

Adopted Rejected

# COMMITTEE REPORT

YES: 22  
NO: 0

**MR. SPEAKER:**

*Your Committee on Ways and Means, to which was referred House Bill 1248, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 27-1-29-14 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 14. (a) In order to
- 5 be eligible for payment under this chapter, a liability of a political
- 6 subdivision must arise out of a claim based upon an act or omission
- 7 that takes place while the political subdivision is a member of the fund.
- 8 (b) The maximum amount payable from the fund for any liability,
- 9 whether or not it is covered under IC 34-13-3 (or IC 34-4-16.5 before
- 10 its repeal), is:
- 11 (1) ~~three seven~~ hundred thousand dollars ~~(\$300,000)~~ **(\$700,000)**
- 12 for injury, death, or damage suffered by any one (1) person as a
- 13 result of the act or omission from which the liability arises; and

1 (2) one million dollars (\$1,000,000) for all injury, death, or  
2 damage suffered by all persons as a result of the act or omission  
3 from which the liability arises.

4 (c) No amount may be paid from the fund in respect of punitive  
5 damages paid by or assessed against a member of the fund.

6 (d) No amount may be paid from the fund in the case of a liability  
7 based upon bodily injury or property damage arising out of the  
8 discharge, dispersal, release, or escape of smoke, vapors, soot, fumes,  
9 acids, alkalis, toxic chemicals, liquids, gases, waste materials, or other  
10 irritants, contaminants, or pollutants into or upon land, the atmosphere,  
11 or any watercourse or body of water unless the discharge, dispersal,  
12 release, or escape:

13 (1) is caused by an act or omission of a political subdivision that  
14 is a member of the fund; and

15 (2) occurs as a result of:

16 (A) a household hazardous waste; or

17 (B) a conditionally exempt small quantity generator (as  
18 described in 40 CFR 261.5(a);  
19 collection, disposal, or recycling project conducted by or  
20 controlled by the political subdivision.

21 (e) The commissioner may pay a liability of a member of the fund  
22 in a series of annual payments. The amount of any annual payment  
23 under this subsection must be one hundred thousand dollars (\$100,000)  
24 or more, except for the final payment in a series of payments.

25 (f) The commission may negotiate a structured settlement of any  
26 claim.

27 (g) As used in this section, "household hazardous waste" means  
28 solid waste generated by households that consists of or contains a  
29 material that is:

30 (1) ignitable, as described in 40 CFR 261.21;

31 (2) corrosive, as described in 40 CFR 261.22;

32 (3) reactive, as described in 40 CFR 261.23; or

33 (4) toxic, as described in 40 CFR 261.24."

34 Page 1, line 6, delete "one million two" and insert "**seven**".

35 Page 1, line 6, delete "fifty".

36 Page 1, line 7, delete "\$1,250,000)" and insert "**(\$700,000)**".

37 Page 1, line 8, reset in roman "five".

38 Page 1, line 8, delete "ten".

- 1 Page 1, line 8, reset in roman "\$5,000,000)".
- 2 Page 1, line 9, delete "\$10,000,000)".
- 3 Renumber all SECTIONS consecutively.  
(Reference is to HB 1248 as introduced.)

**and when so amended that said bill do pass.**

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Representative Bauer