



February 23, 2005

HOUSE BILL No. 1280

DIGEST OF HB 1280 (Updated February 22, 2005 12:08 pm - DI 69)

Citations Affected: IC 13-26.

Synopsis: Regional sewage districts. Prohibits a regional sewage district from requiring a property owner to connect to the district's sewer system if the property owner is already connected to a sewer system that was approved by a state governmental entity. Provides that if: (1) a campground elects to be billed for sewage service by use of a meter, the rate charged by a district board for the metered sewage service may not exceed the rate charged to residential customers for equivalent usage; and (2) a campground does not install a meter and is billed for sewage service at a flat rate, each camp site at a campground may not equal more than 1/3 of one resident equivalent unit. Allows a campground to file with the Indiana utility regulatory commission a request for review of a disputed matter with a district board to be conducted by the commission's appeals division.

Effective: January 1, 2005 (retroactive); upon passage.

Wolkins

January 11, 2005, read first time and referred to Committee on Environmental Affairs.
February 22, 2005, amended, reported — Do Pass.

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February 23, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1280

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

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

- 1 SECTION 1. IC 13-26-5-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A district may
3 do the following:
- 4 (1) Sue or be sued.
 - 5 (2) Make contracts in the exercise of the rights, powers, and
6 duties conferred upon the district.
 - 7 (3) Adopt and alter a seal and use the seal by causing the seal to
8 be impressed, affixed, reproduced, or otherwise used. However,
9 the failure to affix a seal does not affect the validity of an
10 instrument.
 - 11 (4) Adopt, amend, and repeal the following:
 - 12 (A) Bylaws for the administration of the district's affairs.
 - 13 (B) Rules and regulations for the following:
 - 14 (i) The control of the administration and operation of the
15 district's service and facilities.
 - 16 (ii) The exercise of all of the district's rights of ownership.
 - 17 (5) Construct, acquire, lease, operate, or manage works and obtain

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1 rights, easements, licenses, money, contracts, accounts, liens,
 2 books, records, maps, or other property, whether real, personal, or
 3 mixed, of a person or an eligible entity.
 4 (6) Assume in whole or in part any liability or obligation of:
 5 (A) a person;
 6 (B) a nonprofit water, sewage, or solid waste project system;
 7 or
 8 (C) an eligible entity;
 9 including a pledge of part or all of the net revenues of a works to
 10 the debt service on outstanding bonds of an entity in whole or in
 11 part in the district and including a right on the part of the district
 12 to indemnify and protect a contracting party from loss or liability
 13 by reason of the failure of the district to perform an agreement
 14 assumed by the district or to act or discharge an obligation.
 15 (7) Fix, alter, charge, and collect reasonable rates and other
 16 charges in the area served by the district's facilities to every
 17 person whose premises are, whether directly or indirectly,
 18 supplied with water or provided with sewage or solid waste
 19 services by the facilities for the purpose of providing for the
 20 following:
 21 (A) The payment of the expenses of the district.
 22 (B) The construction, acquisition, improvement, extension,
 23 repair, maintenance, and operation of the district's facilities
 24 and properties.
 25 (C) The payment of principal or interest on the district's
 26 obligations.
 27 (D) To fulfill the terms of agreements made with:
 28 (i) the purchasers or holders of any obligations; or
 29 (ii) a person or an eligible entity.
 30 (8) Except as provided in section 2.5 of this chapter, require
 31 connection to the district's sewer system of property producing
 32 sewage or similar waste and require the discontinuance of use of
 33 privies, cesspools, septic tanks, and similar structures if:
 34 (A) there is an available sanitary sewer within three hundred
 35 (300) feet of the property line; and
 36 (B) the district has given written notice by certified mail to the
 37 property owner at the address of the property at least ninety
 38 (90) days before a date for connection to be stated in the
 39 notice.
 40 **However, a district may not require a property owner to**
 41 **connect to the district's sewer system if the property owner is**
 42 **already connected to a sewer system that was approved by a**

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state governmental entity.

(9) Provide by ordinance for reasonable penalties for failure to connect and also apply to the circuit or superior court of the county in which the property is located for an order to force connection, with the cost of the action, including reasonable attorney's fees of the district, to be assessed by the court against the property owner in the action.

(10) Refuse the services of the district's facilities if the rates or other charges are not paid by the user.

(11) Control and supervise all property, works, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.

(12) Construct, acquire by purchase or otherwise, operate, lease, preserve, and maintain works considered necessary to accomplish the purposes of the district's establishment within or outside the district and enter into contracts for the operation of works owned, leased, or held by another entity, whether public or private.

(13) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease as lessee or lessor, use, and sell interests in real and personal property or franchises within or outside the district for:

- (A) the location or protection of works;
- (B) the relocation of buildings, structures, and improvements situated on land required by the district or for any other necessary purpose; or
- (C) obtaining or storing material to be used in constructing and maintaining the works.

(14) Upon consent of two-thirds (2/3) of the members of the board, merge or combine with another district into a single district on terms so that the surviving district:

- (A) is possessed of all rights, franchises, and authority of the constituent districts; and
- (B) is subject to all the liabilities, obligations, and duties of each of the constituent districts, with all rights of creditors of the constituent districts being preserved unimpaired.

(15) Provide by agreement with another eligible entity for the joint construction of works the district is authorized to construct if the construction is for the district's own benefit and that of the other entity. For this purpose the cooperating entities may jointly appropriate land either within or outside their respective borders if all subsequent proceedings, actions, powers, liabilities, rights,

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1 and duties are those set forth by statute.
 2 (16) Enter into contracts with a person, an eligible entity, the
 3 state, or the United States to provide services to the contracting
 4 party for any of the following:
 5 (A) The distribution or purification of water.
 6 (B) The collection or treatment of sanitary sewage.
 7 (C) The collection, disposal, or recovery of solid waste.
 8 (17) Make provision for, contract for, or sell the district's
 9 byproducts or waste.
 10 (18) Exercise the power of eminent domain.
 11 (19) Remove or change the location of a fence, building, railroad,
 12 canal, or other structure or improvement located within or outside
 13 the district. If:
 14 (A) it is not feasible or economical to move the building,
 15 structure, or improvement situated in or upon land acquired;
 16 and
 17 (B) the cost is determined by the board to be less than that of
 18 purchase or condemnation;
 19 the district may acquire land and construct, acquire, or install
 20 buildings, structures, or improvements similar in purpose to be
 21 exchanged for the buildings, structures, or improvements under
 22 contracts entered into between the owner and the district.
 23 (20) Employ consulting engineers, superintendents, managers,
 24 and other engineering, construction, and accounting experts,
 25 attorneys, bond counsel, employees, and agents that are necessary
 26 for the accomplishment of the district's purpose and fix their
 27 compensation.
 28 (21) Procure insurance against loss to the district by reason of
 29 damages to the district's properties, works, or improvements
 30 resulting from fire, theft, accident, or other casualty or because of
 31 the liability of the district for damages to persons or property
 32 occurring in the operations of the district's works and
 33 improvements or the conduct of the district's activities.
 34 (22) Exercise the powers of the district without obtaining the
 35 consent of other eligible entities. However, the district shall:
 36 (A) restore or repair all public or private property damaged in
 37 carrying out the powers of the district and place the property
 38 in the property's original condition as nearly as practicable; or
 39 (B) pay adequate compensation for the property.
 40 (23) Dispose of, by public or private sale or lease, real or personal
 41 property determined by the board to be no longer necessary or
 42 needed for the operation or purposes of the district.

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SECTION 2. IC 13-26-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]:

Sec. 2. (a) Except as provided in subsection (b), the rates or charges for a sewage works may be determined based on the following:

- (1) A flat charge for each connection.
- (2) The amount of water used on the premises.
- (3) The number and size of water outlets on the premises.
- (4) The amount, strength, or character of sewage discharged into the sewers.
- (5) The size of sewer connections.
- (6) Whether the property served has been or will be required to pay separately for the cost of any of the facilities of the works.
- (7) A combination of these or other factors that the board determines is necessary to establish nondiscriminatory, just, and equitable rates or charges.

(b) ~~This subsection applies only to a district in which a campground brought a legal action after January 1, 2000, and before April 1, 2003, against a board concerning sewage service billed at a flat rate.~~ If a campground is billed for sewage service at a flat rate under subsection (a), the campground may instead elect to be billed for the sewage service under this subsection by installing, at the campground's expense, a meter to measure the actual amount of sewage discharged by the campground into the sewers. ~~for one (1) year. The highest meter reading for a calendar week for the campground during the year shall be used to determine the resident equivalent units for the campground.~~ **If a campground elects to be billed by use of a meter, the rate charged by a board for the metered sewage service may not exceed the rate charged to residential customers for equivalent usage.**

(c) **If a campground does not install a meter under subsection (b) and is billed for sewage service at a flat rate under subsection (a), for a calendar year beginning after December 31, 2004, each camp site at a campground may not equal more than one-third (1/3) of one (1) resident equivalent unit.** The basic monthly charge for the campground's sewage service must be equal to the number of the campground's resident equivalent units multiplied by the rate charged by the board for a resident unit.

(d) The board may impose additional charges on a campground under ~~this subsection~~ **subsections (b) and (c)** if the board incurs additional costs that are caused by any unique factors that apply to providing sewage service for the campground, including, but not limited to:

- (1) the installation of:

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- 1 (A) oversized pipe; or
- 2 (B) any other unique equipment;
- 3 necessary to provide sewage service for the campground; and
- 4 (2) **excessive concentrations of biochemical oxygen demand**
- 5 **(BOD) that exceed federal pollutant standards.**

6 SECTION 3. IC 13-26-11-2.1 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]; **Sec. 2.1. (a) As**
 9 **used in this section, "commission" refers to the Indiana utility**
 10 **regulatory commission created by IC 8-1-1-2.**

11 (b) **This section applies to an owner or operator of a**
 12 **campground described in section 2(b) or 2(c) of this chapter who**
 13 **disputes:**

- 14 (1) **that the campground is being billed at rates charged to**
- 15 **residential customers for equivalent usage as described in**
- 16 **section 2(b) of this chapter;**
- 17 (2) **the number of resident equivalent units determined for the**
- 18 **campground under section 2(c) of this chapter; or**
- 19 (3) **that any additional charges imposed on the campground**
- 20 **under section 2(d) of this chapter are reasonable or**
- 21 **nondiscriminatory.**

22 (c) **If an owner or operator:**

- 23 (1) **makes a good faith attempt to resolve a disputed matter**
- 24 **described in subsection (b)(1) through (b)(3) through:**
- 25 (A) **any grievance or complaint procedure prescribed by**
- 26 **the board; or**
- 27 (B) **other negotiations with the board; and**
- 28 (2) **is dissatisfied with the board's proposed disposition of the**
- 29 **matter;**

30 **the owner or operator may file with the commission a written**
 31 **request for review of the disputed matter and the board's proposed**
 32 **disposition of the matter to be conducted by the commission's**
 33 **appeals division established in IC 8-1-2-34.5(b). The owner or**
 34 **operator shall file a request under this section with the commission**
 35 **and the board not later than seven (7) days after receiving notice**
 36 **of the board's proposed disposition of the matter.**

37 (d) **The commission's appeals division shall provide an informal**
 38 **review of the disputed matter. The review must include a prompt**
 39 **and thorough investigation of the dispute. Upon request by either**
 40 **party, or on the division's own motion, the division shall require**
 41 **the parties to attend a conference on the matter at a date, time, and**
 42 **place determined by the division.**

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1 (e) In any case in which the basic monthly charge for a
 2 campground's sewage service is in dispute, the owner or operator
 3 shall pay, on any disputed bill issued while a review under this
 4 section is pending, the basic monthly charge billed during the year
 5 immediately preceding the year in which the first disputed bill is
 6 issued. If the basic monthly charge paid while the review is pending
 7 exceeds any monthly charge determined by the commission in a
 8 decision issued under subsection (f), the board shall refund or
 9 credit the excess amount paid to the owner or operator. If the basic
 10 monthly charge paid while the review is pending is less than any
 11 monthly charge determined by the appeals division or commission
 12 in a decision issued under subsection (f), the owner or operator
 13 shall pay the board the difference owed.

14 (f) After conducting the review required under subsection (d),
 15 the appeals division shall issue a written decision resolving the
 16 disputed matter. The division shall send a copy of the decision to:

- 17 (1) the owner or operator of the campground; and
- 18 (2) the board;

19 by United States mail. Not later than seven (7) days after receiving
 20 the written decision of the appeals division, either party may make
 21 a written request for the dispute to be formally docketed as a
 22 proceeding before the commission. Subject to the right of either
 23 party to an appeal under IC 8-1-3, the decision of the commission
 24 is final.

25 (g) The commission shall maintain a record of all requests for
 26 a review made under this section. The record must include:

- 27 (1) a copy of the appeal division's and commission's decision
 28 under subsection (f) for each dispute filed; and
- 29 (2) any other documents filed with the appeals division or
 30 commission under this section.

31 The record must be made available for public inspection and
 32 copying in the office of the commission during regular business
 33 hours under IC 5-14-3.

34 (h) The right of a campground owner or operator to request a
 35 review under this section is in addition to the right of the
 36 campground owner or operator to file a petition under section 15
 37 of this chapter as a freeholder of the district.

38 (i) The commission may adopt rules under IC 4-22-2 to
 39 implement this section.

40 SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1280, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-26-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A district may do the following:

- (1) Sue or be sued.
- (2) Make contracts in the exercise of the rights, powers, and duties conferred upon the district.
- (3) Adopt and alter a seal and use the seal by causing the seal to be impressed, affixed, reproduced, or otherwise used. However, the failure to affix a seal does not affect the validity of an instrument.
- (4) Adopt, amend, and repeal the following:
 - (A) Bylaws for the administration of the district's affairs.
 - (B) Rules and regulations for the following:
 - (i) The control of the administration and operation of the district's service and facilities.
 - (ii) The exercise of all of the district's rights of ownership.
- (5) Construct, acquire, lease, operate, or manage works and obtain rights, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property, whether real, personal, or mixed, of a person or an eligible entity.
- (6) Assume in whole or in part any liability or obligation of:
 - (A) a person;
 - (B) a nonprofit water, sewage, or solid waste project system;
 - or
 - (C) an eligible entity;

including a pledge of part or all of the net revenues of a works to the debt service on outstanding bonds of an entity in whole or in part in the district and including a right on the part of the district to indemnify and protect a contracting party from loss or liability by reason of the failure of the district to perform an agreement assumed by the district or to act or discharge an obligation.
- (7) Fix, alter, charge, and collect reasonable rates and other charges in the area served by the district's facilities to every person whose premises are, whether directly or indirectly, supplied with water or provided with sewage or solid waste

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services by the facilities for the purpose of providing for the following:

- (A) The payment of the expenses of the district.
 - (B) The construction, acquisition, improvement, extension, repair, maintenance, and operation of the district's facilities and properties.
 - (C) The payment of principal or interest on the district's obligations.
 - (D) To fulfill the terms of agreements made with:
 - (i) the purchasers or holders of any obligations; or
 - (ii) a person or an eligible entity.
- (8) Except as provided in section 2.5 of this chapter, require connection to the district's sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if:
- (A) there is an available sanitary sewer within three hundred (300) feet of the property line; and
 - (B) the district has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before a date for connection to be stated in the notice.

However, a district may not require a property owner to connect to the district's sewer system if the property owner is already connected to a sewer system that was approved by a state governmental entity.

- (9) Provide by ordinance for reasonable penalties for failure to connect and also apply to the circuit or superior court of the county in which the property is located for an order to force connection, with the cost of the action, including reasonable attorney's fees of the district, to be assessed by the court against the property owner in the action.
- (10) Refuse the services of the district's facilities if the rates or other charges are not paid by the user.
- (11) Control and supervise all property, works, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.
- (12) Construct, acquire by purchase or otherwise, operate, lease, preserve, and maintain works considered necessary to accomplish the purposes of the district's establishment within or outside the district and enter into contracts for the operation of works owned, leased, or held by another entity, whether public or private.

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(13) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease as lessee or lessor, use, and sell interests in real and personal property or franchises within or outside the district for:

- (A) the location or protection of works;
- (B) the relocation of buildings, structures, and improvements situated on land required by the district or for any other necessary purpose; or
- (C) obtaining or storing material to be used in constructing and maintaining the works.

(14) Upon consent of two-thirds (2/3) of the members of the board, merge or combine with another district into a single district on terms so that the surviving district:

- (A) is possessed of all rights, franchises, and authority of the constituent districts; and
- (B) is subject to all the liabilities, obligations, and duties of each of the constituent districts, with all rights of creditors of the constituent districts being preserved unimpaired.

(15) Provide by agreement with another eligible entity for the joint construction of works the district is authorized to construct if the construction is for the district's own benefit and that of the other entity. For this purpose the cooperating entities may jointly appropriate land either within or outside their respective borders if all subsequent proceedings, actions, powers, liabilities, rights, and duties are those set forth by statute.

(16) Enter into contracts with a person, an eligible entity, the state, or the United States to provide services to the contracting party for any of the following:

- (A) The distribution or purification of water.
- (B) The collection or treatment of sanitary sewage.
- (C) The collection, disposal, or recovery of solid waste.

(17) Make provision for, contract for, or sell the district's byproducts or waste.

(18) Exercise the power of eminent domain.

(19) Remove or change the location of a fence, building, railroad, canal, or other structure or improvement located within or outside the district. If:

- (A) it is not feasible or economical to move the building, structure, or improvement situated in or upon land acquired; and
- (B) the cost is determined by the board to be less than that of purchase or condemnation;

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the district may acquire land and construct, acquire, or install buildings, structures, or improvements similar in purpose to be exchanged for the buildings, structures, or improvements under contracts entered into between the owner and the district.

(20) Employ consulting engineers, superintendents, managers, and other engineering, construction, and accounting experts, attorneys, bond counsel, employees, and agents that are necessary for the accomplishment of the district's purpose and fix their compensation.

(21) Procure insurance against loss to the district by reason of damages to the district's properties, works, or improvements resulting from fire, theft, accident, or other casualty or because of the liability of the district for damages to persons or property occurring in the operations of the district's works and improvements or the conduct of the district's activities.

(22) Exercise the powers of the district without obtaining the consent of other eligible entities. However, the district shall:

(A) restore or repair all public or private property damaged in carrying out the powers of the district and place the property in the property's original condition as nearly as practicable; or

(B) pay adequate compensation for the property.

(23) Dispose of, by public or private sale or lease, real or personal property determined by the board to be no longer necessary or needed for the operation or purposes of the district."

Page 1, line 16, strike "This subsection applies only to a district in which a campground".

Page 1, strike line 17.

Page 2, line 1, strike "against a board concerning sewage service billed at a flat rate."

Page 2, line 6, after "sewers " insert ".".

Page 2, line 6, strike "for one (1) year."

Page 2, line 6, delete "For a calendar".

Page 2, line 7, delete "year beginning after December 31, 2004, the" and insert "The".

Page 2, line 7, strike "highest".

Page 2, line 7, delete "monthly".

Page 2, line 7, strike "meter".

Page 2, line 8, strike "reading".

Page 2, line 8, strike "for the campground during the year shall".

Page 2, strike line 9.

Page 2, line 9, after "campground." insert **"If a campground elects to be billed by use of a meter, the rate charged by a board for the**

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metered sewage service may not exceed the rate charged to residential customers for equivalent usage.

(c) If a campground does not install a meter under subsection (b) and is billed for sewage service at a flat rate under subsection (a), for a calendar year beginning after December 31, 2004, each camp site at a campground may not equal more than one-third (1/3) of one (1) resident equivalent unit."

Page 2, line 12, before "The" begin a new paragraph and insert: "(d)".

Page 2, line 13, strike "this".

Page 2, line 14, strike "subsection" and insert "subsections (b) and (c)".

Page 2, line 21, strike "excessive" and insert "concentrations of".

Page 2, line 21, delete "." and insert "that exceed federal pollutant standards."

Page 2, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 3. IC 13-26-11-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 2.1. (a) As used in this section, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(b) This section applies to an owner or operator of a campground described in section 2(b) or 2(c) of this chapter who disputes:

- (1) that the campground is being billed at rates charged to residential customers for equivalent usage as described in section 2(b) of this chapter;
- (2) the number of resident equivalent units determined for the campground under section 2(c) of this chapter; or
- (3) that any additional charges imposed on the campground under section 2(d) of this chapter are reasonable or nondiscriminatory.

(c) If an owner or operator:

- (1) makes a good faith attempt to resolve a disputed matter described in subsection (b)(1) through (b)(3) through:
 - (A) any grievance or complaint procedure prescribed by the board; or
 - (B) other negotiations with the board; and
- (2) is dissatisfied with the board's proposed disposition of the matter;

the owner or operator may file with the commission a written

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request for review of the disputed matter and the board's proposed disposition of the matter to be conducted by the commission's appeals division established in IC 8-1-2-34.5(b). The owner or operator shall file a request under this section with the commission and the board not later than seven (7) days after receiving notice of the board's proposed disposition of the matter.

(d) The commission's appeals division shall provide an informal review of the disputed matter. The review must include a prompt and thorough investigation of the dispute. Upon request by either party, or on the division's own motion, the division shall require the parties to attend a conference on the matter at a date, time, and place determined by the division.

(e) In any case in which the basic monthly charge for a campground's sewage service is in dispute, the owner or operator shall pay, on any disputed bill issued while a review under this section is pending, the basic monthly charge billed during the year immediately preceding the year in which the first disputed bill is issued. If the basic monthly charge paid while the review is pending exceeds any monthly charge determined by the commission in a decision issued under subsection (f), the board shall refund or credit the excess amount paid to the owner or operator. If the basic monthly charge paid while the review is pending is less than any monthly charge determined by the appeals division or commission in a decision issued under subsection (f), the owner or operator shall pay the board the difference owed.

(f) After conducting the review required under subsection (d), the appeals division shall issue a written decision resolving the disputed matter. The division shall send a copy of the decision to:

- (1) the owner or operator of the campground; and
- (2) the board;

by United States mail. Not later than seven (7) days after receiving the written decision of the appeals division, either party may make a written request for the dispute to be formally docketed as a proceeding before the commission. Subject to the right of either party to an appeal under IC 8-1-3, the decision of the commission is final.

(g) The commission shall maintain a record of all requests for a review made under this section. The record must include:

- (1) a copy of the appeal division's and commission's decision under subsection (f) for each dispute filed; and
- (2) any other documents filed with the appeals division or commission under this section.

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The record must be made available for public inspection and copying in the office of the commission during regular business hours under IC 5-14-3.

(h) The right of a campground owner or operator to request a review under this section is in addition to the right of the campground owner or operator to file a petition under section 15 of this chapter as a freeholder of the district.

(i) The commission may adopt rules under IC 4-22-2 to implement this section."

Delete page 3.

Page 4, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1280 as introduced.)

WOLKINS, Chair

Committee Vote: yeas 11, nays 0.

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