



January 27, 2000

HOUSE BILL No. 1422

DIGEST OF HB 1422 (Updated January 26, 2000 12:14 PM - DI 69)

Citations Affected: IC 13-30; noncode.

Synopsis: Criminal fines for violating environmental laws. Doubles the minimum and maximum criminal fine that may be imposed for a person who intentionally, knowingly, or recklessly violates: (1) an environmental management law; (2) an air pollution control law; (3) a water pollution control law; (4) a rule or standard adopted by the air pollution control board, water pollution control board, or solid waste management board; or (5) a determination, a permit, or an order made or issued by the commissioner of the department of environmental management under environmental management laws. Doubles the maximum criminal fine that may be imposed for a person who knowingly: (1) transports hazardous waste to a facility that is operating without a permit; (2) disposes, treats, or stores hazardous waste without having obtained a permit; or (3) makes a false statement or representation in an application, a label, a manifest, a record, a report, a permit, or other document filed, maintained, or used under environmental management laws with regard to hazardous waste.

Effective: Upon passage.

Bardon

January 11, 2000, read first time and referred to Committee on Rules and Legislative Procedures; reassigned to Committee on Environmental Affairs.
January 26, 2000, amended, reported — Do Pass.

C
O
P
Y



January 27, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

HOUSE BILL No. 1422

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 13-30-6-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person
3 who intentionally, knowingly, or recklessly violates:
4 (1) environmental management laws;
5 (2) air pollution control laws;
6 (3) water pollution control laws;
7 (4) a rule or standard adopted by one (1) of the boards; or
8 (5) a determination, a permit, or an order made or issued by the
9 commissioner under environmental management laws or IC 13-7
10 (before its repeal);
11 commits a Class D felony.
12 (b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
13 a Class D felony under this section (or IC 13-7-13-3(a) before its
14 repeal) may, in addition to the term of imprisonment established under
15 IC 35-50-2-7(a), be punished by:
16 (1) a fine of not less than ~~two five thousand five hundred~~ dollars
17 (~~\$2,500~~) (**\$5,000**) and not more than ~~twenty-five~~ **fifty** thousand

HB 1422—LS 6651/DI 13+



C
O
P
Y

1 dollars ~~(\$25,000)~~ **(\$50,000)** per day of violation; or
2 (2) if the conviction is for a violation committed after a first
3 conviction of the person under this section (or IC 13-7-13-3(a)
4 before its repeal), a fine of not more than **fifty one hundred**
5 **thousand dollars** ~~(\$50,000)~~ **(\$100,000)** per day of violation.

6 SECTION 2. IC 13-30-6-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person
8 who knowingly:

- 9 (1) transports any hazardous waste to a facility that does not have
10 an operation permit or approval to accept the waste;
- 11 (2) disposes, treats, or stores any hazardous waste without having
12 obtained a permit for the waste; or
- 13 (3) makes a false statement or representation in an application, a
14 label, a manifest, a record, a report, a permit, or other document
15 filed, maintained, or used under environmental management laws
16 with regard to hazardous waste;

17 commits a Class D felony.

18 (b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
19 a Class D felony under this section may, in addition to the term of
20 imprisonment established under IC 35-50-2-7(a), be punished by:

- 21 (1) a fine of not more than ~~twenty-five~~ **fifty** thousand dollars
22 ~~(\$25,000)~~ **(\$50,000)** for each day of violation; or
- 23 (2) if the conviction is for a violation committed after a first
24 conviction of the person under this section, IC 13-30-6-1,
25 IC 13-30-6-2, or IC 13-7-13-3 (before its repeal), a fine of not
26 more than **fifty one hundred** thousand dollars ~~(\$50,000)~~
27 **(\$100,000)** per day of violation.

28 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **IC 13-30-6-1, as**
29 **amended by this act, applies only to a violation occurring after the**
30 **effective date of the amendment to IC 13-30-6-1 made by this act.**

31 (b) **IC 13-30-6-3, as amended by this act, applies only to a**
32 **violation occurring after the effective date of the amendment to**
33 **IC 13-30-6-3 made by this act.**

34 SECTION 4. **An emergency is declared for this act.**

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1422, 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:

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 do pass.

(Reference is to HB 1422 as introduced.)

STURTZ, Chair

Committee Vote: yeas 13, nays 0.

C
O
P
Y

