HOUSE BILL No. 1005

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Government reduction. Requires an administrative agency to submit certain information to the office of management and budget (OMB) and receive a certain determination from the director of OMB before pursuing a rulemaking action. Removes or repeals certain motor vehicles provisions, including references to street cars, operation of certain buses, and suspension of driving privileges of minors. Removes from the duties of the division of planning and assessment of the department of homeland security the dispersal of homeland security funds in Indiana. Removes funds used by the division of family resources in relation to programs for individuals with developmental disabilities from the list of funds to which the law concerning the financial services group of the office of the secretary of family and social services applies. Repeals the law concerning providing for continuance of prosecution, treatment, and probation for individuals charged with or convicted of felonies related to drug or alcohol abuse and supervised by the division of mental health and addiction. Repeals provisions for voluntary and involuntary addiction treatment by the division of mental health and addiction. Abolishes the underground petroleum storage tank financial assurance board (board). Makes corrections to references to the defunct environmental boards and language suggesting the existence of multiple boards with environmental rulemaking power. Transfers the powers, duties, liabilities, and adopted rules of the board to the environmental rules board. Amends language referring to environmental rulemaking authority by other boards as only the environmental rules board will be

(Continued next page)

Effective: July 1, 2014.

McMillin

January 14, 2014, read first time and referred to Committee on Select Committee on Government Reduction.

authorized to adopt environmental rules. Repeals the responsible property transfer law. Repeals the pest control compact. Strikes a provision allowing the commissioner of labor to obtain assistance from the state department of health with respect to an unsafe or unsanitary workplace. Repeals the law concerning homecare consumer and worker protection. Repeals the law concerning payroll bonds. Repeals a provision allowing a terminating employee to request a letter from the employer. Changes the frequency of the occupational safety standards commission meetings. Repeals a provision regulating distress sales. Repeals a provision concerning partition fences. Removes a provision requiring foreign and alien insurers to file applications in duplicate. Makes conforming amendments.

Introduced

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1005

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 4-10-18-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. If the amount of money in the underground petroleum storage tank excess liability **trust** fund established by IC 13-23-7-1 reaches zero (0), ten million dollars ($10,000,000) shall be transferred to the underground petroleum storage tank excess liability fund from the fund if: ~~the:~~

(1) ~~underground petroleum storage tank financial assurance~~ **the** board recommends that the appropriation should be made; and

(2) **the** budget committee approves the appropriation.

SECTION 2. IC 4-21.5-7-3, AS AMENDED BY P.L.133-2012, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The office of environmental adjudication is established to review, under this article, agency actions of the department of environmental management, actions of a board described

in IC 13-14-9-1, and challenges to rulemaking actions by a board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or IC 4-22-2-45.

(b) The office of environmental adjudication shall:

(1) conduct adjudicatory hearings required to implement:

(A) air pollution control laws (as defined in IC 13-11-2-6), water pollution control laws (as defined in IC 13-11-2-261), environmental management laws (as defined in IC 13-11-2-71), and IC 13-19;

(B) rules of the board (as defined in IC 13-13-8-1); ~~and the financial assurance board;~~ and

(C) agency action of the department of environmental management; and

(2) notify ~~a~~ **the** board referred to in subdivision (1)(B) of a final order of the office of environmental adjudication that interprets:

(A) a rule of the board; or

(B) a statute under which a rule of the board is authorized.

SECTION 3. IC 4-22-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 1.5. (a) This section does not apply to a public official specified in IC 3-10-2-6(3), IC 3-10-2-6(4), or IC 3-10-2-7.**

(b) An agency shall, before initiating a rulemaking action under IC 4-22-2, notify the office of management and budget of any proposed rule, including the following:

(1) A summary of the proposed rule.

(2) A copy of the proposed rule.

(3) An explanation of the manner in which the proposed rule is thought to be necessary.

(4) A fiscal impact analysis.

(5) A cost benefit analysis, including:

(A) a statement of need;

(B) an evaluation of the costs and benefits;

(C) an examination of alternatives;

(D) independent information supporting the policy rationale and cost benefit analysis; and

(E) citation of sources used.

(6) A statement concerning the proposed rule's potential to promote private sector job growth or foster private sector economic development.

(7) An estimated date of the adoption of the proposed rule.

(c) An agency may pursue a rulemaking action only if at least one (1) of the following applies, as determined by the director of

the office of management and budget:

(1) The rule is required to:

(A) fulfill an objective related to job creation and increasing investment in Indiana; or

(B) improve the quality of Indiana's workforce.

(2) The rule:

(A) repeals; or

(B) reduces the regulatory impact of;

an existing rule.

(3) The rule implements a federal mandate that may not be waived under federal law.

(4) The rule is necessary to avoid a violation of a court order or federal law that would result in sanctions against the state by the court or the federal government for failure to adopt the rule.

(5) The rule addresses matters related to:

(A) the control, mitigation, or eradication of waste, fraud, or abuse within an agency; or

(B) wasteful or abusive activities directed toward an agency.

(6) The primary purpose and effect of the rule, including an emergency rule adopted under IC 4-22-2-37.1, is to address emergency, health, or safety matters.

SECTION 4. IC 6-6-6.6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. **(a)** ~~For the purposes of~~ **The terms set forth in** this **section apply throughout this** chapter.

(b) "Department" means the department of state revenue.

(c) "Disposal" means all forms of disposal in or on the land, including underground injection.

(d) "Disposal facility" means a site where hazardous wastes are disposed of in or on the land, including a site associated with, within, or adjacent to facilities generating the waste.

(e) "Hazardous substance" has the meaning set forth in IC 13-11-2-98.

(f) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a) and includes any waste that:

(1) meets the definition in IC 13-11-2-99(a);

(2) is determined to be hazardous under the criteria developed under IC 13-22-2-3(a); or

(3) is included on the list compiled and maintained by the ~~solid waste management~~ board under IC 13-22-2-3(b).

(g) "Remedial action" has the meaning set forth in IC 13-11-2-185.

(h) "Removal" has the meaning set forth in IC 13-11-2-187.

(i) "Taxable hazardous waste" means:

(1) any waste determined to be a hazardous waste under IC 13-22-2-3 and not excluded under IC 13-22-2-3(b) or IC 13-22-2-3(d); and

(2) wastes that are disposed of by underground injection that would constitute hazardous wastes under IC 13-22-2-3 if they were not included in discharges that are subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1342).

Taxable hazardous waste does not include natural agricultural waste.

(j) "Ton" means a short ton.

SECTION 5. IC 7.1-5-7-1, AS AMENDED BY P.L.125-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~(a)~~ It is a Class C misdemeanor for a minor to knowingly or intentionally make a false statement of the minor's age or to present or offer false or fraudulent evidence of majority or identity to a permittee for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

~~(b) In addition to the penalty under subsection (a), a minor who:~~

~~(1) uses a false or altered driver's license or the driver's license of another person as evidence of majority under this section; or~~

~~(2) is convicted of purchasing or procuring an alcoholic beverage with or without using a false or altered driver's license;~~

~~shall have the minor's driver's license, permit, or driving privileges suspended for up to one (1) year in accordance with IC 9-24-18-8 and IC 9-30-4-9.~~

~~(c) Upon entering a judgment of conviction for the misdemeanor under this section, the court shall forward a copy of the judgment to the bureau of motor vehicles for the purpose of complying with subsection (b).~~

SECTION 6. IC 8-1-2-89 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 89. (a) As used in this section, unless the context otherwise requires, the following terms have the following meanings:

(1) "Sewage disposal service" means any public utility service whereby liquid and solid waste, sewage, night soil, and industrial waste of any single territorial area is collected, treated, purified, and disposed of in a sanitary manner, and includes all sewage treatment plant or plants, main sewers, submain sewers, local and lateral sewers, intercepting sewers, outfall sewers, force mains,

pumping stations, ejector stations, and all other equipment and appurtenances necessary or useful and convenient for the rendition of such service.

(2) "Sewage disposal company" means any natural person, firm, association, corporation, or partnership owning, leasing, or operating any sewage disposal service within the rural areas of this state, and all provisions of this chapter pertaining to a public utility shall apply with equal force and effect to a sewage disposal company, except insofar as said provisions may be inconsistent with specific provisions of this section.

(3) "Rural area" means territory lying within the state of Indiana and lying outside the corporate limits of a municipality.

(4) "Certificate of territorial authority" means a certificate of convenience and necessity issued by the commission pursuant to this section, which said certificate shall be deemed an indeterminate permit, unless expressly conditioned otherwise by the commission when issued.

(5) "Notice of hearing" means notice of the time, place, and purpose of a hearing, given by publication in at least one (1) newspaper of general circulation in each of the counties in which the particular sewage disposal company operates or proposes to operate and given also in writing by United States registered mail:

(A) to each other sewage disposal company operating in territory contiguous to the territory in which the particular sewage disposal company operates or proposes to operate;

(B) to each municipality in territory contiguous and nearest to the territory in which the particular sewage disposal company operates or proposes to operate; and

(C) to such other persons or entities which the commission may from time to time require by its rules and forms;

all such notices shall be so mailed as to be received by the recipients at least ten (10) days prior to any hearing, or as otherwise required by the commission.

(b) It is hereby declared to be in the public interest to provide for the orderly development and rendering of sewage disposal service in rural areas within the state of Indiana, and such public interest makes it necessary and desirable that to the extent provided herein the holding of a certificate of territorial authority should be required as a condition precedent to the rendering of such service, and that such operation be under the control, regulation, and supervision of the commission, and such sewage disposal companies shall not be subject to regulation by any municipality or county government or metropolitan regulatory

body, or any branch or subdivisions thereof or substitute therefor in the form of special service districts, with the exception that said sewage disposal company shall be subject to the comprehensive plan, zoning, and subdivision requirements and regulations of the governmental units having jurisdiction in the area. However, all functions, powers, and duties of the state department of health and the ~~water pollution control~~ **environmental rules** board shall remain unaffected by this section.

(c) No sewage disposal company shall commence the rendering of sewage disposal service in any rural area in the state of Indiana in which it is not actually rendering sewage disposal service, without first obtaining from the commission a certificate of territorial authority authorizing such sewage disposal service, finding that public convenience and necessity require such sewage disposal service within such rural area by such sewage disposal company, and defining and limiting specifically the rural area covered thereby. No sewage disposal company hereby required to hold such a certificate shall render any additional sewage disposal service within such rural area to any extent greater than that authorized by such certificate or shall continue to render sewage disposal service within such rural area if and after such certificate of territorial authority has been revoked or transferred as in this section provided, unless in such order of revocation or transfer the commission shall require continued service until a new sewage disposal company or municipality actually takes over such service. The commission shall not have the power to require extension of such service by any sewage disposal company into any additional territory than that defined and limited in such a certificate without the consent of such sewage disposal company.

(d) Whenever any sewage disposal company proposes to commence the rendering of sewage disposal service in any rural area, it shall file with the commission a verified application for a certificate of territorial authority to cover the proposed service. The commission shall by rule prescribe the form of the application and the information to be contained therein, and such application by any such company shall conform to such prescribed form. The commission shall set the matter for hearing and notice of such hearing shall be given to the parties and in the manner defined in this section. Any city may, and upon petition to the commission shall, be made a party to any service proposal if its territorial limits lie within five (5) miles of the area to be serviced under this section.

(e) If, after notice of hearing and hearing on any application for a certificate of territorial authority, the commission shall find from the evidence introduced at such hearing, including any evidence which the

commission shall have caused to be introduced as a result of any investigation which it may have made into the matter, that the applicant has proved:

(1) lawful power and authority to apply for said certificate and to operate said proposed service;

(2) financial ability to install, commence, and maintain said proposed service; and

(3) public convenience and necessity require the rendering of the proposed service in the proposed rural area by this particular sewage disposal company; however, in the event the service is proposed for a proposed rural real estate addition, division, or development, or any part thereof, the reasonably expected sewage disposal service requirements of the anticipated residents may be found to constitute such public convenience and necessity;

then the certificate of territorial authority, defining and limiting the rural area to be covered thereby, shall be granted to the applicant, subject to such terms, restrictions, limitations, and conditions, including but not limited to a reasonable time in which to commence operations, as the commission shall determine to be necessary and desirable in the public interest.

(f) In cases of applications filed by two (2) or more sewage disposal companies seeking the issuance of a certificate of territorial authority for the same area or areas or any conflicting portions thereof, the commission may either consider such applications separately or by consolidation of two (2) or more or all within a single hearing at its discretion and shall have the power to issue its certificate after notice of hearing and hearing to any single qualified sewage disposal company for a particular rural area, or, in the event that the commission determines and finds that two (2) or more or all applicants seeking the same area or areas or any conflicting portions thereof are both or all qualified, then the commission shall have the power to determine which is the better or best qualified, or whether the same area or areas or any conflicting portions thereof shall be divided between or among such qualified applicants. However, in no event shall such area or areas or portions thereof be greater than that for which the particular applicant applied, unless such sewage disposal company shall consent and agree in writing to such modification of its application and the issuance of such modified certificate.

(g) After the issuance of such certificate, no other sewage disposal company shall render sewage disposal service in the area or areas so determined and so defined in any certificate of territorial authority issued by the commission, except after notice of hearing and hearing,

and the determination and finding by the commission that public convenience and necessity require that sewage disposal service in said same area or areas be also rendered or offered by an additional or another company, and the issuance of a certificate duly granted by the commission as provided in this section.

(h) A sewage disposal company shall be required to furnish reasonable adequate sewage disposal services and facilities for which said service and facilities it shall be entitled to charge reasonable, nondiscriminatory rates, subject to the jurisdiction of the commission for the purpose of fixing said rates to be charged to patrons of such sewage disposal company for sewage disposal service, and for such purpose the commission is given jurisdiction to proceed in the same manner and with like power as is provided by this chapter in the case of public utilities.

(i) To encourage the installation of sewage treatment plants, and sewers, mains, stations, and all other equipment and appurtenances for rendering sewage disposal service in rural areas in close proximity to municipalities, and to ensure that a sewage disposal company which had made such installation in such area can recover the cost of its investment, in the event that the area or areas or any part thereof included within the territory granted under a certificate of territorial authority shall be annexed by any municipality at any time within twelve (12) years from the date that such certificate was granted, a sewage disposal company operating under such certificate shall continue to operate under such certificate of territorial authority, subject to the exclusive jurisdiction and regulation of the commission, for the unexpired portion of such period of twelve (12) years from the date of granting such certificate, or, in the case of a determinate permit specifying a term shorter than twelve (12) years, then for the unexpired portion of such lesser period as specified by such permit from the date of granting such permit. However, the foregoing provisions in regard to continued operation within the corporate limits of a municipality after annexation shall not affect the right of the sewage disposal company to cease its operation of providing sewage disposal service within such annexed territory prior to the termination of said twelve (12) year or lesser determinate permit period, upon thirty (30) days written notice to the commission, the municipality, and all patrons.

(j) Upon approval by the commission given after notice of hearing and hearing, but not otherwise, any certificate of territorial authority may:

(1) be sold, assigned, leased, or transferred by the holder thereof to any sewage disposal company to which a territorial certificate

might be lawfully issued; or

(2) be included in the property and rights encumbered under any indenture of mortgage or deed of trust of such holder;

or any sewage treatment plant or plants, sewers, mains, stations, and equipment and appurtenances for the rendering of sewage disposal service, or any part thereof, may be sold, assigned, leased, or transferred by the holder thereof to any municipality if these assets lie within an area which shall have been annexed by such municipality or lie within the given radius of miles from the corporate limits of such municipality into which it is authorized to render such services, if such municipality is prepared to render a comparable sewage disposal service without loss of continuity of service, and if the terms of such sale, assignment, lease, or transfer are reasonable. However, once the commission has given its approval to such transaction and the transaction itself is actually consummated, the commission shall have no control over the sewage disposal service henceforth rendered by such municipality as a municipally owned utility (as defined in this chapter).

(k) Any certificate of territorial authority may, after notice of hearing and hearing, be revoked by the commission, in whole or in part, for the failure of the holder thereof to furnish reasonably adequate sewage disposal service within the area or areas determined and defined in such certificate of territorial authority, or for the failure of the holder thereof to comply with any applicable order or rule prescribed by the commission in the exercise of its powers under this chapter, or for failure to comply with any term, condition, or limitation of such certificate of territorial authority.

(l) After the commission revokes any certificate of territorial authority under subsection (k) or after the county board of health determines the existence of a serious health problem related to the sewage disposal facility, the county commissioners of the county in which the sewage disposal facility is located may acquire the facility, subject to the approval of the acquisition by the county council, except that the county commissioners may not acquire any facility already acquired by any city or town. The county commissioners shall acquire the sewage disposal facility by:

(1) gift, grant, purchase, or condemnation that is funded in the same manner that cities and towns fund sewage treatment acquisitions under IC 36-9; or

(2) a lease arrangement that is funded in the same manner that cities and towns fund leases of sewage disposal facilities under IC 36-9.

After acquisition, the county commissioners shall repair, operate, and maintain the sewage disposal facility and charge user fees for these services.

SECTION 7. IC 9-13-2-146 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 146. "Railroad" does not include street car.~~

SECTION 8. IC 9-13-2-176 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 176. "Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.~~

SECTION 9. IC 9-13-2-182 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 182. "Traffic" means pedestrians, ridden or herded animals, ~~street cars,~~ vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

SECTION 10. IC 9-21-3-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 10. The motorman of a street car shall obey traffic control signals that are applicable to vehicles.~~

SECTION 11. IC 9-21-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. A person who violates section 7, 8, **or** 9 ~~or 10~~ of this chapter commits a Class C infraction.

SECTION 12. IC 9-21-8-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 41. (a) A person who drives a vehicle ~~or street car~~ may not disobey the instructions of an official traffic control device placed in accordance with this article unless otherwise directed by a police officer.

(b) When a traffic control device or flagman is utilized at a worksite on a highway for traffic control, a person who drives a vehicle shall exercise extraordinary care to secure the mutual safety of all persons and vehicles at the worksite.

(c) All traffic shall observe and obey traffic control devices including signals, signs, and warnings, and all directions, signs, or warning devices that may be given or displayed by a police officer or flagman to safely control traffic movement at a worksite and promote safety at a worksite.

SECTION 13. IC 9-21-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 43. (a) A person may not drive a vehicle when any of the following conditions exist:

(1) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to obstruct the view of the person who drives the vehicle to

the front or sides of the vehicle.

(2) The vehicle:

(A) is loaded in a manner; or

(B) has more than three (3) persons in the front seat;

so as to interfere with the person's control over the driving mechanism of the vehicle.

(b) A passenger in a vehicle ~~or street car~~ may not do the following:

(1) Ride in a position that interferes with the view ahead or to the sides of the person who drives the vehicle. ~~or street car.~~

(2) Interfere with the person's control over the driving mechanism of the vehicle. ~~or street car.~~

SECTION 14. IC 9-21-12-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. Whenever a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or other school related activities, all markings on the school bus indicating "school bus" shall be covered or concealed.~~

SECTION 15. IC 9-21-12-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. A street car or vehicle may not be driven over an unprotected hose of a fire department when laid down on a street, private driveway, or street car track to be used at a fire or alarm of fire without the consent of the fire department official in command.~~

SECTION 16. IC 9-21-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. A person who violates section 1 of this chapter commits a Class A infraction. ~~A person who violates section 2 of this chapter commits a Class C misdemeanor.~~

SECTION 17. IC 9-21-12-11, AS AMENDED BY P.L.39-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who violates section 5, ~~6,~~ 7, or 19 of this chapter commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, **or** 16 ~~or 17~~ of this chapter commits a Class C misdemeanor.

(c) A person described in section 18(b) **or** 18(c) ~~or 18(d)~~ of this chapter commits a Class B infraction.

SECTION 18. IC 9-21-12-17 IS REPEALED [EFFECTIVE JULY 1, 2014]: ~~Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus or special purpose bus shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:~~

~~(1) listen through an open door;~~

~~(2) look in both directions along the track for an approaching train~~

~~or other on-track equipment; and~~

~~(3) look for signals indicating the approach of a train or other on-track equipment.~~

~~The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.~~

~~(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.~~

~~(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.~~

SECTION 19. IC 9-21-12-18, AS ADDED BY P.L.107-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 18. (a) Whenever a school bus or special purpose bus is ~~at a place of departure for~~ transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:

(1) inhibits or obstructs an exit; or

(2) renders the means of exit hazardous.

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.

~~(d) A school corporation or an entity that employs:~~

~~(1) a driver who knowingly operates a school bus or special purpose bus in violation of subsection (a); or~~

~~(2) a person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a);~~

~~is subject to section 11(c) of this chapter.~~

SECTION 20. IC 9-24-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) The bureau shall suspend for a mandatory period of at least ninety (90) days the current driving license or permit of a person who:

(1) uses or has possession of a driving license or permit of another person with the intent to violate or evade or to attempt to violate or evade any provision of law relating to the sale, purchase, use, or possession of alcoholic beverages; or

(2) is convicted of the offenses listed in ~~IC 7.1-5-7-1(b) or~~ IC 7.1-5-7-10.

(b) The mandatory suspension provided by this section is in addition to all other sanctions provided by section 7 of this chapter and IC 9-30-4-9.

SECTION 21. IC 9-30-4-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. Upon any reasonable ground appearing on the records of the bureau, the bureau may do the following:~~

~~(1) Suspend or revoke the current driving privileges or driver's license of any person.~~

~~(2) Suspend or revoke the certificate of registration and license plate for any motor vehicle.~~

SECTION 22. IC 9-30-4-3, AS AMENDED BY P.L.125-2012, SECTION 329, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person aggrieved by an order or act of the bureau under section ~~1 or~~ 2 of this chapter may, within fifteen (15) days after notice is given, file a petition in the circuit or superior court of the county in which the person resides. If the person is a nonresident, the person may file a petition for review in the Marion County circuit court.

(b) The petitioner must state facts showing how the order or act of the bureau is wrongful or unlawful, but the filing of a petition does not suspend the order or act unless a stay is allowed by a judge of the court pending final determination of the review on a showing of reasonable probability that the order or act is wrongful or unlawful.

(c) The court shall, within six (6) months of the date of the filing of the petition, hear the petition, take testimony, and examine the facts of the case. The court may, in disposing of the issues, modify, affirm, or reverse the order or act of the bureau in whole or in part and shall make an appropriate order. If the petition has not been heard within six (6) months from the date of the filing, the original order or act of the bureau shall be reinstated in full force and effect.

SECTION 23. IC 10-19-4-2, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The division shall do the following:

(1) Develop a single strategic plan for preparing for and responding to homeland security emergencies.

(2) Assess state and local security needs.

~~(3) Disburse federal and state homeland security money for all Indiana state and local governments.~~

SECTION 24. IC 12-8-10-1, AS AMENDED BY P.L.146-2008, SECTION 383, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies only to the indicated money of the following state agencies to the extent that the money is used by the agency to obtain services from grantee agencies to carry out the program functions of the agency:

(1) Money appropriated or allocated to a state agency from money received by the state under the federal Social Services Block Grant Act (42 U.S.C. 1397 et seq.).

(2) The division of aging, except this chapter does not apply to money expended under the following:

(A) The following statutes, unless application of this chapter is required by another subdivision of this section:

(i) IC 12-10-6.

(ii) IC 12-10-12.

(B) Epilepsy services.

(3) The division of family resources, for money expended under the following programs:

(A) The child development associate scholarship program.

(B) The dependent care program.

(C) Migrant day care.

(D) The commodities program.

(E) The migrant nutrition program.

(F) Any emergency shelter program.

(G) The energy weatherization program.

~~(H) Programs for individuals with developmental disabilities.~~

(4) The state department of health, for money expended under the following statutes:

(A) IC 16-19-10.

(B) IC 16-38-3.

(5) The group.

(6) All state agencies, for any other money expended for the purchase of services if all the following apply:

(A) The purchases are made under a contract between the state agency and the office of the secretary.

(B) The contract includes a requirement that the office of the secretary perform the duties and exercise the powers described in this chapter.

(C) The contract is approved by the budget agency.

(7) The division of mental health and addiction.

SECTION 25. IC 12-8-10-9, AS AMENDED BY P.L.181-2006, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Each grantee agency receiving money under a contract covered by this chapter shall maintain sufficient records to

show the following:

(1) The actual cost of services provided under the contract.

(2) The nature and amount of services provided under the contract.

(b) At least every two (2) years the group shall, in the manner prescribed by the state board of accounts, conduct audits of all grantee agencies that, under a contract under this chapter, receive payment from any of the money described in section 1(2) ~~or 1(3)(J)~~ of this chapter. These audits must include an investigation of the records of the grantee agencies to determine whether the services rendered under the contracts have been in compliance with the terms of the contracts.

(c) This section does not prohibit the state board of accounts from auditing grantee agencies under the board's own authority. The office of the secretary may do either of the following:

(1) Contract with the state board of accounts to conduct audits of grantee agencies.

(2) Require grantee agencies to obtain independent audits of their agencies.

(d) A contract between a state agency and the office of the secretary under section (1)(6) of this chapter may include a provision requiring the group to perform or arrange for the audits described by this section.

SECTION 26. IC 12-23-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) This article does not repeal or modify Indiana law relating to the operation of a vehicle under the influence of liquor or drugs.

(b) IC 12-23-5 ~~IC 12-23-6, IC 12-23-7, IC 12-23-8,~~ and any other related provisions of this article shall be considered to be alternative methods or procedures for the prosecution of alcoholics or drug abusers as criminals.

SECTION 27. IC 12-23-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Request for Treatment After Charge or Conviction of Certain Felonies).

SECTION 28. IC 12-23-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Continuance of Prosecution After Felony Charge).

SECTION 29. IC 12-23-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Treatment and Probation Following Felony Conviction).

SECTION 30. IC 12-23-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) An individual who by medical examination is found to be incapacitated by alcohol at the time of admission or to have become incapacitated by alcohol at any time after admission may not be detained at a facility:

(1) after the individual is no longer incapacitated by alcohol; or

(2) if the individual remains incapacitated by alcohol for more than forty-eight (48) hours after admission as a patient. ~~unless the individual is committed under IC 12-23-7 through IC 12-23-8.~~

(b) An individual may consent to remain in a facility as long as the physician in charge believes it is appropriate.

SECTION 31. IC 12-23-10 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Voluntary Treatment by Division for Drug Abusers).

SECTION 32. IC 12-23-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Involuntary Treatment by Division for Alcoholics and Drug Abusers).

SECTION 33. IC 12-24-12-10, AS AMENDED BY P.L.188-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) Upon admission to a state institution administered by the division of mental health and addiction, the gatekeeper is one (1) of the following:

(1) For an individual with a psychiatric disorder, the community mental health center that submitted the report to the committing court under IC 12-26.

(2) For an individual with a developmental disability, a division of disability and rehabilitative services service coordinator under IC 12-11-2.1.

(b) The division is the gatekeeper for the following:

(1) An individual who is found to have insufficient comprehension to stand trial under IC 35-36-3.

(2) An individual who is found to be not guilty by reason of insanity under IC 35-36-2-4 and is subject to a civil commitment under IC 12-26.

(3) An individual who is immediately subject to a civil commitment upon the individual's release from incarceration in a facility administered by the department of correction or the Federal Bureau of Prisons, or upon being charged with or convicted of a forcible felony (as defined by IC 35-31.5-2-138).

~~(4) An individual placed under the supervision of the division for addictions treatment under IC 12-23-7 and IC 12-23-8.~~

~~(5)~~ **(4)** An individual transferred from the department of correction under IC 11-10-4.

SECTION 34. IC 13-11-2-17, AS AMENDED BY P.L.13-2013, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 17. (a) "Board", except as provided in subsections (b) ~~through (d),~~ **and (c),** refers to the environmental rules board established by IC 13-13-8-3.

(b) "Board", for purposes of IC 13-21, refers to the board of

directors of a solid waste management district.

~~(c) "Board", for purposes of IC 13-23-11, refers to the underground storage tank financial assurance board.~~

~~(d)~~ **(c)** "Board", for purposes of IC 13-26, refers to the board of trustees of a regional water, sewage, or solid waste district.

SECTION 35. IC 13-11-2-40, AS AMENDED BY P.L.189-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 40. "Confined feeding operation" means:

(1) any confined feeding of:

(A) at least three hundred (300) cattle;

(B) at least six hundred (600) swine or sheep;

(C) at least thirty thousand (30,000) fowl; or

(D) at least five hundred (500) horses.

(2) any animal feeding operation electing to be subject to IC 13-18-10; or

(3) any animal feeding operation that is causing a violation of:

(A) water pollution control laws;

(B) any rules of the ~~water pollution control~~ board; or

(C) IC 13-18-10.

A determination by the department under this subdivision is appealable under IC 4-21.5.

SECTION 36. IC 13-11-2-56 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 56. "Disclosure document", for purposes of IC 13-25-3, means a document that sets forth certain information about a property that is to be transferred.~~

SECTION 37. IC 13-11-2-70 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 70. (a) "Environmental defect", for purposes of IC 13-25-3, means an environmentally related commission, omission, activity, or condition that meets at least one (1) of the following conditions:~~

~~(1) Constitutes a material violation of an environmental:~~

~~(A) statute;~~

~~(B) regulation; or~~

~~(C) ordinance.~~

~~(2) Would require remedial activity under an environmental:~~

~~(A) statute;~~

~~(B) regulation; or~~

~~(C) ordinance.~~

~~(3) Presents a substantial endangerment to at least one (1) of the following:~~

~~(A) The public health.~~

~~(B) The public welfare.~~

~~(C) The environment.~~

~~(4) Would have a material, adverse effect on the market value of the property or of an abutting property.~~

~~(5) Would prevent or materially interfere with another party's ability to obtain a permit or license that is required under an environmental:~~

~~(A) statute;~~

~~(B) regulation; or~~

~~(C) ordinance;~~

~~to operate the property or a facility or process on the property.~~

~~(b) The term does not include a condition that is the subject of a voluntary remediation that received a certificate of completion from the department under IC 13-25-5-16.~~

SECTION 38. IC 13-11-2-74.5, AS AMENDED BY P.L.241-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 74.5. (a) "Exempt isolated wetland", for purposes of IC 13-18 and environmental management laws, means an isolated wetland that:

(1) is a voluntarily created wetland unless:

(A) the wetland is approved by the department for compensatory mitigation purposes in accordance with a permit issued under Section 404 of the Clean Water Act or IC 13-18-22;

(B) the wetland is reclassified as a state regulated wetland under IC 13-18-22-6(e); or

(C) the owner of the wetland declares, by a written instrument:

(i) recorded in the office of the recorder of the county or counties in which the wetland is located; and

(ii) filed with the department;

that the wetland is to be considered in all respects to be a state regulated wetland;

(2) exists as an incidental feature in or on:

(A) a residential lawn;

(B) a lawn or landscaped area of a commercial or governmental complex;

(C) agricultural land;

(D) a roadside ditch;

(E) an irrigation ditch; or

(F) a manmade drainage control structure;

(3) is a fringe wetland associated with a private pond;

(4) is, or is associated with, a manmade body of surface water of any size created by:

(A) excavating;
(B) diking; or
(C) excavating and diking;
dry land to collect and retain water for or incidental to agricultural, commercial, industrial, or aesthetic purposes;
(5) subject to subsection (c), is a Class I wetland with an area, as delineated, of one-half (1/2) acre or less;
(6) subject to subsection (d), is a Class II wetland with an area, as delineated, of one-fourth (1/4) acre or less;
(7) is located on land:
(A) subject to regulation under United States Department of Agriculture wetland conservation programs, including Swampbuster and the Wetlands Reserve Program, because of voluntary enrollment in a federal farm program; and
(B) used for agricultural or other purposes allowed under the programs referred to in clause (A); or
(8) is constructed for reduction or control of pollution.

(b) For purposes of subsection (a)(2), an isolated wetland exists as an incidental feature:
(1) if:
(A) the owner or operator of the property or facility described in subsection (a)(2) does not intend the isolated wetland to be a wetland;
(B) the isolated wetland is not essential to the function or use of the property or facility; and
(C) the isolated wetland arises spontaneously as a result of damp soil conditions incidental to the function or use of the property or facility; and
(2) if the isolated wetland satisfies any other factors or criteria established in rules that are:
(A) adopted by the ~~water pollution control~~ board; and
(B) not inconsistent with the factors and criteria described in subdivision (1).

(c) The total acreage of Class I wetlands on a tract to which the exemption described in subsection (a)(5) may apply is limited to the larger of:
(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(5); and
(2) fifty percent (50%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(5) but for the limitation of this

subsection.

(d) The total acreage of Class II wetlands on a tract to which the exemption described in subsection (a)(6) may apply is limited to the larger of:

(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(6); and

(2) thirty-three and one-third percent (33 1/3%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(6) but for the limitation of this subsection.

(e) An isolated wetland described in subsection (a)(5) or (a)(6) does not include an isolated wetland on a tract that contains more than one (1) of the same class of wetland until the owner of the tract notifies the department that the owner has selected the isolated wetland to be an exempt isolated wetland under subsection (a)(5) or (a)(6) consistent with the applicable limitations described in subsections (c) and (d).

SECTION 39. IC 13-11-2-84 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 84. "Financial assurance board", for purposes of IC 13-23, refers to the underground petroleum storage tank financial assurance board.~~

SECTION 40. IC 13-11-2-96 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 96. (a) "Hazardous material", for purposes of IC 13-18-5, means any of the following:

(1) A hazardous chemical (as defined in 42 U.S.C. 11021(e), as in effect on January 1, 1990).

(2) A hazardous waste.

(3) A hazardous substance (as defined in 42 U.S.C. 9601(14), as in effect on January 1, 1990).

(4) A substance that is on the list of extremely hazardous substances published by the Administrator of the United States Environmental Protection Agency under 42 U.S.C. 11002(a)(2).

(5) A material that is identified by the ~~water pollution control~~ board as potentially harmful to surface water or groundwater if accidentally released from a storage or handling facility.

(b) "Hazardous material", for purposes of IC 13-25-6, means a material or waste that has been determined to be hazardous or potentially hazardous to human health, to property, or to the environment by:

(1) the United States:

(A) Environmental Protection Agency;

(B) Nuclear Regulatory Commission;

(C) Department of Transportation; or
(D) Occupational Safety and Health Administration; or
(2) the ~~solid waste management~~ board.
The term includes all of the hazardous materials identified in 49 CFR 172.101.

SECTION 41. IC 13-11-2-98 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 98. "Hazardous substance", for purposes of:
(1) IC 13-19-5;
(2) IC 13-25-4; and
(3) IC 13-25-5;
has the meaning set forth in Section 101 of CERCLA (42 U.S.C. 9601). The term includes any substance that the ~~solid waste management~~ board determines to be hazardous under environmental management laws.

SECTION 42. IC 13-11-2-115.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 115.5. "Land trust", for purposes of IC 13-25-3, means a trust that is established under terms providing that:~~
~~(1) the trustee holds legal or equitable title to property;~~
~~(2) the beneficiary has the power to manage the trust property, including the power to direct the trustee to sell the property; and~~
~~(3) the trustee may sell the trust property:~~
~~(A) only at the direction of the beneficiary or other person; or~~
~~(B) after a time stipulated in the terms of the trust.~~

SECTION 43. IC 13-11-2-119 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 119. (a) "Lender", for purposes of IC 13-23-13, means any of the following:
(1) An insured depository institution (as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).
(2) An insured credit union (as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).
(3) A bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).
(4) A leasing or trust company that is an affiliate of an insured depository institution.
(5) A person (including a successor or assignee of the person) that:
(A) makes a bona fide extension of credit to; or
(B) takes or acquires a security interest from;
a nonaffiliated person.
(6) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural

Mortgage Corporation, or an entity that buys or sells loans or interests in loans in a bona fide manner.

(7) A person that:

(A) insures or guarantees against a default in the repayment of an extension of credit; or

(B) acts as a surety with respect to an extension of credit;

to a nonaffiliated person.

(8) A person that provides title insurance and that acquires an underground storage tank as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

(b) "Lender", for purposes of IC 13-24-1, means any of the following:

(1) An insured depository institution (as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

(2) An insured credit union (as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) A bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(4) A leasing or trust company that is an affiliate of an insured depository institution.

(5) A person (including a successor or assignee of the person) that:

(A) makes a bona fide extension of credit to; or

(B) takes or acquires a security interest from;

a nonaffiliated person.

(6) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or an entity that buys or sells loans or interests in loans in a bona fide manner.

(7) A person that:

(A) insures or guarantees against a default in the repayment of an extension of credit; or

(B) acts as a surety with respect to an extension of credit;

to a nonaffiliated person.

(8) A person that provides title insurance and that acquires a petroleum facility as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

~~(c) "Lender", for purposes of IC 13-25-3, means a person that provides loans secured by:~~

~~(1) an interest in property; or~~

~~(2) an assignment of beneficial interest in a land trust.~~

~~(d)~~ **(c)** "Lender", for purposes of IC 13-25-4, means any of the

following:

(1) An insured depository institution (as defined in Section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

(2) An insured credit union (as defined in Section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) A bank or association chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(4) A leasing or trust company that is an affiliate of an insured depository institution.

(5) A person (including a successor or assignee of the person) that:

(A) makes a bona fide extension of credit to; or

(B) takes or acquires a security interest from;

a nonaffiliated person.

(6) The Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Agricultural Mortgage Corporation, or an entity that buys or sells loans or interests in loans in a bona fide manner.

(7) A person that:

(A) insures or guarantees against a default in the repayment of an extension of credit; or

(B) acts as a surety with respect to an extension of credit;

to a nonaffiliated person.

(8) A person that provides title insurance and that acquires a vessel or facility as a result of assignment or conveyance in the course of underwriting claims and claims settlement.

SECTION 44. IC 13-11-2-149.5, AS AMENDED BY P.L.78-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 149.5. "Outstanding national resource water", for purposes of section 50.5 of this chapter and IC 13-18-3, means a water designated as such by the general assembly after recommendations by the ~~water pollution control~~ board and the environmental quality service council under IC 13-18-3-2(n) and IC 13-18-3-2(o). The designation must describe the quality of the outstanding national resource water to serve as the benchmark of the water quality that shall be maintained and protected. Waters that may be considered for designation as outstanding national resource waters include water bodies that are recognized as:

(1) important because of protection through official action, such as:

(A) federal or state law;

(B) presidential or secretarial action;

(C) international treaty; or
(D) interstate compact;
(2) having exceptional recreational significance;
(3) having exceptional ecological significance;
(4) having other special environmental, recreational, or ecological attributes; or
(5) waters with respect to which designation as an outstanding national resource water is reasonably necessary for protection of other water bodies designated as outstanding national resource waters.

SECTION 45. IC 13-11-2-149.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 149.6. "Outstanding state resource water", for purposes of section 50.5 of this chapter and IC 13-18-3, means any water designated as such by the ~~water pollution control~~ board regardless of when the designation occurred or occurs. Waters that may be considered for designation as outstanding state resource waters include water bodies that have unique or special ecological, recreational, or aesthetic significance.

SECTION 46. IC 13-11-2-152 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 152. (a) "Parties", for purposes of IC 13-25-3, refers to the parties to a transfer of property, which include the following:~~

~~(1) The transferor.~~
~~(2) The transferee.~~
~~(3) Each lender involved in the transfer.~~

~~(b) The term includes a person who intends to participate in a transfer of property as:~~

~~(1) a transferor;~~
~~(2) a transferee; or~~
~~(3) a lender.~~

SECTION 47. IC 13-11-2-158, AS AMENDED BY P.L.114-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 158. (a) "Person", for purposes of:

(1) IC 13-21;
(2) air pollution control laws;
(3) water pollution control laws; and
(4) environmental management laws, except as provided in subsections (c), (d), and (e);

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a municipal corporation, a city, a school city, a town, a school town, a school district, a school corporation, a county, any consolidated unit of government, political subdivision, state agency, a contractor, or any

other legal entity.

(b) "Person", for purposes of:

(1) IC 13-18-10;

(2) IC 13-18-10.5;

(3) IC 13-20-10.5; and

(4) IC 13-20-17;

means an individual, a partnership, a copartnership, a firm, a company, a corporation, an association, a joint stock company, a trust, an estate, a political subdivision, a state agency, or other legal entity, or their legal representative, agent, or assigns.

(c) "Person", for purposes of:

(1) IC 13-20-13;

(2) IC 13-20-14;

(3) IC 13-20-16; and

(4) IC 13-25-6;

means an individual, a corporation, a limited liability company, a partnership, or an unincorporated association.

(d) "Person", for purposes of IC 13-23, has the meaning set forth in subsection (a). The term includes a consortium, a joint venture, a commercial entity, and the United States government.

(e) "Person", for purposes of IC 13-20-17.5, ~~and IC 13-25-3,~~ means an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.

(f) "Person", for purposes of IC 13-26, means an individual, a firm, a partnership, an association, a limited liability company, or a corporation other than an eligible entity.

(g) "Person", for purposes of IC 13-29-1, means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

SECTION 48. IC 13-11-2-174 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 174. (a) "Property", for purposes of IC 13-25-3, means a specific and an identifiable parcel of real property that:~~

~~(1) contains one (1) or more facilities that are subject to reporting under Section 312 of the federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11022);~~

~~(2) is the site of one (1) or more underground storage tanks for which notification is required under:~~

~~(A) 42 U.S.C. 6991a; and~~

~~(B) IC 13-23-1-2(c)(8)(A); or~~

~~(3) is listed on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) in~~

~~accordance with Section 116 of CERCLA (42 U.S.C. 9616).~~

~~(b) The term does not include property that has been subject to bonding or other financial assurances released by the appropriate governmental agency after compliance with applicable state laws.~~

SECTION 49. IC 13-11-2-183, AS AMENDED BY P.L.221-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 183. "Regulated substance", for purposes of this chapter and IC 13-23, includes the following:

(1) Any substance defined in section 98 of this chapter as a hazardous substance, but excluding any substance regulated as a hazardous waste under:

(A) Subtitle C of the federal Solid Waste Disposal Act, as amended (42 U.S.C. 6921 through 6939(a)); or

(B) IC 13-22-2-3.

(2) Petroleum.

(3) Any other substance designated by rules adopted by the ~~solid waste management~~ board under IC 13-23-1-2.

SECTION 50. IC 13-11-2-205, AS AMENDED BY P.L.189-2011, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 205. (a) "Solid waste", for purposes of IC 13-19, IC 13-21, IC 13-20-22, and environmental management laws, except as provided in subsection (b), means any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities. The term does not include:

(1) solid or dissolved material in:

(A) domestic sewage; or

(B) irrigation return flows or industrial discharges;

that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342);

(2) source, special nuclear, or byproduct material (as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.));

(3) manures or crop residues returned to the soil as fertilizers or soil conditioners as part of a total farm operation; or

(4) vegetative matter at composting facilities registered under IC 13-20-10.

(b) "Solid waste", for purposes of IC 13-20-5, IC 13-20-22, and IC 13-21, does not include the following:

(1) A waste that is regulated under the following:

(A) IC 13-22-1 through IC 13-22-8.

(B) IC 13-22-13 through IC 13-22-14.

(2) An infectious waste (as defined in IC 16-41-16-4) that is disposed of at an incinerator permitted under rules adopted by the ~~solid waste management~~ board to dispose of infectious waste.

(c) "Solid waste", for purposes of IC 13-26, means all putrescible and nonputrescible solid and semisolid wastes, except human excreta. The term includes garbage, rubbish, ashes, street cleanings, dead animals, offal, and solid commercial, industrial, and institutional wastes.

SECTION 51. IC 13-11-2-234 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 234. (a) "Transfer", for purposes of IC 13-25-3, means a conveyance of an interest in property by any of the following:~~

~~(1) A deed or other instrument of conveyance of fee title to property.~~

~~(2) A lease whose term, if all options were exercised, would be more than forty (40) years.~~

~~(3) An assignment of more than twenty-five percent (25%) of the beneficial interest in a land trust.~~

~~(4) A collateral assignment of a beneficial interest in a land trust.~~

~~(5) An installment contract for the sale of property.~~

~~(6) A mortgage or trust deed.~~

~~(7) A lease of any duration that includes an option to purchase.~~

~~(b) The term does not include a conveyance of an interest in property by any of the following:~~

~~(1) A deed or trust document that, without additional consideration:~~

~~(A) confirms;~~

~~(B) corrects;~~

~~(C) modifies; or~~

~~(D) supplements;~~

~~a deed or trust document that was previously recorded.~~

~~(2) A deed or trust document that, without additional consideration, changes title to property without changing beneficial interest.~~

~~(3) A tax deed or a deed from a county transferring property the county received under IC 6-1.1-25-5.5.~~

~~(4) An instrument of release of an interest in property that is security for a debt or other obligation.~~

~~(5) A deed of partition.~~

~~(6) A conveyance occurring as a result of the foreclosure of a mortgage or other lien on real property.~~

~~(7) An easement.~~

~~(8) A conveyance of an interest in minerals, gas, or oil, including a lease.~~

~~(9) A conveyance by operation of law upon the death of a joint tenant with right of survivorship.~~

~~(10) An inheritance or devise.~~

~~(11) A deed in lieu of foreclosure.~~

~~(12) A Uniform Commercial Code sale or other foreclosure of a collateral assignment of a beneficial interest in a land trust.~~

~~(13) A deed that conveys fee title under an installment contract for the sale of property.~~

~~(14) A deed that conveys fee title under an exercise of an option to purchase contained in a lease of property.~~

SECTION 52. IC 13-11-2-236 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 236. (a) "Transferee", for purposes of IC 13-25-3, means any of the following:~~

~~(1) A buyer, mortgagee, grantee, or lessee of real property.~~

~~(2) An assignee of an interest of more than twenty-five percent (25%) in a land trust.~~

~~(3) For a transfer to the trustee of a land trust, the owners of the beneficial interest of the land trust.~~

~~(b) The term includes a prospective transferee.~~

SECTION 53. IC 13-11-2-237 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 237. (a) "Transferor", for purposes of IC 13-25-3, means any of the following:~~

~~(1) A seller, grantor, mortgagor, or lessor of real property.~~

~~(2) An assignor of an interest of more than twenty-five percent (25%) in a land trust.~~

~~(3) For a transfer by the trustee of a land trust, the owner of the beneficial interest of the land trust.~~

~~(b) The term includes a prospective transferor.~~

SECTION 54. IC 13-11-2-241 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 241. (a) "Underground storage tank", for purposes of section 161 of this chapter and IC 13-23, means one (1) tank or a combination of tanks, including underground pipes connected to the tank or combination of tanks:

(1) that is used to contain an accumulation of regulated substances; and

(2) the volume of which, including the volume of the underground connected pipes, is at least ten percent (10%) beneath the surface of the ground.

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

(1) A farm or residential tank with a capacity of not more than one thousand one hundred (1,100) gallons that is used for storing motor fuel for noncommercial purposes.

(2) A tank used for storing heating oil for consumptive use on the premises on which the tank is stored.

(3) A septic tank.

(4) A pipeline facility, including gathering lines, that:

(A) is regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 et seq.);

(B) is regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 60101 et seq.); or

(C) is an intrastate pipeline facility regulated under state laws comparable to the laws identified in clauses (A) through (B).

(5) A surface impoundment, pit, pond, or lagoon.

(6) A stormwater or wastewater collection system.

(7) A flow-through process tank.

(8) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

(9) A storage tank situated in an underground area such as:

(A) a basement;

(B) a cellar;

(C) a mineworking;

(D) a drift;

(E) a shaft; or

(F) a tunnel;

if the storage tank is situated upon or above the surface of the floor.

(10) Any other tank exempted by a rule adopted by the ~~solid waste management~~ board in accordance with regulations adopted by the Administrator of the United States Environmental Protection Agency.

(11) A pipe connected to a tank described in subdivisions (1) through (10).

SECTION 55. IC 13-13-8-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 2.1. (a) The underground storage tank financial assurance board (established by IC 13-23-11-1 before its repeal) is abolished on July 1, 2014.**

(b) All powers, duties, and liabilities of the underground storage tank financial assurance board are transferred to the environmental rules board established by section 3 of this chapter effective July 1, 2014.

(c) After June 30, 2014:

(1) a reference to the underground storage tank financial assurance board in a statute or rule shall be treated as a reference to the environmental rules board; and

(2) the rules adopted by the underground storage tank financial assurance board shall be:

(A) treated as though the rules had been adopted by the environmental rules board; and

(B) administered and implemented by the solid waste management division established within the department under IC 13-13-3-2(3).

SECTION 56. IC 13-14-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. The department shall follow the operating policies established in rules adopted by the ~~boards.~~ **board.**

SECTION 57. IC 13-14-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. Except as provided in IC 13-14-6, the commissioner may issue orders to:

(1) secure compliance with:

(A) this title; or

(B) any applicable rule of ~~a~~ **the** board; and

(2) assess civil penalties.

SECTION 58. IC 13-14-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A designated agent of the department is not required to include in an oral report or in a written summary:

(1) a matter that is not evident to the designated agent at the time of the designated agent's inspection; or

(2) any fact that indicates or evidences an intentional, a knowing, or a reckless violation of:

(A) this title;

(B) a rule or standard adopted by ~~a~~ **the** board; or

(C) any determination, permit, or order made or issued by the commissioner under this title or any other law.

SECTION 59. IC 13-14-8-0.3, AS ADDED BY P.L.220-2011, SECTION 279, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.3. A rule **that:**

(1) was adopted by the solid waste management board **(established by IC 13-19-2, before its repeal)** before May 13, 1999; **and**

(2) ~~that~~ does not comply with IC 13-20-7-1 (as amended by P.L.224-1999 and before its repeal);

applies only to special waste that is disposed of at a solid waste landfill that does not meet Subtitle D design standards of the federal Resource Conservation and Recovery Act as provided in 40 CFR Part 258.

SECTION 60. IC 13-14-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014] Sec. 3. A rule or standard adopted by ~~a~~ **the** board may:

(1) make different provisions as required by varying circumstances and conditions for different contaminant sources and for different geographical areas;

(2) be made applicable to sources outside Indiana that:

(A) are causing;

(B) are contributing to; or

(C) could cause or contribute to;

environmental pollution in Indiana; and

(3) make provision for abatement standards and procedures:

(A) concerning occurrences, emergencies, or pollution; or

(B) on other short term conditions constituting an acute danger to health or to the environment.

SECTION 61. IC 13-14-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014] Sec. 4. In adopting rules and establishing standards, ~~a~~ **the** board shall take into account the following:

(1) All existing physical conditions and the character of the area affected.

(2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.

(3) Zoning classifications.

(4) The nature of the existing air quality or existing water quality, as appropriate.

(5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.

(6) Economic reasonableness of measuring or reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant, animal, or aquatic life; or

(B) the reasonable enjoyment of life and property.

SECTION 62. IC 13-14-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014] Sec. 8. (a) Except as provided in section 9 of this chapter, if a person who is affected by a rule adopted by ~~a~~ **the** board believes that the imposition of the rule

would impose an undue hardship or burden upon the person, the person may apply to the commissioner for a variance from the rule.

(b) The commissioner may hold a public hearing on an application submitted under subsection (a).

(c) If the commissioner determines that immediate compliance with the rule would impose an undue hardship or burden upon the applicant, the commissioner, except as provided in section 9 of this chapter, may grant a variance from the rule for any period not exceeding one (1) year.

(d) Upon the request of an applicant, the commissioner may renew an expired variance if the commissioner determines that compliance with the rule would continue to impose an undue hardship or burden upon the applicant. Except as provided in section 9 of this chapter, each renewal may be granted for a period not exceeding one (1) year.

SECTION 63. IC 13-14-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014] Sec. 10. ~~A~~ **The** board may adopt rules under IC 4-22-2 to specify the following with respect to any of the board's rules:

(1) Criteria to define what constitutes an undue hardship or burden, as used in section 8 of this chapter, for the purposes of that rule.

(2) Procedures for making determinations on applications for variances from that rule.

SECTION 64. IC 13-14-8-11.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.6. (a) A discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective:

(1) National Pollutant Discharge Elimination System (NPDES) industrial permit for direct discharges to surface water; or

(2) industrial waste pretreatment permit not issued by the department for discharges to a publicly owned treatment works.

(b) If a modification is for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, within thirty (30) days after commencement of operation, the discharger shall file with the department a notice of installation for the additional pollutant control equipment and a design summary of any modifications.

(c) The ~~water pollution control~~ board shall adopt a general permit rule for the approval of sanitary collection system plans, lift station plans, and force main plans.

SECTION 65. IC 13-14-9-1, AS AMENDED BY P.L.133-2012,

SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in sections 8 and 14 of this chapter, this chapter applies to ~~the following:~~

~~(1)~~ the board.

~~(2) The underground storage tank financial assurance board established by IC 13-23-11-1.~~

(b) In addition to **meeting** the requirements of IC 4-22-2 and IC 13-14-8, ~~a~~ **the** board may not adopt a rule except in accordance with this chapter.

SECTION 66. IC 13-14-9-2, AS AMENDED BY P.L.159-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Except as provided in sections 4.5, 7, 8, and 14 of this chapter, ~~a~~ **the** board may not adopt a rule under this chapter until the board has conducted at least two (2) public comment periods, each of which must be at least thirty (30) days in length.

SECTION 67. IC 13-14-9-4.2, AS AMENDED BY P.L.123-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.2. Not less than fourteen (14) days before the date of preliminary adoption of a proposed rule by ~~a~~ **the** board, the department shall make available to the board the fiscal impact statement prepared by the office of management and budget with respect to the proposed rule under IC 4-22-2-28(e).

SECTION 68. IC 13-14-9-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. (a) Except for a rule:

(1) that has been preliminarily adopted by ~~a~~ **the** board in a form that is:

(A) identical to; or

(B) not substantively different from;

the proposed rule published in a second notice under section 4 of this chapter; or

(2) for which the commissioner has made a determination and prepared written findings under section 7 or 8 of this chapter;

~~a~~ **the** board may not adopt a rule under this chapter until the board has conducted a third public comment period that is at least twenty-one (21) days in length.

(b) The department shall publish notice of a third public comment period with the:

(1) text;

(2) summary; and

(3) fiscal analysis;

that are required to be published in the Indiana Register under section

5(a)(2) of this chapter.

(c) The notice of a third public comment period that must be published in the Indiana Register under subsection (b) must request the submission of comments, including suggestions of specific amendments, that concern only the portion of the preliminarily adopted rule that is substantively different from the language contained in the proposed rule published in a second notice under section 4 of this chapter.

SECTION 69. IC 13-14-9-5, AS AMENDED BY P.L.123-2006, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) ~~A~~ **The** board may not adopt a rule until all of the following occur:

(1) The board holds a board meeting on the proposed rule.

(2) The department, after approval of the proposed rule by the board under subsection (c), publishes the following in the Indiana Register as provided in IC 4-22-2-24(c):

(A) The full text of the proposed rule, including any amendments arising from the comments received before or during the meeting held under subdivision (1).

(B) A summary of the response of the department to all comments received at the meeting held under subdivision (1).

(C) For a proposed rule with an estimated economic impact on regulated entities that is greater than five hundred thousand dollars ($500,000), a copy of the office of management and budget fiscal analysis required under IC 4-22-2-28.

(3) The board, after publication of the notice under subdivision (2), holds another board meeting on the proposed rule.

(4) If a third public comment period is required under section 4.5 of this chapter, the department publishes notice of the third public comment period in the Indiana Register.

(b) Board meetings held under subsection (a)(1) and (a)(3) shall be conducted in accordance with IC 4-22-2-26(b) through IC 4-22-2-26(d).

(c) At a board meeting held under subsection (a)(1), the board shall determine whether the proposed rule will:

(1) proceed to publication under subsection (a)(2);

(2) be subject to additional comments under section 3 or 4 of this chapter, considering any written finding made by the commissioner under section 7 or 8 of this chapter; or

(3) be reconsidered at a subsequent board meeting in accordance with IC 4-22-2-26(d).

SECTION 70. IC 13-14-9-7 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Unless ~~a~~ **the** board determines under section 5(c)(2) of this chapter that a proposed rule should be subject to additional comments, section 3 of this chapter does not apply to a rulemaking action if the commissioner determines that the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under section 3 of this chapter would provide no substantial benefit to:

(1) the environment; or

(2) persons to be regulated or otherwise affected by the proposed rule.

(b) If the commissioner makes a determination under subsection (a), the commissioner shall prepare written findings under this section. The full text of the commissioner's written findings shall be included in the public notice provided under section 4 of this chapter.

SECTION 71. IC 13-14-9-8, AS AMENDED BY P.L.6-2012, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (g), unless ~~a~~ **the** board determines that a proposed rule should be subject to additional comments or makes a determination described in subsection (f), sections 2 through 7 and sections 9 through 14 of this chapter do not apply to a rulemaking action if the commissioner determines that:

(1) the proposed rule constitutes:

(A) an adoption or incorporation by reference of a federal law, regulation, or rule that:

(i) is or will be applicable to Indiana; and

(ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;

(B) a technical amendment with no substantive effect on an existing Indiana rule; or

(C) an amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the proposed rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in section 7(a)(2) of this chapter from the following:

(A) Exposing the proposed rule to diverse public comment under section 3 or 4 of this chapter.

(B) Affording interested or affected parties the opportunity to be heard under section 3 or 4 of this chapter.

(C) Affording interested or affected parties the opportunity to develop evidence in the record collected under sections 3 and

4 of this chapter.

(b) If the commissioner makes a determination under subsection (a), the commissioner shall prepare written findings under this section. The full text of the commissioner's written findings shall be included in:

(1) the notice of adoption of the proposed rule; and

(2) the written materials to be considered by the board at the public hearing held under this section.

(c) The notice of adoption of a proposed rule under this section must:

(1) be published in the Indiana Register; and

(2) include the following:

(A) Draft rule language that includes the language described in subsection (a)(1).

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

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

(d) The department shall include the following in the written materials to be considered by the board at the public hearing referred to in subsection (c):

(1) The full text of the proposed rule as most recently prepared by the department.

(2) Written responses of the department to written comments received during the comment period referred to in subsection (c).

(3) The commissioner's findings under subsection (b).

(e) At the public hearing referred to in subsection (c), the board may:

(1) adopt the proposed rule;

(2) adopt the proposed rule with amendments;

(3) reject the proposed rule;

(4) determine that additional public comment is necessary; or

(5) determine to reconsider the proposed rule at a subsequent board meeting.

(f) If the board determines under subsection (e) that additional public comment is necessary, the department shall publish a second notice in accordance with section 4 of this chapter and complete the rulemaking in accordance with this chapter.

(g) If the board adopts the proposed rule with amendments under subsection (e)(2), the amendments must meet the logical outgrowth requirements of section 10 of this chapter, except that the board, in determining whether the amendments are a logical outgrowth of comments provided to the board, and in considering whether the language of comments provided to the board fairly apprised interested persons of the specific subjects and issues contained in the

amendments, shall consider the comments provided to the board at the public hearing referred to in subsection (c)(2)(C).

(h) This subsection applies to that part of a rule adopted under this section that directly corresponds to and is based on a federal law, rule, or regulation that is stayed or repealed, invalidated, vacated, or otherwise nullified by a legislative, an administrative, or a judicial action described in subdivision (1), (2), or (3). If:

(1) a proposed rule is adopted by ~~a~~ **the** board under subsection (e)(1) based on a determination by the commissioner under subsection (a)(1)(A) and the federal law, rule, or regulation on which the adopted rule is based is later repealed or otherwise nullified by legislative or administrative action, then that part of the adopted rule that corresponds to the repealed or nullified federal law, rule, or regulation is void as of the effective date of the legislative or administrative action repealing or otherwise nullifying the federal law, rule, or regulation;

(2) ~~a~~ **the** board adopts a proposed rule under subsection (e)(1) that is based on a determination by the commissioner under subsection (a)(1)(A) and the federal law, rule, or regulation on which the adopted rule is based is later invalidated, vacated, or otherwise nullified by a judicial decree, order, or judgment of a state or federal court whose decisions concerning such matters have force and effect in Indiana:

(A) then that part of the rule that corresponds to the invalidated, vacated, or otherwise nullified federal law, rule, or regulation shall not be enforced by the commissioner or any other person during the time in which an appeal of the judicial decree, order, or judgment can be commenced or is pending; and

(B) either:

(i) that part of the adopted rule that corresponds to the invalidated, vacated, or otherwise nullified federal law, rule, or regulation is void as of the date that the judicial decree, order, or judgment becomes final and unappealable; or

(ii) enforcement of the adopted rule is restored if the judicial decree, order, or judgment is reversed, vacated, or otherwise nullified on appeal; and

(3) the federal law, regulation, or rule that is the basis of a rule that is adopted under subsection (e)(1) and based on a determination by the commissioner under subsection (a)(1)(A) is stayed by an administrative or a judicial order pending an administrative or a judicial action regarding the validity of the

federal law, rule, or regulation, the commissioner may suspend the enforcement of that part of the adopted rule that corresponds to the stayed federal law, rule, or regulation while the stay is in force.

SECTION 72. IC 13-14-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) ~~A~~ **The** board may amend a proposed rule at a board meeting held under section 5(a)(3) of this chapter and adopt the amended rule under section 9(2) of this chapter if the amendments are a logical outgrowth of:

(1) the proposed rule as published under section 5(a)(2) of this chapter; and

(2) any comments provided to the board at the meeting held under section 5(a)(3) of this chapter.

(b) In determining, for the purposes of this section, whether an amendment is a logical outgrowth of the proposed rule and any comments, the board shall consider:

(1) whether the language of:

(A) the proposed rule as published under section 5(a)(2) of this chapter; and

(B) any comments provided to the board at the meeting held under section 5(a)(3) of this chapter;

fairly apprised interested persons of the specific subjects and issues contained in the amendment; and

(2) whether the interested parties were allowed an adequate opportunity to be heard by the board.

SECTION 73. IC 13-14-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. If ~~a~~ **the** board rejects a proposed rule under section 12 of this chapter, the proposed rule is subject to section 4 of this chapter whether or not the proposed rule has previously been the subject of the comment period required by section 4 of this chapter.

SECTION 74. IC 13-14-9.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The department or ~~a~~ **the** board ~~that has rulemaking authority under this title~~ may adopt a rule under IC 13-14-9 in anticipation of a rule's expiration under this chapter.

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

SECTION 75. IC 13-14-9.5-4, AS AMENDED BY P.L.114-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 4. (a) Except as provided in subsection (b), with respect to the rules subject to expiration under this chapter, the department or ~~a~~ **the** board: ~~that has rulemaking authority under this title:~~

(1) may readopt one (1) or more of the rules under one (1) rule that lists all rules that are readopted by their titles and subtitles only; and

(2) shall publish a notice in the Indiana Register identifying:

(A) the rules, if any, that will be readopted; and

(B) the rules, if any, that will not be readopted.

A rule that has expired but is readopted under this subsection may not be removed from the Indiana Administrative Code.

(b) If a person submits to the department or ~~a~~ **the** board ~~that has rulemaking authority under this title~~ a written request stating a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule described in subsection (a), the department or board must:

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

(2) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to the rule.

(c) If the department or board does not receive a written request under subsection (b) regarding a rule within the first comment period, the agency may:

(1) submit the readoption rule for filing with the publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule; or

(2) for one (1) or more of the rules proposed to be readopted as part of the readoption rule described in subsection (a), elect the procedure for readoption under IC 13-14-9.

(d) If a person submits to the department or ~~a~~ **the** board ~~that has rulemaking authority under this title~~ a written request stating a basis for the request during the first comment period that a particular rule that the department or board does not intend to readopt as part of the readoption rule described in subsection (a) be readopted, the department or board must:

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

(2) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to the rule.

SECTION 76. IC 13-14-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The department ~~and~~

~~boards~~ **or the board** may reduce or waive fees otherwise required by IC 5-14-3-8 for the copying of public records if the department or **the** board, ~~having~~ **whichever has** authority over the records, determines that the fee reduction or waiver is in the public interest.

SECTION 77. IC 13-14-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~A~~ **If a** person **is** required by the department or ~~a~~ **the** board to submit a record that, in the person's opinion, constitutes a record that is:

(1) confidential under IC 5-14-3-4(a); or

(2) permissively excepted under IC 5-14-3-4(b);

the person may ~~so~~ certify **the person's opinion about the record** and request that the record be made available only for the use of the department or the ~~boards.~~ **board.**

(b) The department shall consider a request made under subsection (a). If the department finds that the record is excepted from disclosure under IC 5-14-3-4(a), the request shall be granted. If the department finds that the record is permissively excepted from disclosure under IC 5-14-3-4(b), the request may be granted.

(c) It is the duty of:

(1) the person providing the record to ask that any or all of the record be declared excepted from disclosure under IC 5-14-3-4; and

(2) the commissioner to decide whether the record will be made public, subject to review as provided in IC 4-21.5-5.

SECTION 78. IC 13-15-4-1, AS AMENDED BY P.L.223-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in sections 2, 3, and 6 of this chapter, the commissioner shall approve or deny an application filed with the department after July 1, 1995, within the following number of days:

(1) Three hundred sixty-five (365) days for an application concerning the following:

(A) A new hazardous waste or solid waste landfill.

(B) A new hazardous waste or solid waste incinerator.

(C) A major modification of a solid waste landfill.

(D) A major modification of a solid waste incinerator.

(E) A new hazardous waste treatment or storage facility.

(F) A new Part B permit issued under 40 CFR 270 et seq. for an existing hazardous waste treatment or storage facility.

(G) A Class 3 modification under 40 CFR 270.42 to a hazardous waste landfill.

(H) A new solid waste processing facility other than a transfer

station.

(2) Except as provided in IC 13-18-3-2.1, two hundred seventy (270) days for an application concerning the following:

(A) A Class 3 modification under 40 CFR 270.42 of a hazardous waste treatment or storage facility.

(B) A major new National Pollutant Discharge Elimination System permit.

(C) A major modification to a solid waste processing facility other than a transfer station.

(3) Except as provided in IC 13-18-3-2.1, one hundred eighty (180) days for an application concerning the following:

(A) A new transfer station or a major modification to a transfer station.

(B) A minor new National Pollutant Discharge Elimination System individual permit.

(C) A permit concerning the land application of a material.

(D) A permit for marketing and distribution of a biosolid or an industrial waste product.

(4) Except as provided in IC 13-18-3-2.1, one hundred fifty (150) days for an application concerning a minor new National Pollutant Discharge Elimination System general permit.

(5) One hundred twenty (120) days for an application concerning a Class 2 modification under 40 CFR 270.42 to a hazardous waste facility.

(6) Ninety (90) days for an application concerning the following:

(A) A minor modification to a permit for the following:

(i) A solid waste landfill.

(ii) A solid waste processing facility.

(iii) An incinerator.

(B) A wastewater facility or water facility construction permit.

(7) The amount of time provided for in rules adopted by the ~~air pollution control~~ board for an application concerning the following:

(A) An air pollution construction permit that is subject to 326 IAC 2-2 and 326 IAC 2-3.

(B) An air pollution facility construction permit (other than as defined in 326 IAC 2-2).

(C) Registration of an air pollution facility.

(8) Sixty (60) days for an application concerning the following:

(A) A Class 1 modification under 40 CFR 270.42 requiring prior written approval, to a hazardous waste:

(i) landfill;

(ii) incinerator;
(iii) treatment facility; or
(iv) storage facility.
(B) Any other permit not specifically described in this section for which the application fee exceeds forty-nine dollars ($49) and for which a time frame has not been established under section 3 of this chapter.

(b) When a person holding a valid permit concerning an activity of a continuing nature has made a timely and sufficient application for a renewal permit under the rules of ~~one (1) of~~ the ~~boards,~~ **board,** the commissioner shall approve or deny the application on or before the expiration date stated in the permit for which renewal is sought.

SECTION 79. IC 13-15-4-3, AS AMENDED BY P.L.140-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) ~~A~~ **The** 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~~ **the** 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~~ **the** 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) **The** board may adopt a rule described in subsection (a) as an emergency rule under IC 4-22-2-37.1, if:
(1) the variance procedures are included in the rule; and
(2) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

If ~~a~~ **the** board adopts an emergency 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 80. IC 13-15-4-10, AS AMENDED BY P.L.140-2013, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The commissioner may suspend the processing of an application, and the period described under sections 1 through 6 of this chapter is suspended, if one (1) of the following occurs:

(1) The department determines that the application is incomplete and has mailed a notice of deficiency to the applicant that specifies the parts of the application that:

(A) do not contain adequate information for the department to process the application; or

(B) are not consistent with applicable law.

The period described under sections 1 through 6 of this chapter shall be suspended during the first two (2) notices of deficiency sent to an applicant under this subdivision. If more than two (2) notices of deficiency are issued on an application, the period may not be suspended unless the applicant agrees in writing to defer processing of the application pending the applicant's response to the notice of deficiency. A notice of deficiency may include a request for the applicant to conduct tests or sampling to provide information necessary for the department to process the application. If an applicant's response does not contain complete information to satisfy all deficiencies described in a notice of deficiency, the department shall notify the applicant not later than thirty (30) working days after receiving the response. The commissioner shall resume processing the application, and the period described under sections 1 through 6 of this chapter resumes on the earlier of the date the department receives and stamps as received the applicant's complete information or the date marked by the department on a certified mail return receipt accompanying the applicant's complete information.

(2) The commissioner receives a written request from an applicant to:

(A) withdraw; or

(B) defer processing of;

the application for the purposes of resolving an issue related to a permit or to provide additional information concerning the

application.

(3) The department is required by federal law or by an agreement with the United States Environmental Protection Agency for a federal permit program to transmit a copy of the proposed permit to the administrator of the United States Environmental Protection Agency for review and possible objections before the permit may be issued. The period described under sections 1 through 6 of this chapter shall be suspended from the time the department submits the proposed permit to the administrator for review until:

(A) the department receives the administrator's concurrence or objection to the issuance of the proposed permit; or

(B) the period established in federal law by which the administrator is required to make objections expires without the administrator having filed an objection.

(4) ~~A~~ **The** board initiates emergency rulemaking under section 3(b) of this chapter to revise the period described under sections 1 through 6 of this chapter.

SECTION 81. IC 13-15-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The ~~air pollution control~~ board may adopt rules under IC 4-22-2 to provide that the opportunity for judicial review allowed under section 4 or 5 of this chapter applies to the revision or modification of a permit or license under the operating permit program under 42 U.S.C. 7661 through 7661f.

SECTION 82. IC 13-15-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided in sections 2 and 4 of this chapter, the commissioner or a designated staff member may revoke or modify a permit granted by the department under environmental management laws or IC 13-7 (before its repeal) for any of the following causes:

(1) Violation of any condition of the permit.

(2) Failure to disclose all of the relevant facts.

(3) Any misrepresentation made in obtaining the permit.

(4) Changes in circumstances relating to the permit that require either a temporary or permanent reduction in the discharge of contaminants.

(5) Any other change, situation, or activity relating to the use of a permit that, in the judgment of the department, is not consistent with the following:

(A) The purposes of this title.

(B) Rules adopted by **the board or** one (1) of the **former** boards **abolished by IC 13-13-8-2.**

SECTION 83. IC 13-15-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Every twelve (12) months, the commissioner shall submit to the following a report that contains an evaluation of the actions taken by the department to improve the department's process of issuing permits:

(1) The governor.

(2) The general assembly. The report must be in an electronic format under IC 5-14-6.

(3) The ~~boards.~~ **board.**

SECTION 84. IC 13-16-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. To establish fees or change the amount of a fee, ~~a~~ **the** board shall:

(1) follow the procedure required for the adoption of rules; and

(2) take into account:

(A) the cost of the issuance of a permit or license;

(B) the cost of the performance of services in connection with the supervision, review, and other necessary activities related to the area involved;

(C) the cost of the surveillance of the activity or property covered by the license or permit; and

(D) fees charged for equivalent permits or licenses in other states.

SECTION 85. IC 13-16-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Notwithstanding sections 1 through 5 of this chapter or any other law, ~~a~~ **the** board or the department may not do any of the following:

(1) Except as provided in section 7 of this chapter, change a fee established by:

(A) IC 13-18-20;

(B) IC 13-20-21; or

(C) IC 13-22-12.

(2) Establish an additional fee that was not in effect on January 1, 1994, concerning the following:

(A) National Pollutant Discharge Elimination System programs.

(B) Solid waste programs.

(C) Hazardous waste programs.

(3) Require payment of a fee for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 86. IC 13-18-3-12, AS AMENDED BY P.L.57-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 12. The board shall adopt rules providing that whenever a person submits plans to a unit concerning the design or construction of:

(1) a sanitary sewer or public water main, if:

(A) a professional engineer who is registered under IC 25-31 prepared the plans;

(B) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and

(C) all other requirements specified in rules adopted by the ~~water pollution control~~ board are met; or

(2) a sanitary sewer extension for and within a subdivision, if:

(A) a qualified professional surveyor who is registered under IC 25-21.5 prepared the plans;

(B) the subdivision is being laid out or having been laid out by the professional surveyor subject to IC 25-21.5-7;

(C) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and

(D) all other requirements specified in rules adopted by the board are met;

the plans are not required to be submitted to any state agency for a permit, permission, or review, unless required by federal law.

SECTION 87. IC 13-18-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A person may not use, sell, or otherwise dispose of any detergent containing phosphorus, except:

(1) for those amounts not exceeding one-half percent (0.5%) by weight incidental to manufacturing; and

(2) in accordance with rules adopted under IC 4-22-2 by the ~~water pollution control~~ board;

in Indiana or into the boundary waters of Indiana from a source within Indiana.

(b) The concentration of phosphorus shall be determined by the applicable method prescribed by the American Society for Testing and Materials.

SECTION 88. IC 13-18-17-5, AS AMENDED BY P.L.1-2006, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The board shall adopt rules under IC 4-22-2 establishing groundwater quality standards that include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply. The standards established under this subsection shall be used for the following purposes:

(1) To establish minimum compliance levels for groundwater quality monitoring at regulated facilities.

(2) To ban the discharge of effluents into potable groundwater.

(3) To establish health protection goals for untreated water in water supply wells.

(4) To establish concentration limits for contaminants in ambient groundwater.

(b) Except as provided in subsection (c) and subject to subsection (d), the following agencies shall adopt rules under IC 4-22-2 to apply the groundwater quality standards established under this section to activities regulated by the agencies:

(1) The department.

(2) The department of natural resources.

(3) The state department of health.

(4) The office of the state chemist.

(5) The division of fire and building safety.

(c) The executive board of the state department of health may not adopt rules to apply the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the board under subsection (a) to onsite sewage systems.

(d) Any rule adopted by the executive board of the state department of health is void to the extent that the rule applies the nitrate and nitrite numeric criteria included in groundwater quality standards established in rules adopted by the ~~Indiana water pollution control~~ board under subsection (a) to onsite sewage systems.

SECTION 89. IC 13-20-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. The ~~solid waste management~~ board may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 90. IC 13-20-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 91. IC 13-20-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A department employee designated as a landfill inspector for a county under this chapter shall monitor operations at every landfill in the county. The duties of the landfill inspector include the following:

(1) Promoting compliance with the rules of the ~~solid waste management~~ board governing landfill operations.

(2) Keeping records required by the rules of the board or ensuring that those records be kept.

(3) Investigating possible violations of:
(A) the rules of the board; or
(B) any statute;
governing landfill operation or solid waste disposal.

SECTION 92. IC 13-20-22-1, AS AMENDED BY P.L.131-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Unless the legislative body of a county having a consolidated city elects by ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this chapter, the collection of fees on the disposal of solid waste in a final disposal facility located in that county are exempt until December 2, 2008, from regulation or control under this chapter.

(b) A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds, fifty cents ($0.50) a ton.

(2) For solid waste generated outside Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds:
(A) fifty cents ($0.50) a ton; and
(B) if the ~~solid waste management~~ board has adopted rules under subsection (c), an additional amount imposed under the rules.

(3) For solid waste generated in Indiana or outside Indiana and delivered to a final disposal facility in:
(A) a motor vehicle having a registered gross vehicle weight of not more than nine thousand (9,000) pounds; or
(B) a passenger motor vehicle (as defined in IC 9-13-2-123);
fifty cents ($0.50) for each load delivered by the motor vehicle.

(c) The ~~solid waste management~~ board may adopt rules to establish and impose a fee on the disposal or incineration of solid waste that is:
(1) generated outside Indiana; and
(2) disposed of or incinerated in a final disposal facility in Indiana.

If rules are adopted under this subsection, the fee shall be set at an amount necessary to offset the costs incurred by the state or a county, municipality, or township that can be attributed to the importation of the solid waste into Indiana and the presence of the solid waste in Indiana.

(d) Revenue from fees collected under subsection (b)(1) and (b)(2)(A) shall be deposited in the state solid waste management fund established by section 2 of this chapter. Revenue from fees collected under subsection (b)(2)(B) shall be deposited in the hazardous substances response trust fund established by IC 13-25-4-1, except that any part of the revenue that the board finds is necessary to offset costs incurred by counties, municipalities, and townships shall be distributed to solid waste management districts pro rata on the basis of the district's population.

(e) If solid waste has been subject to a fee under this section, the total amount of the fee paid shall be credited against any other fee to which the solid waste may later be subject under this section.

(f) A fee may not be imposed upon material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 93. IC 13-22-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. The department shall issue permits for a hazardous waste facility constructed and operated in compliance with rules adopted by the ~~solid waste management~~ board.

SECTION 94. IC 13-23-5-3, AS ADDED BY P.L.16-2009, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) An underground storage tank system that contains fuel composed of greater than fifteen percent (15%) alcohol is considered to comply with section 1(b) of this chapter if either of the following applies:

(1) The system predates May 11, 2007.

(2) The system predates the **adoption by:**

(A) the solid waste management ~~board's~~ **board (established by IC 13-19-2, before its repeal); or**

(B) the environmental rules board; ~~adoption~~

after May 11, 2007, of any additional rules concerning technical and safety requirements for storing and dispensing alcohol blended fuel.

(b) Replacement tanks or ancillary equipment installed in existing underground storage tank systems storing or dispensing alcohol blended fuels must meet the standards contained in additional rules ~~adopted by the solid waste management board~~ as described in subsection (a)(2) **that were adopted by the solid waste management board before January 1, 2013, or are adopted by the environmental rules board** only if the installation occurs after the adoption of those rules.

SECTION 95. IC 13-23-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The expenses of administering the provisions of this article that are funded by the trust fund, including:

(1) IC 13-23-8;

(2) IC 13-23-9; **and**

~~(3) IC 13-23-11; and~~

~~(4)~~ **(3)** IC 13-23-12;

shall be paid from money in the fund.

SECTION 96. IC 13-23-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The treasurer of state shall invest the money in the trust 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. At least one (1) time each year, the treasurer of state shall provide the ~~financial assurance~~ board a report detailing the investments made under this section.

SECTION 97. IC 13-23-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The department, under rules adopted by the ~~underground storage tank financial assurance~~ board under IC 4-22-2 **and IC 13-14-9,** shall use money in the excess liability trust fund, to the extent that money is available in the excess liability trust fund, to pay claims submitted to the department for the following:

(1) The payment of the costs allowed under IC 13-23-9-2, excluding:

(A) liabilities to third parties; and

(B) the costs of repairing or replacing an underground storage tank;

arising out of releases of petroleum.

(2) Providing payment of part of the liability of owners and operators of underground petroleum storage tanks:

(A) to third parties under IC 13-23-9-3; or

(B) for reasonable attorney's fees incurred in defense of a third party liability claim.

SECTION 98. IC 13-23-8-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.5. The ~~financial assurance~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to do the following:

(1) Establish standards, procedures, and penalties for submitting or resubmitting a claim under section 1 of this chapter when the owner or operator has failed to:

(A) register an underground petroleum storage tank from which a release has occurred; or

(B) pay all registration fees that are due under IC 13-23-12-1 by the date the fees are due.

(2) Determine eligibility for new owners or operators that acquire ownership or operation of the underground petroleum storage tank as a result of:

(A) a bona fide, good faith transaction, negotiated at arm's length, between parties under separate ownership and control;

(B) a foreclosure or a deed transferred in lieu of a foreclosure;

(C) the exercise of the person's lien rights; or

(D) an inheritance.

SECTION 99. IC 13-23-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. The ~~financial assurance~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to define the manner in which the priority order of liability claims and loan guaranties is established. The rules must give priority to liability claims associated with releases from underground storage tanks that pose an immediate and significant threat to the environment.

SECTION 100. IC 13-23-11-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 1. The underground storage tank financial assurance board is created.~~

SECTION 101. IC 13-23-11-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. The board consists of the following sixteen (16) members:~~

~~(1) The commissioner or the commissioner's designee.~~

~~(2) The state fire marshal or the state fire marshal's designee.~~

~~(3) The treasurer of state or the treasurer of state's designee.~~

~~(4) The commissioner of the department of state revenue or the commissioner's designee.~~

~~(5) Twelve (12) individuals appointed by the governor for terms of two (2) years as follows:~~

~~(A) One (1) member representing the independent petroleum wholesale distributor-marketer industry.~~

~~(B) One (1) member representing the petroleum refiner-supplier industry.~~

~~(C) One (1) member representing the service station dealer industry who owns or operates less than thirteen (13) underground petroleum storage tanks.~~

~~(D) One (1) member of the financial lending community who has experience with loan guaranty programs.~~

~~(E) One (1) member representing the convenience store~~

~~operator industry.~~

~~(F) One (1) member representing environmental interests.~~

~~(G) One (1) member representing local government.~~

~~(H) Two (2) members representing the general public.~~

~~(I) One (1) member representing the independent petroleum retail distributor marketer industry who owns or operates more than twelve (12) underground petroleum storage tanks.~~

~~(J) One (1) member representing businesses that own petroleum underground storage tanks and are not engaged in the sale of petroleum.~~

~~(K) One (1) member representing the property and casualty insurance industry.~~

SECTION 102. IC 13-23-11-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 3. (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.~~

~~(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.~~

SECTION 103. IC 13-23-11-4 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 4. (a) If an appointed member of the board is not able to serve the member's full term, the governor shall appoint an individual to serve for the remainder of the unexpired term.~~

~~(b) The term of an appointed member of the board continues until the member's successor has been appointed and qualified.~~

SECTION 104. IC 13-23-11-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 5. The board, at the board's first meeting of each year, shall elect from among the board's members a chairperson and other officers necessary to transact business.~~

SECTION 105. IC 13-23-11-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 6. (a) The board must have a quorum to transact business. Nine (9) members constitute a quorum.~~

~~(b) An affirmative vote of the majority of members present is required for the board to take action.~~

~~(c) The board shall meet upon:~~

~~(1) the request of the chairperson; or~~

~~(2) the written request of three (3) of the board's members.~~

~~(d) A meeting must be held not later than fourteen (14) days after a request is made.~~

SECTION 106. IC 13-23-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board shall do the following:

(1) Adopt rules under IC 4-22-2 and IC 13-14-9 necessary to carry out the duties of the board under this article.

(2) Take testimony and receive a written report at every meeting of the board from the commissioner or the commissioner's designee regarding the financial condition and operation of the excess liability trust fund including:

(A) a detailed breakdown of contractual and administrative expenses the department is claiming from the excess liability trust fund under ~~IC 13-23-7-1(4);~~ **IC 13-23-7-1(a)(4);** and

(B) a claims statistics report consisting of the status and value of each claim submitted to the fund and claims payments made under IC 13-23-8-1.

The testimony and written report under this subdivision shall be provided at every meeting of the board. However, the testimony and written report are not required more than one (1) time during any thirty (30) day period.

(3) Consult with the department on administration of the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1 in developing uniform policies and procedures for revenue collection and claims administration of the fund.

(b) The department shall consult with the board on administration of the underground petroleum storage tank excess liability trust fund. The consultation must include evaluation of alternative means of administering the fund in a cost effective and efficient manner.

(c) At each meeting of the board, the department shall provide the board with a written report on the financial condition and operation of the underground petroleum storage tank trust fund established under IC 13-23-6-1.

SECTION 107. IC 13-25-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Responsible Property Transfer Law).

SECTION 108. IC 13-26-4-7, AS AMENDED BY P.L.179-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) Except as provided in subsection (b), the board of a district may provide for the payment of not more than fifty dollars ($50) per day to members of the board for each day or major

part of a day devoted to the work of the district.

(b) This subsection applies only to a regional water and sewage district that:

(1) is located in more than one (1) county; and

(2) was formed in 1975 by order of the stream pollution control board of the state of Indiana (which was succeeded **in 1986** by the water pollution control board, ~~in 1986).~~ **which was established by IC 13-18-1, before its repeal).**

The board of a district may provide for the payment of not more than one hundred twenty-five dollars ($125) per day to members of the board for each day or major part of a day devoted to the work of the district.

(c) Members of the board are entitled to receive an amount for travel expenses equal to the amount paid to state employees for expenses incurred in the performance of their duties.

(d) Payments made to board members under subsections (a), (b), and (c) shall be made from the general fund of the district.

SECTION 109. IC 13-26-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The board may adopt and enforce rules for the following purposes:

(1) To accomplish the purpose of a district.

(2) To protect the works, improvements, and properties, both real and personal, that the district owns.

(3) To secure the best results from the construction, operation, and maintenance of works, improvements, and properties.

(4) To prevent damage by the misuse of the works, improvements, or properties by:

(A) the pollution or misuse of the waters in the district or of the sewerage system; or

(B) the improper disposal of solid waste.

(b) The board may adopt and enforce rules under subsection (a) that are necessary and advisable to do the following:

(1) Protect and preserve the works, improvements, and properties owned or controlled by the district, prescribe the manner of use by any person, and preserve order in and adjacent to the works.

(2) Prescribe the manner:

(A) in which ditches, sewers, pipelines, or other works should be adjusted to or connected with the works of the district; and

(B) of waste disposal in the district.

(3) Prescribe the permissible uses of the water supply and the manner of distribution and prevent the pollution or unnecessary waste of the water supply.

(4) Prohibit or regulate the discharge into the sewers of the district of liquid or solid waste detrimental to the works and improvements.

(c) Rules must be:

(1) consistent with:

(A) statutes; and

(B) the rules of the ~~solid waste management board or the water pollution control~~ **environmental rules** board; and

(2) maintained and open to inspection in the office of the district.

(d) The board may enforce by injunction or other legal remedy rules adopted under this section. The board may remove a harmful or improper construction or obstruction or may close an opening or connection made improperly or in violation of the rules. A person that willfully fails to comply with the rules is liable for damage caused by the failure and for the cost of restoring or replacing construction damaged.

SECTION 110. IC 13-27-7-2, AS AMENDED BY P.L.37-2012, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) Guidance documents, technical assistance manuals, and policies developed or used in implementing programs under this article are not binding on participating businesses.

(b) Subject to subsection (e), the ~~air pollution control board, the water pollution control board, the solid waste management~~ board or the department may not do the following:

(1) Subject to IC 13-14-1-11.5, incorporate documents, manuals, or policies developed under this article into rules adopted under IC 4-22-2.

(2) Adopt rules under IC 4-22-2 requiring business implementation of pollution prevention practices or of clean manufacturing by means of any of the following:

(A) Permit conditions.

(B) Enforcement actions.

(C) Other department actions.

(c) Subsection (b) only applies to pollution prevention as defined in this title.

(d) Subsection (b) does not apply to authority granted under federal law to implement pollution prevention as defined under any of the following:

(1) Federally delegated air, water, solid waste, and other programs.

(2) Guidance documents developed to implement programs described in subdivision (1).

(3) Programs established under IC 13-20-3, IC 13-20-22, or IC 13-21.

(e) The department shall present pollution prevention as an option to businesses in any of the following:

(1) Permit conditions.

(2) Enforcement actions.

(3) Other department actions.

SECTION 111. IC 13-27-8-3, AS AMENDED BY P.L.133-2012, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The ~~following boards~~ **board** may adopt rules to implement this chapter to the extent consistent with federal law.

~~(1) The board.~~

~~(2) The underground storage tank financial assurance board established by IC 13-23-11-1.~~

(b) The rules adopted under subsection (a) may establish the following:

(1) Eligibility requirements for participation in environmental performance based programs.

(2) Compliance methods and schedules that:

(A) differ from compliance methods and schedules that apply to nonparticipants in environmental performance based programs under rules adopted by the ~~boards;~~ **board;**

(B) apply only to participants in environmental performance based programs; and

(C) include any of the following:

(i) Changes to monitoring and reporting requirements and schedules.

(ii) Streamlined submission requirements for permit renewals.

(iii) Prioritized applications.

(iv) Authorization to make without prior governmental approval certain operational changes that do not result in additional environmental impact.

(3) Recognition incentives to encourage participation in environmental performance based programs.

(4) Other incentives consistent with the policies of this title and federal law to encourage participation in environmental performance based programs.

(5) Requirements for participants in environmental performance based programs to implement any of the following:

(A) Continuous improvement environmental systems.

(B) Pollution prevention and waste minimization programs developed under IC 13-27-7.

SECTION 112. IC 13-28-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) In a civil or an administrative proceeding, a court of record, after an in camera review, shall require disclosure of material for which the privilege described in section 1 of this chapter is asserted if the court determines that both subdivisions (1) and (2) apply:

(1) The environmental audit report was first issued after July 1, 1994.

(2) One (1) of the following applies:

(A) The privilege is asserted for a fraudulent purpose.

(B) The material is not subject to the privilege.

(C) The material is subject to the privilege and the material shows evidence of noncompliance with:

(i) this title or a rule or standard adopted by **the board or** one (1) of the **former** boards **abolished by IC 13-13-8-2;**

(ii) a determination, a permit, or an order issued by the commissioner under this title; or

(iii) the federal, regional, or local counterpart of item (i) or (ii);

and the person claiming the privilege did not promptly initiate and pursue appropriate efforts to achieve compliance with reasonable diligence.

(b) If the noncompliance described in subsection (a)(2)(C) constitutes a failure to obtain a required permit, the person is considered to have made appropriate efforts to achieve compliance if the person filed an application for the required permit not later than ninety (90) days after the date the person became aware of the noncompliance.

SECTION 113. IC 13-30-3-11, AS AMENDED BY P.L.133-2012, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. An order of the commissioner under this chapter may do any of the following:

(1) Include a direction to cease and desist from violations of the following:

(A) Environmental management laws.

(B) Air pollution control laws.

(C) Water pollution control laws.

(D) A rule adopted by the board.

~~(E) A rule adopted by the underground storage tank financial assurance board created by IC 13-23-11-1.~~

(2) Impose monetary penalties in accordance with the following:
(A) Environmental management laws.
(B) Air pollution control laws.
(C) Water pollution control laws.
(3) Mandate corrective action, including corrective action to be taken beyond the boundaries of the area owned or controlled by the person to whom the order is directed, to alleviate the violation.
(4) Revoke a permit or condition or modify the terms of a permit.

SECTION 114. IC 13-30-4-1, AS AMENDED BY P.L.133-2012, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Subject to IC 13-14-6 and except as provided in IC 13-23-14-2 and IC 13-23-14-3, a person who violates:

(1) any provision of:
(A) environmental management laws;
(B) air pollution control laws;
(C) water pollution control laws;
(D) IC 13-18-14-1; **or**
(E) a rule or standard adopted by the board; or
~~(F) a rule or standard adopted by the underground storage tank financial assurance board created by IC 13-23-11-1; or~~
(2) any determination, permit, or order made or issued by the commissioner under:
(A) environmental management laws or IC 13-7 (before its repeal);
(B) air pollution control laws or IC 13-1-1 (before its repeal); or
(C) water pollution control laws or IC 13-1-3 (before its repeal);

is liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) per day of any violation.

(b) The department may:
(1) recover the civil penalty described in subsection (a) in a civil action commenced in any court with jurisdiction; and
(2) request in the action that the person be enjoined from continuing the violation.

SECTION 115. IC 13-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) The department may waive up to one hundred percent (100%) of a civil penalty imposed on a business for a minor violation of:
(1) a requirement of environmental management laws;
(2) a rule adopted by ~~a~~ **the** board **or one (1) of the former**

boards abolished by IC 13-13-8-2; or

(3) any determination, permit, or order made or issued by the commissioner.

(b) The department may not waive any part of a civil penalty under this section if the violation:

(1) endangers or causes damage to public health or the environment;

(2) is intentional, willful, or criminal;

(3) is of a requirement for which the department has previously issued a notice or warning of violation, for this or a prior violation, to the business required to correct the violation; or

(4) is not corrected within ninety (90) days after the date the business required to correct the violation notifies the department of the violation under subsection (c). The department may extend the ninety (90) day period for not more than an additional ninety (90) days.

(c) To seek a waiver of a civil penalty under this section, the business required to correct the violation must submit to the department a written report of the violation for which a waiver is sought. The report must be submitted to the department before an inspection by the department that discloses the violation or the issuance of a notice or warning of violation.

(d) The ~~boards~~ **board** may adopt rules to implement this section.

SECTION 116. IC 13-30-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Except as provided in sections 3 and 4 of this chapter, if:

(1) the department determines that a business has committed a minor violation:

(A) of:

(i) environmental management laws;

(ii) a rule or standard adopted by ~~a~~ **the** board; or

(iii) any determination, permit, or order made or issued by the commissioner;

(B) that does not present an immediate or reasonably foreseeable danger to the public health or environment; and

(C) that does not include a violation of:

(i) a numerical limitation or a numerical standard contained in environmental management laws or a rule or standard adopted by ~~a~~ **the** board applicable to a business required to correct the violation before disclosure of the violation;

(ii) a term or condition of a determination, permit, or order made or issued by the commissioner to a business required

to correct the violation before disclosure of the violation, unless the term or condition incorporates a limitation, standard, work practice, or other requirement by reference and does not specify the limitation, standard, work practice, or other requirement; or

(iii) a requirement under environmental management laws or a rule adopted by ~~a~~ **the** board to possess a permit;

the business required to correct the violation has not more than ninety (90) days after the date the property owner receives the written summary of the inspection under this section to correct the violation; and

(2) the:

(A) business:

(i) corrects the violation; or

(ii) commences substantial steps to correct the violation, including submitting permit applications, securing financing, or ordering equipment;

within the ninety (90) day period described in subdivision (1); or

(B) business corrects the violation within an additional ninety (90) day period under section 3 of this chapter;

the department's enforcement action is limited to the assessment of a civil penalty in an amount not to exceed five hundred dollars ($500).

SECTION 117. IC 13-30-7-7, AS AMENDED BY P.L.133-2012, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. The ~~following~~ **board** shall adopt rules under IC 4-22-2 and IC 13-14-9 to administer this chapter.

~~(1) The board.~~

~~(2) The underground storage tank financial assurance board created by IC 13-23-11-1.~~

SECTION 118. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 49.2. ~~(a) "Compact", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(8).~~

~~(b)~~ "Compact", for purposes of IC 14-25-15, has the meaning set forth in IC 14-25-15-1.

SECTION 119. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 86.5. "Executive committee", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(7).~~

SECTION 120. IC 14-8-2-107, AS AMENDED BY P.L.133-2012, SECTION 164, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.

(4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.

(5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.

(6) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.

(7) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.

(8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.

(9) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.

(10) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.

(11) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.

(12) For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.

(13) For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.

(14) For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.

(15) For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.

(16) For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.

(17) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.

(18) For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.

~~(19) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).~~

~~(20)~~ **(19)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(21)~~ **(20)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(22)~~ **(21)** For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(23)~~ **(22)** For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(24)~~ **(23)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(25)~~ **(24)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(26)~~ **(25)** For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.

~~(27)~~ **(26)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(28)~~ **(27)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(29)~~ **(28)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(30)~~ **(29)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(31)~~ **(30)** For purposes of IC 14-34-19-1.3, the meaning set forth in IC 14-34-19-1.3(a).

~~(32)~~ **(31)** For purposes of IC 14-34-19-1.5, the meaning set forth in IC 14-34-19-1.5(a).

~~(33)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 121. IC 14-8-2-117, AS AMENDED BY P.L.225-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 117. "Governing board", ~~has the following meaning:~~

~~(1) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(6).~~

~~(2)~~ for purposes of IC 14-28-5, **has** the meaning set forth in IC 14-28-5-3.

SECTION 122. IC 14-8-2-203, AS AMENDED BY P.L.17-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 203. "Pest or pathogen", ~~has the following meaning:~~

~~(1) Except as provided in IC 14-24-4.5,~~ for purposes of IC 14-24, means:

~~(A)~~ **(1)** an arthropod;

~~(B)~~ **(2)** a nematode;

~~(C)~~ **(3)** a microorganism;
~~(D)~~ **(4)** a fungus;
~~(E)~~ **(5)** a parasitic plant;
~~(F)~~ **(6)** a mollusk;
~~(G)~~ **(7)** a plant disease; or
~~(H)~~ **(8)** an exotic weed;

that may be injurious to nursery stock, agricultural crops, other vegetation, natural resources, or bees.

~~(2) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(4).~~

SECTION 123. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 239.5. "Requesting state", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(2).~~

SECTION 124. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 242.5. "Responding state", for purposes of IC 14-24-4.5, has the meaning set forth in IC 14-24-4.5-2(3).~~

SECTION 125. IC 14-8-2-265, AS AMENDED BY P.L.225-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 265. "State", ~~has the following meaning:~~

~~(1) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(1).~~

~~(2)~~ for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means the following:

~~(A)~~ **(1)** The Indiana state government.

~~(B)~~ **(2)** An agency, a subdivision, an officer, a board, a bureau, a commission, a department, a division, or an instrumentality of the state.

SECTION 126. IC 14-15-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) As used in this section, "sewage" means human body wastes.

(b) A person may not keep, maintain, or operate upon public water a boat that is equipped with a water closet or toilet unless the water closet or toilet is equipped with a holding tank with the capacity to store wastes for subsequent disposal at:

(1) an approved shoreside facility or incinerator; or

(2) a treatment system approved by the department of environmental management according to rules adopted by the ~~solid waste management board or the water pollution control~~ **environmental rules** board.

(c) A person may not dispose of sewage accumulated in a holding tank or any other container on a watercraft in a manner that the sewage reaches or may reach public waters, except through a sewage disposal

facility approved by the department of environmental management according to rules adopted by

~~(1) the solid waste management board; or~~

~~(2)~~ the ~~water pollution control~~ **environmental rules** board.

SECTION 127. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Pest Control Compact).

SECTION 128. IC 14-25-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. In granting a permit, the department may do the following:

(1) Impose the conditions or stipulations that are necessary to conserve the ground water of the area and prevent waste, exhaustion, or impairment of the ground water.

(2) Require that ground water in a restricted area that is withdrawn and used be returned to the ground through wells, pits, or spreading grounds. If this condition is imposed, the water shall be returned under the rules that the department adopts subject to the approval of the ~~water pollution control~~ **environmental rules** board to avoid pollution of underground water.

SECTION 129. IC 14-25-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. As used in this chapter, "potable water" means water that at the point of use is acceptable for human consumption under drinking water quality standards adopted by the ~~water pollution control~~ **environmental rules** board under IC 13-18-4-1.

SECTION 130. IC 14-33-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The commission shall do the following:

(1) Review each district plan.

(2) Request the technical assistance of any other state agency, including:

(A) the ~~water pollution control~~ **environmental rules** board;

(B) the state department of health; and

(C) the department of environmental management;

having administrative jurisdiction over any of the purposes of the district.

(b) The commission may also request technical assistance of any federal agency.

(c) The commission shall approve a plan if the following conditions are met:

(1) Any other state agency having authority over certain purposes of the district has approved that part of the plan.

(2) The commission finds that the plan accomplishes in an

economical manner the purpose for which the district is established.

(d) The commission may reject a plan or any part of a plan. The board may make the changes that are necessary to secure the approval of the commission.

SECTION 131. IC 16-18-2-116.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 116.4. "Environmental rules board", for purposes of IC 16-41, refers to the board established by IC 13-13-8-3.**

SECTION 132. IC 16-18-2-372 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 372. "Water board", for purposes of IC 16-41, refers to the board established by IC 13-13-8-3.~~

SECTION 133. IC 16-19-3-4, AS AMENDED BY P.L.83-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) The executive board may, by an affirmative vote of a majority of its members, adopt reasonable rules 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 ~~water pollution control~~ **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.

SECTION 134. IC 16-41-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. Water supply and sewage disposal facilities serving schools must be constructed and operated in accordance with applicable rules of the state department and the ~~water pollution control~~ **environmental rules** board.

SECTION 135. IC 16-41-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The state department shall enforce this chapter and the statutes relating to pollution of waters and public water supply, except where jurisdiction is vested in the ~~water pollution control~~ **environmental rules** board and the department of environmental management.

SECTION 136. IC 16-41-26-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (b), the state department shall adopt rules under IC 4-22-2 necessary to protect the health, safety, and welfare of persons living in agricultural labor camps, prescribing standards for living quarters at agricultural labor camps, including provisions relating to construction of camps, sanitary conditions, light, air, safety protection from fire hazards, equipment, maintenance and operation of the camp, sewage disposal through septic tank absorption fields, and other matters appropriate for the security of the life and health of occupants.

(b) The ~~water pollution control~~ **environmental rules** board shall adopt rules under IC 4-22-2 pertaining to water supplies and sewage disposal systems other than septic tank absorption fields required for agricultural labor camps.

(c) In the preparation of rules, the state department:

(1) shall consult with and request technical assistance from other appropriate state agencies; and

(2) may appoint and consult with committees of technically qualified persons and of representatives of employers and employees.

(d) If a conflict exists between rules adopted under this chapter and rules adopted by the fire prevention and building safety commission, the rules authorized in this section apply.

(e) A copy of every rule adopted under this chapter shall be sent to each health officer in Indiana and to the heads of other state agencies

with specific or related responsibility affecting agricultural labor camps and to any person requesting the rules. The rules affecting agricultural labor camps adopted under this chapter shall be published periodically in the manner the state department determines.

SECTION 137. IC 16-41-27-8, AS AMENDED BY P.L.87-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) Except as provided in subsection (b), the state department may adopt rules under IC 4-22-2 to carry out this chapter, including rules for the following:

(1) Health, sanitation, and safety.

(2) Sewage collection.

(3) Sewage disposal through septic tank absorption fields.

(b) The ~~water~~ **environmental rules** board shall adopt rules under IC 4-22-2 concerning the following:

(1) Public water supplies required for mobile home communities.

(2) Sewage disposal systems other than septic tank absorption fields.

SECTION 138. IC 16-41-27-10, AS AMENDED BY P.L.87-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A mobile home community shall provide a water supply through the use of a public water system if the water supply is reasonably available within a reasonable distance from the mobile home community. A mobile home community is not required to use a public water system if the water system is more than two thousand (2,000) feet from the mobile home community. If a public water system is not available, water shall be provided by a system approved by the environmental commissioner under rules adopted by the ~~water pollution control~~ **environmental rules** board.

SECTION 139. IC 16-41-27-22, AS AMENDED BY P.L.87-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) The construction of a new mobile home community or alteration of an existing mobile home community shall be made only after plans for the proposed construction or alteration have been forwarded to and approved by the state department.

(b) A public water system may not be constructed or altered in a new or existing mobile home community until plans for the construction or alteration have been forwarded to and approved by the environmental commissioner under rules adopted by the ~~water~~ **environmental rules** board.

(c) A sewage collection and disposal system may not be constructed or altered in a new or existing mobile home community until:

(1) plans for construction or alteration of the sewage collection

system and any septic tank absorption field have been forwarded to and approved by the state department under rules adopted by the state department; and

(2) plans for construction or alteration of any sewage disposal system other than a septic tank absorption field have been forwarded to and approved by the environmental commissioner under rules adopted by the ~~water~~ **environmental rules** board.

SECTION 140. IC 16-41-27-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 25. (a) The state department shall adopt a schedule of civil penalties that may be levied in an action to enforce the following:

(1) This chapter.

(2) The rules of the state department.

(3) The rules adopted under this chapter by the ~~water~~ **environmental rules** board.

(b) A penalty included in the schedule of civil penalties adopted under subsection (a) may not exceed one thousand dollars ($1,000) per violation per day.

(c) The state department may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who:

(1) fails to comply with this chapter or a rule adopted under this chapter; or

(2) interferes with or obstructs the state department or the state department's designated agent in the performance of duties under this chapter.

(d) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.

(e) A proceeding to impose a civil penalty may be consolidated with any other proceedings to enforce any of the following:

(1) This chapter.

(2) The rules of the state department.

(3) The rules adopted under this chapter by the ~~water pollution control~~ **environmental rules** board.

SECTION 141. IC 16-41-35-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 38. The powers, duties, and functions of the state department under this chapter do not affect the powers, duties, and functions of the state department or the ~~water pollution control~~ **environmental rules** board under any other law.

SECTION 142. IC 20-26-5-6, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2014]: Sec. 6. All powers delegated to the governing body of a school corporation under section 1 or 4 of this chapter are subject to all laws subjecting the school corporation to regulation by a state agency, including the state superintendent, state board of accounts, state police department, fire prevention and building safety commission, department of local government finance, ~~water pollution control~~ **environmental rules** board, state school bus committee, state department of health, and any local governmental agency to which the state has been delegated a specific authority in matters other than educational matters and other than finance, including plan commissions, zoning boards, and boards concerned with health and safety.

SECTION 143. IC 22-1-1-11, AS AMENDED BY P.L.35-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. The commissioner of labor is authorized and directed to do the following:

(1) To investigate and adopt rules under IC 4-22-2 prescribing what safety devices, safeguards, or other means of protection shall be adopted for the prevention of accidents in every employment or place of employment, to determine what suitable devices, safeguards, or other means of protection for the prevention of industrial accidents or occupational diseases shall be adopted or followed in any or all employments or places of employment, and to adopt rules under IC 4-22-2 applicable to either employers or employees, or both for the prevention of accidents and the prevention of industrial or occupational diseases.

~~(2) Whenever, in the judgment of the commissioner of labor, any place of employment is not being maintained in a sanitary manner or is being maintained in a manner detrimental to the health of the employees therein, to obtain any necessary technical or expert advice and assistance from the state department of health. The state department of health, upon the request of the commissioner of labor, shall furnish technical or expert advice and assistance to the commissioner and take the steps authorized or required by the health laws of the state.~~

~~(3)~~ **(2)** Annually forward the report received from the mining board under IC 22-10-1.5-5(a)(5) to the legislative council in an electronic format under IC 5-14-6 and request from the general assembly funding for necessary additional mine inspectors.

~~(4)~~ **(3)** Administer the mine safety fund established under IC 22-10-12-16.

SECTION 144. IC 22-1-5 IS REPEALED [EFFECTIVE JULY 1,

2014]. (Home Care Consumers and Worker Protection).

SECTION 145. IC 22-2-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Payroll Bond for Benefit of Employees).

SECTION 146. IC 22-6-3 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Termination Letter From Employer).

SECTION 147. IC 22-8-1.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. The commission shall meet at the call of the commissioner **or** the chairman or upon the written request of any four (4) members. However, the commission shall meet at least ~~every three (3) months~~ **one (1) time per year** at the call of the commissioner to conduct the business that comes before the commission.

SECTION 148. IC 22-13-2-2, AS AMENDED BY P.L.101-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The commission shall adopt rules under IC 4-22-2 to adopt a statewide code of fire safety laws and building laws.

(b) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal):

(1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

(2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).

(3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).

(4) ASME QEI-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).

(5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.

(6) ANSI A90.1 Safety Code for Manlifts.

(c) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 (before its repeal).

(d) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (b) and (c) within eighteen (18) months after the effective date of the subsequent edition.

(e) The commission may amend the national codes as a condition of the adoption under subsections (b), (c), and (d).

~~(f) To the extent that the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply~~

~~to tents or canopies in which cooking does not occur, the commission shall suspend enforcement of the following sections of the International Fire Code, 2000 edition, until the division of fire and building safety recommends amendments to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations:~~

~~(1) Section 2406.1 (675 IAC 22-2.3-233).~~

~~(2) Section 2406.2.~~

~~(3) Section 2406.3.~~

~~(g) To the extent that section 2403.2 of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to a tent or canopy in which there is an open flame, the commission shall suspend enforcement of section 2403.2 until the division of fire and building safety recommends amendments to section 2403.2 to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations and amending section 2403.2.~~

~~(h) The division of fire and building safety shall recommend amendments to the commission to the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:~~

~~(1) Section 2403.2.~~

~~(2) Section 2406.1 (675 IAC 22-2.3-233).~~

~~(3) Section 2406.2.~~

~~(4) Section 2406.3.~~

~~(i) After receiving and considering recommendations from the division of fire and building safety under subsection (h), and using the procedure set forth in IC 4-22-2-38, the commission shall amend the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:~~

~~(1) Section 2403.2.~~

~~(2) Section 2406.1 (675 IAC 22-2.3-233).~~

~~(3) Section 2406.2.~~

~~(4) Section 2406.3.~~

SECTION 149. IC 25-18-1 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Licensing of Retail Distress Sales).

SECTION 150. IC 27-1-17-4, AS AMENDED BY P.L.193-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. Whenever a foreign or an alien insurance company desires to be admitted to do an insurance business in this state, it shall execute in the English language and present the following to the department, at its office, accompanied by the fees prescribed by

law:

(1) A copy of its articles of incorporation or association, with all amendments thereto, duly authenticated by the proper officer of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States.

(2) An application for admission, executed in the manner provided in this chapter, setting forth:

(A) the name of such company;

(B) the location of its principal office or place of business without this state;

(C) the names of the states in which it has been admitted or qualified to do business;

(D) the character of insurance business under its articles of incorporation or association which it intends to transact in this state, which must conform to the class or classes set forth in the provisions of IC 27-1-5-1;

(E) the total authorized capital stock of the company and the amount thereof issued and outstanding, and the surplus required of such company by the laws of the state, country, province, or government under which it is organized, or the state in which it is domiciled in the United States, if a stock company, which shall equal at least the requirements set forth in section 5(a) of this chapter;

(F) the total amount of assets and the surplus of assets over all its liabilities, if other than a stock company, which shall equal at least the requirements set forth in section 5(b) of this chapter;

(G) if an alien company, the surplus of assets invested according to the laws of the state in the United States where it has its deposit, which shall equal at least the requirements set forth in section 5(c) of this chapter; and

(H) such further and additional information as the department may from time to time require.

The application shall be signed, ~~in duplicate,~~ in the form prescribed by the department, by the president or a vice president and the secretary or an assistant secretary of the corporation, and verified under oath by the officers signing the same.

(3) A statement of its financial condition and business, in the form prescribed by law for annual statements, signed and sworn to by the president or secretary or other principal officers of the company; provided, however, that an alien company shall also

furnish a separate statement comprising only its condition and business in the United States, which shall be signed and sworn to by its United States manager.

(4) A copy of the last report of examination certified to by the insurance commissioner or other proper supervisory official of the state in which such company is domiciled; provided, however, that the commissioner may cause an examination to be made of the condition and affairs of such company before authority to transact business in this state is given.

(5) A certificate from the proper official of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States, that it is duly organized or incorporated under those laws and authorized to make the kind or kinds of insurance which it proposes to make in this state.

(6) A copy of its bylaws or regulations, if any, certified to by the secretary or similar officer of the insurance company.

(7) A duly executed power of attorney in a form prescribed by the department which constitutes and appoints an individual or a corporate resident of Indiana, or an authorized Indiana insurer, as the insurance company's agent, its true and lawful attorney upon whom, except as provided in section 4.2 of this chapter, all lawful processes in any action in law or in equity against it shall be served. Such power of attorney shall contain an agreement by the insurance company that any lawful process against it which may be served upon the agent as its attorney shall be of the same force and validity as if served upon the insurance company and that such power of attorney shall continue in force and be irrevocable so long as any liability of the insurance company remains outstanding in this state. Such power of attorney shall be executed by the president and secretary of the insurance company or other duly authorized officers under its seal and shall be accompanied by a certified copy of the resolution of the board of directors of the company making said appointment and authorizing the execution of said power of attorney. Service of any lawful process shall be by delivering to and leaving with the agent two (2) copies of such process, with copy of the pertinent complaint attached. The agent shall forthwith transmit to the defendant company at its last known principal place of business by registered or certified mail, return receipt requested, one (1) of the copies of such process, with complaint attached, the other copy to be retained in a record which shall show all process served upon and transmitted

by ~~him.~~ **the agent.** Such service shall be sufficient provided the returned receipt or, if the defendant company shall refuse to accept such mailing, the registered mail together with an affidavit of plaintiff or ~~his~~ **the plaintiff's** attorney stating that service was made upon the agent and forwarded as above set forth but that such mail was returned by the post office department is filed with the court. The agent shall make information and receipts available to plaintiff, defendant or their attorneys. No plaintiff or complainant shall be entitled to a judgment by default based on service authorized by this section until the expiration of at least thirty (30) days from the date on which either the post office receipt or the unclaimed mail together with affidavit is filed with the court. Nothing in this section shall limit or abridge the right to serve any process, notice, or demand upon any company in any other manner permitted by law.

(8) Proof which satisfies the department that it has complied with the financial requirements imposed in this chapter upon foreign and alien insurance companies which transact business in this state and that it is entitled to public confidence and that its admission to transact business in this state will not be prejudicial to public interest.

SECTION 151. IC 32-21-11 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Responsible Property Transfer Law).

SECTION 152. IC 32-26-9 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Partition Fences).

SECTION 153. IC 33-32-5-2 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 2. For issuing a license to hold a distress sale under IC 25-18-1-6, the clerk shall collect the following fee:~~

~~(1) Forty dollars ($40) if the value of the inventory is not more than twenty-five thousand dollars ($25,000).~~

~~(2) Sixty-five dollars ($65) if the value of the inventory is more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000).~~

~~(3) One hundred dollars ($100) if the value of the inventory is more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000).~~

~~(4) One hundred fifty dollars ($150) if the value of the inventory is more than seventy-five thousand dollars ($75,000).~~

SECTION 154. IC 34-6-2-52 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 52. "Hazardous substance", for purposes of IC 34-30-6, means:

(1) a material or waste that has been determined to be hazardous

or potentially hazardous to any individual, to property, or to the environment by the United States Environmental Protection Agency, the federal Nuclear Regulatory Commission, the United States Department of Transportation, the ~~solid waste management~~ **environmental rules** board, or the United States Occupational Safety and Health Agency or any agent or designee of any of the above mentioned boards, agencies, or commission; or

(2) any substance that may be potentially hazardous to any person, to property or to the environment.

SECTION 155. IC 34-30-2-140 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 140. IC 32-26-9-5 (Concerning township trustee for contracts to repair fences).~~

SECTION 156. IC 36-9-23-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A municipality that does not have a sewage treatment plant, and wants to acquire, construct, improve, operate, and maintain sewage works other than a sewage treatment plant, may proceed under this chapter only if it first contracts for the required treatment of the sewage emanating from its works.

(b) A municipality owning and operating facilities for sewage treatment may contract to treat all or part of the sewage of:

(1) any other municipality;

(2) any facility of the department of correction; or

(3) if a contract described in subdivision (2) is in effect, any person or entity, a municipal corporation, a private corporation, or a federal government facility that is located within five (5) miles of the sewer line connecting the municipality to the facility of the department of correction under the contract.

The contracts must be authorized by ordinance and are subject to approval by the department of environmental management according to rules adopted by the ~~water pollution control~~ **environmental rules** board as to the sufficiency of the provision for sewage treatment.

(c) Unless otherwise provided in the authorizing ordinance or governing indenture, the revenues received by the owner under the contract are considered a part of the revenues of the owner's sewage treatment facilities, and shall be applied in accordance with the applicable statutes.

(d) The necessary intercepting and connecting sewers and appurtenances to connect the sewage treatment facilities and sewage works of the contracting parties may be constructed in part or in whole by either of the contracting parties, as provided in the contract. For a municipality, the money to pay for this construction may be provided

by the issuance of bonds under the applicable statutes, as part of the cost of the facilities or works of the respective parties.

(e) All bonds issued under this section are payable before the expiration date of the contract. The parties may contract for the terms of the bonds, and for any term or terms beyond the last maturity of the bonds.

SECTION 157. IC 36-9-23-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. No proceedings other than those prescribed by this chapter are required for:

(1) the construction or acquisition of sewage works;
(2) the issuance or sale of bonds; or
(3) the establishment of fees;

under this chapter. However, the functions, powers, and duties of the department of environmental management, the ~~water pollution control~~ **environmental rules** board, and the state department of health are not affected by this chapter.

SECTION 158. IC 36-9-24-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. A lease under this chapter does not become effective until its provisions for sewage treatment have been found sufficient by the department of environmental management according to rules adopted by the ~~state water pollution control~~ **environmental rules** board.

SECTION 159. IC 36-9-30-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. A unit acting under this chapter must obtain approval from the department of environmental management, according to rules adopted by the ~~solid waste management~~ **environmental rules** board, for any method or methods used for the disposal of solid waste before obtaining land or facilities. One (1) or more of the methods listed below may be used:

(1) A unit may use a sanitary landfill. If a sanitary landfill is to be used, information necessary to evaluate the project shall be submitted to the department of environmental management for review and approval before the purchase of land or equipment.

(2) A unit may use incineration. If incineration is to be used, the plans and specifications of each incinerating plant or other facility, along with other information necessary to evaluate the project, shall be submitted to the department of environmental management for review and approval before construction of the facilities. The plans must include an approved method for the disposal of noncombustible solid waste and incinerator residue.

(3) A unit may use composting. If composting is to be used, the plans and specifications of composting facilities, along with other

information necessary to evaluate the project, shall be submitted to the department of environmental management for review and approval before construction of the facilities. The plans must provide for the proper disposal of all solid waste that is not suitable for composting.

(4) A unit may use a garbage grinding system involving the separate collection and disposal of garbage into a community sewerage system through commercial-type grinders or community-wide installation of individual grinders. As used in this subdivision, "garbage" means all decayable solid and semisolid wastes resulting from the processing, preparation, cooking, serving, or consumption of food or food materials. The plans and specifications for the garbage grinding facilities, along with other information necessary to evaluate the project, shall be submitted to the department of environmental management for review and approval before construction or installation of the facilities. The plans must provide for the proper disposal of all solid waste that is not suitable for grinding.

(5) A unit may use any other suitable methods or facilities for the disposal of solid waste, if the plans and specifications, along with other information necessary to evaluate the project, are submitted to the department of environmental management for review and approval before the acquisition, construction, installation, or operation of the method or facility.

SECTION 160. IC 36-9-30-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 33. The ~~solid waste management~~ **environmental rules** board may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 161. IC 36-9-30-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 35. (a) Solid waste may be disposed of on land only through use of sanitary landfills, incineration, composting, garbage grinding, or other acceptable methods approved by the department of environmental management in accordance with rules adopted by the ~~solid waste management~~ **environmental rules** board. A person may not operate or maintain an open dump.

(b) A person may not operate or maintain facilities for the collection and disposal of solid waste, except as set out in section 4 of this chapter or under rules adopted by the ~~solid waste management~~ **environmental rules** board.

(c) Failure to comply with this section constitutes the operation of a nuisance inimical to human health. A prosecuting attorney who

receives a report of such a failure from the department of environmental management, a solid waste management district, or a local health officer shall cause appropriate court proceedings to be instituted.

(d) A person who fails to comply with this section commits a Class C infraction. If the violation is of a continuing nature, each day of failure to comply constitutes a separate infraction.

(e) The department of environmental management may bring proceedings for injunctive or mandatory relief through the attorney general against any person (including any agency of the state or federal government) for failure to comply with this section.