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TITLE 130 INDIANA PORT COMMISSION

LSA Document #01-395

To: Honorable Jerry Denbo, Chairperson
c/o Mr. George Angelone
The Administrative Rules Oversight Committee

From: William Niemier, General Counsel

Date: May 30, 2002

Re: LSA #01-395(F)

On behalf of the Indiana Port Commission I am submitting this memo to the Administrative Rules Oversight Committee ("AROC") pursuant to IC 4-22-2-19(c).

Statutory authority for adoption of LSA #01-395(F) has been in place for many years. Under Ind. Code 4-22-2-19, promulgation of rules required beginning the rulemaking process within 60 days of the enactment of such statutory authority unless an exception applies. The rulemaking process did not begin for these rules within 60 days of the effective date of the statutory authority. Rules were already in place pursuant to the statutory authority enacted many years ago. Ind. Code 4-22-2-19(a)(2) exempts rules from the application of the 60 day requirement if they are amending existing rules. Our proposed rules do not fall under the amendment exception as the proposed rules will replace the current rules and are not in a strictly amendment format, but the Commission's intention is to merely amend the current rules.

The Commission is providing this written notification to the committee to explain why this rule could not comply with the timeframe specified in Ind. Code 4-22-2-19(c)(1). The Commission's rulemaking action to update and amend the current rules was undertaken as soon as practicable once changes in the current rules were needed. Please contact me by telephone at 232-9204 or by e-mail at wniemier@portsofindiana.com if additional information is needed or if you wish to discuss this matter further.

Sincerely,

William T. Niemier