emergency rates, establish temporary emergency routes of shipment, and adopt ~~temporary emergency~~ rules **under IC 4-22-2** concerning the movement of traffic as are necessary to correct the existing conditions and may issue orders suspending certain traffic in favor of other traffics for the purpose of preventing existing or threatened public calamity or distress. The carrier shall promptly comply with all orders of the department, and, upon its failure so to do, the department shall apply to a court of competent jurisdiction for the appointment of an operating receiver to enforce the orders and rules adopted by the department and may also apply to a court for the appointment of a receiver for a carrier to enforce a provision or

requirement of this chapter which the offending carrier has failed to observe. In the proceeding, the court may operate a carrier through its receiver, enforce orders made by the department concerning the carrier as approved by the court, and continue so to do so long as is necessary. The court may order its receiver to purchase the equipment and motive power, and supply other appliances and facilities as may be necessary to properly transact the carrier's present and prospective business in Indiana as required by this chapter. The court may authorize its receiver to issue and sell receiver's certificates for the purpose of obtaining funds for the uses specified in this chapter or to issue certificates of indebtedness to pay for expenditures authorized by this chapter. The court may declare certificates authorized under this chapter to be the first and prior lien upon the property and income of the carrier in the manner and upon the terms as the court shall decree.

SECTION 80. IC 8-15-2-5, AS AMENDED BY P.L.140-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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~~ **IC 4-22-2** 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. ~~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 81. IC 8-15-2-14, AS AMENDED BY P.L.140-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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~~ **IC 4-22-2** 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). ~~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 82. IC 8-15-2-17.2, AS AMENDED BY P.L.140-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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.~~ **IC 4-22-2.** ~~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 83. IC 8-15.5-7-8, AS AMENDED BY P.L.140-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) The authority may fix user fees under this chapter by rule under ~~IC 4-22-2-37.1.~~ **IC 4-22-2.** ~~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 84. IC 8-21-12-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. The authority may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

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

(2) To incur indebtedness in the name of the authority in

accordance with this chapter.

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

(4) To:

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

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

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

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

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

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

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

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

(9) To:

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

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

(C) erect, install, construct, and maintain at the airport or airport's facilities for the servicing of aircraft and for the comfort and accommodation of air travelers and the public.

The Indiana department of transportation must grant approval before land may be purchased or leased for the establishment of an airport or landing field and before an airport or landing field may be established and shall establish the boundaries of a district or districts from time to time.

(10) To fix and determine exclusively the uses to which the airport lands may be put. All uses must be necessary or desirable to the airport or the aviation industry and must be compatible with the uses of the surrounding lands as far as practicable.

(11) To employ or contract with an airport director, superintendents, managers, financial advisers, engineers, surveyors, bond counsel, disclosure counsel, and other attorneys, clerks, mechanics, laborers, and all employees the authority considers expedient, and to prescribe and assign the respective duties and authorities and to fix and regulate the compensation to be paid to the persons employed by the authority. Employees shall be selected irrespective of their political affiliations.

(12) To make all rules and regulations, consistent with laws regarding air commerce, for the management and control of airports, landing fields, air navigation facilities, and other property within a district or otherwise under the authority's control.

(13) To acquire by lease the use of an airport or landing field for aircraft pending the acquisition and improvement of an airport or landing field.

(14) To manage and operate airports, landing fields, and other air navigation facilities acquired or maintained by the authority; to lease all or part of an airport, landing field, or any buildings or other structures, and to fix, charge, and collect rentals, tolls, fees, and charges to be paid for the use of the whole or a part of the airports, landing fields, or other air navigation facilities by aircraft landing there and for the maintenance or servicing of the aircraft; to construct public recreational facilities that will not interfere with air operational facilities; to fix, charge, and collect fees for public admissions and privileges; and to make contracts for the operation and management of the airports, landing fields, and other air navigation facilities; and to provide for the use, management, and operation of the air navigation facilities through lessees, its own employees, or otherwise. Contracts or leases for the maintenance, operation, or use of the airport or any part of it may be made for a term not exceeding forty (40) years, and may be extended for similar terms of years. If a person whose character, experience, and financial responsibility has been determined satisfactory by the authority, offers to erect a permanent structure that facilitates and is consistent with the operation, use, and purpose of the airport on land owned or otherwise controlled by the authority, a lease may be entered into for a period not to exceed ninety-nine (99) years. The authority may not grant an exclusive right for the use of a landing area under the authority's jurisdiction. However, this does not prevent the making of leases in accordance with other provisions of this

chapter. All contracts and leases are subject to restrictions and conditions that the authority prescribes. The authority may lease property and facilities for any commercial or industrial use the authority considers necessary and proper, including the use of providing airport motel facilities.

(15) To sell machinery, equipment, or material that is not required for aviation purposes. The proceeds shall be deposited with the authority or in accordance with an applicable trust agreement.

(16) To negotiate and execute contracts for sale or purchase, lease, personal services, materials, supplies, equipment, or any other transaction or business relative to an airport under the authority's control and operation in accordance with the terms and conditions the authority may determine.

(17) To vacate all or parts of roads, highways, streets, or alleys within a district.

(18) To approve any state, county, city, or other highway, road, street, or other public way, railroad, power line, or other right-of-way to be laid out or opened across an airport or in such proximity as to affect the safe operation of the airport.

(19) To construct drainage and sanitary sewers with connections and outlets as are necessary for the proper drainage and maintenance of an airport or landing field acquired or maintained under this chapter, including the necessary buildings and improvements and for the public use of them in the same manner that the authority may construct sewers and drains. However, with respect to the construction of drains and sanitary sewers beyond the boundaries of the airport or landing field, the authority may negotiate with the departments, bodies, and officers of a local entity to secure the proper orders and approvals; and to order a public utility or public service corporation or other person to remove or to install in underground conduits wires, cables, and power lines passing through or over the airport or landing field or along the borders or within a reasonable distance that may be determined to be necessary for the safety of operations, upon payment to the utility or other person of due compensation for the expense of the removal or reinstallation. The authority must consent before any franchise may be granted by state authorities or local entities for the construction of or maintenance of railway, telephone, telegraph, electric power, pipe, or conduit line upon, over, or through a district or within a reasonable distance of the district that is necessary for the safety of operation. The authority must also consent before overhead electric power lines carrying

a voltage of more than four thousand four hundred (4,400) volts and having poles, standards, or supports over thirty (30) feet in height within one-half (1/2) mile of a landing area acquired or maintained under this chapter may be installed.

(20) To contract with any other state agency or instrumentality or any political subdivision for the rendition of services, the rental or use of equipment or facilities, or the joint purchase and use of equipment or facilities that are necessary for the operation, maintenance, or construction of an airport operated under this chapter.

(21) To provide air transportation in furtherance of the duties and responsibilities of the authority.

(22) To promote or encourage aviation related trade or commerce at the airports that it operates.

SECTION 85. IC 8-23-2-6, AS AMENDED BY P.L.121-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) The department, through the commissioner or the commissioner's designee, may do the following:

(1) Subject to section 6.5 of this chapter, acquire by purchase, gift, or condemnation, sell, abandon, own in fee or a lesser interest, hold, or lease property in the name of the state, or otherwise dispose of or encumber property to carry out its responsibilities.

(2) Contract with persons outside the department to do those things that in the commissioner's opinion cannot be adequately or efficiently performed by the department.

(3) Enter into:

(A) a contract with the Indiana finance authority under IC 8-9.5-8-7; or

(B) a lease with the Indiana finance authority under IC 8-9.5-8-8;

for the construction, reconstruction, improvement, maintenance, repair, or operation of toll road projects under IC 8-15-2 and toll bridges under IC 8-16-1.

(4) Enter into a contract with a contractor, operator, or design builder or construction manager as constructor for, or with any adviser, consultant, attorney, accountant, engineer, architect, or other person or entity in connection with, the construction, reconstruction, improvement, maintenance, repair, or operation of a railroad project, as defined in IC 8-5-15-1, in accordance with an authorization provided to the department by the board of trustees of a commuter transportation district under

IC 8-5-15-5(a)(21).

(5) Sue and be sued, including, with the approval of the attorney general, the compromise of any claims of the department.

(6) Hire attorneys.

(7) Perform all functions pertaining to the acquisition of property for transportation purposes, including the compromise of any claims for compensation.

(8) Hold investigations and hearings concerning matters covered by orders and rules of the department.

(9) Execute all documents and instruments necessary to carry out its responsibilities.

(10) Make contracts and expenditures, perform acts, enter into agreements, and make rules, orders, and findings that are necessary to comply with all laws, rules, orders, findings, interpretations, and regulations promulgated by the federal government in order to:

(A) qualify the department for; and

(B) receive;

federal government funding on a full or participating basis.

(11) Adopt rules under IC 4-22-2 to carry out its responsibilities. ~~including emergency rules in the manner provided under IC 4-22-2-37.1.~~

(12) Establish regional offices.

(13) Adopt a seal.

(14) Perform all actions necessary to carry out the department's responsibilities.

(15) Order a utility to relocate the utility's facilities and coordinate the relocation of customer service facilities if:

(A) the facilities are located in a highway, street, or road; and

(B) the department determines that the facilities will interfere with a planned highway or bridge construction or improvement project funded by the department.

(16) Reimburse a utility:

(A) in whole or in part for extraordinary costs of relocation of facilities;

(B) in whole for unnecessary relocations;

(C) in accordance with IC 8-23-26-12 and IC 8-23-26-13;

(D) in whole for relocations covered by IC 8-1-9; and

(E) to the extent that a relocation is a taking of property without just compensation.

(17) Provide state matching funds and undertake any surface transportation project eligible for funding under federal law.

However, money from the state highway fund and the state highway road construction and improvement fund may not be used to provide operating subsidies to support a public transportation system or a commuter transportation system.

(18) Upon request, evaluate, negotiate, and enter into:

(A) a supplemental funding agreement with a regional development authority under IC 36-9-43; or

(B) an interlocal agreement with a regional development authority for purposes of IC 36-9-43.

(b) In the performance of contracts and leases with the Indiana finance authority, the department has authority under IC 8-15-2, in the case of toll road projects and IC 8-16-1, in the case of toll bridges necessary to carry out the terms and conditions of those contracts and leases.

(c) The department shall:

(1) classify as confidential any estimate of cost prepared in conjunction with analyzing competitive bids for projects until a bid below the estimate of cost is read at the bid opening;

(2) classify as confidential that part of the parcel files that contain appraisal and relocation documents prepared by the department's land acquisition division; and

(3) classify as confidential records that are the product of systems designed to detect collusion in state procurement and contracting that, if made public, could impede detection of collusive behavior in securing state contracts.

This subsection does not apply to parcel files of public agencies or affect IC 8-23-7-10.

(d) In the case of a regional development authority that undertakes a regional transportation infrastructure project under IC 36-9-43, the department shall cooperate with the regional development authority.

SECTION 86. IC 8-23-5-10, AS AMENDED BY P.L.156-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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 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), 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 87. IC 8-23-9.5-1, AS ADDED BY P.L.60-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) This chapter authorizes the department to enter into a contract for delivery of certain projects by a construction manager general contractor or a progressive design-builder.

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

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

SECTION 88. IC 8-23-10-3, AS AMENDED BY P.L.14-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) A bidder may not be given a certificate of qualification unless the bidder's financial statement and the investigation made by the department show that the bidder possesses

net current assets sufficient in the judgment of the department to render it probable that the bidder can satisfactorily execute contracts and meet obligations incurred. All applications for qualification must expressly authorize the department to obtain all information considered pertinent with respect to the financial worth and assets and liabilities of the applicant from banks or other financial institutions, surety companies, dealers in material, equipment, or supplies, or other persons having business transactions with an applicant and must expressly authorize all financial institutions or other persons to furnish information requested by the department.

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

(c) This chapter shall be administered without reference to the residence of applicants, and its provisions and the rules of the department adopted under this chapter apply equally to residents and nonresidents of Indiana. This chapter does not apply to the purchase of material, equipment, and supplies or to the construction and maintenance of buildings.

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

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

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

SECTION 91. IC 9-17-5-6, AS AMENDED BY P.L.118-2022, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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, 2022;

(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 July 1, 2022, the bureau shall publish on the bureau's ~~Internet web site~~ **website** 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:

(A) the total cost to develop the system, as determined by the bureau under subdivision (1); and

(B) 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 notify the bureau of the qualified service provider's intention to participate in the statewide electronic lien and title system.

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

(5) 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.

(6) 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 in addition to the fees described in subdivision (4). 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. To recover their costs associated with a 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 fee imposed by a qualified service provider 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. This subdivision expires July 1, 2025.

(7) 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 July 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, 2023.

(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, 2025.

(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, 2026.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) A permit issued under this section may designate the route to be traversed and may contain any other restrictions or conditions required for the safe movement of the vehicle. If the department designates a

route, a deviation from that route constitutes a violation subject to a civil penalty under IC 9-20-18-14.5.

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

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

(i) Except as provided in subsection (k), the Indiana department of transportation may not issue more than eight thousand five hundred (8,500) single trip permits annually for applicants with a total equivalent single axle load calculation of more than 2.40 equivalent single axle load credit.

(j) A trip permit limit set under subsection (i) and a permit weight limit set under subsection (g) do not include overweight divisible load permits obtained by shippers and carriers that obtained permits before January 1, 2021.

(k) The Indiana department of transportation may temporarily increase the number of permits issued under subsection (i) by order of the commissioner in response to an emergency or changes in market conditions as defined by rules adopted under subsection (m).

(l) The Indiana department of transportation may limit the number of permits issued under subsection (i) to an individual applicant.

(m) The Indiana department of transportation shall adopt rules under IC 4-22-2 ~~including emergency rules in the manner provided under IC 4-22-2-37.1,~~ for the issuance, administration, fee structure, calculation of equivalent single axle load values, and enforcement of a permit under this section due to lack of transportation options for certain resources, supply chain interruptions, or supply dock backlogs.

(n) The Indiana department of transportation may suspend overweight divisible load permitting if the department observes an unusual increase in:

(1) infrastructure damage on a permitted route; or

(2) the number of accidents associated with overweight divisible loads.

(o) Not later than July 1, 2023, the Indiana department of transportation shall submit a report to the legislative council and to the interim study committee on roads and transportation established by

IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding:

(1) the fee structure and recommended changes to the fee structure for permits issued under this section; and

(2) the impact of overweight divisible loads on roads and highways.

(p) Beginning July 1, 2022, the Indiana department of transportation shall, before July 1 of each year, submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the market fluctuation in the number of overweight divisible load permits issued during the previous year.

(q) Beginning July 1, 2022, the Indiana state police department shall, before July 1 of each year, submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the number of accidents involving applicants permitted for overweight divisible loads. The report must include at least the following:

(1) The number of accidents that resulted in property damage.

(2) The number of accidents that resulted in personal injury.

SECTION 95. IC 9-21-3-2, AS AMENDED BY P.L.196-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) Each traffic signal installation on a street or highway within Indiana must comply with the installation guidelines set forth in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways.

(b) The Indiana department of transportation 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 a procedure for approving the installation of traffic control signals under this chapter. The rules must include the following:

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

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

(c) If:

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

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

the governmental unit responsible for the control of traffic at the

location shall grant a special hearing on the question to a person who has properly petitioned for the installation of a traffic signal.

SECTION 96. IC 9-21-4-7, AS AMENDED BY P.L.140-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) Whenever, under this article, the Indiana department of transportation designates or determines the location of, necessity for, and extent of:

(1) traffic control devices;
(2) state speed limits, other than maximum limits;
(3) speed limits on elevated structures;
(4) no passing zones;
(5) one-way roadways;
(6) certain lanes for slow moving traffic;
(7) course of turning movements at intersections;
(8) dangerous railroad crossings requiring stops;
(9) through highways and stop intersections;
(10) angle parking; or
(11) restrictions on the use of highways for certain periods or for certain vehicles, including low speed vehicles;

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

(b) At a trial of a person charged with a violation of the restrictions imposed by subsection (a) and in all civil actions, oral evidence of the location and content of the signs or markings is prima facie evidence of the adoption and application of the restriction by the Indiana department of transportation and the validity of the adoption and application of the restriction. The Indiana department of transportation shall, upon request by a party in an action at law, furnish, under the seal of the Indiana department of transportation, a certification of the order establishing the restriction in question. A certification under this subsection shall be accepted by any court as conclusive proof of the designation or determination by the commissioner of the Indiana department of transportation. Certified copies shall be furnished without cost to the parties to a court action involving the restriction upon request.

(c) Whenever, under this article, a permit or permission of the Indiana department of transportation is required, the permit must be in

writing and under the seal of the Indiana department of transportation.

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

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

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

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

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

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

SECTION 99. IC 9-30-6-5.5 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~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 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 100. IC 10-14-4-11, AS AMENDED BY P.L.71-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. ~~(a)~~ The director shall adopt rules under IC 4-22-2 to carry out this chapter.

~~(b) The director may adopt emergency rules in the manner provided~~

~~under IC 4-22-2-37.1 to carry out the provisions of this chapter.~~

SECTION 101. IC 10-17-2-4, AS AMENDED BY P.L.42-2020, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) As used in this section, "photographic identification" means an identification document that:

(1) shows the name of the individual to whom the document was issued;

(2) shows a photograph of the individual to whom the document was issued;

(3) includes an expiration date indicating that the document has not expired; and

(4) was issued by the United States or a state or territory of the United States.

(b) A discharge record is not a public record under IC 5-14-3. A county recorder shall provide a certified copy of a discharge record at the request of the following persons:

(1) The veteran who is the subject of the discharge record if the veteran provides photographic identification.

(2) A person who provides photographic identification that identifies the person as a state, county, or city service officer.

(3) A person who provides photographic identification that identifies the person as an employee of the Indiana department of veterans' affairs.

(4) A person who:

(A) is a funeral director licensed under IC 25-15; and

(B) assists with the burial of the veteran who is the subject of the discharge record;

if the person provides photographic identification and the person's funeral director license.

(5) If the veteran who is the subject of the discharge record is deceased, the spouse or next of kin of the deceased, if the spouse or next of kin provides photographic identification and a copy of the veteran's death certificate.

(6) The following persons, if the person provides photographic identification:

(A) The attorney in fact of the person who is the subject of the discharge record, if the attorney in fact provides a copy of the power of attorney.

(B) The guardian of the person who is the subject of the discharge record, if the guardian of the person provides a copy of the court order appointing the guardian of the person.

(C) The personal representative of the estate of the deceased,

if the person who is the subject of the discharge record is deceased and the personal representative of the estate provides a copy of the court order appointing the personal representative of the estate.

(c) To the extent technologically feasible, a county recorder shall take precautions to prevent the disclosure of a discharge record filed with the county recorder before May 15, 2007. After May 14, 2007, a county recorder shall ensure that a discharge record filed with the county recorder is maintained in a separate, confidential, and secure file.

(d) Disclosure of a discharge record by the county recorder under this section is subject to IC 5-14-3-10.

(e) A person who:

(1) is described in subsection (b)(1) through (b)(6); and

(2) uses or discloses:

(A) a discharge record; or

(B) the information contained in a discharge record;

for a purpose that is outside the scope of the person's authorized or official capacity commits a Class A infraction.

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

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

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

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

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

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

(1) Byproduct material.

(2) Source material.

(3) Special nuclear material.

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

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

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

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

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

(1) an opportunity, after public notice, for written comments and a public hearing, with a transcript;

(2) an opportunity for cross-examination; and

(3) a written determination of the action to be taken, which is based upon findings included in the determination and upon evidence presented during the public comment period.

(d) In any proceeding for licensing ores processed primarily for their source material content and disposal of byproduct material or for licensing disposal of low-level radioactive waste, the department shall prepare, for each licensed activity that has a significant impact on the human environment, a written analysis of the impact of such licensed activity on the environment. The analysis shall be available to the public before the commencement of hearings held pursuant to subsection (c) and shall include the following:

(1) An assessment of the radiological and nonradiological impacts to the public health.

(2) An assessment of any impact on any waterway and groundwater.

(3) Consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted.

(4) Consideration of the long-term impacts, including decommissioning, decontamination, and reclamation of facilities and sites associated with the licensed activities and management of any radioactive materials that will remain on the site after such decommissioning, decontamination, and reclamation.

(e) The department shall prohibit any major construction with respect to any activity for which an environmental impact analysis is required by subsection (d) prior to completion of such analysis.

(f) Whenever the department finds that an emergency exists requiring immediate action to protect the public health and safety, the department may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** or issue emergency orders under IC 4-21.5-4 to address the emergency.

SECTION 104. IC 10-21-3-3, AS ADDED BY P.L.218-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) A charter school, accredited nonpublic school, or school corporation shall apply for a grant from the department in the form and manner prescribed by the department.

(b) 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 section.

SECTION 105. IC 12-8-1.5-11, AS ADDED BY P.L.160-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. (a) If:

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

(2) the failure to appropriate additional funds would:

(A) violate a provision of federal law; or

(B) jeopardize the state's share of federal financial participation applicable to the state appropriations contained in the biennial budget for Medicaid assistance, Medicaid administration, public assistance (TANF), or the IMPACT (JOBS) work program;

then there are appropriated further sums as may be necessary to remedy a situation described in this subsection, subject to the approval of the

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

(b) If:

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

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

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

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

(1) violate a provision of federal law; or

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

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

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

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

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

SECTION 107. IC 12-10-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. ~~(a)~~ The office may adopt rules under IC 4-22-2 to implement the program.

~~(b) The office may adopt emergency rules under IC 4-22-2-37.1 to implement the program on an emergency basis.~~

SECTION 108. IC 12-11-14-11, AS ADDED BY P.L.12-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. (a) The board may:

(1) employ a manager, who is not a member of the board; and

(2) delegate necessary and appropriate functions and authority to the manager.

(b) The board has the powers necessary and appropriate to carry out and effectuate the purposes of this chapter, including the following:

(1) To develop and implement a qualified ABLE program for Indiana through:

(A) rules adopted under IC 4-22-2; ~~or emergency rules adopted in the manner provided under IC 4-22-2-37.1;~~ or

(B) rules, guidelines, procedures, or policies established by the board.

(2) To conform the qualified ABLE program to meet the requirements of Section 529A of the Internal Revenue Code and all applicable federal laws and regulations.

(3) To retain professional services, including the following:

(A) Advisers and managers, including investment advisers.

(B) Custodians and other fiduciaries.

(C) Accountants and auditors.

(D) Consultants or other experts.

(E) Actuarial services providers.

(F) Attorneys.

(4) To establish minimum ABLE account deposit amounts (both initial and periodic).

(5) To employ persons, if the board chooses, and as may be necessary, and to fix the terms of employment.
(6) To recommend legislation to the governor and the general assembly.
(7) To apply for designation as a tax exempt entity under the Internal Revenue Code.
(8) To sue and be sued.
(9) To provide or facilitate provision of benefits and incentives for the benefit of qualified beneficiaries.
(10) To conform the qualified ABLE program to federal tax advantages or incentives, to the extent consistent with the purposes and objectives of this chapter.
(11) To charge, impose, and collect administrative fees and service charges in connection with any agreement, contract, or transaction under a qualified ABLE program.
(12) To have perpetual succession.
(13) To establish policies and procedures to govern distributions from ABLE accounts that are not:
(A) made on account of the death or disability of an account beneficiary; or
(B) rollovers.
(14) To establish penalties for withdrawals of money from ABLE accounts that are not used exclusively for a qualified disability expense of an account beneficiary unless a circumstance described in subdivision (13) applies.
(15) To establish policies and procedures regarding the transfer of individual ABLE accounts and the designation of substitute account beneficiaries.
(16) To establish policies and procedures for withdrawal of money from ABLE accounts for, or in reimbursement of, a qualified disability expense.
(17) To enter into agreements with ABLE account owners, account beneficiaries, and contributors, with the agreements naming:
(A) the account owner; and
(B) the account beneficiary.
(18) To establish ABLE accounts for account beneficiaries. However, the authority shall establish a separate ABLE account for each account beneficiary.
(19) To enter into agreements with financial institutions relating to ABLE accounts as well as deposits, withdrawals, penalties, allocation of benefits or incentives, and transfers of accounts,

account owners, and account beneficiaries.

(20) To develop marketing plans and promotional material.

(21) To enter into agreements with other states to:

(A) allow Indiana residents to participate in a plan operated by a contracting state with a qualified ABLE program; or

(B) allow residents of contracting states to participate in the Indiana qualified ABLE program.

(22) To do all things necessary and appropriate to carry out the purposes of this chapter.

SECTION 109. IC 12-13-16-13, AS ADDED BY P.L.73-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) 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(c).~~

SECTION 110. IC 12-15-41-15, AS AMENDED BY P.L.197-2011, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15. ~~(a)~~ The office shall adopt rules under IC 4-22-2 to implement this chapter.

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

SECTION 111. IC 12-15-44.5-6, AS AMENDED BY P.L.108-2019, SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For a state fiscal year beginning July 1, 2018, ~~or thereafter,~~ **and before July 1, 2024,** the office, after review by the state budget committee, may determine that no incremental fees collected under IC 16-21-10-13.3 are required to be deposited into the phase out trust fund established under section 7 of this chapter. **This subsection expires July 1, 2024.**

(b) If the plan is to be terminated for any reason, the office shall:

(1) if required, provide notice of termination of the plan to the United States Department of Health and Human Services and begin the process of phasing out the plan; or

(2) if notice and a phase out plan is not required under federal law, notify the hospital assessment fee committee (IC 16-21-10) of the office's intent to terminate the plan and the plan shall be phased out under a procedure approved by the hospital assessment fee committee.

The office may not submit any phase out plan to the United States

Department of Health and Human Services or accept any phase out plan proposed by the Department of Health and Human Services without the prior approval of the hospital assessment fee committee.

(c) Before submitting:

(1) an extension of; or

(2) a material amendment to;

the plan to the United States Department of Health and Human Services, the office shall inform the Indiana Hospital Association of the extension or material amendment to the plan.

SECTION 112. IC 12-15-44.5-7, AS ADDED BY P.L.213-2015, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The phase out trust fund is established for the purpose of holding the money needed during a phase out period of the plan. Funds deposited under this section shall be used only:

(1) to fund the state share of the expenses described in IC 16-21-10-13.3(b)(1)(A) through IC 16-21-10-13.3(b)(1)(F) incurred during a phase out period of the plan;

(2) after funds from the healthy Indiana trust fund (IC 12-15-44.2-17) are exhausted; and

(3) to refund hospitals in the manner described in subsection (h).

The fund is separate from the state general fund.

(b) The fund shall be administered by the office.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The trust fund must consist of:

(1) the funds described in section 6 of this chapter; and

(2) any interest accrued under this section.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund does not revert to the state general fund at the end of any fiscal year. **However, the budget agency shall transfer all money in the trust fund to the Medicaid contingency and reserve account established by IC 4-12-1-15.5 on or before June 30, 2024.**

(g) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency unless specifically authorized under this chapter.

(h) At the end of the phase out period, any remaining funds and accrued interest shall be distributed to the hospitals on a pro rata basis

based on the fees authorized by IC 16-21-10 that were paid by each hospital for the state fiscal year that ended immediately before the beginning of the phase out period.

(i) This section expires July 1, 2024.

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

(1) this chapter; or

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

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

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

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

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

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

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

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

SECTION 115. IC 13-14-8-1, AS AMENDED BY P.L.140-2013, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) **If** the board ~~may adopt an emergency~~ **adopts a provisional** rule under IC 4-22-2-37.1 **or an interim rule under IC 4-22-2-37.2** to comply with a deadline required by or other date provided by federal law, ~~if:~~ **the board shall:**

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

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

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

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

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

(3) 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.

(4) With respect to each element identified under subdivision (3), 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.

(5) For any element of the proposed rule that imposes a restriction

or requirement that is more stringent than a restriction or requirement imposed under federal law or that applies in a subject area in which federal law does not impose restrictions or requirements, describe the availability for public inspection of all materials relied upon by the department in the development of the proposed rule, including, if applicable:

(A) health criteria;

(B) analytical methods;

(C) treatment technology;

(D) economic impact data;

(E) environmental assessment data;

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

(G) other background data.

(b) If the notice provided by the department concerning a proposed rule identifies 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.

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

(1) adopting provisional 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 117. IC 13-15-4-3, AS AMENDED BY P.L.140-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) **If** a board ~~may adopt~~ **adopts** a rule described in subsection (a) as ~~an emergency~~ **a provisional** rule under IC 4-22-2-37.1 ~~if:~~ **or as an interim rule under IC 4-22-2-37.2, the board shall:**

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

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

If a board adopts **a provisional rule or** an ~~emergency~~ **interim** rule under this subsection, the period described in section 1 of this chapter is suspended during the ~~emergency~~ rulemaking process. ~~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 118. IC 13-22-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The board shall adopt rules under IC 4-22-2 and IC 13-14-8 to develop criteria for determining hazardous waste. In developing those criteria, the board shall determine whether any waste to be or being disposed of meets any of the following conditions:

(1) Presents immediate or persistent hazards to humans or wildlife.

(2) Is resistant to natural degradation or detoxification.

(3) Is bioconcentrative, flammable, reactive, toxic, corrosive, or infectious in addition to any other harmful characteristics.

(b) The board shall do the following:

(1) Compile and maintain a listing of wastes that have been determined to be hazardous:

(A) under the criteria described in subsection (a); or

(B) by regulation of the United States Environmental Protection Agency.

(2) Issue the listing by adopting rules under IC 4-22-2. ~~However,~~

~~the board may by resolution adopt an emergency rule under IC 4-22-2-37.1 to declare any waste determined to be hazardous under this section.~~

(c) The board shall consider actions taken by adjoining states and the federal government for purposes of uniform criteria relating to the listing and delisting of waste under this section.

(d) The commissioner may exclude a waste produced at a particular generating facility from the listing under subsection (b) if the person seeking exclusion of the waste demonstrates to the satisfaction of the commissioner that the waste does not meet any of the criteria under which the waste was listed as a hazardous waste and:

(1) the person seeking exclusion has already obtained exclusion of the waste from the listing maintained under 40 CFR 261 by the United States Environmental Protection Agency; or

(2) if the department has received authority from the United States Environmental Protection Agency to delist waste under 40 CFR 260.20 and 260.22, the person petitions the commissioner to consider the removal of a waste from the listing, and the commissioner follows the authorized procedure for delisting.

(e) The department shall establish a procedure by which a person may petition the commissioner to consider the removal of a specific waste from the lists maintained under subsection (b).

SECTION 119. IC 14-10-2-4, AS AMENDED BY P.L.164-2020, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) The commission shall adopt rules under IC 4-22-2 to carry out the commission's duties under this title.

(b) The commission may adopt rules to exempt an activity from licensing under this title, except:

(1) IC 14-34;

(2) IC 14-36-1; and

(3) IC 14-38-2;

if the activity poses not more than a minimal potential for harm.

(c) Except as provided in subsection (d), whenever the department or the director has the authority to adopt rules under IC 4-22-2, the commission shall exclusively exercise the authority.

(d) ~~Emergency~~ Rules adopted under section 5 of this chapter shall be adopted by the director.

(e) A person who violates a rule adopted by the commission commits a Class C infraction, unless otherwise specified under state law.

SECTION 120. IC 14-10-2-5, AS AMENDED BY P.L.249-2023, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2024]: Sec. 5. (a) The department may adopt rules under IC 4-22-2 to carry out the duties of the department under the following:

(1) IC 14-9.
(2) This article.
(3) IC 14-11.
(4) IC 14-12-2.
(5) IC 14-14.
(6) IC 14-15.
(7) IC 14-17-3.
(8) IC 14-18, except IC 14-18-6 and IC 14-18-8.
(9) IC 14-19-1 and IC 14-19-8.
(10) IC 14-21.
(11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
(12) IC 14-23-1.
(13) IC 14-24.
(14) IC 14-25, except IC 14-25-8-3 and IC 14-25-13.
(15) IC 14-26.
(16) IC 14-27.
(17) IC 14-28.
(18) IC 14-29.
(19) IC 14-35-1, IC 14-35-2, and IC 14-35-3.
(20) IC 14-37.
(21) IC 14-38, except IC 14-38-3.
(22) IC 14-39.

(b) An emergency rule adopted under subsection (a) (as effective before July 1, 2023) expires not later than one (1) year after the rule is accepted for filing by the publisher of the Indiana Register.

(c) A person who violates:

(1) an emergency rule adopted by the department under IC 4-22-2-37.1 before July 1, 2023; or

(2) ~~an interim~~ **a** rule adopted by the department under ~~IC 4-22-2-37.2~~ **IC 4-22-2** after June 30, 2023;

to carry out a provision described in subsection (a) commits a Class C infraction, unless otherwise specified under state law.

SECTION 121. IC 14-39-0.5-3, AS ADDED BY P.L.158-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. Notwithstanding IC 14-10-2-5(b), an ~~emergency~~ **interim** rule adopted by the department under IC 14-10-2-5(a)(22) concerning the department's discharge of the duties imposed upon the department under this article expires ~~upon the earlier of the following:~~

~~(1) One (1) year after the rule is accepted for filing by the~~

~~publisher of the Indiana Register.~~

~~(2) Upon the adoption of a rule under this chapter concerning the department's discharge of the duties imposed upon the department under this article.~~ **according to IC 4-22-2.3-5.**

SECTION 122. IC 15-15-13-14, AS AMENDED BY P.L.190-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. ~~(a)~~ The state seed commissioner shall adopt rules under IC 4-22-2 to implement and administer this chapter.

~~(b) The state seed commissioner may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to comply with any federal requirement under the Agriculture Improvement Act of 2018 to implement and administer this chapter.~~

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

(1) The duty to supervise the state veterinarian.

(2) The duty to hold hearings under this article and IC 4-21.5.

(3) The duty to adopt rules under IC 4-22-2. However, the board may delegate the duty to adopt ~~emergency~~ **provisional** rules under IC 4-22-2-37.1 **or interim rules under IC 4-22-2-37.2.**

SECTION 124. IC 15-17-10-9, AS AMENDED BY P.L.41-2021, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. If the board determines that an emergency event has occurred or a disease or pest of animals or animal products presents a hazard to the citizens or animals of Indiana, the following action may be taken:

(1) The board may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** that facilitate the prevention, detection, control, and eradication of the disease or pest of animals, including the following to:

(A) Prohibit or impose conditions on importing animals and objects into Indiana.

(B) Require testing of animals and objects.

(C) Require vaccination or other treatment of animals and objects.

(D) Prohibit or impose conditions on moving animals and objects within Indiana.

(E) Govern the disposition of animals and objects.

(F) Impose other measures governing animals and objects to protect the citizens and animals of Indiana from diseases and pests of animals.

(2) The board may issue emergency orders under IC 4-21.5-4 governing animals and objects in order to protect the citizens and animals of the state from diseases and pests of animals.

SECTION 125. IC 15-17-10-10, AS AMENDED BY P.L.9-2022, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. If the board determines that an emergency event or a disease or pest of animals has resulted in or is likely to result in a large number of dead animals, the board may facilitate the prompt disposal of the dead animals by adopting ~~an emergency~~ **a** rule under ~~IC 4-22-2-37.1~~ **IC 4-22-2** that amends or suspends any of the following:

(1) IC 15-17-11.

(2) A rule adopted by the board that governs the disposal of dead animals.

SECTION 126. IC 15-18-1-14, AS AMENDED BY P.L.186-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. (a) Raw milk for processing and milk and milk products must conform to all the standards in the rules adopted by the board.

(b) The board shall adopt a rule ~~and may adopt emergency rules~~ under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to establish standards for Grade A milk and milk products. The standards adopted under this section must be:

(1) the same as; or

(2) at least as effective in protecting health as;

the national standards for Grade A milk adopted by the National Conference on Interstate Milk Shipments in accordance with the national conference's Memorandum of Understanding with the United States Department of Health and Human Services, Food and Drug Administration.

(c) The board shall determine when an amendment to national standards described in subsection (b) has been adopted. If the board determines that an amendment to the national standards has been adopted, the board shall adopt rules ~~and may adopt emergency rules~~ under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to amend the rules adopted by the board under subsection (b) to provide a standard that is:

(1) the same as; or

(2) at least as effective in protecting health as;

the amendment to the national standards for Grade A milk.

(d) The board may adopt standards for the production of manufacturing grade milk products.

(e) The board may do the following:

(1) Adopt rules **under IC 4-22-2** defining grades of raw milk and milk products and various tests to be made at different intervals in the receipt of raw milk and milk products for the manufacturing or processing of milk and milk products.

(2) Adopt sanitary rules **under IC 4-22-2** concerning the sampling, production, manufacturing, processing, handling, packing, storing, distributing, and transporting of milk and milk products for the enforcement of this chapter.

(3) Provide that raw milk and milk products that do not meet the minimum standards provided and that are unfit for human consumption be destroyed or removed from distribution channels for human food in a manner provided by rule.

(4) Require training for bulk milk hauler/samplers.

SECTION 127. IC 16-19-3-4, AS AMENDED BY P.L.143-2022, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) The executive board may, by an affirmative vote of a majority of its members, adopt reasonable rules **under IC 4-22-2** on behalf of the state department to protect or to improve the public health in Indiana.

(b) The rules may concern but are not limited to the following:

(1) Nuisances dangerous to public health.

(2) The pollution of any water supply other than where jurisdiction is in the environmental rules board and department of environmental management.

(3) The disposition of excremental and sewage matter.

(4) The control of fly and mosquito breeding places.

(5) The detection, reporting, prevention, and control of diseases that affect public health.

(6) The care of maternity and infant cases and the conduct of maternity homes.

(7) The production, distribution, and sale of human food.

(8) Except as provided in section 4.4 of this chapter, the conduct of camps.

(9) Standards of cleanliness of eating facilities for the public.

(10) Standards of cleanliness of sanitary facilities offered for public use.

(11) The handling, disposal, disinterment, and reburial of dead human bodies.

(12) Vital statistics.

(13) Sanitary conditions and facilities in public buildings and grounds, including plumbing, drainage, sewage disposal, water supply, lighting, heating, and ventilation, other than where

jurisdiction is vested by law in the fire prevention and building safety commission or other state agency.

(14) The design, construction, and operation of swimming and wading pools. However, the rules governing swimming and wading pools do not apply to a pool maintained by an individual for the sole use of the individual's household and house guests.

(c) The executive board shall adopt reasonable rules to regulate the following:

(1) The sanitary operation of tattoo parlors.

(2) The sanitary operation of body piercing facilities.

(d) The executive board may adopt rules on behalf of the state department for the efficient enforcement of this title, except as otherwise provided. However, fees for inspections relating to weight and measures may not be established by the rules.

(e) The executive board may declare that a rule described in subsection (d) is necessary to meet an emergency and adopt the rule under ~~IC 4-22-2-37.1.~~ **IC 4-22-2.**

(f) The rules of the state department may not be inconsistent with this title and or any other state law.

SECTION 128. IC 16-21-10-13.3, AS AMENDED BY P.L.201-2023, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13.3. (a) This section is effective beginning February 1, 2015. As used in this section, "plan" refers to the healthy Indiana plan established in IC 12-15-44.5.

(b) Subject to subsections (c) through (e), the incremental fee under this section may be used to fund the state share of the expenses specified in this subsection if, after January 31, 2015, but before the collection of the fee under this section, the following occur:

(1) The committee establishes a fee formula to be used to fund the state share of the following expenses described in this subdivision:

(A) The state share of the capitated payments made to a managed care organization that contracts with the office to provide health coverage under the plan to plan enrollees other than plan enrollees who are eligible for the plan under Section 1931 of the federal Social Security Act.

(B) The state share of capitated payments described in clause (A) for plan enrollees who are eligible for the plan under Section 1931 of the federal Social Security Act that are limited to the difference between:

(i) the capitation rates effective September 1, 2014, developed using Medicaid reimbursement rates; and

(ii) the capitation rates applicable for the plan developed using the plan's Medicare reimbursement rates described in IC 12-15-44.5-5(a)(2).

(C) The state share of the state's contributions to plan enrollee accounts.

(D) The state share of amounts used to pay premiums for a premium assistance plan implemented under IC 12-15-44.2-20.

(E) The state share of the costs of increasing reimbursement rates for physician services provided to individuals enrolled in Medicaid programs other than the plan, but not to exceed the difference between the Medicaid fee schedule for a physician service that was in effect before the implementation of the plan and the amount equal to seventy-five percent (75%) of the previous year federal Medicare reimbursement rate for a physician service. The incremental fee may not be used for the amount that exceeds seventy-five percent (75%) of the federal Medicare reimbursement rate for a physician service.

(F) The state share of the state's administrative costs that, for purposes of this clause, may not exceed one hundred seventy dollars ($170) per person per plan enrollee per year, and adjusted annually by the Consumer Price Index.

~~(G) The money described in IC 12-15-44.5-6(a) for the phase out period of the plan.~~

(2) The committee approves a process to be used for reconciling:

(A) the state share of the costs of the plan;

(B) the amounts used to fund the state share of the costs of the plan; and

(C) the amount of fees assessed for funding the state share of the costs of the plan.

For purposes of this subdivision, "costs of the plan" includes the costs of the expenses listed in subdivision (1)(A) through ~~(1)(G).~~ **(1)(F).**

The fees collected under subdivision (1)(A) through (1)(F) shall be deposited into the incremental hospital fee fund established by section 13.5 of this chapter. ~~Fees described in subdivision (1)(G) shall be deposited into the phase out trust fund described in IC 12-15-44.5-7.~~ The fees used for purposes of funding the state share of expenses listed in subdivision (1)(A) through (1)(F) may not be used to fund expenses incurred on or after the commencement of a phase out period of the plan.

(c) For each state fiscal year for which the fee authorized by this

section is used to fund the state share of the expenses described in subsection (b)(1), the amount of fees shall be reduced by:

(1) the amount of funds annually designated by the general assembly to be deposited in the healthy Indiana plan trust fund established by IC 12-15-44.2-17; less

(2) the annual cigarette tax funds annually appropriated by the general assembly for childhood immunization programs under IC 12-15-44.2-17(a)(3).

(d) The incremental fee described in this section may not:

(1) be assessed before July 1, 2016; and

(2) be assessed or collected on or after the beginning of a phase out period of the plan.

(e) This section is not intended to and may not be construed to change or affect any component of the programs established under section 8 of this chapter.

SECTION 129. IC 16-21-10-16, AS ADDED BY P.L.205-2013, SECTION 214, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. Subject to section 8(b) of this chapter, the office may adopt rules ~~including emergency rules adopted in the manner provided under IC 4-22-2-37.1,~~ **under IC 4-22-2** necessary to implement this chapter. Rules adopted under this section may be retroactive to the effective date of the Medicaid state plan amendments or waivers approved under this chapter.

SECTION 130. IC 16-29-7-13, AS ADDED BY P.L.202-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. (a) The state department shall establish a review period for certificate of need applications beginning July 1, 2019, and every July 1 thereafter, and lasting until the following June 30.

(b) The state department shall accept certificate of need applications until July 31 of the review period.

(c) The state department shall publish any certificate of need applications accepted for review on the state department's ~~Internet web site~~ **website** before August 15 of the review period.

(d) The state department shall accept public comments on the certificate of need applications accepted for review through October 15 of the review period.

(e) The commissioner or the commissioner's designee shall issue any decision on an accepted certificate of need application not later than April 30 of the review period.

(f) The state department shall adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement a system for the submission of

public comments under subsection (d).

SECTION 131. IC 16-29-7-14, AS ADDED BY P.L.202-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. (a) The commissioner or the commissioner's designee shall perform a comparative review on a certificate of need application if:

(1) at least two (2) applications are submitted during the same review period;

(2) the applications propose to transfer comprehensive care beds into the same county; and

(3) the number of comprehensive care beds for which a certificate of need is requested totals more than the county comprehensive care bed need in the county where the comprehensive care beds are to be transferred.

(b) In determining which applicant will receive preference in the comparative review process, the commissioner or the commissioner's designee shall:

(1) review the applications to ensure compliance with section 12(c) of this chapter; and

(2) give weighted priority to the criteria set forth in section 12(d) of this chapter.

The commissioner or the commissioner's designee shall give preference in approving the application to a certificate of need application that complies with section 12 of this chapter and receives the most points under the point system established under subsection (d). If at least two (2) certificate of need applications requesting the same activity comply with section 12 of this chapter and are awarded the same number of points under subsection (d), the commissioner or the commissioner's designee shall give preference to the application that demonstrates the greatest need for the activity being requested.

(c) The commissioner or the commissioner's designee shall approve a certificate of need application requesting the:

(1) transfer of comprehensive care beds; or

(2) construction of a comprehensive care health facility consisting of transferred beds;

subject to comparative review under this section only after finding that the request in the application is necessary as set forth in this chapter.

(d) The state department shall adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to establish and implement a certificate of need application point system in accordance with this section.

SECTION 132. IC 16-31-3-24, AS ADDED BY P.L.77-2012, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2024]: 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.~~ **IC 4-22-2.** ~~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 133. IC 16-41-2-1, AS AMENDED BY P.L.112-2020, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) The state department may adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ that establish reporting, monitoring, and preventive procedures for communicable diseases.

(b) The state department shall publish a list of:

(1) reportable communicable diseases;

(2) other diseases or conditions that pose a serious health risk based upon the characteristics of the disease or condition; and

(3) the control measures for the diseases and conditions;

on the state department's ~~Internet web site.~~ **website.** The state department is not required to adopt rules under subsection (a) for the list described in this subsection.

(c) In updating the list described in subsection (b), the state department:

(1) shall consider recommendations from:

(A) the United States Centers for Disease Control and Prevention; and

(B) the Council of State and Territorial Epidemiologists; and

(2) may consult with local health departments.

SECTION 134. IC 16-41-21.2-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) Except as provided in subsection (c), the owner or operator having authority over a child care facility or preschool shall test the drinking water in the child care facility or preschool before January 1, 2026, to determine whether lead is present in the drinking water in a concentration that equals or exceeds the action level for lead.

(b) Drinking water testing required by this section must be performed in accordance with the lead sampling program for school buildings and child care facilities conducted by the Indiana finance authority.

(c) If the drinking water in a child care facility or preschool has been tested through a lead sampling program conducted by the Indiana finance authority, the owner or operator having authority over the child care facility or preschool is not required to test the drinking water in the child care facility or preschool before January 1, 2026, under subsection (a).

(d) If the testing of the drinking water in a child care facility or preschool under this section indicates that the presence of lead in the drinking water equals or exceeds the action level for lead, the owner or operator having authority over the child care facility or preschool shall take action to reduce the concentration of lead in the drinking water to a level below the action level for lead by:

(1) eliminating the source of the lead in the drinking water; or

(2) installing a water filtration system that will reduce the level of lead in the drinking water to a level below the action level for lead.

(e) A water filtration system installed under subsection (d)(2) must meet the following conditions, as applicable:

(1) If the system is a point-of-use water filtration system, it must be certified by a certifying body accredited by a signatory to the International Accreditation Forum Multilateral Recognition Arrangement ~~(IAFMlA),~~ **(IAFMRA),** such as the American National Accreditation Board (ANAB), for drinking water treatment units for lead reduction.

(2) If the system is a water treatment system on a drinking water outlet, it must be third party certified:

(A) under NSF/ANSI 53 for lead reduction;

(B) under NSF/ANSI 42 for particulate reduction (Class 1); or

(C) under NSF/ANSI 58 for lead reduction.

(f) If the owner or operator of a child care facility or preschool installs a water filtration system under subsection (d)(2), the owner or operator shall:

(1) follow the manufacturer's instructions for the installation, use, and maintenance of the water filtration system; and

(2) create and follow a maintenance schedule that identifies the person responsible for the installation and maintenance of the water filtration system.

(g) The environmental rules board shall, under IC 4-22-2 and IC 13-14-9, adopt rules ~~including emergency rules adopted in the manner provided by IC 4-22-2-37.1,~~ concerning the ~~lead~~ action level **for lead.** Rules adopted by the environmental rules board shall conform with the forthcoming Lead and Copper Rule Improvements (LCRI)

being promulgated by the United States Environmental Protection Agency. ~~Notwithstanding IC 4-22-2-37.1(g), the emergency rules that are adopted under this subsection and in the manner provided by IC 4-22-2-37.1 expire on the date on which rules that supersede the emergency rules are adopted by the board under this subsection and IC 4-22-2-24 through IC 4-22-2-36.~~

SECTION 135. IC 16-41-43-2.5, AS ADDED BY P.L.114-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2.5. (a) The state department shall approve courses concerning allergies and the administration of auto-injectable epinephrine that are offered by an approved organization (as defined in IC 25-1-4-0.2).

(b) The state department shall do the following:

(1) Maintain, on its ~~Internet web site,~~ **website,** a list of all approved courses.

(2) Prescribe the certification process for the course described in subsection (a).

(3) Revoke the certification of an organization that fails to comply with any certification prerequisite specified by the state department.

(c) A person who successfully completes a certified course shall receive a certificate of completion. The state department may contract with a third party for the purpose of creating or manufacturing the certificate of completion, which must meet the requirements set forth in subsection (d).

(d) A certificate of completion issued under subsection (c) must:

(1) have dimensions that permit the certificate of completion to be carried in a wallet; and

(2) display the following information:

(A) The first and last name of the person.

(B) The first and last name of the course instructor.

(C) The name of the entity responsible for providing the course, if applicable.

(D) The date the course described in subsection (a) was completed.

(E) Any other information required by the state department.

(e) The state department may adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ to implement this section.

SECTION 136. IC 16-42-5-0.3, AS AMENDED BY P.L.56-2023, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 0.3. (a) The state department may adopt rules ~~establishing~~ **under IC 4-22-2 to establish** 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. 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 137. IC 16-42-11-5.5, AS ADDED BY P.L.41-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5.5. The state egg board may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** when there is a declared emergency or sudden disruption that affects the commerce of eggs.

SECTION 138. IC 20-19-2-14.5, AS AMENDED BY P.L.239-2015, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14.5. (a) As used in this section:

(1) "college and career readiness educational standards" means Indiana standards that a high school graduate must meet to obtain the requisite knowledge and skill to transition without remediation to postsecondary education or training, and ultimately into a sustainable career; and

(2) "cut scores" means the scores that define a student's performance on an assessment, including passing, failing, or falling into a performance category.

(b) The state board shall adopt Indiana college and career readiness educational standards. The educational standards must do the following:

(1) Meet national and international benchmarks for college and career readiness standards and be aligned with postsecondary educational expectations.

(2) Use the highest standards in the United States.

(3) Comply with federal standards to receive a flexibility waiver

under 20 U.S.C. 7861, as in effect on January 1, 2014.

(4) Prepare Indiana students for college and career success, including the proper preparation for nationally recognized college entrance examinations such as the ACT and SAT.

(5) Maintain Indiana sovereignty.

(6) Provide strict safeguards to protect the confidentiality of student data.

(c) The state, or the state board on behalf of the state, may not enter into or renew an agreement with any organization, entity, group, or consortium that requires the state to cede any measure of autonomy or control of education standards and assessments, including cut scores. The state board may not adopt Common Core (Common Core State Standards Initiative) or an assessment or test, except as provided in this subsection, that is produced solely by the United States government or a consortium of states. However, the state board is not prohibited from incorporating as part of Indiana's statewide assessments any assessment, part of an assessment, or series of questions if the assessment, part of an assessment, or series of questions is aligned to Indiana's academic standards.

(d) The state board may adopt ~~emergency~~ rules ~~in the manner provided in IC 4-22-2-37.1~~ **under IC 4-22-2** to implement this section. ~~As provided in IC 4-22-2-37.1 for an emergency rule adopted under this section to be effective after one (1) extension period, the rule must be adopted in conformity with the procedures under IC 4-22-2-24 through IC 4-22-2-36.~~

SECTION 139. IC 20-20-40-16, AS AMENDED BY P.L.227-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. ~~(a)~~ The commission

~~(1)~~ shall adopt rules under IC 4-22-2 ~~and~~

~~(2) may adopt emergency rules in the manner provided under IC 4-22-2-37.1;~~

to carry out the purposes of this chapter.

~~(b) An emergency rule adopted under subsection (a)(2) expires on the earlier of:~~

~~(1) November 15, 2018; or~~

~~(2) the effective date of a rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 that supersedes the emergency rule.~~

SECTION 140. IC 20-26-11-11.5, AS AMENDED BY P.L.108-2019, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11.5. (a) The following definitions apply to this section:

(1) "ADM" means average daily membership (as defined in

IC 20-18-2-2).

(2) "Facility" means a secure private facility described in IC 31-9-2-115(a)(1).

(3) "School corporation" means the Indiana school or charter school that is receiving state tuition support for the student at the time of the student's admission to the facility.

(4) "Student" means an individual who:

(A) is more than five (5) years of age and less than twenty-three (23) years of age;

(B) has been admitted to a facility; and

(C) was enrolled in a school corporation during the school year immediately preceding the student's admission to the facility.

(b) This section applies to a student if:

(1) the student is placed in a facility under the written order of a physician licensed under IC 25-22.5;

(2) the written order of the physician licensed under IC 25-22.5 is based on medical necessity, as determined by a physician licensed under IC 25-22.5; and

(3) the student receives educational services provided by the facility.

(c) A facility shall provide written notice to the school corporation not later than five (5) business days (excluding weekends and holidays) after a student described in subsection (b) is admitted to the facility. The written notice must include the following:

(1) The student's name, address, and date of birth.

(2) The date on which the student was admitted to the facility.

(3) A copy of the physician's written order.

(4) A statement that the student has opted out of attending school under ~~IC 20-26-11-8.~~ **section 8 of this chapter.**

(5) A statement that the facility will provide all educational services to the student during the student's admission in the facility.

(d) The school corporation shall pay the facility a daily per diem as determined under subsection (e) for the educational services provided by the facility to the student during the student's admission in the facility. The school corporation may not be required to pay for any educational services provided to the student by the facility exceeding one hundred eighty (180) instructional days or an amount exceeding the student's proportionate share of state distributions paid to the school corporation, as determined under subsection (e).

(e) A school corporation shall pay to the facility an amount, prorated according to the number of instructional days for which the student

receives the educational services, equal to:

(1) the student's proportionate share (as compared to the school corporation's total ADM) of basic tuition support (as determined under IC 20-43-6-3) distributions that are made to the school corporation for the school year; and

(2) any special education grants received by the school corporation for the student under IC 20-43-7.

Upon request of a facility, the department shall verify the amounts described in this subsection for a student admitted to the facility.

(f) A school corporation responsible for making a per diem payment under this section shall pay the facility not later than sixty (60) days after receiving an invoice from the facility. The school corporation and the facility are entitled to the same remedies for disagreements over amounts or nonpayment of an amount due as are provided under the laws governing transfer tuition.

(g) For each student admitted to a facility, the facility shall provide the following in accordance with rules adopted by the state board:

(1) An educational opportunity, including special education and related services, that is comparable to that of a student attending a school in the school corporation.

(2) A level of educational services from the facility that is comparable to that of a student attending a school in the school corporation.

(3) Unless otherwise provided in a student's individualized education program (as defined in IC 20-18-2-9), educational services that include at least the following:

(A) An instructional day that meets the requirements of IC 20-30-2-2.

(B) A school year with at least one hundred eighty (180) student instructional days as provided under IC 20-30-2-3.

(C) Educationally appropriate textbooks and other materials.

(D) Educational services provided by licensed teachers.

(h) The state board shall adopt a rule **under IC 4-22-2** that addresses the responsibilities of the school corporation and the facility with regard to a student with an individualized education program.

(i) This section does not limit a student's right to attend a school as provided in ~~IC 20-26-11-8.~~ **section 8 of this chapter.**

(j) The state board shall adopt rules under IC 4-22-2 as necessary to implement this section.

~~(k) The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section.~~

SECTION 141. IC 20-26-12-1, AS AMENDED BY P.L.201-2023,

SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as provided in subsection (b) but notwithstanding any other law, each governing body of a school corporation and each organizer of a charter school shall purchase from a publisher, either individually or through a purchasing cooperative of school corporations, as applicable, the curricular materials selected by the proper local officials, and shall provide at no cost the curricular materials to each student enrolled in the school corporation or charter school. Curricular materials provided to a student under this section remain the property of the governing body of the school corporation or organizer of the charter school.

(b) This section does not prohibit a governing body of a school corporation or an organizer of a charter school from assessing and collecting a reasonable fee for lost or significantly damaged curricular materials in accordance with rules established by the state board under subsection (c). Fees collected under this subsection must be deposited in the separate curricular materials account established under IC 20-40-22-9 for the school in which the student was enrolled at the time the fee was imposed.

(c) The state board shall adopt rules under IC 4-22-2 ~~including emergency rules in the manner provided in IC 4-22-2-37.1,~~ to implement this section.

SECTION 142. IC 20-28-2-6, AS AMENDED BY P.L.20-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) Subject to subsection (c) and in addition to the powers and duties set forth in this article, the state board may adopt rules under IC 4-22-2 to do the following:

(1) Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department.

(2) Approve or disapprove teacher preparation programs.

(3) Set fees to be charged in connection with teacher licensing.

(4) Suspend, revoke, or reinstate teacher licenses.

(5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.

(6) Set standards for teacher licensing concerning new subjects of study.

(7) Evaluate work experience and military service concerning postsecondary education and experience equivalency.

(8) Perform any other action that:

(A) relates to the improvement of instruction in the public schools through teacher education and professional

development through continuing education; and

(B) attracts qualified candidates for teacher education from among the high school graduates of Indiana.

(9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.

(10) Before July 1, 2011, set standards for sign language interpreters who provide services to children with disabilities in an educational setting and an enforcement mechanism for the interpreter standards.

(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

(c) The state board shall adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ to establish procedures to expedite the issuance, renewal, or reinstatement under this article of a license or certificate of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

SECTION 143. IC 20-29-6-6.1, AS AMENDED BY P.L.228-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6.1. (a) After ratification of a contract under section 6 of this chapter, a school employer shall submit the ratified collective bargaining agreement, including the compensation model developed under IC 20-28-9-1.5, to the board.

(b) The board shall appoint a staff member or an ad hoc panel member to review each submitted collective bargaining agreement and to make a written recommendation concerning the collective bargaining agreement's compliance with this chapter, including a penalty for any noncompliance. The review must be completed before May 31 of the year in which the current collective bargaining agreement expires.

(c) Not later than fifteen (15) days after a recommendation has been made under subsection (b), one (1) or both parties to a collective bargaining agreement may appeal to the board, in writing, the decision made in the recommendation. If the board does not receive an appeal not later than fifteen (15) days after issuing a recommendation, the recommendation becomes the final order of the board.

(d) If the board receives a timely appeal, the board may make a decision on the recommendation with or without oral argument. The board may request that the parties submit briefs. The board must issue a ruling on the appeal not later than thirty (30) days after the last of the following occurs:

(1) The appeal is received.

(2) Briefs are received.

(3) Oral arguments are held.

(e) IC 4-21.5 does not apply to a review under subsection (b) or (d).

(f) If, following the review of a collective bargaining agreement, the board finds the collective bargaining agreement does not comply with this chapter, the board shall issue an order that may include one (1) or more of the following items:

(1) Ordering the parties to cease and desist from all identified areas of noncompliance.

(2) Preventing the parties from ratifying any subsequent collective bargaining agreements until the parties receive written approval from the board or the board's agent.

(3) Requiring other action as deemed appropriate by the board as authorized by state law.

(g) The board may send the board's compliance findings to other state agencies as necessary.

(h) After a school employer has submitted a collective bargaining agreement under subsection (a), the school employer and an exclusive representative may not enter into a new collective bargaining agreement containing the noncompliant provision until the school employer has received either:

(1) the board's order regarding the compliance of the submitted collective bargaining agreement with this chapter; or

(2) other written approval from the board or an agent of the board.

(i) If any provision of the collective bargaining agreement is found not to be compliant with this chapter, the provision that is found to be noncompliant with this chapter shall not affect other provisions of the collective bargaining agreement that can be given effect without the noncompliant provision, and to this end the provisions of collective bargaining agreement are severable.

(j) The board

~~(1)~~ shall adopt rules under IC 4-22 ~~and~~

~~(2) may adopt emergency rules in the manner provided under IC 4-22-2-37.1;~~

as necessary to implement this section.

~~(k) An emergency rule adopted by the board under subsection (j) expires on the earliest 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 IC 4-22-2-37.1.~~

~~(3) One (1) year after the date the emergency rule is adopted.~~

~~(l)~~ **(k)** This subsection applies only to a school corporation that has a compensation plan developed under IC 20-28-9-1.5 but does not have a ratified collective bargaining agreement. A school corporation shall, not later than October 1 of the year in which the compensation plan becomes effective, submit the school corporation's compensation plan to the board.

~~(m)~~ **(l)** If a school corporation fails to timely file a compensation plan as required under subsection ~~(l),~~ **(k),** the school corporation's compensation plan is considered not in compliance with IC 20-28-9-1.5 and this section unless a compliance officer of the board finds good cause shown for the delay.

SECTION 144. IC 20-30-16-13, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13. The state board may adopt rules under IC 4-22-2 ~~including emergency rules in the manner provided under IC 4-22-2-37.1,~~ to administer this chapter.

SECTION 145. IC 20-31-4.1-10, AS AMENDED BY P.L.168-2022, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. The state board shall adopt rules under IC 4-22-2 ~~and may adopt emergency rules under IC 4-22-2-37.1,~~ necessary to implement this chapter.

SECTION 146. IC 20-31-8-5.4, AS ADDED BY P.L.2-2014, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5.4. (a) Not later than November 15, 2013, the state board shall establish new categories or designations of school performance under the requirements of this chapter to replace 511 IAC 6.2-6. The new standards of assessing school performance:

(1) must be based on a measurement of individual student academic performance and growth to proficiency; and

(2) may not be based on a measurement of student performance or growth compared with peers.

511 IAC 6.2-6 is void on the effective date of the ~~emergency or final~~ rules adopted under this section.

(b) After July 1, 2013, the state board

~~(1)~~ shall adopt rules under IC 4-22-2 ~~and~~

~~(2) may adopt emergency rules in the manner provided in IC 4-22-2-37.1;~~

to implement this chapter.

~~(c) An emergency rule adopted under subsection (b) expires on the earlier of:~~

~~(1) November 15, 2014; or~~

~~(2) the effective date of a rule that establishes categories or designations of school improvement described in this section and supersedes the emergency rule.~~

~~(d)~~ **(c)** Before beginning the rulemaking process to establish new categories or designations of school improvement, the state board shall report to the general assembly the proposed new categories or designations in an electronic format under IC 5-14-6.

SECTION 147. IC 20-43-10-3.5, AS AMENDED BY P.L.201-2023, SECTION 210, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3.5. (a) As used in this section, "school" means a school corporation, charter school, and a virtual charter school.

(b) Subject to the requirements of this section, a school qualifies for a teacher appreciation grant as provided in this section for a state fiscal year if one (1) or more licensed teachers:

(1) employed in the classroom by the school; or

(2) directly providing virtual education;

were rated as effective or as highly effective, using the most recently completed teacher ratings.

(c) A school may not receive a teacher appreciation grant under this section unless:

(1) the school has in the state fiscal year in which the teacher appreciation grants are made under this section:

(A) adopted an annual policy concerning the distribution of teacher appreciation grants; and

(B) submitted the policy to the department for approval; and

(2) the department has approved the policy.

The department shall specify the date by which a policy described in subdivision (1) must be submitted to the department.

(d) The amount of a teacher appreciation grant for a qualifying school corporation or virtual charter school is equal to:

(1) thirty-seven dollars and fifty-cents ($37.50); multiplied by

(2) the school's current ADM.

However, the grant amount for a virtual charter school may not exceed the statewide average grant amount.

(e) The following apply to the distribution of teacher appreciation grants:

(1) If the total amount to be distributed as teacher appreciation grants for a particular state fiscal year exceeds the amount appropriated by the general assembly for teacher appreciation grants for that state fiscal year, the total amount to be distributed as teacher appreciation grants to schools shall be proportionately

reduced so that the total reduction equals the amount of the excess. The amount of the reduction for a particular school is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the teacher appreciation grant that the school would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed as teacher appreciation grants to all schools if a reduction were not made under this section.

(2) If the total amount to be distributed as teacher appreciation grants for a particular state fiscal year is less than the amount appropriated by the general assembly for teacher appreciation grants for that state fiscal year, the total amount to be distributed as teacher appreciation grants to schools for that particular state fiscal year shall be proportionately increased so that the total amount to be distributed equals the amount of the appropriation for that particular state fiscal year.

(f) The annual teacher appreciation grant to which a school is entitled for a state fiscal year shall be distributed to the school before December 5 of that state fiscal year.

(g) The following apply to a school's policy under subsection (c) concerning the distribution of teacher appreciation grants:

(1) The governing body shall differentiate between a teacher rated as a highly effective teacher and a teacher rated as an effective teacher. The policy must provide that the amount of a stipend awarded to a teacher rated as a highly effective teacher must be at least twenty-five percent (25%) more than the amount of a stipend awarded to a teacher rated as an effective teacher.

(2) The governing body of a school may differentiate between school buildings.

(3) A stipend to an individual teacher in a particular year is not subject to collective bargaining and is in addition to the minimum salary or increases in salary set under IC 20-28-9-1.5. The governing body may provide that an amount not exceeding fifty percent (50%) of the amount of a stipend to an individual teacher in a particular state fiscal year becomes a permanent part of and increases the base salary of the teacher receiving the stipend for school years beginning after the state fiscal year in which the stipend is received. The addition to base salary is not subject to collective bargaining.

(h) A teacher appreciation grant received by a school shall be allocated among and used only to pay cash stipends to all licensed

teachers employed in the classroom who are rated as effective or as highly effective and employed by the school as of December 1. A school may allocate up to twenty percent (20%) of the grant received by the school to provide a supplemental award to teachers with less than five (5) years of service who are rated as effective or as highly effective. A school may allocate up to ten percent (10%) of the grant received by the school to provide a supplemental award to teachers who serve as mentors to teachers who have less than two (2) years of service. The supplemental awards are in addition to the award made from the part of the grant that is allocated to all eligible teachers.

(i) The lead school corporation or interlocal cooperative administering a cooperative or other special education program or administering a career and technical education program, including programs managed under IC 20-26-10, IC 20-35-5, IC 20-37, or IC 36-1-7, shall award teacher appreciation grant stipends to and carry out the other responsibilities of an employing school corporation under this section for the teachers in the special education program or career and technical education program.

(j) A school shall distribute all stipends from a teacher appreciation grant to individual teachers within twenty (20) business days of the date the department distributes the teacher appreciation grant to the school. Any part of the teacher appreciation grant not distributed as stipends to teachers before February must be returned to the department on the earlier of the date set by the department or June 30 of that state fiscal year.

(k) The department, after review by the budget committee, may waive the December 5 deadline under subsection (f) to distribute an annual teacher appreciation grant to the school under this section for that state fiscal year and approve an extension of that deadline to a later date within that state fiscal year, if the department determines that a waiver and extension of the deadline are in the public interest.

(l) The state board may adopt rules under IC 4-22-2 ~~including emergency rules in the manner provided in IC 4-22-2-37.1,~~ as necessary to implement this section.

(m) This section expires June 30, 2025.

SECTION 148. IC 20-49-10-13, AS ADDED BY P.L.211-2018(ss), SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) 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 149. IC 20-51-4-4.6, AS AMENDED BY P.L.106-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4.6. ~~(a)~~ The state board shall adopt rules under IC 4-22-2 ~~including emergency rules adopted in the manner provided under IC 4-22-2-37.1,~~ for the provision of special education or related services to an eligible choice scholarship student who receives an amount under section 4(a)(2) of this chapter. The rules adopted under this section shall include annual reporting requirements, monitoring, and consequences for noncompliance by an eligible school.

~~(b) An emergency rule adopted by the state board under this section expires on the earliest 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.~~

~~(3) One (1) year after the date the emergency rule is adopted.~~

SECTION 150. IC 20-51-4-7, AS AMENDED BY P.L.108-2019, SECTION 235, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) The department shall administer this chapter.

(b) The department shall approve an application for an eligible school within fifteen (15) days after the date the school requests to participate in the choice scholarship program.

(c) The department shall approve an application for a choice scholarship student within fifteen (15) days after the date the student requests to participate in the choice scholarship program.

(d) Each year, at a minimum, the department shall accept applications from March 1 through September 1 for eligible schools for the upcoming school year.

(e) Each year, the department shall accept applications for choice scholarship students from:

(1) March 1 through September 1 for the upcoming school year; and

(2) November 1 through January 15 for the spring semester of the current school year.

(f) This chapter may not be construed in a manner that would impose additional requirements for approving an application for an

eligible school placed in a "null" or "no letter grade" category established under IC 20-31-8-3(b).

(g) The department shall adopt rules under IC 4-22-2 to implement this chapter.

~~(h) The department may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.~~

SECTION 151. IC 20-52-6-1, AS ADDED BY P.L.168-2022, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The state board may adopt rules under IC 4-22-2 ~~including emergency rules in the manner provided under IC 4-22-2-37.1,~~ necessary to administer this article.

SECTION 152. IC 21-9-4-7, AS AMENDED BY P.L.2-2007, SECTION 248, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. In addition to any power granted by this article, the board has all powers necessary or convenient to carry out and effectuate the purposes and objectives of this article, the purposes and objectives of the education savings programs, and the powers delegated by law or executive order, including the following powers:

(1) To develop and implement the education savings programs and, notwithstanding any provision in this article to the contrary, other services consistent with the purposes and objectives of this article, through:

(A) rules ~~or emergency rules~~ adopted under IC 4-22-2; or

(B) rules, guidelines, procedures, or policies established by the board and approved by the commission for higher education.

(2) To conform the education savings programs and, notwithstanding any provision in this article to the contrary, services consistent with the purposes and objectives of this article, to the requirements of a qualified state tuition program set forth in Section 529 of the Internal Revenue Code and all applicable federal regulations, through:

(A) rules ~~or emergency rules~~ adopted under IC 4-22-2; or

(B) guidelines, procedures, or policies established by the board.

(3) To retain professional services, including the following:

(A) Financial advisers and managers.

(B) Custodians and other fiduciaries.

(C) Investment advisers and managers.

(D) Accountants and auditors.

(E) Consultants or other experts.

(F) Actuarial services providers.

(G) Attorneys.

(4) To establish minimum account deposit amounts (both initial and periodic).

(5) To employ persons, if the board chooses, and as may be necessary, and to fix the terms of their employment.

(6) To recommend legislation to the governor and general assembly.

(7) To apply for designation as a tax exempt entity under the Internal Revenue Code.

(8) To adopt such rules, bylaws, procedures, guidelines, and policies as are necessary to carry out the education savings programs and services and the authority's management and operations.

(9) To sue and be sued.

(10) To provide or facilitate provision of benefits and incentives for the benefit of qualified beneficiaries, account owners, contributors, or account beneficiaries as the board's resources allow or as are directed or provided for by the general assembly.

(11) To conform the education savings programs to federal tax advantages or incentives, as in existence periodically, to the extent consistent with the purposes and objectives of this article.

(12) To interpret, in rules, policies, guidelines, and procedures, the provisions of this article broadly in light of the purposes and objectives of this article.

(13) To charge, impose, and collect administrative fees and service charges in connection with any agreement, contract, or transaction under an education savings program or services.

(14) To have perpetual succession.

SECTION 153. IC 21-9-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) Contributions to an account may not exceed the amount necessary to provide for the qualified higher education expenses of the account beneficiary.

(b) The authority shall adopt rules ~~or emergency rules~~ under IC 4-22-2 to determine the maximum account balance applicable to all accounts of account beneficiaries with the same expected year of enrollment.

SECTION 154. IC 21-9-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. The authority may adopt rules ~~or emergency rules~~ under IC 4-22-2 to establish a penalty for a distribution that is not used exclusively for the qualified higher education expenses of an account beneficiary. However, the authority may not establish a penalty for distributions described in

~~IC 21-9-7-1(1).~~ **section 1(1) of this chapter.**

SECTION 155. IC 22-2-18.1-27, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 27. (a) The department shall adopt rules under IC 4-22-2 ~~including emergency rules adopted in the manner provided under IC 4-22-2-37.1,~~ to:

(1) develop a schedule for the submission of the registration under section 26 of this chapter; and

(2) implement this chapter.

(b) The department may establish recommendations for rest breaks.

SECTION 156. IC 22-4-13.3-7, AS ADDED BY P.L.183-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) An employer that complies with a notice described in section 3 of this chapter that is regular on its face is not liable in any civil action for any conduct taken in compliance with the notice.

(b) An employer that complies with a notice described in section 3 of this chapter is discharged from liability to an employee for the part of the employee's income that was withheld in compliance with the notice.

(c) If a court issues an order to stay a withholding of income, the department is not liable in any civil action to an individual who is the subject of the income withholding for amounts withheld from the individual's income before the stay becomes effective.

(d) Administrative income withholdings issued under this chapter are subject to the limitations set forth in IC 24-4.5-5-105. A withholding under this chapter is not an assignment of wages under IC 22-2-6.

(e) 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 carry out the department's responsibilities under this chapter.

SECTION 157. IC 22-4-14-3, AS AMENDED BY P.L.119-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) may restrict the individual's availability because of the individual's need to address the physical, psychological, or legal effects of being a victim of domestic or family violence (as defined in IC 31-9-2-42).

(b) An unemployed individual shall be eligible to receive benefits with respect to any week only if the individual:

(1) is physically and mentally able to work;

(2) is available for work;

(3) is found by the department to be making an effort to secure full-time work; and

(4) participates in reemployment services and reemployment and eligibility assessment activities as required by section 3.2 of this chapter or when directed by the department as provided under section 3.5 of this chapter, unless the department determines that:

(A) the individual has completed the reemployment services; or

(B) failure by the individual to participate in or complete the reemployment services is excused by the director under IC 22-4-14-2(b).

(c) For the purpose of this article, unavailability for work of an individual exists in, but is not limited to, any case in which, with respect to any week, it is found:

(1) that such individual is engaged by any unit, agency, or instrumentality of the United States, in charge of public works or assistance through public employment, or any unit, agency, or instrumentality of this state, or any political subdivision thereof, in charge of any public works or assistance through public employment;

(2) that such individual is in full-time active military service of the United States, or is enrolled in civilian service as a conscientious objector to military service;

(3) that such individual is suspended for misconduct in connection with the individual's work; or

(4) that such individual is in attendance at a regularly established public or private school during the customary hours of the individual's occupation or is in any vacation period intervening between regular school terms during which the individual is a student. However, this subdivision does not apply to any individual who is attending a regularly established school, has been regularly employed and upon becoming unemployed makes an effort to secure full-time work and is available for suitable full-time work with the individual's last employer, or is available for any other full-time employment deemed suitable.

(d) Notwithstanding any other provisions in this section or IC 22-4-15-2, no otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the department, nor shall such individual be denied benefits with respect to any week in which the individual is in training with the approval of the department by reason of the application of the provisions of this section with respect to the availability for work or

active search for work or by reason of the application of the provisions of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept, suitable work. The department shall by rule prescribe the conditions under which approval of such training will be granted.

(e) Notwithstanding subsection (b), (c), or (d), or IC 22-4-15-2, an otherwise eligible individual shall not be denied benefits for any week or determined not able, available, and actively seeking work, because the individual is responding to a summons for jury service. The individual shall:

(1) obtain from the court proof of the individual's jury service; and

(2) provide to the department, in the manner the department prescribes by rule, proof of the individual's jury service.

(f) If an otherwise eligible individual is unable to work or unavailable for work on any normal work day of the week, the individual shall be eligible to receive benefits with respect to such week reduced by one-third (1/3) of the individual's weekly benefit amount for each day of such inability to work or unavailability for work.

(g) An individual has made an effort to secure full-time work with respect to any week in which the individual has:

(1) completed activities directed by the department under sections 3.2 and 3.5 of this chapter;

(2) completed any work search activities as directed by the department under rules adopted by the department under subsection (h); and

(3) affirmed the individual has made an effort to secure full-time work.

(h) Not later than December 31, 2021, the department shall adopt rules under IC 4-22-2 ~~including emergency rules adopted in the same manner provided under IC 4-22-2-37.1,~~ to define:

(1) the acceptable types of work search activities;

(2) the number of work search activities required to be completed in any week;

(3) the requirements for producing documentation; and

(4) the requirement to apply to, and accept if offered, suitable jobs referred by the department.

(i) The rules adopted by the department under subsection (h) shall:

(1) take into consideration whether an individual has a reasonable assurance of reemployment and, if so, the length of the prospective period of unemployment; and

(2) be consistent with the guidance provided by the United States

Department of Labor in Training and Employment Notice No. 17-19, dated February 10, 2020.

SECTION 158. IC 22-4.1-21-10, AS AMENDED BY P.L.178-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. (a) The office for career and technical schools is established to carry out the responsibilities of the department under this chapter.

(b) The department may employ and fix compensation for necessary administrative staff.

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

SECTION 159. IC 22-6-6-11, AS ADDED BY P.L.2-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. An individual who is employed by an employer may file a complaint that alleges a violation or threatened violation of this chapter with the attorney general, the department of labor, or the prosecuting attorney of the county in which the individual is employed. Upon receiving a complaint under this section, the attorney general, department of labor, or prosecuting attorney may:

(1) investigate the complaint; and

(2) enforce compliance if a violation of this chapter is found.

In addition to any other remedy available under this chapter, if the department of labor determines that a violation or a threatened violation of this chapter has occurred, the department of labor may issue an administrative order providing for any of the civil remedies described in section 12 of this chapter. The department of labor may adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ to carry out its responsibilities under this chapter.

SECTION 160. IC 22-8-1.1-16.1, AS AMENDED BY P.L.123-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16.1. ~~(a)~~ The commission may adopt emergency temporary standards under ~~IC 4-22-2-37.1.~~ **IC 4-22-2.** The emergency temporary standard shall be published in a newspaper of general circulation published in Marion County, Indiana, at least ten (10) days before the filing with the publisher of the Indiana Register. In the exercise of this power, the commission shall first expressly determine:

(1) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards; and

(2) that such emergency **temporary** standard is necessary to

protect employees from such danger.

~~(b) Temporary emergency standards shall be effective only until a permanent standard is adopted under IC 4-22-2, or for six (6) months from the date of publication, whichever period is shorter. The publication of an emergency temporary standard shall begin a proceeding in accordance with section 15 of this chapter.~~

SECTION 161. IC 22-13-2-8, AS AMENDED BY P.L.156-2020, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) The commission shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated lifting devices.

(b) The commission shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated boilers and pressure vessels.

(c) The commission may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1 only~~ **IC 4-22-2** to adopt by reference all or part of the following national boiler and pressure vessel codes:

(1) The American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

(2) The National Board of Boiler and Pressure Vessel Inspectors Inspection Code.

(3) The American Petroleum Institute 510 Pressure Vessel Inspection Code.

(4) Any subsequent editions of the codes listed in subdivisions (1) through (3).

~~(d) An emergency rule adopted under subsection (c) expires on the earlier of the following dates:~~

~~(1) Not more than two (2) years after the emergency rule is accepted for filing with the publisher of the Indiana Register.~~

~~(2) The date a permanent rule is adopted under IC 4-22-2.~~

~~(c)~~ **(d)** The commission shall adopt rules under IC 4-22-2 to create equipment laws applicable to regulated amusement devices.

SECTION 162. IC 22-13-2-8.5, AS AMENDED BY P.L.218-2014, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8.5. (a) The commission shall adopt rules under IC 4-22-2 for outdoor event equipment at outdoor performances to protect the safety of persons at the outdoor performances. The commission may:

(1) exempt small assemblies of outdoor event equipment, as defined by the commission, from some or all fees or other requirements that otherwise would apply to outdoor event equipment under a rule adopted under this section or another building law; or

(2) establish alternative procedures, fees, or other requirements, or any combination, for small assemblies of outdoor event equipment, as defined by the commission.

~~(b) The commission may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to carry out subsection (a), including temporary rules concerning a schedule of fees for design releases or inspections, or both. A temporary rule adopted under this subsection expires on the earliest of the following:~~

~~(1) The date specified in the temporary rule.~~

~~(2) The date another temporary rule adopted under this subsection or a rule adopted under IC 4-22-2 supersedes or repeals the previously adopted temporary rule.~~

~~(3) January 1, 2016.~~

~~(c)~~ **(b)** Subject to this section, a city, town, or county that regulated outdoor event equipment before March 15, 2012, under an ordinance adopted before March 15, 2012, may, if the ordinance is in effect on March 15, 2012, continue to regulate outdoor event equipment under the ordinance after March 14, 2012, in the same manner that the city, town, or county applied the ordinance before March 15, 2012. However, a statewide code of fire safety laws or building laws governing outdoor event equipment that is adopted by the commission under this section after March 14, 2012, takes precedence over any part of a city, town, or county ordinance that is in conflict with the commission's adopted code. The ordinances to which this section applies include Chapter 536 of the Revised Code of the Consolidated City and County Indianapolis/Marion, Indiana Codified through Ordinance No. 36, 2011, passed August 15, 2011. (Supp. No. 27). A city, town, or county to which this subsection applies need not be certified or approved under IC 22-15-3-1 or another law to continue to regulate outdoor event equipment after March 14, 2012.

~~(d)~~ **(c)** This subsection applies to cities, towns, and counties described in subsection ~~(c)~~ **(b)** and any other city, town, or county that, after March 14, 2012, adopts an ordinance governing outdoor event equipment that is approved by the commission or the state building commissioner. The city, town, or county shall require compliance with:

(1) the rules adopted under this section;

(2) orders issued under IC 22-13-2-11 that grant a variance to the rules adopted under this section;

(3) orders issued under IC 22-12-7 that apply the rules adopted under this section; and

(4) a written interpretation of the rules adopted under this section

binding on the unit under IC 22-13-5-3 or IC 22-13-5-4;

on both private and public property located within the boundaries of the city, town, or county, including, in the case of a consolidated city, the state fairgrounds. This subsection does not limit the authority of a unit (as defined in IC 36-1-2-23) under IC 36-7-2-9 to enforce building laws and orders and written interpretations related to building laws.

SECTION 163. IC 22-13-2-11, AS AMENDED BY P.L.249-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 11. (a) The department or the commission may grant a variance to any rule adopted by the commission. However, the commission may grant a variance under this section only if the department places the application for the variance on the commission's agenda.

(b) To qualify for a variance, an applicant must pay the fee set under IC 22-12-6-6 and file an application, on a form approved by the department, that contains facts demonstrating that:

(1) compliance with the rule will impose an undue hardship upon the applicant or prevent the preservation of an architecturally significant or historically significant part of a building or other structure; and

(2) either:

(A) noncompliance with the rule; or

(B) compliance with an alternative requirement approved by the body considering the variance application;

will not be adverse to the public health, safety, or welfare.

(c) A variance granted under this section is conditioned upon compliance with an alternative standard approved under subsection (b)(2)(B).

(d) A variance granted under this section takes precedence over conflicting rules adopted by a state agency and conflicting ordinances and other regulations adopted by a political subdivision.

(e) Variances granted by the boiler and pressure vessel rules board and the regulated amusement device safety board prior to July 1, 2019, are valid and remain in full force and effect.

(f) The department shall make all variance applications available for review on a public portal.

(g) Local fire and building officials shall receive notice of variance applications filed under this section within their respective jurisdictions.

(h) A local fire official, local building official, or other interested party may submit documentation regarding a variance application to the department or commission for review and consideration prior to an

initial determination being made on the application by the department or the commission.

(i) The department or commission shall wait at least five (5) business days after a variance application is filed before making an initial determination on the application.

(j) The commission may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement this section. ~~An emergency rule adopted under this subsection expires not later than July 1, 2021.~~

SECTION 164. IC 22-13-2-11.5, AS AMENDED BY P.L.249-2019, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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. 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 165. IC 22-14-2-7, AS AMENDED BY P.L.249-2019, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) This section does not limit the powers, rights, duties, and other responsibilities of municipal or county governments or impose requirements affecting pension laws or any other laws.

(b) This section does not require a member of a fire department to be certified.

(c) The education board may:

(1) certify firefighting training and education programs that meet the standards set by the education board;

(2) certify fire department instructors who meet the qualifications set by the education board;

(3) direct research in the field of firefighting and fire prevention and accept gifts and grants to direct this research;

(4) recommend curricula for advanced training courses and seminars in fire science or fire engineering training to public and private postsecondary educational institutions;

(5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;

(6) require fire service personnel certified at any level to fulfill

continuing education requirements in order to maintain certification; or

(7) contract or cooperate with any person and adopt rules under IC 4-22-2, ~~including emergency rules in the manner provided under IC 4-22-2-37.1~~ and as authorized under IC 36-8-10.5-7, to carry out its responsibilities under this section.

(d) The education board may impose a reasonable fee for the issuance of a certification described in subsection (c). The board shall deposit the fee in the fire and building services fund established by IC 22-12-6-1.

SECTION 166. IC 22-14-8-10, AS ADDED BY P.L.217-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. (a) The commission may adopt rules under IC 4-22-2 to implement this chapter and to specify standards for the installation and operation of utility scale battery energy storage systems consistent with:

(1) this chapter; and

(2) NFPA 855.

(b) Rules adopted by the commission under subsection (a) must include standards for:

(1) chemical spill prevention and control; and

(2) appropriate setbacks from surface water resources;

for the installation and expansion of utility scale battery energy storage systems, as necessary to protect soil and surface water resources from chemicals contained in or produced by utility scale battery energy storage systems. In establishing the standards described in this subsection, the commission shall consult with the department of environmental management or the department of natural resources, as appropriate.

~~(c) In adopting rules under this section, the commission may adopt emergency rules in the manner provided by IC 4-22-2-37.1.~~

SECTION 167. IC 22-15-6-2, AS AMENDED BY P.L.187-2021, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The department may conduct a program of inspections of regulated boilers and pressure vessels.

(b) The department shall do the following:

(1) Issue a regulated boiler and pressure vessel operating permit to an applicant who qualifies under this section.

(2) Perform an operating permit inspection of a boiler or pressure vessel owned by the state.

(3) Conduct a program to audit boiler and pressure vessel inspectors licensed under section 5 of this chapter.

(4) Conduct a program to audit inspections completed by a boiler and pressure vessel inspector licensed under section 5 of this chapter.

(c) Except as provided in subsection (e), an operating permit issued under this section expires one (1) year after it is issued.

(d) To qualify for an operating permit or to renew an operating permit under this section, an applicant must do the following:

(1) Apply for an operating permit on a form approved by the department.

(2) Demonstrate through an inspection, performed by an inspector licensed under section 5 of this chapter, that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the commission.

(3) Submit a report of the inspection conducted under subdivision (2) to the department.

(4) Pay the fee set under IC 22-12-6-6(a)(8).

(e) The commission may, by rule adopted under IC 4-22-2, specify:

(1) a period between inspections of more than one (1) year; and

(2) an expiration date for an operating permit longer than one (1) year from the date of issuance.

However, the commission may not set an inspection period of greater than five (5) years or issue an operating permit valid for a period of more than five (5) years for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

(f) For any inspection conducted by the department under this section, the department may designate an inspector licensed under section 5 of this chapter to act as the department's agent for purposes of the inspection.

(g) The commission may adopt ~~emergency~~ rules ~~in the manner provided~~ under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement this chapter. ~~An emergency rule adopted under this subsection expires on the earliest 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.~~

~~(3) July 1, 2021.~~

SECTION 168. IC 23-19-2-5, AS ADDED BY P.L.106-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. The commissioner may adopt ~~emergency~~ rules ~~in the manner provided~~ under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to implement

this chapter.

SECTION 169. IC 24-4.4-1-101, AS AMENDED BY P.L.129-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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, the department may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1,~~ **IC 4-22-2,** 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 170. IC 24-4.4-3-105, AS AMENDED BY P.L.35-2010, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 105. Except as otherwise provided, IC 4-21.5-3 governs any action taken by the department under this chapter or IC 24-4.4-2-401 through IC 24-4.4-2-405. IC 4-22-2 applies to the adoption of rules by the department under this article. 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. ~~However, if the department determines that an emergency exists, the department may adopt any rules authorized by this article under IC 4-22-2-37.1.~~

SECTION 171. IC 24-4.5-1-106, AS AMENDED BY P.L.85-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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~~ **a** rule under ~~IC 4-22-2-37.1~~ **IC 4-22-2** 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.

~~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 172. IC 24-4.5-6-107, AS AMENDED BY P.L.137-2014, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) 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 173. IC 24-5-26.5-13, AS ADDED BY P.L.176-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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. ~~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 174. IC 24-6-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) The state department may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to establish standards for weights and measures to be used by the state department. A standard adopted under this section must be the same as or at least as effective as the standards adopted by the National Conference on Weights and Measures, including amendments to those standards in effect on June 30, 1993, and found in:

(1) Handbook 44: Specification, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices;

(2) Handbook 130: Chapter A, Uniform Packaging and Labeling Regulation;

(3) Handbook 130: Chapter B, Uniform Regulation for the Method of Sale of Commodities, except for Section 2.20; and

(4) Handbook 133: Checking the Net Contents of Packaged Goods;

all published by the National Institute of Standards and Technology.

(b) The state department may determine when an amendment to federal standards described in subsection (a) has been adopted. If the state department determines that an amendment to the federal standards has been adopted, the state department may adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to amend the rules adopted by the state

department under subsection (a). ~~An emergency~~ **A** rule adopted under this subsection must provide a standard that is:

(1) the same as; or

(2) at least as effective as;

the amendment to the federal standards for weights and measures. ~~An emergency~~ **A** rule adopted under this subsection must take effect not later than sixty (60) days after the date of publication of the amendment to the federal standards.

SECTION 175. IC 24-7-7-1, AS AMENDED BY P.L.29-2022, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) The department shall enforce this article. To carry out this responsibility, the department may do the following:

(1) Receive and act on complaints, take action designed to obtain voluntary compliance with this article, or commence proceedings on the department's own initiative.

(2) Issue and enforce administrative orders under IC 4-21.5.

(3) Counsel persons and groups on their rights and duties under this article.

(4) Establish programs for the education of consumers with respect to rental purchase agreement practices and problems.

(5) Make studies appropriate to effectuate the purposes and policies of this article and make the results available to the public.

(6) Adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ to carry out this article.

(7) Maintain more than one (1) office within Indiana.

(8) Bring a civil action to restrain a person from violating this article and for other appropriate relief, and exercise the same enforcement powers provided under IC 24-4.5-6-108.

(9) Require a lessor to refund to the lessee any overcharges resulting from the lessor's noncompliance with:

(A) the terms of a rental purchase agreement; or

(B) this article, or any order or rule issued or adopted by the department under this article.

(b) If the department determines, after notice and an opportunity to be heard, that a person has violated this article, or any order or rule issued or adopted by the department under this article, the department may, in addition to or instead of all other remedies available under this section, impose upon the person a civil penalty not greater than ten thousand dollars ($10,000) per violation.

SECTION 176. IC 24-14-10-3, AS ADDED BY P.L.281-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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), 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 177. IC 25-1-1.1-6, AS AMENDED BY P.L.90-2019, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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), 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 178. IC 25-1-5.3-1, AS ADDED BY P.L.249-2023, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. The following definitions apply throughout this chapter:

(1) "Agency" has the meaning set forth in IC 25-1-5-2.

(2) "Applicant" has the meaning set forth in IC 25-1-5-11.

(3) "Board" has the meaning set forth in IC 25-1-5-2.

(4) "Compliant", with respect to a licensure rule, means a licensure rule that the agency or a board has adopted.

(5) "Enactment date" means the date on which a statute **that** requires rulemaking for a licensure rule ~~to become~~ **becomes** effective or otherwise requires rulemaking to commence.

(6) "Executive director" refers to the individual described in IC 25-1-5-5.

(7) "Licensee" has the meaning set forth in IC 25-1-5-11.

(8) "Licensure rule" means a rule that:

(A) relates to the issuance of a license, certificate, registration, or permit, or a requirement or prerequisite for obtaining a license, or keeping a license in good standing; and

(B) is required by statute with an enactment date after January 1, 2023, to be adopted by the agency or a board.

(9) "Material detriment" means:

(A) an inability to obtain a license, certification, permit, or other credential from the agency or a board;

(B) an inability to:

(i) practice;

(ii) perform a procedure; or

(iii) engage in a particular professional activity in Indiana or another jurisdiction; or

(C) any other substantial burden to professional or business interests.

(10) "Noncompliant", with respect to a licensure rule, means a licensure rule that the agency or a board has not adopted as **a permanent rule under the procedures in IC 4-22-2-23 through IC 4-22-2-36 or** an interim rule under IC 4-22-2-37.2 ~~within~~ **on or before the later of the following:**

(A) Six (6) months ~~of~~ **from** the enactment date.

(B) The date provided in a statute that requires rulemaking for a licensure rule to become effective.

SECTION 179. IC 25-1-5.3-2, AS ADDED BY P.L.249-2023, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) If a licensee or applicant believes that the agency or a board has failed to adopt a licensure rule within six (6) months of the enactment date **or by the date provided in a statute that requires rulemaking for a licensure rule to become effective, whichever is later,** an applicant or licensee who has suffered a material detriment as a result of a noncompliant licensure rule may seek damages from the agency or board by bringing an action in a court of competent jurisdiction.

(b) A court shall not certify a class in any matter seeking damages under this section.

(c) In a matter seeking damages under this section, a court may order the following:

(1) An injunction requiring adoption of a compliant interim licensure rule not earlier than six (6) months from the date of the order.

(2) Damages equal to the amount of the material detriment caused by the noncompliant licensure rule, including prospective damages through the date established under subdivision (1).

(3) Court costs and attorney's fees.

(d) IC 34-13-3 applies to an action brought under this section.

SECTION 180. IC 25-1-9-23, AS AMENDED BY P.L.190-2023, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 23. (a) This section does not apply to emergency services.

(b) As used in this section, "covered individual" means an

individual who is entitled to be provided health care services at a cost established according to a network plan.

(c) As used in this section, "emergency services" means services that are:

(1) furnished by a provider qualified to furnish emergency services; and

(2) needed to evaluate or stabilize an emergency medical condition.

(d) As used in this section, "in network practitioner" means a practitioner who is required under a network plan to provide health care services to covered individuals at not more than a preestablished rate or amount of compensation.

(e) As used in this section, "network plan" means a plan under which facilities and practitioners are required by contract to provide health care services to covered individuals at not more than a preestablished rate or amount of compensation.

(f) As used in this section, "out of network" means that the health care services provided by the practitioner to a covered individual are not subject to the covered individual's health carrier network plan.

(g) As used in this section, "practitioner" means the following:

(1) An individual who holds:

(A) an unlimited license, certificate, or registration;

(B) a limited or probationary license, certificate, or registration;

(C) a temporary license, certificate, registration, or permit;

(D) an intern permit; or

(E) a provisional license;

issued by the board (as defined in IC 25-0.5-11-1) regulating the profession in question.

(2) An entity that:

(A) is owned by, or employs; or

(B) performs billing for professional health care services rendered by;

an individual described in subdivision (1).

The term does not include a dentist licensed under IC 25-14, an optometrist licensed under IC 25-24, or a provider facility (as defined in IC 25-1-9.8-10).

(h) An in network practitioner who provides covered health care services to a covered individual may not charge more for the covered health care services than allowed according to the rate or amount of compensation established by the individual's network plan.

(i) An out of network practitioner who provides health care services

at an in network facility to a covered individual may not be reimbursed more for the health care services than allowed according to the rate or amount of compensation established by the covered individual's network plan unless all of the following conditions are met:

(1) At least five (5) business days before the health care services are scheduled to be provided to the covered individual, the practitioner provides to the covered individual, on a form separate from any other form provided to the covered individual by the practitioner, a statement in conspicuous type that meets the following requirements:

(A) Includes a notice reading substantially as follows: "[Name of practitioner] is an out of network practitioner providing [type of care] with [name of in network facility], which is an in network provider facility within your health carrier's plan. [Name of practitioner] will not be allowed to bill you the difference between the price charged by the practitioner and the rate your health carrier will reimburse for the services during your care at [name of in network facility] unless you give your written consent to the charge.".

(B) Sets forth the practitioner's good faith estimate of the amount that the practitioner intends to charge for the health care services provided to the covered individual.

(C) Includes a notice reading substantially as follows concerning the good faith estimate set forth under clause (B): "The estimate of our intended charge for [name or description of health care services] set forth in this statement is provided in good faith and is our best estimate of the amount we will charge. If our actual charge for [name or description of health care services] exceeds our estimate by the greater of:

(i) one hundred dollars ($100); or

(ii) five percent (5%);

we will explain to you why the charge exceeds the estimate.".

(2) The covered individual signs the statement provided under subdivision (1), signifying the covered individual's consent to the charge for the health care services being greater than allowed according to the rate or amount of compensation established by the network plan.

(j) If an out of network practitioner does not meet the requirements of subsection (i), the out of network practitioner shall include on any bill remitted to a covered individual a written statement in conspicuous type stating that the covered individual is not responsible for more than the rate or amount of compensation established by the covered

individual's network plan plus any required copayment, deductible, or coinsurance.

(k) If a covered individual's network plan remits reimbursement to the covered individual for health care services subject to the reimbursement limitation of subsection (i), the network plan shall provide with the reimbursement a written statement in conspicuous type that states that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan and that is included in the reimbursement plus any required copayment, deductible, or coinsurance.

(l) If the charge of a practitioner for health care services provided to a covered individual exceeds the estimate provided to the covered individual under subsection (i)(1)(B) by the greater of:

(1) one hundred dollars ($100); or

(2) five percent (5%);

the facility or practitioner shall explain in a writing provided to the covered individual why the charge exceeds the estimate.

(m) An in network practitioner is not required to provide a covered individual with the good faith estimate if the nonemergency health care service is scheduled to be performed by the practitioner within five (5) business days after the health care service is ordered.

(n) The department of insurance shall adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to specify the requirements of the notifications set forth in subsections (j) and (k).

(o) The requirements of this section do not apply to a practitioner who:

(1) is required to comply with; and

(2) is in compliance with;

45 CFR Part 149, Subparts E and G, as may be enforced and amended by the federal Department of Health and Human Services.

SECTION 181. IC 25-1-9.3-9, AS AMENDED BY P.L.207-2021, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) The board shall, in consultation with the medical licensing board, adopt rules under IC 4-22-2 to implement this chapter, including:

(1) a process to grant or deny waivers or renewals of waivers from the requirement to issue electronically transmitted prescriptions for controlled substances due to:

(A) economic hardship;

(B) technological limitations outside the control of the prescriber that are not otherwise specified in section 8 of this chapter; or

(C) other circumstances determined by the board; and

(2) a list of circumstances in which issuing an electronically transmitted prescription would be impractical and cause delay that would adversely impact the user's medical condition.

(b) Any rules adopted under this chapter must be substantially similar to the requirements and exceptions under:

(1) 42 U.S.C. 1395w-104; and

(2) any regulations adopted under 42 U.S.C. 1395w-104.

~~(c) The board, in consultation with the medical licensing board, may adopt emergency rules in the manner provided in IC 4-22-2-37.1. A rule adopted under this section expires on the earlier of the following:~~

~~(1) The date that the rule is superseded, amended, or repealed by a permanent rule adopted under IC 4-22-2.~~

~~(2) July 1, 2023.~~

~~(d)~~ **(c)** A provision described in:

(1) section 8(1) through 8(4);

(2) section 8(6); and

(3) section 8(7);

of this chapter does not require a waiver of any rule adopted under this chapter.

SECTION 182. IC 25-2.1-2-16, AS ADDED BY P.L.25-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) The board may adopt a rule under ~~IC 4-22-2-37.1~~ **IC 4-22-2** 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~~ **IC 4-22-2** 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~~ **IC 4-22-2** 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) 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 183. IC 25-22.5-13-1, AS ADDED BY P.L.185-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) ~~Before November 1, 2013,~~ The board shall adopt ~~emergency~~ rules in the manner provided under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to establish standards and procedures to do the following:

(1) Receive and review petitions from the attorney general seeking board authorization to examine a physician's records and controlled substances inventory and materials to investigate the physician's controlled substances prescribing practices.

(2) Authorize, where appropriate, the attorney general to examine records, materials, and inventory relating to the physician's controlled substance prescribing practices.

(3) Provide safeguards and protections for physicians against unreasonable and oppressive examination authorizations and actions taken to carry out the authorizations, including limitations on interference with regular practice operations and other appropriate due process provisions.

~~(b) Before November 1, 2014, the board shall adopt permanent rules under IC 4-22-2 to establish permanent rules for the standards and procedures described in subsection (a).~~

~~(c) An emergency rule adopted under subsection (a) remains in effect until the effective date of the permanent rules adopted under subsection (b).~~

~~(d)~~ **(b)** The rules adopted under this section do not abrogate or eliminate the attorney general's investigative authority under IC 4-6-3-3, IC 4-6-10-3, IC 25-1-7-4, or any other applicable statute or rule.

SECTION 184. IC 25-22.5-13-4 IS REPEALED [EFFECTIVE JULY 1, 2024]. ~~Sec. 4. A board, commission, or agency required to adopt rules under this chapter may adopt emergency rules in the manner provided under IC 4-22-2-37.1 for the same purposes.~~

SECTION 185. IC 25-22.5-13-8, AS AMENDED BY P.L.56-2023, SECTION 235, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. The medical licensing board of Indiana shall, in consultation with the Indiana department of health, the office of the secretary of family and social services, and representatives of prescriber stakeholders, adopt

~~(1) emergency rules under IC 4-22-2-37.1 before December 1, 2017; and~~

~~(2)~~ rules under IC 4-22-2

setting forth the conditions the board considers necessary under IC 25-1-9.7-2(b)(1)(D) to be exempted from the prescribing limitations set forth in IC 25-1-9.7-2(a).

SECTION 186. IC 25-26-13-4, AS AMENDED BY P.L.5-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) The board may:

(1) adopt rules under IC 4-22-2 for implementing and enforcing this chapter;

(2) establish requirements and tests to determine the moral, physical, intellectual, educational, scientific, technical, and professional qualifications for applicants for pharmacists' licenses;

(3) refuse to issue, deny, suspend, or revoke a license or permit or place on probation or fine any licensee or permittee under this chapter;

(4) regulate the sale of drugs and devices in the state of Indiana;

(5) impound, embargo, confiscate, or otherwise prevent from disposition any drugs, medicines, chemicals, poisons, or devices which by inspection are deemed unfit for use or would be dangerous to the health and welfare of the citizens of the state of Indiana; the board shall follow those embargo procedures found in IC 16-42-1-18 through IC 16-42-1-31, and persons may not refuse to permit or otherwise prevent members of the board or their representatives from entering such places and making such inspections;

(6) prescribe minimum standards with respect to physical characteristics of pharmacies, as may be necessary to the maintenance of professional surroundings and to the protection of the safety and welfare of the public;

(7) subject to IC 25-1-7, investigate complaints, subpoena witnesses, schedule and conduct hearings on behalf of the public interest on any matter under the jurisdiction of the board;

(8) prescribe the time, place, method, manner, scope, and subjects

of licensing examinations which shall be given at least twice annually; and

(9) perform such other duties and functions and exercise such other powers as may be necessary to implement and enforce this chapter.

(b) The board shall adopt rules under IC 4-22-2 for the following:

(1) Establishing standards for the competent practice of pharmacy.

(2) Establishing the standards for a pharmacist to counsel individuals regarding the proper use of drugs.

(3) Establishing standards and procedures before January 1, 2006, to ensure that a pharmacist:

(A) has entered into a contract that accepts the return of expired drugs with; or

(B) is subject to a policy that accepts the return of expired drugs of;

a wholesaler, manufacturer, or agent of a wholesaler or manufacturer concerning the return by the pharmacist to the wholesaler, the manufacturer, or the agent of expired legend drugs or controlled drugs. In determining the standards and procedures, the board may not interfere with negotiated terms related to cost, expenses, or reimbursement charges contained in contracts between parties, but may consider what is a reasonable quantity of a drug to be purchased by a pharmacy. The standards and procedures do not apply to vaccines that prevent influenza, medicine used for the treatment of malignant hyperthermia, and other drugs determined by the board to not be subject to a return policy. An agent of a wholesaler or manufacturer must be appointed in writing and have policies, personnel, and facilities to handle properly returns of expired legend drugs and controlled substances.

(c) The board may grant or deny a temporary variance to a rule it has adopted if:

(1) the board has adopted rules which set forth the procedures and standards governing the grant or denial of a temporary variance; and

(2) the board sets forth in writing the reasons for a grant or denial of a temporary variance.

(d) The board shall adopt rules and procedures, in consultation with the medical licensing board, concerning the electronic transmission of prescriptions. The rules adopted under this subsection must address the following:

(1) Privacy protection for the practitioner and the practitioner's patient.

(2) Security of the electronic transmission.

(3) A process for approving electronic data intermediaries for the electronic transmission of prescriptions.

(4) Use of a practitioner's United States Drug Enforcement Agency registration number.

(5) Protection of the practitioner from identity theft or fraudulent use of the practitioner's prescribing authority.

(e) The governor may direct the board to develop:

(1) a prescription drug program that includes the establishment of criteria to eliminate or significantly reduce prescription fraud; and

(2) a standard format for an official tamper resistant prescription drug form for prescriptions (as defined in IC 16-42-19-7(1)).

The board may adopt rules under IC 4-22-2 necessary to implement this subsection.

(f) The standard format for a prescription drug form described in subsection (e)(2) must include the following:

(1) A counterfeit protection bar code with human readable representation of the data in the bar code.

(2) A thermochromic mark on the front and the back of the prescription that:

(A) is at least one-fourth (1/4) of one (1) inch in height and width; and

(B) changes from blue to clear when exposed to heat.

(g) The board may contract with a supplier to implement and manage the prescription drug program described in subsection (e). The supplier must:

(1) have been audited by a third party auditor using the SAS 70 audit or an equivalent audit for at least the three (3) previous years; and

(2) be audited by a third party auditor using the SAS 70 audit or an equivalent audit throughout the duration of the contract;

in order to be considered to implement and manage the program.

(h) The board shall adopt rules under IC 4-22-2 ~~or emergency rules in the manner provided under IC 4-22-2-37.1 that take effect on July 1, 2016,~~ concerning:

(1) professional determinations made under IC 35-48-4-14.7(d); and

(2) the determination of a relationship on record with the pharmacy under IC 35-48-4-14.7.

(i) The board may:

(1) review professional determinations made by a pharmacist; and

(2) take appropriate disciplinary action against a pharmacist who violates a rule adopted under subsection (h) concerning a professional determination made;

under IC 35-48-4-14.7 concerning the sale of ephedrine and pseudoephedrine.

SECTION 187. IC 25-26-13-4.4, AS ADDED BY P.L.202-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4.4. The board may adopt ~~emergency rules~~ **a rule** under ~~IC 4-22-2-37.1~~ **IC 4-22-2** concerning pharmacies that perform compounding.

SECTION 188. IC 25-26-13-31.7, AS AMENDED BY P.L.143-2022, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 31.7. (a) Subject to rules adopted under subsection (c), a pharmacy technician may administer any immunization to an individual under a drug order or prescription, as delegated by the pharmacist.

(b) Subject to rules adopted under subsection (c), a pharmacy technician may administer an 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, as delegated by the pharmacist.

(c) The board shall adopt rules under IC 4-22-2 to establish requirements applying to a pharmacy technician who administers an 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. Notwithstanding IC 4-22-2-37.1(g), 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 immunizations as permitted by this section.

SECTION 189. IC 25-26-14-32, AS ADDED BY P.L.180-2018, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) 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 190. IC 25-26-23-2, AS ADDED BY P.L.119-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. ~~(a)~~ The board shall adopt rules under IC 4-22-2 to implement this chapter.

~~(b) The board may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.~~

SECTION 191. IC 25-34.1-2-5, AS AMENDED BY P.L.84-2016, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5. The commission may:

(1) administer and enforce the provisions of this article;

(2) adopt rules in accordance with IC 4-22-2 and prescribe forms for licenses, applications, and other documents which are necessary or appropriate for the administration and enforcement of this article;

(3) issue, deny, suspend, and revoke licenses in accordance with this article, which licenses shall remain the property of the commission;

(4) subject to IC 25-1-7, investigate complaints concerning licensees or persons the commission has reason to believe should be licensees, including complaints respecting failure to comply with this article or the rules, and, when appropriate, take action pursuant to IC 25-34.1-6;

(5) bring actions, in the name of the state of Indiana, in an appropriate circuit court, superior court, or probate court in order to enforce compliance with this article or the rules;

(6) inspect the records of a licensee in accordance with rules and standards prescribed by the commission;

(7) conduct, or designate a member or other representative to conduct, public hearings on any matter for which a hearing is required under this article and exercise all powers granted in IC 4-21.5;

(8) adopt a seal containing the words "Indiana Real Estate Commission" and, through its executive director, certify copies and authenticate all acts of the commission;

(9) utilize counsel, consultants, and other persons who are necessary or appropriate to administer and enforce this article and the rules;

(10) enter into contracts and authorize expenditures that are

necessary or appropriate, subject to IC 25-1-6, to administer and enforce this article and the rules;

(11) maintain the commission's office, files, records, and property in the city of Indianapolis;

(12) grant, deny, suspend, and revoke approval of examinations and courses of study as provided in IC 25-34.1-5;

(13) provide for the filing and approval of surety bonds which are required by IC 25-34.1-5;

(14) adopt rules in accordance with IC 4-22-2 necessary for the administration of the investigative fund established under IC 25-34.1-8-7.5;

(15) adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to adopt any or all parts of Uniform Standards of Professional Appraisal Practice (USPAP), including the comments to the USPAP, as published by the Appraisal Standards Board of the Appraisal Foundation, under the authority of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331-3351);

(16) exercise other specific powers conferred upon the commission by this article; and

(17) adopt rules under IC 4-22-2 governing education, including prelicensing, postlicensing, and continuing education.

SECTION 192. 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, 2024]: 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), 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 193. IC 25-38.1-2-14.5, AS ADDED BY P.L.48-2022, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14.5. If the board determines that an emergency presents a risk to the delivery of competent, honest, and principled veterinary services in Indiana as described in IC 15-17.5-2-4, the board may adopt ~~emergency~~ rules ~~in the manner provided~~ under

~~IC 4-22-2-37.1~~ **IC 4-22-2** that:

(1) suspend or modify licensing, examination, continuing education, or permit requirements under this article; or

(2) implement measures that safeguard the health, safety, and welfare of the citizens and animals of Indiana.

SECTION 194. IC 27-1-12.1-15, AS ADDED BY P.L.115-2011, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15. (a) The commissioner may adopt rules under IC 4-22-2 to implement this chapter.

(b) The rules adopted under subsection (a) may specify the following concerning limited purpose subsidiaries:

(1) Requirements for reserves, including actuarial certification.

(2) Requirements for securities.

(3) Authorized investments.

(4) Requirements with respect to reinsurance ceded or assumed by the limited purpose subsidiary.

(5) Requirements for dividends and distributions.

(6) Requirements for operations.

(7) Conditions of, forms for, and approval of the financing of a limited purpose subsidiary.

~~(c) The commissioner may adopt emergency rules under IC 4-22-2-37.1 to implement this section if the commissioner determines that:~~

~~(1) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-23 through IC 4-22-2-36 are inadequate to address the need; and~~

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

SECTION 195. IC 27-1-23-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. The commissioner may adopt **rules** under IC 4-22-2 ~~such rules and orders as are necessary~~ to carry out this chapter. ~~including emergency rules under IC 4-22-2-37.1.~~

SECTION 196. IC 27-1-45-8, AS AMENDED BY P.L.165-2022, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) An out of network practitioner who provides health care services at an in network facility to a covered individual may not be reimbursed more for the health care services than allowed according to the rate or amount of compensation established by the covered individual's network plan as described in subsection (b) unless all of the following conditions are met:

(1) At least five (5) business days before the health care service is scheduled to be provided to the covered individual, the facility

or practitioner provides to the covered individual, on a form separate from any other form provided to the covered individual by the facility or practitioner, a statement in conspicuous type that meets the following requirements:

(A) Includes a notice reading substantially as follows: "[Name of facility or practitioner] is an out of network practitioner providing [type of care], with [name of in network facility], which is an in network provider facility within your health carrier's plan. [Name of facility or practitioner] will not be allowed to bill you the difference between the price charged for the services and the rate your health carrier will reimburse for the services during your care at [name of in network facility] unless you give your written consent to the charge.".

(B) Sets forth the facility's or practitioner's good faith estimate of the established fee for the health care services provided to the covered individual.

(C) Includes a notice reading substantially as follows concerning the good faith estimate set forth under clause (B): "The estimate of our intended charge for [name or description of health care services] set forth in this statement is provided in good faith and is our best estimate of the amount we will charge. If the actual charge for [name or description of health care services] exceeds our estimate by the greater of:

(i) one hundred dollars ($100); or

(ii) five percent (5%);

we will explain to you why the charge exceeds the estimate.".

(2) The covered individual signs the statement provided under subdivision (1), signifying the covered individual's consent to the charge for the health care services being greater than allowed according to the rate or amount of compensation established by the network plan.

(b) If an out of network practitioner does not meet the requirements of subsection (a), the out of network practitioner shall include on any bill remitted to a covered individual a written statement in conspicuous type stating that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan plus any required copayment, deductible, or coinsurance.

(c) If a covered individual's network plan remits reimbursement to the covered individual for health care services that did not meet the requirements of subsection (a), the network plan shall provide with the reimbursement a written statement in conspicuous type that states that

the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan and that is included in the reimbursement plus any required copayment, deductible, or coinsurance.

(d) If the charge of a facility or practitioner for health care services provided to a covered individual exceeds the estimate provided to the covered individual under subsection (a)(1)(B) by an amount greater than:

(1) one hundred dollars ($100); or

(2) five percent (5%);

the facility or practitioner shall explain in a writing provided to the covered individual why the charge exceeds the estimate.

(e) The department shall adopt ~~emergency~~ rules under ~~IC 4-22-2-37.1~~ **IC 4-22-2** to specify the requirements of the notifications set forth in:

(1) subsections (b) and (c); and

(2) IC 25-1-9-23(j) and IC 25-1-9-23(k).

SECTION 197. IC 27-7-3-15.5, AS AMENDED BY P.L.175-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15.5. (a) This section applies to the following transactions:

(1) A mortgage transaction (as defined in IC 24-9-3-7(a)) that:

(A) is:

(i) a first lien purchase money mortgage transaction; or

(ii) a refinancing transaction; and

(B) is closed by a closing agent after December 31, 2009.

(2) A real estate transaction (as defined in IC 24-9-3-7(b)) that:

(A) does not involve a mortgage transaction described in subdivision (1); and

(B) is closed by a closing agent (as defined in IC 6-1.1-12-43(a)(2)) after December 31, 2011.

(b) For purposes of this subsection, a person described in this subsection is involved in a transaction to which this section applies if the person participates in or assists with, or will participate in or assist with, a transaction to which this section applies. The department shall establish and maintain an electronic system for the collection and storage of the following information, to the extent applicable, concerning a transaction to which this section applies:

(1) In the case of a transaction described in subsection (a)(1), the name and license number (under IC 23-2.5) of each loan broker involved in the transaction.

(2) In the case of a transaction described in subsection (a)(1), the

name and license or registration number of any mortgage loan originator who is:

(A) either licensed or registered under state or federal law as a mortgage loan originator consistent with the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.); and

(B) involved in the transaction.

(3) The name and license number (under IC 25-34.1) of each:

(A) broker company; and

(B) broker if any;

involved in the transaction.

(4) The following information:

(A) The:

(i) name of; and

(ii) code assigned by the NAIC to;

each title insurance underwriter involved in the transaction.

(B) The type of title insurance policy issued in connection with the transaction.

(5) The name and license number (under IC 27-1-15.6) of each title insurance agency and agent involved in the transaction as a closing agent (as defined in IC 6-1.1-12-43(a)(2)).

(6) The following information:

(A) The name and:

(i) license or certificate number (under IC 25-34.1-3-8) of each licensed or certified real estate appraiser; or

(ii) license number (under IC 25-34.1) of each broker;

who appraises the property that is the subject of the transaction.

(B) The name and registration number (under IC 25-34.1-11-10) of any appraisal management company that performs appraisal management services (as defined in IC 25-34.1-11-3) in connection with the transaction.

(7) In the case of a transaction described in subsection (a)(1), the name of the creditor and, if the creditor is required to be licensed under IC 24-4.4, the license number of the creditor.

(8) In the case of a transaction described in subsection (a)(1)(A)(i) or (a)(2), the name of the seller of the property that is the subject of the transaction.

(9) In the case of a transaction described in subsection (a)(1)(A)(i), the following information:

(A) The name of the buyer of the property that is the subject of the transaction.

(B) The purchase price of the property that is the subject of the transaction.

(C) The loan amount of the mortgage transaction.

(10) In the case of a transaction described in subsection (a)(2), the following information:

(A) The name of the buyer of the property that is the subject of the transaction.

(B) The purchase price of the property that is the subject of the transaction.

(11) In the case of a transaction described in subsection (a)(1)(A)(ii), the following information:

(A) The name of the borrower in the mortgage transaction.

(B) The loan amount of the refinancing.

(12) The:

(A) name; and

(B) license number, certificate number, registration number, or other code, as appropriate;

of any other person that is involved in a transaction to which this section applies, as the department may prescribe.

(c) The system established by the department under this section must include a form that:

(1) is uniformly accessible in an electronic format to the closing agent (as defined in IC 6-1.1-12-43(a)(2)) in the transaction; and

(2) allows the closing agent to do the following:

(A) Input information identifying the property that is the subject of the transaction by lot or parcel number, street address, or some other means of identification that the department determines:

(i) is sufficient to identify the property; and

(ii) is determinable by the closing agent.

(B) Subject to subsection (d) and to the extent determinable, input the applicable information described in subsection (b).

(C) Respond to the following questions, if applicable:

(i) "On what date did you receive the closing instructions from the creditor in the transaction?".

(ii) "On what date did the transaction close?".

(D) Submit the form electronically to a data base maintained by the department.

(d) Not later than the time of the closing or the date of disbursement, whichever is later, each person described in subsection (b), other than a person described in subsection (b)(8), (b)(9), (b)(10), or (b)(11), shall provide to the closing agent in the transaction the person's:

(1) legal name; and

(2) license number, certificate number, registration number, or NAIC code, as appropriate;

to allow the closing agent to comply with subsection (c)(2)(B). In the case of a transaction described in subsection (a)(1), the person described in subsection (b)(7) shall, with the cooperation of any person involved in the transaction and described in subsection (b)(6)(A) or (b)(6)(B), provide the information described in subsection (b)(6). In the case of a transaction described in subsection (a)(1)(A)(ii), the person described in subsection (b)(7) shall also provide the information described in subsection (b)(11). A person described in subsection (b)(3)(B) who is involved in the transaction may provide the information required by this subsection for a person described in subsection (b)(3)(A) that serves as the broker company for the person described in subsection (b)(3)(B). The closing agent shall determine the information described in subsection (b)(8), (b)(9), and (b)(10) from the HUD-1 settlement statement, or in the case of a transaction described in subsection (a)(2), from the contract or any other document executed by the parties in connection with the transaction.

(e) The closing agent in a transaction to which this section applies shall submit the information described in subsection (d) to the data base described in subsection (c)(2)(D) not later than twenty (20) business days after the date of closing or the date of disbursement, whichever is later.

(f) Except for a person described in subsection (b)(8), (b)(9), (b)(10), or (b)(11), a person described in subsection (b) who fails to comply with subsection (d) or (e) is subject to a civil penalty of one hundred dollars ($100) for each closing with respect to which the person fails to comply with subsection (d) or (e). The penalty:

(1) may be enforced by the state agency that has administrative jurisdiction over the person in the same manner that the agency enforces the payment of fees or other penalties payable to the agency; and

(2) shall be paid into the home ownership education account established by IC 5-20-1-27.

(g) Subject to subsection (h), the department shall make the information stored in the data base described in subsection (c)(2)(D) accessible to:

(1) each entity described in IC 4-6-12-4; and

(2) the homeowner protection unit established under IC 4-6-12-2.

(h) The department, a closing agent who submits a form under subsection (c), each entity described in IC 4-6-12-4, and the

homeowner protection unit established under IC 4-6-12-2 shall exercise all necessary caution to avoid disclosure of any information:

(1) concerning a person described in subsection (b), including the person's license, registration, or certificate number; and

(2) contained in the data base described in subsection (c)(2)(D);

except to the extent required or authorized by state or federal law.

(i) The department may adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ to implement this section. Rules adopted by the department under this subsection may establish procedures for the department to:

(1) establish;

(2) collect; and

(3) change as necessary;

an administrative fee to cover the department's expenses in establishing and maintaining the electronic system required by this section.

(j) If the department adopts a rule under IC 4-22-2 to establish an administrative fee to cover the department's expenses in establishing and maintaining the electronic system required by this section, as allowed under subsection (i), the department may:

(1) require the fee to be paid:

(A) to the closing agent responsible for inputting the information and submitting the form described in subsection (c)(2); and

(B) by the borrower, the seller, or the buyer in the transaction;

(2) allow the closing agent described in subdivision (1)(A) to retain a part of the fee collected to cover the closing agent's costs in inputting the information and submitting the form described in subsection (c)(2); and

(3) require the closing agent to pay the remainder of the fee collected to the department for deposit in the title insurance enforcement fund established by IC 27-7-3.6-1, for the department's use in establishing and maintaining the electronic system required by this section.

SECTION 198. IC 27-8-6-8, AS AMENDED BY P.L.170-2022, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 8. (a) As used in this section, "emergency medical services" has the meaning set forth in IC 16-18-2-110.

(b) As used in this section, "emergency medical services provider organization" means a provider of emergency medical services that is certified by the Indiana emergency medical services commission as an advanced life support provider organization under rules adopted under IC 16-31-3.

(c) As used in this section, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1. However, for purposes of this section, the term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A policy that provides a stipulated daily, weekly, or monthly payment to an insured without regard to the actual expense of the confinement.

(6) A short term insurance plan (as defined in IC 27-8-5.9-3).

(d) A policy of accident and sickness insurance that provides coverage for emergency medical services must provide reimbursement for emergency medical services that are:

(1) rendered by an emergency medical services provider organization;

(2) within the emergency medical services provider organization's scope of practice;

(3) performed or provided as advanced life support services; and

(4) performed or provided during a response initiated through the 911 system regardless of whether the patient is transported.

(e) Reimbursement for basic and advanced life support services through a policy to which this section applies must be provided on an equal basis regardless of whether the services involve transportation of the patient by ambulance.

(f) If multiple emergency medical services provider organizations qualify and submit a claim for reimbursement under this section for an encounter, the insurer:

(1) may reimburse under this section only for one (1) claim per patient encounter; and

(2) shall reimburse the claim submitted by the emergency medical services provider organization that performed or provided the majority of advanced life support services for the patient.

(g) The department may adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ to implement this section.

(h) This section does not require a policy of accident and sickness insurance to provide coverage for emergency medical services.

SECTION 199. IC 27-10-2-4.6, AS ADDED BY P.L.147-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4.6. The commissioner shall adopt

~~(1) before July 1, 2022, emergency rules under IC 4-22-2-37.1;~~

~~and~~

~~(2)~~ rules under IC 4-22-2

to implement section 4.5 of this chapter.

SECTION 200. IC 27-13-7-27, AS AMENDED BY P.L.170-2022, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 27. (a) This section applies to each of the following:

(1) An individual contract.

(2) A group contract.

(b) As used in this section, "emergency medical services" has the meaning set forth in IC 16-18-2-110.

(c) As used in this section, "emergency medical services provider organization" means a provider of emergency medical services that is certified by the Indiana emergency medical services commission as an advanced life support provider organization under rules adopted under IC 16-31-3.

(d) An individual contract and a group contract that provide coverage for emergency medical services must provide reimbursement for emergency medical services that are:

(1) rendered by an emergency medical services provider organization;

(2) within the emergency medical services provider organization's scope of practice;

(3) performed or provided as advanced life support services; and

(4) performed or provided during a response initiated through the 911 system regardless of whether the patient is transported.

(e) Reimbursement for basic and advanced life support services through a contract to which this section applies must be provided on an equal basis regardless of whether the services involve transportation of the patient by ambulance.

(f) If multiple emergency medical services provider organizations qualify and submit a claim for reimbursement under this section, the health maintenance organization:

(1) may reimburse under this section only for one (1) claim per patient encounter; and

(2) shall reimburse the claim submitted by the emergency medical services provider organization that performed or provided the majority of advanced life support services.

(g) The department may adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ to implement this section.

(h) This section does not require an individual contract or a group contract to provide coverage for emergency medical services.

SECTION 201. IC 28-1-13-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7.1. (a) As used in this section, "federally chartered bank" means a bank that was incorporated under 12 U.S.C. 21 et seq. and is doing business in Indiana.

(b) As used in this section, "rollover mortgage" means a loan that:

(1) is secured by a first mortgage on real estate improved by:

(A) a dwelling for one (1) to four (4) families; or

(B) a combination home and business building; and

(2) may be subject to rate adjustments at regularly scheduled times.

(c) As used in this section, "state chartered bank" means a bank that was incorporated under the laws of Indiana and is doing business in Indiana. The term includes a savings bank organized under the laws of Indiana.

(d) A state chartered bank may make, arrange, purchase, or sell loans or extensions of credit secured by liens or interests in real estate as:

(1) may be so made, arranged, purchased, or sold by a federally chartered bank under a federal law or regulation; or

(2) prescribed by order of the department or by a rule adopted by the department under IC 4-22-2.

(e) In addition to loans authorized by subsection (d), a state chartered bank may make rollover mortgage loans. A rollover mortgage loan made by a state chartered bank is subject to the following requirements and restrictions:

(1) At each scheduled adjustment time, if the loan is not then in default, the lender shall make rate adjustments available for the amount of the outstanding loan for the remaining term of the loan.

(2) Any adjustment in the loan must be made without administrative charges to the borrower.

(3) Scheduled adjustments of the loan must be at least one (1) year apart.

(4) The lender may not charge any penalty or other assessment for the prepayment of the loan by the borrower at the time of any adjustment.

(5) At each scheduled adjustment time, the lender and the borrower may agree to increase or decrease the interest rate applicable to the outstanding balance of the loan.

(6) At the option of the lender, the borrower may be granted the option to extend the amortization period for purposes of calculating monthly payments on the loan in accordance with the following rules:

(A) The extension of the amortization period may equal up to one-third (1/3) of the original amortization period, irrespective of whether this extends the amortization period beyond thirty (30) years.

(B) To the extent of any extension of the amortization period, the amortization period will be reduced upon a subsequent downward adjustment in the interest rate.

~~(f) The department may adopt an emergency rule under IC 4-22-2-37.1 to implement this section.~~

SECTION 202. IC 28-15-11-17, AS AMENDED BY P.L.140-2013, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 17. (a) Any statement, disclosure, or notification required by this chapter with respect to an alternative mortgage loan may be made in the form prescribed by the primary federal regulator or its successor for a similar alternative mortgage loan made by a federal savings association.

(b) In addition to the disclosures required by this chapter, the department may adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ or policies that require additional disclosures for alternative mortgage loans.

SECTION 203. IC 31-25-2-21, AS AMENDED BY P.L.198-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 21. (a) As used in this section, "transitional services plan" means a plan that provides information concerning the following to an individual described in subsection (b):

(1) Education.

(2) Employment.

(3) Housing.

(4) Health care, including information concerning the individual's eligibility and participation in the Medicaid program.

(5) Development of problem solving skills.

(6) Available local, state, and federal financial assistance.

(b) The department shall implement a program that provides a transitional services plan to the following:

(1) An individual who has become or will become:

(A) eighteen (18) years of age; or

(B) emancipated;

while receiving foster care.

(2) An individual who:

(A) is at least eighteen (18) but less than twenty-one (21) years of age; and

(B) is receiving collaborative care under IC 31-28-5.8.

(c) A transitional services plan for an individual described in subsection (b) shall contain a document that:

(1) describes the rights of the individual with respect to:

(A) education, health, visitation, and court participation;

(B) the right to be provided with the individual's medical documents and any other medical information; and

(C) the right to stay safe and avoid exploitation; and

(2) includes a signed acknowledgment by the individual that the:

(A) individual has been provided with a copy of the document described in subdivision (1); and

(B) rights contained in the document have been explained to the individual in an age appropriate manner.

(d) The individual's child representatives selected by the individual under IC 31-34-15-7 or IC 31-37-19-1.7 may participate in the development of a transitional services plan for the individual.

(e) The department, as part of the program described in this section, in cooperation with the office of Medicaid policy and planning, shall include, as part of the transitional services plan for an individual described in subsection (b), the enrollment of the individual in the Medicaid program.

(f) The department shall adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ necessary to implement the program described in this section.

SECTION 204. IC 31-27-2-4, AS AMENDED BY P.L.56-2023, SECTION 301, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) The department shall adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ concerning the licensing and inspection of:

(1) child caring institutions, foster family homes, group homes, and child placing agencies after consultation with the following:

(A) Indiana department of health.

(B) Fire prevention and building safety commission; and

(2) child caring institutions and group homes that are licensed for infants and toddlers after consultation with the division of family resources.

(b) The rules adopted under subsection (a) shall be applied by the department and state fire marshal in the licensing and inspection of applicants for a license and licensees under this article.

(c) The rules adopted under IC 4-22-2 must establish minimum standards for the care and treatment of children in a secure private facility.

(d) The rules described in subsection (c) must include standards

governing the following:

(1) Admission criteria.

(2) General physical and environmental conditions.

(3) Services and programs to be provided to confined children.

(4) Procedures for ongoing monitoring and discharge planning.

(5) Procedures for the care and control of confined persons that are necessary to ensure the health, safety, and treatment of confined children.

(e) The department shall license a facility as a secure private facility if the facility:

(1) meets the minimum standards required under subsection (c);

(2) provides a continuum of care and services; and

(3) is licensed under IC 31-27-3.

(f) A waiver of the rules may not be granted for treatment and reporting requirements.

SECTION 205. IC 31-27-4-2, AS AMENDED BY P.L.123-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) A person may not operate a therapeutic foster family home without a certificate issued under this article.

(b) The state or a political subdivision of the state may not operate a therapeutic foster family home without a certificate issued under this article.

(c) The department may issue a certificate only for a therapeutic foster family home that meets:

(1) all the certification requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) To receive a certificate for the operation of a therapeutic foster family home, a person must do the following:

(1) Be licensed as a foster parent under this chapter and 465 IAC 2-1-1 et seq.

(2) Participate in preservice training that includes:

(A) preservice training to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(B) additional preservice training in therapeutic foster care.

(e) A person who is issued a certificate to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and, annually thereafter, participate in training that includes:

(1) training as required in order to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(2) additional training in therapeutic foster care.

(f) An operator of a therapeutic foster family home may not provide

supervision and care in a therapeutic foster family home to more than four (4) children at the same time, including the children for whom the applicant or operator is a relative, guardian, or custodian, and only two (2) of the children may be foster children. The department may grant an exception to this subsection whenever the placement of siblings in the same therapeutic foster family home is desirable, the foster child has an established, meaningful relationship with the therapeutic foster parent, or it is otherwise in the foster child's best interests.

(g) An operator of a therapeutic foster family home that has a therapeutic foster child placed with the therapeutic foster family home may not accept a placement of a child who is not a therapeutic foster child unless the child who is not a therapeutic foster child is a sibling of the therapeutic foster child who is placed with the therapeutic foster family home or it is in the best interests of the child being placed.

(h) A therapeutic foster family home may provide care for an individual receiving collaborative care under IC 31-28-5.8.

(i) The department shall adopt rules under IC 4-22-2 ~~including emergency rules under IC 4-22-2-37.1,~~ necessary to carry out this section, including rules governing the number of hours of training required under subsections (d) and (e).

(j) If a therapeutic foster family home does not meet the requirements under subsection (f) or (g) on July 1, 2011, any foster child placed in the home prior to July 1, 2011, may remain placed. However, a new placement of a child may not be made in violation of this section.

SECTION 206. IC 34-55-10-2.5, AS AMENDED BY P.L.140-2013, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: 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) 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 207. IC 35-38-2.6-6, AS AMENDED BY P.L.72-2023, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) As used in this section, "home" means the actual living area of the temporary or permanent residence of a person.

(b) A person confined on work release or home detention in a community corrections program receives one (1) day of accrued time for each day the person is confined on work release or home detention.

(c) In addition to accrued time under subsection (b), a person who is placed on a level of supervision as part of a community corrections program under this chapter is entitled to earn good time credit under IC 35-50-6-3 and IC 35-50-6-3.1. A person placed on a level of supervision as part of a community corrections program may not earn educational credit under IC 35-50-6-3.3.

(d) The department of correction shall adopt rules under IC 4-22-2 ~~and may adopt emergency rules under IC 4-22-2-37.1,~~ concerning the deprivation of earned good time credit for a person who is placed on a level of supervision as part of a community corrections program under this chapter.

(e) A person who is placed on a level of supervision as part of a community corrections program under this chapter may be deprived of earned good time credit as provided under rules adopted by the department of correction under IC 4-22-2. ~~including IC 4-22-2-37.1.~~

SECTION 208. IC 35-48-4-14.3, AS AMENDED BY P.L.5-2016,

SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14.3. (a) The board shall adopt

~~(1)~~ a rule under IC 4-22-2 ~~or~~

~~(2) an emergency rule in the manner provided under IC 4-22-2-37.1;~~

to declare that a product is an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine.

(b) The board, in consultation with the state police, shall find that a product is an extraction resistant or a conversion resistant form of ephedrine or pseudoephedrine if the board determines that the product does not pose a significant risk of being used in the manufacture of methamphetamine. In making its determination under this subsection, the board may receive information from the federal Drug Enforcement Administration (DEA) as to whether a product is extraction resistant or conversion resistant.

SECTION 209. IC 36-8-10.5-7, AS AMENDED BY P.L.139-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) The education board shall adopt rules under IC 4-22-2 establishing minimum basic training requirements for full-time firefighters and volunteer firefighters, subject to subsection (b) and section 7.5 of this chapter. The requirements must include training in the following areas:

(1) Orientation.
(2) Personal safety.
(3) Forcible entry.
(4) Ventilation.
(5) Apparatus.
(6) Ladders.
(7) Self-contained breathing apparatus.
(8) Hose loads.
(9) Streams.
(10) Basic recognition of special hazards.

(b) A person who fulfills the certification requirements for:

(1) Firefighter I; or
(2) Firefighter II;

is considered to comply with the requirements established under subsection (a).

(c) In addition to the requirements of subsections (a), (d), and (f), the minimum basic training requirements for full-time firefighters and volunteer firefighters must include successful completion of a basic or inservice course of education and training on sudden infant death syndrome that is certified by the Indiana emergency medical services

commission (created under IC 16-31-2-1) in conjunction with the state health commissioner.

(d) In addition to the requirements of subsections (a), (c), and (f), the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of an instruction course on vehicle emergency response driving safety. The education board shall adopt rules under IC 4-22-2 to operate this course.

(e) In addition to the requirements of subsections (a), (c), (d), and (f), the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of a basic or inservice course of education and training in interacting with individuals with autism that is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1).

(f) This subsection does not apply to volunteer firefighters. After December 31, 2024, in addition to the requirements of subsections (a), (c), (d), and (e), the minimum basic training requirement for full-time firefighters must include training, which may be completed online or by other means of virtual instruction, that addresses the mental health and wellness of firefighters, including:

(1) healthy coping skills to preserve the mental health of firefighters and to manage the stress and trauma related to employment as a firefighter;

(2) recognition of:

(A) symptoms of posttraumatic stress disorder; and

(B) signs of suicidal behavior; and

(3) information on mental health resources available for firefighters.

(g) The education board may adopt ~~emergency~~ rules ~~in the manner provided~~ under ~~IC 4-22-2-37.1~~ **IC 4-22-2** concerning the adoption of the most current edition of the following National Fire Protection Association standards, subject to amendment by the board:

(1) NFPA 472.

(2) NFPA 1001.

(3) NFPA 1002.

(4) NFPA 1003.

(5) NFPA 1006.

(6) NFPA 1021.

(7) NFPA 1031.

(8) NFPA 1033.

(9) NFPA 1035.

(10) NFPA 1041.

(11) NFPA 1521.

(12) NFPA 1670.

~~(h) Notwithstanding any provision in IC 4-22-2-37.1 to the contrary, an emergency rule described in subsection (g) expires on the earlier of the following dates:~~

~~(1) Two (2) years after the date on which the emergency rule is accepted for filing with the publisher of the Indiana Register.~~

~~(2) The date a permanent rule is adopted under this chapter.~~

~~(i) At least sixty (60) days before the education board adopts an emergency rule under subsection (g), the education board shall:~~

~~(1) notify the public of its intention to adopt an emergency rule by publishing a notice of intent to adopt an emergency rule in the Indiana Register; and~~

~~(2) provide a period for public hearing and comment for the proposed rule.~~

~~The publication notice described in subdivision (1) must include an overview of the intent and scope of the proposed emergency rule and the statutory authority for the rule.~~

SECTION 210. **An emergency is declared for this act.**

President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____