

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 431 be amended to read as follows:

- 1 Page 4, between lines 19 and 20, begin a new paragraph and
- 2 insert:
- 3 "SECTION 11. IC 13-14-12-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The officials
- 5 collecting the following shall remit the money to the treasurer of state:
- 6 (1) Money collected under the following:
- 7 (A) IC 13-30-4-1.
- 8 (B) IC 13-30-4-2.
- 9 (C) IC 13-30-5-1.
- 10 (2) Fees collected under IC 13-16-1-2 through IC 13-16-1-5.
- 11 (3) Fees collected under IC 13-22-4-5.
- 12 **(4) Environmental enforcement fees ordered under**
- 13 **IC 13-30-6-8.**
- 14 (b) The treasurer of state shall credit the money to the
- 15 environmental management special fund."
- 16 Page 6, between lines 21 and 22, begin a new paragraph and
- 17 insert:
- 18 "SECTION 14. IC 13-30-6-8 IS ADDED TO THE INDIANA
- 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 20 [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) This section applies to**
- 21 **a criminal violation under section 1 or 3 of this chapter.**
- 22 **(b) In addition to any sentence imposed under this chapter,**
- 23 **sentence imposed under IC 35-50, and restitution ordered imposed**
- 24 **under IC 35-50-5-3, the court may, as a condition of probation or**
- 25 **without placing a person on probation, order the person to**
- 26 **pay an environmental enforcement fee to the state.**
- 27 **(c) The amount of the fee imposed under this section may not**

1 exceed the greater of the following:

2 (1) Twenty-five thousand dollars (\$25,000) for each day that
3 the person committed the violation, if the person does not
4 have a previous unrelated conviction under IC 13-30-6-1,
5 13-30-6-3, or IC 13-7-13-3 (before its repeal).

6 (2) Fifty thousand dollars (\$50,000) for each day that the
7 person committed the violation, if the person has a previous
8 unrelated conviction under IC 13-30-6-1, IC 13-30-6-2,
9 IC 13-30-6-3, or IC 13-7-13-3 (before its repeal).

10 (d) An order issued under this section is a judgment lien that:

11 (1) attaches to the property of the person subject to the
12 order;

13 (2) may be perfected;

14 (3) may be enforced to satisfy any payment that is delinquent
15 under the restitution order by the person in whose favor the
16 order is issued or the person's assignee; and

17 (4) expires;

18 in the same manner as a judgment lien created in a civil
19 proceeding.

20 (e) When an order is issued under this section, the issuing
21 court shall send a certified copy of the order to the clerk of the
22 circuit court in the county where the offense was filed. Upon
23 receiving the order, the clerk shall enter and index the order in the
24 circuit court judgment docket in the manner prescribed by
25 IC 33-17-2-3.

26 (f) An order under this section does not bar a civil action for
27 damages incurred by:

28 (1) the state that are payable to any fund other than the
29 environmental management special fund; and

30 (2) a person other than the state.

31 (g) An order under this section is not discharged by the:

32 (1) completion of a sentence imposed for the violation; or

33 (2) liquidation of a person's estate by a receiver under
34 IC 34-48-1, IC 34-48-4, IC 34-48-5, and IC 34-48-6 (or
35 IC 34-1-12 and IC 34-2-7 before their repeal).

36 (h) The clerk of the court shall deposit fees collected under this
37 section with the treasurer of state under IC 13-14-12-1.

38 SECTION 15. [EFFECTIVE UPON PASSAGE] (a) IC 13-30-6-8
39 as added by this act, applies only to a violation occurring after the
40 effective date of the provision of this act adding IC 13-30-6-8."

41 Renumber all SECTIONS consecutively.

(Reference is to ESB 431 as printed February 17, 2000.)

Representative ATTERHOLT