



April 6, 1999

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## ENGROSSED SENATE BILL No. 76

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DIGEST OF SB 76 (Updated April 5, 1999 6:32 pm - DI 69)

**Citations Affected:** IC 16-41.

**Synopsis:** Septic system installation on plats. Provides that the adoption of a rule by the state board of health may not prohibit the installation of certain residential septic systems in Kosciusko County.

**Effective:** Upon passage.

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(HOUSE SPONSORS — STURTZ, WOLKINS)

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January 6, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

February 25, 1999, amended, reported favorably — Do Pass.

March 1, 1999, read second time, ordered engrossed.

March 2, 1999, engrossed.

March 3, 1999, read third time, passed. Yeas 31, nays 18.

#### HOUSE ACTION

March 8, 1999, read first time and referred to Committee on Environmental Affairs.

April 5, 1999, amended, reported — Do Pass.

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ES 76—LS 6509/DI 2+



April 6, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## ENGROSSED SENATE BILL No. 76

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

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

1 SECTION 1. IC 16-41-25-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The state  
3 department shall adopt rules under IC 4-22-2 that provide for a  
4 reasonable period not exceeding forty-five (45) days in which a plan  
5 review and permit for residential septic systems must be approved or  
6 disapproved.

7 (b) **This subsection applies to a county with a population of**  
8 **more than sixty-five thousand (65,000) but less than sixty-eight**  
9 **thousand (68,000). As used in this subsection, "fill soil" means soil**  
10 **transported and deposited by humans or soil recently transported**  
11 **and deposited by natural erosion forces. A rule that the state**  
12 **department adopts concerning the installation of residential septic**  
13 **systems in fill soil may not prohibit the installation of a residential**  
14 **septic system in fill soil on a plat if:**

15 (1) **before the effective date of the rule, the plat of the affected**  
16 **lot was recorded;**

ES 76—LS 6509/DI 2+



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1           **(2) there is not an available sewer line within seven hundred**  
2           **fifty (750) feet of the property line of the affected lot; and**  
3           **(3) the local health department determines that the soil,**  
4           **although fill soil, is suitable for the installation of a residential**  
5           **septic system.**  
6           **SECTION 2. 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 No. 76, 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 2, after "1." insert "(a)".

Page 1, line 6, delete "However, a ", begin a new paragraph and insert "**(b) This subsection applies to a county with a population of more than sixty-five thousand (65,000) but less than sixty-eight thousand (68,000). A**".

and when so amended that said bill do pass.

(Reference is to SB 76 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 6, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 76, 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, line 9, after "." insert "**As used in this subsection, "fill soil" means soil transported and deposited by humans or soil recently transported and deposited by natural erosion forces.**".

Page 1, line 10, after "concerning" insert "**the installation of**".

Page 1, line 10, after "systems" insert "**in fill soil**".

Page 1, line 11, after "system" insert "**in fill soil**".

Page 1, delete lines 12 through 13.

Page 1, line 14, delete "(2)" and insert "**(1) before the effective date of the rule,**".

Page 1, delete line 15, begin a new line block indented and insert:

**"(2) there is not an available sewer line within seven hundred fifty (750) feet of the property line of the affected lot; and  
(3) the local health department determines that the soil, although fill soil, is suitable for the installation of a residential septic system."**

and when so amended that said bill do pass.

(Reference is to SB 76 as printed February 26, 1999.)

STURTZ, Chair

Committee Vote: yeas 7, nays 6.

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