

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 458, 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 2, delete lines 17 through 42, begin a new paragraph and  
2           insert:  
3           "SECTION 3. IC 13-30-4-3 IS AMENDED TO READ AS  
4           FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The department  
5           may waive up to one hundred percent (100%) of a civil penalty  
6           imposed on a business, **a state agency, or a political subdivision** for  
7           a minor violation of:  
8                 (1) a requirement of environmental management laws;  
9                 (2) a rule adopted by a board; or  
10                (3) any determination, permit, or order made or issued by the  
11                commissioner.  
12           (b) The department may not waive any part of a civil penalty under  
13           this section if the violation:  
14                (1) endangers or causes damage to public health or the  
15                environment;  
16                (2) ~~is~~ **results from an intentional, willful, or criminal act,**  
17                **omission, or failure of a partner, officer, or director of the**  
18                **business, state agency, or political subdivision acting within**  
19                **the scope of that person's employment or office;**  
20                (3) is of a requirement for which the department has previously

1 issued a notice or warning of violation, for this or a prior  
2 violation, to the business, **state agency, or political subdivision**  
3 required to correct the violation; or

4 (4) is not corrected within ninety (90) days after the date the  
5 business, **state agency, or political subdivision** required to  
6 correct the violation notifies the department of the violation under  
7 subsection (c). The department may extend the ninety (90) day  
8 period for not more than an additional ninety (90) days.

9 (c) To seek a waiver of a civil penalty under this section, the  
10 business, **state agency, or political subdivision** required to correct the  
11 violation must submit to the department a written report of the violation  
12 for which a waiver is sought. The report must be submitted to the  
13 department before an inspection by the department that discloses the  
14 violation or the issuance of a notice or warning of violation.

15 (d) The boards may adopt rules to implement this section."

16 Delete page 3.

(Reference is to SB 458 as introduced.)

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

Committee Vote: Yeas 9, Nays 0.

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**Senator Gard, Chairperson**