

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Natural Resources, to which was referred House Bill No. 1203, 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:**

- 1           Page 4, between lines 37 and 38, begin a new paragraph and insert:  
2           "SECTION 6. IC 14-34-8-11 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) The surface coal  
4           mine reclamation bond pool committee is established. The committee  
5           consists of the following:  
6           (1) Five (5) members ~~not more than three (3) of whom may~~  
7           ~~belong to the same political party,~~ appointed by the ~~governor~~  
8           **director** as follows:  
9           (A) Three (3) members must represent a cross-section of coal  
10          operators.  
11          (B) One (1) member must be a member of the commission.  
12          (C) One (1) member must be a representative of the public  
13          with a ~~license as a certified public accountant.~~ **knowledge of**  
14          **reclamation performance guarantees.**  
15          (2) The director or the director's designee, who is a nonvoting  
16          member.  
17          (b) The term of each member is four (4) years beginning July 1. ~~★~~  
18          ~~member may not be appointed to more than two (2) full terms.~~ The  
19          **governor director** may remove an appointed member for cause.

1 (c) The committee shall do the following:

- 2 (1) Annually elect a chairman.
- 3 (2) Adopt rules for organization and procedure.

4 (d) Each member of the committee who is not a state employee is  
 5 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).  
 6 The member is also entitled to reimbursement for traveling expenses  
 7 and other expenses actually incurred in connection with the member's  
 8 duties as provided in the state travel policies and procedures established  
 9 by the Indiana department of administration and approved by the budget  
 10 agency.

11 (e) The committee shall, acting in an advisory capacity to the  
12 director, do the following:

13 (1) Meet as necessary to perform duties under this chapter, but  
 14 not less than ~~two (2) times~~ **one (1) time** each year, for the  
 15 purpose of formulating recommendations to the director  
 16 concerning oversight of the general operation of the bond pool.

17 (2) Review and make recommendations concerning the following:

- 18 (A) All proposed expenses from the bond pool.
- 19 (B) All applications for admission to the bond pool.

20 (f) The director shall report ~~semiannually~~ **annually** to the committee  
21 and to the governor on the status of the bond pool."

22 Page 5, between lines 13 and 14, begin a new line block indented and  
23 insert:

24 **"Government financing guarantees, insurance, loans, funds**  
 25 **obtained through industrial revenue bonds or their**  
 26 **equivalent, or in-kind payments are not considered funds**  
 27 **appropriated by a governmental entity under this**  
 28 **subdivision."**

29 Page 5, line 28, delete "at the site".

30 Page 5, line 31, delete "nearby mining" and insert "**reclamation**".

31 Page 6, after line 21, begin a new paragraph and insert:

32 **"SECTION 8. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding**  
 33 **312 IAC 25-1-57, "government financed construction" means**  
 34 **construction that is:**

- 35 **(1) at least fifty percent (50%) funded by funds appropriated**  
 36 **from a government financing agency's budget or obtained**

1           **from general revenue bonds; or**  
2           **(2) less than fifty percent (50%) funded by funds**  
3           **appropriated from a government financing agency's budget**  
4           **or obtained from general revenue bonds if construction is**  
5           **undertaken as an approved reclamation project under Title**  
6           **IV of the federal Surface Mining Control and Reclamation**  
7           **Act of 1977 (30 U.S.C. 1201 through 1328) and IC 14-34-19.**

8           **However, construction through government financing guarantees,**  
9           **insurance, loans, funds obtained through industrial revenue bonds**  
10          **or their equivalent, or in-kind payments do not qualify as**  
11          **government financed construction.**

12          **(b) Before July 1, 2006, the department of natural resources**  
13          **shall amend 312 IAC 25-1-57 to correspond with this SECTION.**

14          **(c) This SECTION expires July 1, 2007."**

15          Renumber all SECTIONS consecutively.

(Reference is to HB 1203 as printed January 30, 2004.)

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

Committee Vote: Yeas 6, Nays 0.

**Weatherwax**

**Chairperson**