

## 2016 Indiana Legislative Bills Relevant to Environmental Health

Submitted by the General Environmental Health Services Committee  
v. Final

Color indicates a change from 03/08/2016 version

\* indicates a bill has been signed into Law

### **\*SB 1: Administrative law.**

**Authored by: Sen. Brent Steele**

**Digest:** Replaces administrative law judges and environmental law judges with an administrative court that conducts administrative hearings and other duties formerly conducted by administrative law judges and environmental law judges. Provides that formal judicial reviews of final agency actions or certain other administrative actions taken by the administrative court are conducted by a circuit court or superior court with appropriate jurisdiction. Provides that the administrative court consists of nine judges appointed by the governor for terms of five years. Specifies that a person may serve not more than 10 years on the administrative court. Requires the governor to appoint one of the nine administrative court judges to serve as chief judge of the court. Provides that, when an action is filed with the administrative court, the chief judge assigns a panel of three of the nine judges to hear the action. Specifies that a: (1) decision of the administrative court that is not a judgment requiring or following a judicial review may be initially appealed to the administrative court; and (2) judgment or other decision of the administrative court that requires a formal judicial review may be appealed only to the appropriate circuit court or superior court. Makes conforming amendments. Repeals superseded provisions.

**Amended Digest:** Administrative law study commission. Establishes the 12 member administrative law study commission (commission) to study issues concerning whether administrative law judges and environmental law judges should be replaced by an administrative court that conducts administrative hearings and other duties currently conducted by administrative law judges and environmental law judges. Requires the commission to submit a final report to the legislative council concerning the commission's findings and recommendations before November 1, 2016.

### **Bill Actions**

S 01/05/2016 Authored by Senator Steele

S 01/05/2016 First reading: referred to Committee on Judiciary

S 01/26/2016 Committee report: amend do pass, adopted

S 01/28/2016 Senator Head added as second author

S 01/28/2016 Senator Randolph added as coauthor

S 02/01/2016 Third reading: passed; Roll Call 70: yeas 50, nays 0

S 02/01/2016 Representative Steuerwald added as sponsor

S 02/01/2016 Representative Koch added as cosponsor

S 02/01/2016 Senator Buck added as coauthor

S 02/01/2016 Senator Delph added as coauthor

S 02/02/2016 Referred to the House

H 02/08/2016 First reading: referred to the Committee on Judiciary

H 02/15/2016 Committee report: do pass, adopted

H 02/18/2016 Second reading: ordered engrossed

H 02/22/2016 Third reading: passed; Roll Call 199: yeas 96, nays 0

H 02/23/2016 Returned to the Senate without amendments  
S 02/29/2016 Signed by the President Pro Tempore  
H 03/02/2016 Signed by the Speaker  
S 03/14/2016 Signed by the President of the Senate  
S 03/21/2016 Signed by the Governor  
S 03/21/2016 Public Law 11

**\*SB 163: Department of health matters.**

**Authored by: Sen. Patricia Miller**

**Digest:** Allows the state department of health (state department) to use information from the cancer registry to conduct an investigation into the incidence of cancer diagnosis in a geographic region and to share the information with a local health department if certain conditions are met. Allows the state department to detain certain food that has been determined to be adulterated or misbranded for 15 days. (Current law allows the detention for five days.) Allows a local child fatality team to investigate the death of a child whose death occurred in the area served by the local child fatality review team. Requires that a report must be submitted to the state child fatality review coordinator before July 1 each year.

**Amended Digest:** Allows the state department of health (state department) to use information from the cancer registry to conduct an investigation into the incidence of cancer diagnosis in a geographic region and to share the information with a local health department if certain conditions are met. Allows the state department to detain certain food that has been determined to be adulterated or misbranded for 15 days. (Current law allows the detention for five days.) Allows a local child fatality team to investigate the death of a child whose death occurred in the area served by the local child fatality review team. Requires that a report must be submitted to the state child fatality review coordinator before July 1 each year. Requires the state department to study the costs and benefits of implementing a data base for maintaining health care consents and specifies requirements of the study. Requires the state department to report its findings from the study to the legislative council before October 1, 2016.

**Second Amended Digest:** Allows the state department of health (state department) to use information from the cancer registry to conduct an investigation into the incidence of cancer diagnosis in a geographic region and to share the information with a local health department if certain conditions are met. Allows a local child fatality team to investigate the death of a child whose death occurred in the area served by the local child fatality review team. Requires that a report must be submitted to the state child fatality review coordinator before July 1 each year. Requires the state department to study the costs and benefits of implementing a data base for maintaining health care consents and specifies requirements of the study. Requires the state department to report its findings from the study to the legislative council before October 1, 2016.

**Bill Actions**

S 01/05/2016 Authored by Senator Miller  
S 01/05/2016 First reading: referred to the Committee on Health & Provider Services  
S 01/14/2016 Committee report: Amend, do pass, adopted  
S 01/19/2016 Second reading: ordered engrossed  
S 01/19/2016 Senator Becker added as second author

S 01/21/2016 Placed back on second reading  
S 01/28/2016 Reread second time: amended, ordered engrossed  
S 01/28/2016 Amendment #2 (Miller Patricia) prevailed: voice vote  
S 01/28/2016 Senator Randolph added as coauthor  
S 02/01/2016 Third reading: passed; Roll Call 82: yeas 50, nays 0  
S 02/01/2016 Representative Kirchhofer added as sponsor  
S 02/02/2016 Representative Brown, C. added as cosponsor  
S 02/02/2016 Referred to the House  
H 02/08/2016 First reading: referred to Committee on Public Health  
H 02/11/2016 Representative Saunders added as cosponsor  
H 02/18/2016 Committee report: do pass, adopted  
H 02/22/2016 Second reading: ordered engrossed  
H 02/23/2016 Third reading: passed; Roll Call 226: yeas 99, nays 0  
H 02/24/2016 Returned to the Senate without amendments  
S 02/29/2016 Signed by the President Pro Tempore  
H 03/02/2016 Signed by the Speaker  
[S 03/14/2016 Signed by the President of the Senate](#)  
[S 03/21/2016 Signed by the Governor](#)  
[S 03/21/2016 Public Law 29](#)

**\*SB 255: Underground petroleum storage tanks.**

**Authored by: Sen. Ed Charbonneau**

**Digest:** Provides for the underground petroleum storage tank excess liability trust fund to be referred to as the "ELTF". Eliminates a provision stating that fees and penalties paid in connection with underground petroleum storage tanks are a source of funds for the ELTF. (Under IC 13-23-6-2 and IC 13-23-12-4, those fees and penalties are deposited in the underground petroleum storage tank trust fund, not in the ELTF.) Repeals IC 13-23-7-9, a provision under which knowingly or intentionally making a material misstatement in connection with an application for financial assistance from the ELTF is a Level 6 felony. (IC 13-23-9-6, a nearly identical provision, is not repealed.) Eliminates the authority of the department of revenue to impose a lien on the property of an underground storage tank owner for failure to pay annual registration fees. Eliminates certain conditions for the payment of claims from the ELTF and limits on the amounts that can be paid from the ELTF under certain circumstances, and provides instead that the administrator of the ELTF shall pay claims that are: (1) for costs related to "eligible releases"; (2) submitted by an "eligible party"; and (3) submitted in accordance with certain requirements. Provides that the administrator of the ELTF: (1) shall pay claims according to a certain priority payment system if the balance in the ELTF drops below \$25,000,000; and (2) shall cease paying claims if the balance in the ELTF becomes insufficient to pay ELTF claims and necessary personnel and administrative expenses. Prohibits the administrator of the ELTF from paying any person or entity: (1) more than \$2,000,000 from the ELTF per eligible release; or (2) more than \$10,000,000 from the ELTF per fiscal year. Provides that the total amount otherwise available from the ELTF in connection with an eligible release shall be reduced by a "deductible amount" of \$15,000 and, if applicable, the sum of: (1) all annual registration fees for underground storage tanks (USTs) located at the site of the eligible release that were due in 1991 or later and

not paid in the year they were due; and (2) an additional \$1,000 for each UST annual registration fee not paid in the year it was due. Authorizes the administrator of the ELTF, if an audit indicates that funds in the ELTF are sufficient, to set aside up to \$2,000,000 per fiscal year in the ELTF to pay corrective action addressing contamination from USTs regardless of whether the contamination was caused by an eligible release or whether the owner of the UST is an eligible party. Revises provisions concerning the procedure for submitting and paying claims for payment from the ELTF.

**Amended Digest:** Provides for the underground petroleum storage tank excess liability trust fund to be referred to as the "ELTF". Eliminates a provision stating that fees and penalties paid in connection with underground petroleum storage tanks are a source of funds for the ELTF. (Under IC 13-23-6-2 and IC 13-23-12-4, those fees and penalties are deposited in the underground petroleum storage tank trust fund, not in the ELTF.)

Repeals IC 13-23-7-9, a provision under which knowingly or intentionally making a material misstatement in connection with an application for financial assistance from the ELTF is a Level 6 felony. (IC 13-23-9-6, a nearly identical provision, is not repealed.)

Eliminates the authority of the department of revenue to impose a lien on the property of an underground storage tank owner for failure to pay annual registration fees. Eliminates certain conditions for the payment of claims from the ELTF and limits on the amounts that can be paid from the ELTF under certain circumstances, and provides instead that the administrator of the ELTF shall pay claims that are: (1) for costs related to "eligible releases"; (2) submitted by an "eligible party"; and (3) submitted in accordance with certain requirements. Provides that the administrator of the ELTF: (1) shall pay claims according to a certain priority payment system if the balance in the ELTF drops below \$25,000,000; and (2) shall cease paying claims if the balance in the ELTF becomes insufficient to pay ELTF claims and necessary personnel and administrative expenses. Prohibits the administrator of the ELTF from paying: (1) more than \$2,000,000 from the ELTF per eligible release; or (2) more than \$10,000,000 from the ELTF per fiscal year. Provides that the total amount otherwise available from the ELTF in connection with an eligible release shall be reduced by a "deductible amount" of \$15,000 and, if applicable, the sum of: (1) all annual registration fees for underground storage tanks (USTs) located at the site of the eligible release that were due in 1991 or later and not paid in the year they were due; and (2) an additional \$1,000 for each UST annual registration fee not paid in the year it was due. Revises provisions concerning the procedure for submitting and paying claims for payment from the ELTF.

**Second Amended Digest:** Provides for the underground petroleum storage tank excess liability trust fund to be referred to as the "ELTF". Eliminates a provision stating that fees and penalties paid in connection with underground petroleum storage tanks are a source of funds for the ELTF. (Under IC 13-23-6-2 and IC 13-23-12-4, those fees and penalties are deposited in the underground petroleum storage tank trust fund, not in the ELTF.)

Repeals IC 13-23-7-9, a provision under which knowingly or intentionally making a material misstatement in connection with an application for financial assistance from the ELTF is a Level 6 felony. (IC 13-23-9-6, a nearly identical provision, is not repealed.)

Eliminates the authority of the department of revenue to impose a lien on the property of an underground storage tank owner for failure to pay annual registration fees. Eliminates certain conditions for the payment of claims from the ELTF and limits on the amounts that can be paid from the ELTF under certain circumstances, and provides instead that

the administrator of the ELTF shall pay claims that are: (1) for costs related to "eligible releases"; (2) submitted by an "eligible party"; and (3) submitted in accordance with certain requirements. Provides that the administrator of the ELTF: (1) shall pay claims according to a certain priority payment system if the balance in the ELTF drops below \$25,000,000; and (2) shall cease paying claims if the balance in the ELTF becomes insufficient to pay ELTF claims and necessary personnel and administrative expenses. Prohibits the administrator of the ELTF from paying: (1) more than \$2,500,000 from the ELTF per eligible release; or (2) more than \$10,000,000 from the ELTF per fiscal year. Provides that the total amount otherwise available from the ELTF in connection with an eligible release shall be reduced by a "deductible amount" of \$15,000 and, if applicable, the sum of: (1) all annual registration fees for underground storage tanks (USTs) located at the site of the eligible release that were due in 1991 or later and not paid in the year they were due; and (2) an additional \$1,000 for each UST annual registration fee not paid in the year it was due. Revises provisions concerning the procedure for submitting and paying claims for payment from the ELTF. Requires the department of environmental management, using money from the ELTF, to arrange for an independent actuarial study examining the future obligations and fiscal sustainability of the ELTF once every five years.

#### **Bill Actions**

S 01/07/2016 Authored by Senator Charbonneau

S 01/07/2016 First reading: referred to Committee on Environmental Affairs

S 01/12/2016 Committee report: Amend do pass, adopted; reassigned to Committee on Appropriations

S 01/14/2016 Senator Stoops added as coauthor

S 01/25/2016 Senator Kenley added as second author

S 01/28/2016 Committee report: do pass, adopted

S 02/01/2016 Second reading: ordered engrossed

S 02/01/2016 Senator Randolph added as coauthor

S 02/02/2016 Third reading: passed; Roll Call 140: yeas 49, nays 0

S 02/02/2016 Representative Wolkins added as sponsor

S 02/02/2016 Representative Beumer added as cosponsor

S 02/03/2016 Referred to the House

H 02/09/2016 First reading: referred to Committee on Environmental Affairs

H 02/25/2016 Committee report: amend do pass, adopted

H 02/25/2016 Referred to the Committee on Ways and Means pursuant to House Rule 127

H 02/29/2016 Committee report: amend do pass, adopted

H 03/02/2016 Second reading: ordered engrossed

H 03/03/2016 Third reading: passed; Roll Call 344: yeas 94, nays 0

H 03/03/2016 Returned to the Senate with amendments

S 03/04/2016 Motion to concur filed

S 03/07/2016 Senate concurred in House Amendments; Roll Call 346: yeas 47, nays 0

[H 03/09/2016 Signed by the Speaker](#)

[S 03/09/2016 Signed by the President Pro Tempore](#)

[S 03/15/2016 Signed by the President of the Senate](#)

[S 03/22/2016 Signed by the Governor](#)

**\*SB 256: Legitimate use of solid waste and waste tires.**

**Authored by: Sen. Ed Charbonneau**

**Digest:** Defines "legitimate use" of a material as the use or reuse of a material under which: (1) the material is used or reused as an ingredient in a manufacturing process or an effective substitute for natural or commercial materials; and (2) the material is treated as a commercially valuable commodity for an established or emerging market and is used or reused in a manner that does not pose a threat to human health or the environment. Authorizes the department of environmental management (department) to develop proposed rules that: (1) provide for the legitimate use of solid waste and hazardous waste instead of its disposal; (2) provide that while a material is being legitimately used it is not considered a solid waste or a hazardous waste; and (3) ensure that the legitimate use of the solid waste or hazardous waste will not present a threat to public health or the environment. Provides for the environmental rules board (board) to consult with the department on the development of policies concerning the regulation of solid waste and hazardous waste and authorizes the board to adopt rules establishing standards and procedures for the legitimate use, instead of disposal, of material otherwise defined as solid waste or hazardous waste, including rules providing that while a material is being legitimately used it is not considered a solid waste or a hazardous waste. Also authorizes the board to adopt rules establishing standards and procedures for the legitimate use, instead of disposal, of waste tires.

**Amended Digest:** Defines "legitimate use" of a material as the use or reuse of a material, otherwise defined as a solid or hazardous waste, under which: (1) the material is used or reused in a manufacturing process or as a substitute for natural or commercial materials; and (2) the material is commercially valuable for an established or emerging market and is used or reused in a manner that does not pose an unacceptable threat to human health or the environment. Requires the department of environmental management (department) to develop proposed rules that: (1) provide for the legitimate use of solid and hazardous waste instead of its disposal; (2) provide that a material being legitimately used is not considered a solid or hazardous waste. Requires the environmental rules board (board) to consult with the department concerning the regulation of solid waste and hazardous waste and authorizes the board to adopt rules establishing standards and procedures for the legitimate use, instead of disposal, of material otherwise defined as a solid or hazardous waste. Provides that any such rules adopted by the board shall provide that a material being legitimately used is not considered a solid or hazardous waste. Also authorizes the board to adopt rules establishing standards and procedures for the legitimate use, instead of disposal, of waste tires.

**Second Amended Digest:** Defines "legitimate use" of a material as the use or reuse of a material, otherwise defined as a solid or hazardous waste, under which: (1) the material is used or reused in a manufacturing process or as a substitute for natural or commercial materials; and (2) the material is commercially valuable for an established or emerging market and is used or reused in a manner that does not pose an unreasonable threat to human health or the environment. Requires the department of environmental management (department) to develop proposed rules that: (1) provide for the legitimate



use of solid and hazardous waste instead of its disposal; (2) provide that a material being legitimately used is not considered a solid or hazardous waste. Requires the environmental rules board (board) to consult with the department concerning the regulation of solid waste and hazardous waste and authorizes the board to adopt rules establishing standards and procedures for the legitimate use, instead of disposal, of material otherwise defined as a solid or hazardous waste. Provides that any such rules adopted by the board shall provide that a material being legitimately used is not considered a solid or hazardous waste. Also authorizes the board to adopt rules establishing standards and procedures for the legitimate use, instead of disposal, of waste tires.

### **Bill Actions**

S 01/07/2016 Authored by Senator Charbonneau

S 01/07/2016 First reading: referred to Committee on Environmental Affairs

S 01/25/2016 Committee report: amend do pass, adopted\

S 01/28/2016 Second reading: ordered engrossed

S 01/28/2016 Senator Niemeyer added as second author

S 02/01/2016 Third reading: passed; Roll Call 98: yeas 47, nays 1

S 02/01/2016 Representative Wolkins added as sponsor

S 02/01/2016 Representatives Beumer and Austin added as cosponsors

S 02/01/2016 Senator Taylor added as cosponsor

S 02/02/2016 Referred to the House

H 02/09/2016 First reading: referred to Committee on Environmental Affairs

H 02/25/2016 Committee report: do pass, adopted

H 03/01/2016 Second reading: amended, ordered engrossed

H 03/01/2016 Amendment #1 (Pierce) prevailed; Roll Call 284: yeas 92, nays 0

H 03/02/2016 Third reading: passed; Roll Call 328: yeas 92, nays 0

H 03/02/2016 Returned to the Senate with amendments

S 03/03/2016 Motion to concur filed

S 03/04/2016 Senate concurred in House Amendments; Roll Call 333: yeas 43, nays 1

[S 03/09/2016 Signed by the President Pro Tempore](#)

[H 03/10/2016 Signed by the Speaker](#)

[S 03/15/2016 Signed by the President of the Senate](#)

[S 03/22/2016 Signed by the Governor](#)

[S 03/22/2016 Public Law 97](#)

### **\*SB 257: Distressed water and wastewater utilities.**

**Authored by: Sen. Ed Charbonneau**

**Digest:** Specifies that for purposes of the statute governing the acquisition of distressed water or wastewater utilities, a "utility company" includes, in addition to a regional sewer or water district, a: (1) public utility; (2) municipally owned utility; or (3) not-for-profit utility; that provides water or wastewater service. Eliminates the requirement that in approving a petition by an acquiring utility company under the statute to recover the cost differentials associated with the purchase of a distressed utility, the IURC must find that the distressed utility being acquired: (1) served not more than 3,000 customers; or (2) was nonviable in the absence of the acquisition. Provides that the distressed utility being acquired is not furnishing or maintaining adequate, efficient, safe, and reasonable

service and facilities for purposes of the statute if the IURC finds that the distressed utility: (1) is the property of a municipally owned utility serving fewer than 5,000 customers; and (2) is being sold by an agreement between the parties that is subject to IURC approval. Provides that in a proceeding under the statute, the IURC shall issue its final order not later than 120 days after the filing of the petitioner's case in chief. Provides that for purposes of the statute and for sales of nonsurplus municipally owned utility property reached by an agreement between the parties, the IURC's order approving the petition or agreement shall authorize the acquiring utility company or purchaser to record: (1) the full purchase price; (2) incidental expenses; and (3) other costs of acquisition; as the original cost of the utility plant in service assets being acquired, allocated in a reasonable manner among appropriate utility in service accounts. For purposes of the statute governing the sale of nonsurplus municipally owned utility property: (1) provides that the municipal executive, in addition to the municipal legislative body (as provided under current law), may make the determination to sell or otherwise dispose of the property; and (2) replaces the requirement that the legislative body adopt an ordinance to appoint appraisers to appraise the property with the requirement that the legislative body or the municipal executive provide for the appointment of the appraisers in a written document that is subject to public inspection. Does the following in the case of an ordinance adopted after March 28, 2016, for the sale or disposition of nonsurplus municipally owned property: (1) Provides that the sale or disposition must be approved by the IURC. (2) Requires the IURC to approve the sale or disposition according to the terms and conditions proposed by the parties if the IURC finds that the terms and conditions are in the public interest. (3) Sets forth a process that applies to the IURC's determination of whether the proposed sale or disposition is in the public interest. (4) Provides that the purchase price of the nonsurplus municipally owned utility property shall be considered reasonable if it does not exceed the appraised value set forth in the required appraisal. (5) Eliminates the referendum process with respect to the proposed sale or disposition if the IURC determines that certain factors are satisfied.

**Amended Digest:** Specifies that for purposes of the statute governing the acquisition of distressed water or wastewater utilities, a "utility company" includes, in addition to a regional sewer or water district, a: (1) public utility; (2) municipally owned utility; or (3) not-for-profit utility; that provides water or wastewater service. Eliminates a provision under which the IURC was not required to approve a petition by an acquiring utility company under the statute to recover the cost differentials associated with the purchase of a distressed utility unless the IURC found that the distressed utility being acquired: (1) served not more than 3,000 customers; or (2) was nonviable in the absence of the acquisition. Provides that the distressed utility being acquired is not furnishing or maintaining adequate, efficient, safe, and reasonable service and facilities for purposes of the statute if the IURC finds that the distressed utility: (1) is the property of a municipally owned utility serving fewer than 5,000 customers; and (2) is being sold by an agreement between the parties that is subject to IURC approval. Provides that in a proceeding under the statute, the IURC shall issue its final order not later than 210 days after the filing of the petitioner's case in chief. Provides that for purposes of the statute and for sales of nonsurplus municipally owned utility property reached by an agreement between the parties, the IURC's order approving the petition or agreement shall authorize the acquiring utility company or purchaser to record: (1) the full purchase price;



(2) incidental expenses; and (3) other costs of acquisition; as the original cost of the utility plant in service assets being acquired, allocated in a reasonable manner among appropriate utility in service accounts. For purposes of the statute governing the sale of nonsurplus municipally owned utility property: (1) provides that the municipal executive, in addition to the municipal legislative body (as provided under current law), may make the determination to sell or otherwise dispose of the property; and (2) replaces the requirement that the legislative body adopt an ordinance to appoint appraisers to appraise the property with the requirement that the legislative body or the municipal executive provide for the appointment of the appraisers in a written document that is subject to public inspection. Does the following in the case of an ordinance adopted after March 28, 2016, for the sale or disposition of nonsurplus municipally owned property: (1) Provides that the sale or disposition must be approved by the IURC. (2) Requires the IURC to approve the sale or disposition according to the terms and conditions proposed by the parties if the IURC finds that the terms and conditions are in the public interest. (3) Sets forth a process that applies to the IURC's determination of whether the proposed sale or disposition is in the public interest. (4) Provides that the purchase price of the nonsurplus municipally owned utility property shall be considered reasonable if it does not exceed the appraised value set forth in the required appraisal. (5) Requires the IURC to issue its final order not later than 210 days after the filing of the parties' case in chief. (6) Eliminates the referendum process with respect to the proposed sale or disposition if the IURC determines that certain factors are satisfied.

**Second Amended Digest:** Specifies that for purposes of the statute governing the acquisition of distressed water or wastewater utilities, a "utility company" includes, in addition to a regional sewer or water district, a: (1) public utility; (2) municipally owned utility; or (3) not-for-profit utility; that provides water or wastewater service. Eliminates a provision under which the IURC was not required to approve a petition by an acquiring utility company under the statute to recover the cost differentials associated with the purchase of a distressed utility unless the IURC found that the distressed utility being acquired: (1) served not more than 3,000 customers; or (2) was nonviable in the absence of the acquisition. Provides that the distressed utility being acquired is not furnishing or maintaining adequate, efficient, safe, and reasonable service and facilities for purposes of the statute if the IURC finds that the distressed utility: (1) is the property of a municipally owned utility serving fewer than 5,000 customers; and (2) is being sold by an agreement between the parties that is subject to IURC approval. Provides that in a proceeding under the statute, the IURC shall issue its final order not later than 210 days after the filing of the petitioner's case in chief. Provides that for purposes of the statute and for sales of nonsurplus municipally owned utility property reached by an agreement between the parties, the IURC's order approving the petition or agreement shall authorize the acquiring utility company or purchaser to record: (1) the full purchase price; (2) incidental expenses; and (3) other costs of acquisition; as the original cost of the utility plant in service assets being acquired, allocated in a reasonable manner among appropriate utility in service accounts. For purposes of the statute governing the sale of nonsurplus municipally owned utility property: (1) provides that the municipal executive, in addition to the municipal legislative body (as provided under current law), may make the determination to sell or otherwise dispose of the property; and (2) replaces the requirement that the legislative body adopt an ordinance to appoint appraisers to

appraise the property with the requirement that the legislative body or the municipal executive provide for the appointment of the appraisers in a written document that is subject to public inspection. Does the following in the case of an ordinance adopted after March 28, 2016, for the sale or disposition of nonsurplus municipally owned property: (1) Provides that the sale or disposition must be approved by the IURC. (2) Requires the IURC to approve the sale or disposition according to the terms and conditions proposed by the parties if the IURC finds that the terms and conditions are in the public interest. (3) Sets forth a process that applies to the IURC's determination of whether the proposed sale or disposition is in the public interest. (4) Provides that the purchase price of the nonsurplus municipally owned utility property shall be considered reasonable if it does not exceed the appraised value set forth in the required appraisal. (5) Requires the IURC to issue its final order not later than 210 days after the filing of the parties' case in chief. (6) Eliminates the referendum process with respect to the proposed sale or disposition if the IURC determines that certain factors are satisfied.

### **Bill Actions**

S 01/07/2016 Authored by Senator Charbonneau

S 01/07/2016 First reading: referred to Committee on Environmental Affairs

S 01/12/2016 Committee report: Amend, do pass, adopted

S 01/13/2016 Senator Merritt added as a second author

S 01/14/2016 Second reading: Ordered engrossed

S 01/19/2016 Third reading: passed; Roll Call 24: yeas 50, nays 0

S 01/19/2016 Representative Koch added as sponsor

S 01/19/2016 Representative Beumer added as cosponsor

S 01/19/2016 Senator Tallian added as coauthor

S 01/20/2016 Referred to the House

H 02/09/2016 First reading: referred to Committee on Utilities, Energy and Telecommunications

H 02/18/2016 Committee report: do pass, adopted

H 02/18/2016 Representative Hale added as cosponsor

H 02/22/2016 Second reading: amended, ordered engrossed

H 02/22/2016 Amendment #2 (Koch) prevailed: voice vote

H 02/23/2016 Third reading: passed; Roll Call 236: yeas 99, nays 0

H 02/24/2016 Returned to the Senate with amendments

S 02/24/2016 Motion to concur filed

S 02/25/2016 Senate concurred in House Amendments; Roll Call 231: yeas 45, nays 0

S 02/29/2016 Signed by President Pro Tempore

H 03/02/2016 Signed by the Speaker

[S 03/15/2016 Signed by the President of the Senate](#)

[S 03/22/2016 Signed by the Governor](#)

[S 03/22/2016 Public Law 98](#)

### **\*SB 347: Water resources**

**Authored by: Sen. Ed Charbonneau**

**Digest:** Requires every water utility to develop an asset management plan that includes an inventory of the water utility's critical assets, an evaluation of the condition and performance of the critical assets, and a plan for maintaining, repairing, and, as

necessary, replacing the critical assets. Provides for these asset management plans to be submitted to the Indiana finance authority. Requires certain water related state agencies (including the Indiana finance authority, the department of administration, the utility regulatory commission, the department of environmental management, the department of natural resources, and the state department of health) to report annually to the legislative council on water resource issues. Requires each water related state agency to include information in the report on programs under which funds might be available from the federal government for water resource related purposes, as well as applications submitted for those funds, funds received, and uses of the funds received. Requires the utility regulatory commission, before July 1, 2017, to prepare and submit in an electronic format to the executive director of the legislative services agency a report on water loss in Indiana. Defines "water loss" as the difference between: (1) the annual volume of water entering a water distribution system; and (2) the annual volume of metered or unmetered water taken from the water distribution system by registered customers, the water supplier, and others authorized to take water from the water distribution system. Specifies that the report must include findings and recommendations on certain water loss subjects. Shifts primary responsibility for administering the water resources management law originally enacted in 1983 from the natural resources commission to the department of natural resources. Requires the Indiana geological survey to perform a quality assurance review of the water resources data compiled from the reports submitted by owners of significant water withdrawal facilities for all calendar years since 1985.

**Amended Digest:** Repeals the law requiring all water utilities to annually report to the utility regulatory commission on the utilities' operations and maintenance costs in providing water service to their customers. Requires the Indiana finance authority (authority), before November 1, 2017, to prepare and submit in an electronic format to the executive director of the legislative services agency a report on non-revenue water (the difference between the volume of water entering a water distribution system and the volume of water consumption billed to customers served by the water distribution system) and water loss in Indiana. Requires the authority to perform a quality assurance review of the water resources data compiled from the reports submitted annually by owners of significant water withdrawal facilities for all calendar years since 1985, and to present the results of its quality assurance review as those results become available to the water rights and use section of the division of water of the department of natural resources. Requires the authority to study, analyze, and report to the executive director of the legislative services agency by November 1, 2016, on the infrastructure needs of Indiana's water utilities.

#### **Bill Actions**

S 01/07/2016 Authored by Senator Charbonneau

S 01/07/2016 First reading: referred to Committee on Environmental Affairs

S 01/25/2016 Committee report: amend do pass, adopted

S 01/25/2016 Senator Eckerty added as second author

S 01/25/2016 Senator Stoops added as third author

S 01/28/2016 Second reading: ordered engrossed

S 02/01/2016 Third reading: passed; Roll Call 113: yeas 50, nays 0

S 02/01/2016 Representative Wolkins added as sponsor

S 02/01/2016 Representatives Beumer, Stemler, Hale added as cosponsors  
S 02/01/2016 Senator Delph added as cosponsor  
S 02/01/2016 Senator Randolph added as coauthor  
S 02/02/2016 Referred to the House  
H 02/09/2016 First reading: referred to Committee on Utilities, Energy and Telecommunications  
H 02/18/2016 Committee report: do pass, adopted  
H 02/25/2016 Second reading: ordered engrossed  
H 02/29/2016 Third reading: passed; Roll Call 255: yeas 97, nays 0  
H 02/29/2016 Returned to the Senate without amendments  
S 03/02/2016 Signed by the President Pro Tempore  
H 03/09/2016 Signed by the Speaker  
S 03/15/2016 Signed by the President of the Senate  
S 03/22/2016 Signed by the Governor  
S 03/22/2016 Public Law 102

**\*SB 366: Solid waste management districts.**

**Authored by: Sen. Liz Brown**

**Digest:** Eliminates the power of a solid waste management district to adopt resolutions that have the force of law and instead allows a district to recommend the adoption of ordinances to the county legislative body. Authorizes the county executive of a county that is a single county solid waste management district to adopt an ordinance dissolving the district and providing for the winding up of the affairs of the district. Authorizes the county executive of a county that is a member of a multicounty joint solid waste management district, after withdrawing from the joint district under the provisions of current law, to adopt an ordinance determining that the county will no longer be a member of a joint district or be designated as a single county district. Makes the following provisions concerning the settling of the affairs of a solid waste management district that is to be dissolved: (1) Legal obligations of the district (including bond and loan obligations, contractual liabilities, and civil liabilities) shall be satisfied from assets of the district and if necessary from a tax levy. (2) Assets of the district shall be used to satisfy the legal obligations of the district. (3) Any assets not needed to satisfy the district's legal obligations shall be transferred to the political subdivisions of the county according to a plan adopted by the county executive and become the assets of the political subdivisions to which they are transferred. (4) If the district imposed a property tax levy, the board of the district shall, by resolution, decide whether the maximum property tax levies of political subdivisions in the county shall be adjusted after the dissolution of the district so as to redistribute the tax levy of the district to the other political subdivisions. (5) If the district adopted a resolution that had the force and effect of law, the county executive shall, by ordinance, nullify the resolution or adopt the substance of the resolution as an ordinance of the county. (6) If the district imposed a district fee on the disposal of solid waste in a final disposal facility or a district solid waste management fee, unexpended revenue of the fee shall be transferred to the political subdivisions within the county according to the county executive's plan, and the board of the district shall, by resolution, decide whether the collection of the fee should continue.

**Amended Digest:** Provides that the requirement for each county to have a single-county solid waste management district or be a member of a joint solid waste management district expires July 1, 2017. Provides that after June 30, 2017, the county executive of a county, by adopting an ordinance and a plan, may: (1) dissolve the county's solid waste management district; or (2) withdraw from the joint solid waste management district of which the county is a member and determine that the county will not: (A) be designated as a single-county solid waste management district; or (B) be a member of another joint solid waste management district. Requires the county executive, in the plan it adopts, to provide for the satisfaction of the solid waste management district's legal obligations and for the disposition of the unexpended revenue of the district and the assets of the district not needed to satisfy the legal obligations of the district.

**Second Amended Digest:** Provides that the requirement for each county to have a single-county solid waste management district or be a member of a joint solid waste management district expires July 1, 2017. Provides that after June 30, 2017: (1) a county may dissolve its single county solid waste management district if: (A) the county executive adopts an ordinance in favor of the dissolution of the district; and (B) the county legislative body follows the procedure by which a political subdivision that established another political subdivision may dissolve that other political subdivision; or (2) a county, by action of the county executive, may withdraw from a joint solid waste management district, adopt a plan concerning the county's share of the legal obligations and assets of the joint solid waste management district, and adopt an ordinance exercising the county's right not to be designated as a county solid waste management district and not to join another joint solid waste management district. Provides that a county, city, town, or township does not have the power to dissolve another political subdivision except as expressly granted by statute, but establishes a procedure, which includes public notice, a public meeting, and opportunity for public comment, by which a political subdivision that established another political subdivision may dissolve that other political subdivision. Eliminates the power of a solid waste management district to adopt resolutions that have the force of law and instead allows a solid waste management district to recommend the adoption of ordinances to the county legislative body.

**Third Amended Digest:** Provides that the requirement for each county to have a single-county solid waste management district or be a member of a joint solid waste management district expires July 1, 2017. Provides that after June 30, 2017: (1) a county may dissolve its single county solid waste management district if: (A) the county executive and county fiscal body adopt ordinances in favor of the dissolution of the district; and (B) the county legislative body follows the procedure by which a political subdivision that established another political subdivision may dissolve that other political subdivision; or (2) a county, by action of the county executive, may withdraw from a joint solid waste management district and adopt an ordinance exercising the county's right not to be designated as a county solid waste management district and not to join another joint solid waste management district. Provides that the expiration of the provision requiring all counties to have solid waste management districts does not affect a solid waste management district established before the expiration of the provision. Prohibits a member of the county executive, legislative body, or fiscal body from voting on the dissolution of the county's solid waste management district if the member is an employee of the district. Provides that, if a district is being dissolved, any assets of the district that

are not needed to satisfy the district's legal obligations shall be used by the county to provide the services previously provided by the district; that the county may continue collecting fees collected by the district but is required to use the fee proceeds exclusively to provide services previously provided by the district; and that if the district imposed a property tax levy, the authority of the district to impose the levy is transferred to the county but the county may use the taxes collected under the district's levy authority only for the purposes for which the district was authorized to use its levy. Provides that a county, city, town, or township does not have the power to dissolve another political subdivision except as expressly granted by statute, but establishes a procedure by which a political subdivision that established another political subdivision may dissolve that other political subdivision. Requires a political subdivision using this procedure to give public notice, hold a public meeting, provide opportunity for public comment, and create a plan concerning the dissolution, including an explanation of how the services provided by the entity to be dissolved will be provided after the entity is dissolved.

**Bill Actions**

S 01/11/2016 Authored by Senator Brown

S 01/11/2016 First reading: referred to Committee on Environmental Affairs

S 01/25/2016 Committee report: amend, do pass, adopted

S 01/26/2016 Senator Niemeyer added as a second author

S 01/28/2016 Second reading: amended, ordered engrossed

S 01/28/2016 Amendment #5 (Brown L) prevailed; voice vote

S 01/28/2016 Amendment #2 (Tallian) prevailed; voice vote

S 02/02/2016 Third reading: passed; Roll Call 115: yeas 37, nays 13

S 02/01/2016 Representative Lehman added as sponsor

S 02/01/2016 Representative Slager added as cosponsor

S 02/02/2016 Referred to the House

H 02/09/2016 First reading: referred to Committee on Environmental Affairs

H 02/25/2016 Representative GiaQuinta added as cosponsor

H 02/29/2016 Second reading: amended, ordered engrossed

H 02/29/2016 Amendment #1 (Lehman) prevailed; voice vote

H 03/01/2016 Third reading: passed; Roll Call 310: yeas 83, nays 12

H 03/01/2016 Returned to the Senate with amendments

S 03/04/2016 Motion to concur filed

S 03/07/2016 Senate concurred in House Amendments; Roll Call 350: yeas 34, nays 16

[H 03/09/2016 Joint Rule 20 technical correction adopted by the House](#)

[S 03/09/2016 Joint Rule 20 technical correction adopted by the Senate](#)

[H 03/10/2016 Signed by the Speaker](#)

[S 03/10/2016 Signed by the President Pro Tempore](#)

[S 03/15/2016 Signed by the President of the Senate](#)

[S 03/24/2016 Signed by the Governor](#)

[S 03/24/2016 Public Law 189](#)

**\*HB 1053: Regulation of packaging materials.**

**Authored by: Rep. Ronald Bacon**

**Digest:** Amends the home rule statute to prohibit a local government unit from: (1) regulating: (A) certain activities with respect to reusable or disposable auxiliary



containers designed for one time use or for transporting merchandise or food from food or retail facilities (auxiliary containers); or (B) a manufacturer of, a distributor of, or a food or retail facility that sells, provides, or otherwise makes use of, auxiliary containers, in connection with certain activities involving auxiliary containers; or (2) imposing any prohibition, restriction, fee, or tax with respect to auxiliary containers or to a manufacturer of, a distributor of, or a food or retail facility that sells, provides, or otherwise makes use of, auxiliary containers, in connection with certain activities involving auxiliary containers. Specifies that the prohibitions do not apply to: (1) curbside recycling programs or residential or commercial recycling locations in a unit; or (2) certain activities involving auxiliary containers at any event that: (A) is organized, sponsored, or permitted by a local government unit; and (B) takes place on property owned by the unit. Makes cross-references to: (1) these prohibitions concerning the regulation of auxiliary containers; and (2) an existing prohibition included in the home rule statute and concerning housing programs; in the section of the home rule statute that sets forth various limits on the powers of local government units.

### **Bill Actions**

H 01/05/2016 Authored by Representative Bacon

H 01/05/2016 First reading: referred to Committee on Government and Regulatory Reform

H 01/11/2016 Representative Lucas added as a coauthor

H 01/19/2016 Committee report: do pass, adopted

H 01/21/2016 Second reading: ordered engrossed

H 01/21/2016 Amendment #1 (Pierce) failed; voice vote

H 01/25/2016 Third reading: passed; Roll Call 43: yeas 61, nays 32

H 01/25/2016 Senator Houchin added as a sponsor

H 01/25/2016 Senator Becker added as a second sponsor

H 01/26/2016 Referred to the Senate

S 02/03/2016 First reading: referred to Committee on Commerce & Technology

S 02/03/2016 Senator Houchin removed as sponsor

S 02/03/2016 Senator Steel added as sponsor

S 02/03/2016 Senator Houchin added as third sponsor

S 02/03/2016 Senator Ford added as cosponsor

S 02/15/2016 Committee report: do pass, adopted

S 02/18/2016 Second reading: ordered engrossed

S 02/18/2016 Amendment #1 (Stoops) failed; Roll Call 184: yeas 9, nays 38

S 02/18/2016 Senator Perfect added as cosponsor

S 02/23/2016 Third reading: passed; Roll Call 202: yeas 38, nays 12

S 02/24/2016 Returned to the House without amendments

H 02/29/2016 Signed by the Speaker

S 03/01/2016 Signed by the President Pro Tempore

[S 03/16/2016 Signed by the President of the Senate](#)

[H 03/23/2016 Signed by the Governor](#)

[H 03/23/2016 Public Law 150](#)

**\*HB 1075: Connection to municipal sanitary sewer.**

**Authored by: Rep. Greg Beumer, Rep. Ronald Bacon**

**Digest:** Exempts a property owner from being required by a municipality to connect to the municipality's sewer system and discontinue the use of the property owner's own sewage disposal system if: (1) the property is located outside the boundaries of the municipality; (2) the property owner's sewage disposal system is a septic tank soil absorption system or a constructed wetland septic system that was new at the time of installation and was approved in writing by the local health department; and (3) the property owner obtains a written determination from the local health department that theseptic tank soil absorption system or constructed wetland septic system is not failing. Establishes a procedure and deadlines for applying for the exemption. Provides that the exemption is for a period of 10 years beginning on the date on which the property owner's septic tank soil absorption system or constructed wetland septic system was installed. Provides that a property owner's exemption may be renewed for successive 10 year periods as long as the conditions for the exemption continue to be met. Provides that if ownership of the property is transferred during an exemption period, the exemption continues to apply to the property for the remainder of the exemption period and the transferee may apply for any exemption renewals for which the previous property owner would have been entitled to apply. Limits the amount that a property owner may be required to pay for connecting to a municipality's sewer system if the property owner, during an exemption period, consents to the connection of the property to the municipality's sewer system. Provides that a person who gives a false report concerning a septic tank soil absorption system or constructed wetland septic system in order to qualify for the exemption from connecting to a municipality's sewer system, knowing the report to be false, commits false informing, a Class B misdemeanor.

**Amended Digest:** Sewage fees and municipal sanitary sewer. Provides that if a wastewater utility charges different rates for different classes of property based at least partially on consumption, the utility must charge a rental unit community a rate based at least partially on consumption. Provides that this rule applies whether or not the utility is under the jurisdiction of the Indiana utility regulatory commission. Exempts a property owner from being required by a municipality to connect to the municipality's sewer system and discontinue the use of the property owner's own sewage disposal system if: (1) the property is located outside the boundaries of the municipality; (2) the property owner's sewage disposal system is a septic tank soil absorption system or a constructed wetland septic system that was new at the time of installation and was approved in writing by the local health department; and (3) the property owner obtains a written determination from the local health department that the septic tank soil absorption system or constructed wetland septic system is not failing. Establishes a procedure and deadlines for applying for the exemption. Provides that the exemption is for a period of 10 years beginning on the date on which the property owner's septic tank soil absorption system or constructed wetland septic system was installed. Provides that a property owner's initial 10 year exemption from the requirement to connect to a municipality's sewer system may be renewed for not more than two additional five year periods as long as the conditions for the exemption continue to be met. Specifies that the total period during which a property owner may be exempt from the requirement to connect to a municipality's sewer system may not exceed 20 years. Provides that if ownership of the property is transferred during an exemption period, the exemption continues to apply to the property for the remainder of the exemption period and the transferee may apply for

any exemption renewals for which the previous property owner would have been entitled to apply. Limits the amount that a property owner may be required to pay for connecting to a municipality's sewer system if the property owner, during an exemption period, consents to the connection of the property to the municipality's sewer system. Provides that a person who gives a false report concerning a septic tank soil absorption system or constructed wetland septic system in order to qualify for the exemption from connecting to a municipality's sewer system, knowing the report to be false, commits false informing, a Class B misdemeanor.

**Second Amended Digest:** Provides that if a wastewater utility charges different rates for different classes of property based at least partially on consumption, the utility must charge a rental unit community a rate based at least partially on consumption. Provides that, despite a contrary administrative rule, a person who uses a wastewater management vehicle to remove wastewater from a customer's sewage disposal system need not show on the invoice provided to the customer: (1) the date on which the wastewater was removed; or (2) the amount of wastewater removed; if the sewage disposal system is a chemical toilet. Exempts a property owner from being required to connect to a municipality's sewer system and discontinue the use of the property owner's own sewage disposal system if: (1) the property is located outside the boundaries of the municipality; (2) the property owner's sewage disposal system is a septic tank soil absorption system or a constructed wetland septic system that was new at the time of installation and was approved in writing by the local health department; and (3) the property owner obtains a written determination from the local health department that the owner's sewage disposal system is not failing. Establishes a procedure and deadlines for applying for the exemption. Provides that the exemption is for 10 years beginning on the date on which the property owner's sewage disposal system was installed. Provides that an initial 10 year exemption may be renewed for not more than two additional five year periods as long as the conditions for the exemption continue to be met. Specifies that the total exemption period may not exceed 20 years. Provides that if ownership of the property is transferred during an exemption period, the exemption continues to apply to the property for the remainder of the exemption period and the transferee may apply for any exemption renewals for which the previous property owner would have been entitled to apply. Limits the amount that a property owner may be required to pay for connecting to the municipality's sewer system if the property owner, during an exemption period, consents to the connection. Provides that a person who gives a false report concerning a septic tank soil absorption system or constructed wetland septic system in order to qualify for the exemption, knowing the report to be false, commits false informing, a Class B misdemeanor.

### **Bill Actions**

H 01/05/2016 Authored by Representative Beumer

H 01/05/2016 Coauthored by Representative Bacon

H 01/05/2016 First reading: referred to Committee on Environmental Affairs

H 01/28/2016 Committee report: amend do pass, adopted

H 02/01/2016 Second reading: ordered engrossed

H 02/01/2016 Representatives Niezgodski and Wolkins added as cosponsors

H 02/02/2016 Third reading: passed; Roll Call 120: yeas 72, nays 23

H 02/02/2016 Senator Becker added as sponsor

H 02/02/2016 Senator Bassler added as second sponsor  
H 02/02/2016 Senator Niemeyer added as third sponsor  
H 02/03/2016 Referred to the Senate  
S 02/08/2016 First reading: referred to Committee on Environmental Affairs  
S 02/22/2016 Committee report: do pass, adopted  
S 02/22/2016 Senators Boots and Brown L added as cosponsors  
S 02/23/2016 Senator Stoops added as cosponsor  
S 02/29/2016 Second reading: amended, ordered engrossed  
S 02/29/2016 Amendment #1 (Bassler) prevailed; voice vote  
S 03/01/2016 Third reading: passed; Roll Call 254: yeas 50, nays 0  
S 03/02/2016 Returned to the House with amendments  
H 03/03/2016 Motion to concur filed  
H 03/03/2016 House concurred in Senate amendments; Roll Call 354: yeas 73, nays 21  
[H 03/03/2016 Motion to concur filed](#)  
[H 03/09/2016 Signed by the Speaker](#)  
[S 03/10/2106 Signed by the President Pro Tempore](#)  
[S 03/15/2016 Signed by the President of the Senate](#)  
[H 03/22/2016 Signed by the Governor](#)  
[H 03/22/2016 Public Law 107](#)

## **HB 1082: Environmental rules and standards.**

**Authored by: Rep. David Wolkins**

**Digest:** Prohibits the environmental rules board from adopting a rule or standard that is more stringent than the corresponding regulation or standard established under federal law. Makes corresponding changes in the law concerning the adoption of environmental rules.

**Amended Digest:** Prohibits the environmental rules board (board) from adopting a rule or standard that is more stringent than the corresponding regulation or standard established under federal law. Makes corresponding changes in the law concerning the adoption of environmental rules. Allows the board to adopt a rule or standard if: (1) a corresponding regulation or standard established under federal law does not exist; and (2) the rule or standard is adopted under appropriate general or specific statutory authority granted to the board. Prohibits the department of environmental management (department) from enforcing a rule or standard adopted after July 1, 2016, that is more stringent than a corresponding regulation or standard established under federal law unless specific statutory authority is granted to the department to enforce the more stringent rule or standard.

**Second Amended Digest:** Environmental rules and policies. Requires the department of environmental management (IDEM) to report annually to the legislative council: (1) any administrative rule adopted by the environmental rules board (board) or proposed by IDEM; (2) any operating policy or procedure instituted or altered by IDEM; and (3) any nonrule policy or statement put into effect by IDEM; during the previous year that constitutes a change in the policy previously followed by IDEM under the provisions of IC 13 and the rules adopted by the board. Provides that, if notice given by IDEM 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 does not become effective until the adjournment sine die of the regular session of the general assembly that begins after IDEM provides the notice. Provides an exception for the adoption of emergency rules in response to emergency situations.

### **Bill Actions**

H 01/05/2016 Authored by Representative Wolkins  
H 01/05/2016 First reading: referred to Committee on Environmental Affairs  
H 01/28/2016 Committee report: amend do pass, adopted  
H 01/28/2016 Representative VanNatter added as coauthor  
H 02/01/2016 Second reading: amended, ordered engrossed  
H 02/01/2016 Amendment #1 (Pierce) prevailed; Roll Call 107: yeas 93, nays 0  
H 02/01/2016 Representatives Goodin and Baird added as coauthors  
H 02/02/2016 Third reading: passed; Roll Call 121: yeas 64, nays 33  
H 02/02/2016 Senator Charbonneau added as sponsor  
H 02/03/2016 Referred to the Senate  
S 02/08/2016 First reading: referred to Committee on Environmental Affairs  
S 02/15/2016 Senator Raatz added as second sponsor  
S 02/15/2016 Senators Perfect and Brown L added as cosponsors  
S 02/15/2016 Senators Schneider and Ford added as cosponsors  
S 02/16/2016 Senator Banks added as cosponsor  
S 02/23/2016 Committee report: amend do pass, adopted  
S 02/25/2016 Second reading: amended, ordered engrossed  
S 02/25/2016 Amendment #1 (Charbonneau) prevailed; voice vote  
S 02/29/2016 Senator Randolph added as cosponsor  
S 03/01/2016 Third reading: passed; Roll Call 255: yeas 48, nays 2  
S 03/01/2016 Senator Tallian added as cosponsor  
S 03/02/2016 Returned to the House with amendments  
H 03/03/2016 Motion to concur filed  
H 03/03/2016 House concurred in Senate amendments; Roll Call 355: yeas 66, nays 29  
[H 03/03/2016 Motion to concur filed](#)  
[H 03/09/2016 Signed by the Speaker](#)  
[S 03/10/2016 Signed by the President Pro Tempore](#)  
[S 03/17/2016 Signed by the President of the Senate](#)  
[H 03/24/2016 Vetoed by the Governor](#)

### **\*HB 1090: Local emergency planning committees.**

**Authored by: Rep. Randall Frye**

**Digest:** Provides that membership on the emergency response commission (commission) is not a lucrative office for purposes of the constitutional prohibition against holding more than one lucrative office at the same time. Specifies that the commission appoints the members of the local emergency planning committee of each emergency planning district. Provides that the commission may decide how many members a local emergency planning committee is to have, and that a local emergency planning committee's members must include representatives of five particular categories. Provides that membership on a local emergency planning committee is not a lucrative office. Allows any member of a local emergency planning committee to appoint a designee to act on the committee member's behalf. (Under current law, only a local

emergency planning committee member who is an employee of a county, municipality, or township can appoint a designee.) Authorizes the commission to revise its appointments to a local emergency planning committee. Provides that a local emergency planning committee is a county board, and that if an emergency planning district consists of multiple counties, the county of which the local emergency planning committee is a county board must be decided by agreement of the counties.

**Amended Digest:** Provides that membership on the emergency response commission (commission) is not a lucrative office for purposes of the constitutional prohibition against holding more than one lucrative office at the same time. Specifies that the commission appoints the members of the local emergency planning committee of each emergency planning district. Provides that the commission may decide how many members a local emergency planning committee is to have, and that a local emergency planning committee's members must include representatives of five particular categories. Provides that membership on a local emergency planning committee is not a lucrative office. Allows any member of a local emergency planning committee to appoint a designee to act on the committee member's behalf. (Under current law, only a local emergency planning committee member who is an employee of a county, municipality, or township can appoint a designee.) Authorizes the commission to revise its appointments to a local emergency planning committee. Provides that a local emergency planning committee is a county board, and that if an emergency planning district consists of multiple counties, the county of which the local emergency planning committee is a county board must be decided by agreement of the counties.

#### **Bill Actions**

H 01/05/2016 Authored by Representative Frye

H 01/05/2016 First reading: referred to Committee on Veterans Affairs and Public Safety

H 01/12/2016 Representative Price added as a coauthor

H 01/13/2016 Committee report: do pass, amend

H 01/19/2016 Second reading: ordered engrossed

H 01/21/2016 Third reading: passed; Roll Call 28: yeas 96, nays 0

H 01/21/2016 Senator Crider added as a sponsor

H 01/21/2016 Representative Macer added as a coauthor

H 01/22/2016 Referred to the Senate

S 02/03/2016 First reading: referred to Committee on Homeland Security & Transportation

S 02/18/2016 Committee report: do pass, adopted

S 02/18/2016 Senator Arnold added as cosponsor

S 02/22/2016 Second reading: ordered engrossed

S 02/22/2016 Senator Perfect added as second sponsor

S 02/23/2016 Third reading: passed; Roll Call 205: yeas 50, nays 0

S 02/24/2016 Returned to House without amendments

H 02/29/2016 Signed by the Speaker

S 03/01/2016 Signed by the President Pro Tempore

[S 03/14/2016 Signed by the President of the Senate](#)

[H 03/21/2016 Signed by the Governor](#)

[H 03/21/2016 Public Law 68](#)



**\*HB 1211: Methamphetamine related property damage.**

**Authored by: Rep. Martin Carbaugh**

**Co-Authored by: Rep. Ben Smaltz, Rep. David Ober**

**Digest:** Includes the attempted manufacture of methamphetamine in the statutory definition of "methamphetamine abuse". Provides that damaging property during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a Level 6 felony. Provides that damaging a dwelling or structure attached to a dwelling during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a Level 4 felony in certain instances.

**Amended Digest:** Methamphetamine and criminal mischief. Requires law enforcement agencies to report fires related to methamphetamine abuse to the Indiana criminal justice institute. Removes methamphetamine manufacturing and the financing of methamphetamine manufacturing from the crime of dealing in methamphetamine. Makes it manufacturing methamphetamine, a Level 4 felony, for a person to knowingly or intentionally: (1) manufacture; or (2) finance the manufacture of; methamphetamine. Makes the offense: (1) a Level 3 felony if the amount of the drug involved is at least 5 grams but less than 10 grams; and (2) a Level 2 felony if the amount of the drug involved is at least 10 grams, an enhancing circumstance applies, the manufacture of the drug results in serious bodily injury to someone other than the manufacturer, or the manufacture of the drug results in the death of another person. Removes methamphetamine manufacturing and the financing of methamphetamine manufacturing from the definition of "enhancing circumstance" for the purposes of criminal law. Includes the attempted manufacture of methamphetamine in the statutory definition of "methamphetamine abuse". Provides that damaging property during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a Level 6 felony. Provides that damaging a dwelling or structure attached to a dwelling during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a Level 4 felony in certain instances. Makes it institutional criminal mischief, a Class A misdemeanor, for a person to recklessly, knowingly, or intentionally damage property: (1) that is vacant; or (2) after the person has been denied entry to the property by a court order that was issued to the person or to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure; without the consent of the owner, possessor, or occupant of the property that is damaged. Makes the offense: (1) a Level 6 felony if the pecuniary loss is at least \$750 but less than \$50,000; and (2) a Level 5 felony if the pecuniary loss is at least \$50,000. Provides that, if the offense involved the use of graffiti, the court may order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one year.

**Second Amended Digest:** Methamphetamine and criminal mischief. Requires law enforcement agencies to report fires related to methamphetamine abuse to the Indiana criminal justice institute. Removes methamphetamine manufacturing and the financing of methamphetamine manufacturing from the crime of dealing in methamphetamine. Makes it manufacturing methamphetamine, a Level 4 felony, for a person to knowingly or

intentionally: (1) manufacture; or (2) finance the manufacture of; methamphetamine. Makes the offense: (1) a Level 3 felony if the amount of the drug involved is at least 5 grams but less than 10 grams; and (2) a Level 2 felony if the amount of the drug involved is at least 10 grams, an enhancing circumstance applies, the manufacture of the drug results in serious bodily injury to someone other than the manufacturer, or the manufacture of the drug results in the death of another person. Makes conforming amendments. Removes methamphetamine manufacturing and the financing of methamphetamine manufacturing from the definition of "enhancing circumstance" for the purposes of criminal law. Includes the attempted manufacture of methamphetamine in the statutory definition of "methamphetamine abuse". Provides that damaging property during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a Level 6 felony. Provides that damaging a dwelling or structure attached to a dwelling during: (1) the dealing or manufacture; or (2) the attempted dealing or manufacture; of cocaine, a narcotic drug, or methamphetamine is a Level 4 felony in certain instances. Makes it institutional criminal mischief, a Class A misdemeanor, for a person to recklessly, knowingly, or intentionally damage property: (1) that is vacant; or (2) after the person has been denied entry to the property by a court order that was issued to the person or to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure; without the consent of the owner, possessor, or occupant of the property that is damaged. Makes the offense: (1) a Level 6 felony if the pecuniary loss is at least \$750 but less than \$50,000; and (2) a Level 5 felony if the pecuniary loss is at least \$50,000. Provides that, if the offense involved the use of graffiti, the court may order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one year.

**Third Amended Digest:** Methamphetamine and criminal mischief. Requires law enforcement agencies to report fires related to methamphetamine abuse to the Indiana criminal justice institute. Removes manufacturing and the financing of manufacturing from the definition of "enhancing circumstance" for the purposes of criminal law. Increases the penalty for manufacturing methamphetamine to a Level 2 felony if the manufacture results in a fire or explosion that causes serious bodily injury to another person. Specifies that "pecuniary loss" for purposes of the criminal mischief statute includes the costs of inspecting, cleaning, and decontaminating a property.

### **Bill Actions**

H 01/07/2016 Authored by Representative Carbaugh  
H 01/07/2016 Coauthored by Representatives Smaltz and Ober  
H 01/07/2016 First reading: Referred to Committee on Courts and Criminal Code  
H 01/26/2016 Representative Moed added as coauthor  
H 01/28/2016 Committee report: amend do pass, adopted  
H 02/01/2016 Second reading: amended, ordered engrossed  
H 02/01/2016 Amendment #1 (Washburned) prevailed; voice vote  
H 02/02/2016 Third reading: passed; Roll Call 140: yeas 93, nays 0  
H 02/02/2016 Senator Brown L added as sponsor  
H 02/03/2016 Referred to the Senate

H 02/03/2016 First reading: referred to Committee on Corrections & Criminal Law  
H 02/03/2016 Committee report: amend do pass, adopted  
S 02/29/2016 Second reading: amended, ordered engrossed  
S 02/29/2016 Amendment #1 (Brown L) prevailed: voice vote  
S 02/29/2016 Senator Glick added as second sponsor  
S 02/29/2016 Senator Buck added as cosponsor  
S 03/01/2016 Senator Miller, Pat added as cosponsor  
S 03/01/2016 Third reading: passed; Roll Call 271: yeas 49, nays 1  
S 03/01/2016 Senator Taylor added as cosponsor  
S 03/01/2016 Senator Kruse added as cosponsor  
H 03/02/2016 Motion to dissent filed  
H 03/02/2016 House dissented from Senate Amendments  
S 03/02/2016 Returned to the House with amendments  
H 03/03/2016 House Conferees appointed: Carbaugh and Moed  
S 03/03/2016 Senate Conferees appointed: Brown L and Tallian  
H 03/03/2016 House Advisors appointed: Smaltz, Ziemke and Pierce  
S 03/03/2016 Senate Advisors appointed: Bray, Young R Michael, Lanane and Glick  
H 03/10/2016 Rules suspended. Conference Committee Report 1: adopted by the House; Roll Call 444: yeas 97, nays 0  
H 03/10/2016 CCR #1 filed in the House  
S 03/10/2016 CCR #1 filed in the Senate  
S 03/10/2016 Ruled suspended. Conference Committee Report 1: adopted by the Senate; Roll Call 411: yeas 50, nays 0  
H 03/15/2016 Signed by the Speaker  
S 03/16/2016 Signed by the President Pro Tempore  
S 03/17/2016 Signed by the President of the Senate  
H 03/21/2016 Signed by the Governor  
H 03/21/2016 Public Law 76

### **HB 1299: Voluntary remediation plans.**

**Authored by: Rep. David Wolkins**

**Digest:** Revises the law concerning the voluntary remediation of hazardous substances and petroleum. Authorizes the department of environmental management (department) to reject an application for participation in the voluntary remediation program on the grounds that the release or threatened release of a hazardous substance or petroleum described in the application was previously subject to a voluntary remediation agreement and the program participation of the applicant under that agreement was terminated. Provides that an applicant, to participate in the voluntary remediation program, must submit to the department for approval: (1) a voluntary remediation investigation plan for either a proposed investigation or a completed investigation; and (2) a voluntary remediation work plan for either a proposed remediation project or a completed remediation project. Establishes requirements and deadlines for voluntary remediation investigation plans and voluntary remediation work plans. Provides that a voluntary remediation agreement between the department and an applicant must include: (1) a requirement that the applicant fully determine the nature and extent of the actual or threatened release within a certain period; and (2) a requirement that the applicant

submit to the department a proposed voluntary remediation work plan or a voluntary remediation work plan for a completed remediation project within a certain period. Provides that if an applicant's voluntary remediation work plan is approved and the applicant proceeds with the work plan, the applicant is required to report to the commissioner on the remediation at least annually. Provides that a civil or administrative action against an applicant is not barred after the applicant and the department enter into a voluntary remediation agreement if: (1) the applicant withdraws from the agreement; (2) the commissioner withdraws from the agreement and the withdrawal is upheld in any appeal; or (3) the commissioner terminates the applicant's participation in the program and the termination is upheld in any appeal. Recognizes circumstances under which the commissioner may terminate an applicant's participation in the program, including the failure of the applicant to take appropriate and timely action to address the release or threatened release of a hazardous substance or petroleum.

**Amended Digest:** Revises the law concerning the voluntary remediation of hazardous substances and petroleum. Authorizes the department of environmental management (department) to reject an application for participation in the voluntary remediation program if the applicant or an affiliate of the applicant was previously a party to a voluntary remediation agreement involving the same or substantially the same release or threatened release described in the application and the participation of the applicant or affiliate was terminated for one of the reasons for which termination is allowed. Requires an applicant to submit to the department: (1) a voluntary remediation investigation plan for either a proposed investigation or a completed investigation; and (2) a voluntary remediation work plan for either a proposed remediation project or a completed remediation project. Establishes requirements and deadlines for voluntary remediation investigation plans and voluntary remediation work plans. Provides that a voluntary remediation agreement between the department and an applicant must include: (1) a requirement that the applicant adequately determine the nature and extent of the actual or threatened release within a certain period; and (2) a requirement that the applicant submit to the department a proposed voluntary remediation work plan or a voluntary remediation work plan for a completed remediation project within a certain period. Provides for the extension of a deadline by mutual agreement of the department and the applicant, and requires the department to grant an extension to a deadline if the applicant demonstrates the need for an extension due to circumstances beyond the control of the applicant. Provides that if an applicant's voluntary remediation work plan is approved and the applicant proceeds with the work plan, the applicant is required to report to the commissioner on the remediation at least annually. Provides that a civil or administrative action against an applicant is not barred after the applicant and the department enter into a voluntary remediation agreement if: (1) the applicant withdraws from the agreement; (2) the commissioner withdraws from the agreement and the withdrawal is upheld in any appeal; or (3) the commissioner terminates the applicant's participation in the program and the termination is upheld in any appeal. Recognizes circumstances under which the commissioner may terminate an applicant's participation in the program, including the failure of the applicant to make reasonable progress to meet deadlines set forth in the work plan approval notification given by the department.

**Bill Actions as of 03/08/16**

H 01/12/2016 Authored by Representative Wolkins

H 01/12/2016 First reading: referred to Committee on Environmental Affairs  
H 01/28/2016 Committee report: amend do pass, adopted  
H 02/01/2016 Second reading: ordered engrossed  
H 02/03/2016 Third reading: passed; Roll Call 167: yeas 98, nays 0  
H 02/03/2016 Senator Eckerty added as sponsor  
H 02/03/2016 Senator Brown L added as second sponsor  
H 02/03/2016 Referred to the Senate  
S 02/08/2016 First reading: referred to Committee on Environmental Affairs

**\*HB 1300: Environmental management matters.**

**Authored by: Rep. David Wolkins**

**Digest:** Eliminates references to certain administrative rules that have been repealed. Revises the definition of the term "land application". Provides that the terms "land application operation" and "solid waste" apply to the chapter of the law on wastewater management. Changes the conditions under which the commissioner of the department of environmental management (department) may revoke a temporary variance from an environmental administrative rule. Revises a provision concerning the type of: (1) NPDES permit applications; and (2) applications to renew or modify NPDES permits; for which an antidegradation review is required. Requires the environmental rules board (board) to adopt rules concerning land application of solid waste and industrial waste products. Repeals a section providing for the expiration of the law on mercury switches in end of life vehicles. Changes, from December 31, 2015, to May 1, 2016, the date by which the commissioner of the department is required to submit a report summarizing the information obtained from recycling activity reports concerning the previous calendar year. Amends the law concerning the department's annual report on the implementation of the electronic waste law to provide that the report must discuss the total weight of covered electronic devices recycled during the previous program year (rather than fiscal year). Provides that the statute concerning environmental legal actions does not apply to an action brought by the state arising from a site considered a high priority site or the site of a release considered a high priority release under the rules of the board concerning priorities in the selection of hazardous substance response sites.

**Bill Actions**

H 01/12/2016 Authored by Representative Wolkins  
H 01/12/2016 First reading: Referred to Committee on Environmental Affairs  
H 01/28/2016 Committee report: amend do pass, adopted  
H 02/01/2016 Second reading: amended, ordered engrossed  
H 02/01/2016 Amendment #1 (Lehman) prevailed; voice vote  
H 02/03/2016 Third reading: passed; Roll Call 168: yeas 98, nays 0  
H 02/03/2016 Senator Bassler added as sponsor  
H 02/03/2016 Referred to the Senate  
S 02/08/2016 First reading: referred to Committee on Environmental Affairs  
S 02/16/2016 Committee report: do pass, adopted  
S 02/22/2016 Senator Eckerty added as second sponsor  
S 02/25/2016 Second reading: ordered engrossed  
S 03/01/2016 Third reading: passed; Roll Call 288: yeas 50, nays 0  
S 03/03/2016 Returned to the House without amendments

H 03/09/2016 Signed by the Speaker  
S 03/10/2016 Signed by the President Pro Tempore  
S 03/15/2016 Signed by the President of the Senate  
H 03/22/2016 Signed by the Governor  
H 03/22/2016 Public Law 112