

January 28, 1998

SENATE BILL No. 18

DIGEST OF SB 18 (Updated January 26, 1998 3:03 pm - DI 78)

Citations Affected: IC 13-18-3-1.1.

Synopsis: Prohibits the water pollution control board from adopting a proposed designation of a body of water absent a finding by the board that the designation has either received the approval of a majority of affected local governments or that the environmental benefits of the designation outweigh the social and economic impacts of the designation. Does not apply to a designation specifically required under federal law.

Effective: Upon passage.

Meeks

November 18, 1997, read first time and referred to Committee on Rules and Legislative Procedure.

January 13, 1998, amended, reported favorably; reassigned to Committee on Natural Resources.

January 27, 1998, amended, reported favorably — Do Pass.

SB 18—LS 6219/DI 13



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January 28, 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.

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SENATE BILL No. 18

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 13-18-3-1.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 1.1. (a) This section does not**
4 **apply when a federal law requires that a specific water body**
5 **receive a particular designation.**
6 **(b) The board shall not adopt a proposed designation of a river,**
7 **stream, lake, waterway, or wetland unless the board makes one (1)**
8 **of the following determinations:**
9 **(1) The majority of local units of government (as defined in**
10 **IC 36-1-2-23) that would be affected by the designation have**
11 **indicated their support for the designation in the board**
12 **proceeding.**
13 **(2) If the test in subdivision (1) is not met, the board finds**
14 **that the environmental benefits of the designation clearly**
15 **outweigh the social and economic impacts of the designation.**
16 SECTION 2. An emergency is declared for this act.

SB 18—LS 6219/DI 13



SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 18 and that Senator K. Adams be substituted therefor.

GARTON

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedures, to which was referred Senate Bill 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Natural Resources.

(Reference is to Senate Bill 18 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Mr. President: I move that Senator K. Adams be removed as author of Senate Bill 18 and that Senator Meeks be substituted therefor.

K. ADAMS

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred Senate Bill 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "The Board shall not" and insert "**(a) This section does not apply when a federal law requires that a specific water body receive a particular designation.**"

Page 1, line 4, before "adopt" begin a new paragraph and insert: "**(b) The board shall not**".

Page 1, line 5, delete "Board" and insert "**board**".

Page 1, line 5, after "one" insert "**(1)**".

Page 1, line 7, after "government" insert "**(as defined in IC 36-1-2-23)**".

Page 1, line 9, delete "Board" and insert "**board**".

Page 1, line 10, delete "Board" and insert "**board**".

and when so amended that said bill do pass.

(Reference is to Senate Bill 18 as printed January 14, 1998.)

WHEELER, Chairperson

Committee Vote: Yeas 4, Nays 2.

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