

ENGROSSED SENATE BILL No. 241

DIGEST OF SB 241 (Updated February 20, 1998 6:25 pm - DI 69)

Citations Affected: IC 13-18; IC 13-27.

Synopsis: Various environmental matters. Requires the water pollution control board to adopt rules providing that if: (1) a person submits plans to a unit concerning the design or construction of a sanitary sewer or public water main; (2) a registered professional engineer prepared the plans; (3) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and (4) all other requirements specified in rules adopted by the water pollution control 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
(Continued next page)

Effective: Upon passage.

Gard, Hume

(HOUSE SPONSORS — STURTZ, WOLKINS)

January 8, 1998, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 15, 1998, reported favorably — Do Pass.

January 20, 1998, read second time, ordered engrossed.

January 21, 1998, engrossed.

January 27, 1998, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

January 29, 1998, read first time and referred to Committee on Environmental Affairs.

February 17, 1998, amended, reported — Do Pass.

February 20, 1998, read second time, amended, ordered engrossed.

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law. Provides that money held in the wastewater revolving loan fund and loan repayments to be made to the fund may be used to secure a leveraged loan program or other financial assistance programs established in connection with the drinking water revolving loan fund. Provides that money held in the drinking water revolving loan fund and loan repayments to be made to the fund may be used to secure a leveraged loan program or other financial assistance programs established in connection with the wastewater revolving loan fund. Allows a nonprofit water utility to adopt a resolution that reconstitutes the nonprofit water utility as a water authority. Allows the commissioner of the department of environmental management to award grants to support and sustain pollution prevention, including clean manufacturing through reductions in the use of toxic materials in production and commerce, to assist: (1) industry, business organizations, educational institutions, labor organizations, and local units of government in establishing programs or materials to train and assist personnel in developing methods to measure and plan for pollution prevention; and (2) industry or business organizations, local units of government, and educational institutions in creating programs to train and certify environmental auditors, engineers, and industrial hygienists to identify, evaluate, and implement pollution prevention measures and alternatives in audits, plans, and programs.

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Reprinted
February 23, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

ENGROSSED SENATE BILL No. 241

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

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

1 SECTION 1. IC 13-18-3-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
3 **UPON PASSAGE]: Sec. 12. The water pollution control board shall**
4 **adopt rules providing that if:**
5 (1) a person submits plans to a unit concerning the design or
6 construction of a sanitary sewer or public water main;
7 (2) a professional engineer who is registered under IC 25-31
8 prepared the plans;
9 (3) the unit provided for review of the plans by a qualified
10 engineer and subsequently approved the plans; and
11 (4) all other requirements specified in rules adopted by the
12 water pollution control board are met;
13 the plans are not required to be submitted to any state agency for
14 a permit, permission, or review, unless required by federal law.

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1 SECTION 2. IC 13-18-13-30 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 30. Notwithstanding any**
 4 **other law, and to the extent permitted by the federal Clean Water**
 5 **Act and the federal Safe Drinking Water Act (42 U.S.C. 300f et**
 6 **seq.), money in the fund, together with loan repayments to be**
 7 **deposited in the fund, may be used to secure a leveraged loan**
 8 **program or other financial assistance programs established in**
 9 **connection with the drinking water revolving loan fund established**
 10 **by IC 13-18-21-2.**

11 SECTION 3. IC 13-18-16-16 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS
 13 [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) A nonprofit water**
 14 **utility may adopt a resolution approved by its board of directors**
 15 **under this section that reconstitutes the nonprofit water utility as**
 16 **a water authority to be named as provided in the resolution.**

17 (b) A resolution adopted under this section must allow:

- 18 (1) the structure of the board of directors; and
- 19 (2) the rules governing the water authority;

20 to remain the same as those applicable to the nonprofit water
 21 utility.

22 (c) The water authority shall retain all its powers as a nonprofit
 23 water utility under:

- 24 (1) its existing bylaws and articles; and
- 25 (2) all laws applicable to nonprofit water utilities and local
 26 water corporations.

27 (d) A water authority constituted under this section is a political
 28 subdivision of the state.

29 (e) A copy of a resolution adopted under this section must be
 30 filed with the secretary of state. When the secretary of state
 31 receives a copy of a resolution under this subsection, the secretary
 32 of state shall dissolve the corporate status of the nonprofit water
 33 utility for purposes of state law.

34 (f) A water authority constituted under this section shall:

- 35 (1) remain obligated under any existing contracts or
 36 agreements; and
- 37 (2) remain obligated and assume the indebtedness;

38 of the nonprofit water utility.

39 SECTION 4. IC 13-18-21-30 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: **Sec. 30. Notwithstanding any**
 42 **other law, and to the extent permitted by the federal Safe Drinking**

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1 **Water Act (42 U.S.C. 300f et seq.) and the federal Clean Water**
 2 **Act, money in the fund, together with loan repayments to be**
 3 **deposited in the fund, may be used to secure a leveraged loan**
 4 **program or other financial assistance programs established in**
 5 **connection with the wastewater revolving loan fund established by**
 6 **IC 13-18-13-2.**

7 SECTION 5. IC 13-27-2-10, AS AMENDED BY P.L.124-1997,
 8 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 10. (a) The commissioner may award grants
 10 to support and sustain ~~clean manufacturing~~, **pollution prevention**,
 11 including clean manufacturing through reductions in the use of toxic
 12 materials in production and commerce.

13 (b) Subject to subsection (a), the commissioner may award grants
 14 for any purpose the commissioner considers appropriate, including the
 15 following:

16 (1) Grants to nonprofit organizations to establish free or low cost
 17 technical assistance programs to supplement the activities of the
 18 Indiana clean manufacturing and safe materials institute
 19 established under IC 13-27.5-2.

20 (2) Grants to assist:

- 21 (A) trade associations that represent manufacturers;
- 22 (B) business organizations;
- 23 (C) labor organizations; and
- 24 (D) educational institutions;

25 in developing training materials and making those training
 26 materials available to workers for in-plant use that will foster
 27 clean manufacturing.

28 (3) Grants to assist:

- 29 (A) industry;
- 30 (B) business organizations;
- 31 (C) educational institutions; ~~and~~
- 32 (D) labor organizations; ~~and~~
- 33 **(E) local units of government;**

34 in establishing programs or materials to train and assist ~~industry~~
 35 personnel in developing methods to measure and plan for ~~clean~~
 36 **manufacturing: pollution prevention.**

37 (4) Grants to assist industry or business organizations, **local units**
 38 **of government**, and educational institutions in creating programs
 39 to train and certify:

- 40 (A) environmental auditors;
- 41 (B) engineers; and
- 42 (C) industrial hygienists;



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1 to identify, evaluate, and implement ~~clean manufacturing~~
2 **pollution prevention** measures and alternatives in audits, plans,
3 and programs.
4 (5) Grants to any organization for generic research and
5 development, pilot tests, and demonstration projects that:
6 (A) involve commonly used manufacturing processes or
7 materials; and
8 (B) will produce results that will be of use to manufacturers
9 other than manufacturers that may be involved in the research
10 and development, pilot tests, or demonstration projects.
11 (c) The commissioner may require that a grantee provide matching
12 money for a grant awarded under this section.
13 (d) Grant money awarded under this section may not be spent for
14 capital improvements or equipment.
15 (e) The money for grants awarded under this section must come
16 from money appropriated to the department for the purposes of this
17 section.
18 (f) The commissioner shall consult with the Indiana clean
19 manufacturing and safe materials institute established by IC 13-27.5-2
20 in the implementation of this section.
21 **SECTION 6. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill 241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 241 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Hume be added as coauthor of Senate Bill 241.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 13-18-16-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) A nonprofit water utility may adopt a resolution approved by its board of directors under this section that reconstitutes the nonprofit water utility as a water authority to be named as provided in the resolution.**

(b) A resolution adopted under this section must allow:

- (1) the structure of the board of directors; and**
- (2) the rules governing the water authority;**

to remain the same as those applicable to the nonprofit water utility.

(c) The water authority shall retain all its powers as a nonprofit water utility under:

- (1) its existing bylaws and articles; and**
- (2) all laws applicable to nonprofit water utilities and local water corporations.**

(d) A water authority constituted under this section is a political subdivision of the state.

(e) A copy of a resolution adopted under this section must be filed with the secretary of state. When the secretary of state receives a copy of a resolution under this subsection, the secretary of state shall dissolve the corporate status of the nonprofit water utility for purposes of state law.

(f) A water authority constituted under this section shall:

- (1) remain obligated under any existing contracts or agreements; and**
- (2) remain obligated and assume the indebtedness;**

of the nonprofit water utility."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 241 as printed January 16, 1998.)

STURTZ, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 241 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-18-3-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 12. The water pollution control board shall adopt rules providing that if:**

- (1) a person submits plans to a unit concerning the design or construction of a sanitary sewer or public water main;**
- (2) a professional engineer who is registered under IC 25-31 prepared the plans;**
- (3) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and**
- (4) all other requirements specified in rules adopted by the water pollution control 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."

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 5. IC 13-27-2-10, AS AMENDED BY P.L.124-1997, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The commissioner may award grants to support and sustain ~~clean manufacturing~~, **pollution prevention**, including clean manufacturing through reductions in the use of toxic materials in production and commerce.

(b) Subject to subsection (a), the commissioner may award grants for any purpose the commissioner considers appropriate, including the following:

- (1) Grants to nonprofit organizations to establish free or low cost technical assistance programs to supplement the activities of the Indiana clean manufacturing and safe materials institute established under IC 13-27.5-2.
- (2) Grants to assist:
 - (A) trade associations that represent manufacturers;
 - (B) business organizations;
 - (C) labor organizations; and
 - (D) educational institutions;
 in developing training materials and making those training materials available to workers for in-plant use that will foster clean manufacturing.
- (3) Grants to assist:

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- (A) industry;
- (B) business organizations;
- (C) educational institutions; ~~and~~
- (D) labor organizations; ~~and~~
- (E) local units of government;**

in establishing programs or materials to train and assist ~~industry~~ personnel in developing methods to measure and plan for ~~clean manufacturing~~ **pollution prevention**.

(4) Grants to assist industry or business organizations, **local units of government**, and educational institutions in creating programs to train and certify:

- (A) environmental auditors;
- (B) engineers; and
- (C) industrial hygienists;

to identify, evaluate, and implement ~~clean manufacturing~~ **pollution prevention** measures and alternatives in audits, plans, and programs.

(5) Grants to any organization for generic research and development, pilot tests, and demonstration projects that:

- (A) involve commonly used manufacturing processes or materials; and
- (B) will produce results that will be of use to manufacturers other than manufacturers that may be involved in the research and development, pilot tests, or demonstration projects.

(c) The commissioner may require that a grantee provide matching money for a grant awarded under this section.

(d) Grant money awarded under this section may not be spent for capital improvements or equipment.

(e) The money for grants awarded under this section must come from money appropriated to the department for the purposes of this section.

(f) The commissioner shall consult with the Indiana clean manufacturing and safe materials institute established by IC 13-27.5-2 in the implementation of this section."

Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 241 as printed February 18, 1998.)

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