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# HOUSE BILL No. 1580

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-20-1-27; IC 16-22-8-34.3; IC 16-41-25.5.

**Synopsis:** Soil and septic system education and research. Establishes the soil and septic system education and research council (council). Requires the dean of agriculture of Purdue University to establish and administer a soil and septic system education and research program. Establishes the soil and septic system education and research fund (fund). Provides that the council shall recommend expenditures from the fund for the soil and septic system education and research program. Requires the board of each county health department (and the Marion County health and hospital corporation) to impose a fee of \$10 on each permit issued by the county health department or the county for the operation, installation, construction, repair, or replacement of a septic system. Requires the fees to be paid to the treasurer of state for distribution to the fund.

**Effective:** July 1, 2009.

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January 16, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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## HOUSE BILL No. 1580



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

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

1 SECTION 1. IC 16-20-1-27 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 27. (a) The board of  
3 each local health department may, with the approval of the county or  
4 city executive, establish and collect fees for specific services and  
5 records established by local ordinances and state law. However, fees  
6 may not exceed the cost of services provided. The fees shall be  
7 accounted for and transferred to the health fund of the taxing  
8 jurisdiction.

9 (b) **In addition to any other fees imposed under subsection (a),**  
10 **the board of each county health department shall impose a fee of**  
11 **ten dollars (\$10) on each permit issued by the county health**  
12 **department or the county for the operation, installation,**  
13 **construction, repair, or replacement of a septic system. Any fees**  
14 **collected under this subsection shall be paid by the county**  
15 **treasurer to the treasurer of state not later than the fifteenth day**  
16 **of the month following the month in which the fees are collected.**  
17 **The treasurer of state shall transfer fees received under this**



1 subsection to the soil and septic system education and research  
2 fund established by IC 16-41-25.5-7. The treasurer of state shall  
3 transfer the fees to the soil and septic system education and  
4 research fund not later than the fifteenth day of the month  
5 following the month in which the treasurer of state receives the  
6 fees.

7 SECTION 2. IC 16-22-8-34.3 IS ADDED TO THE INDIANA  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2009]: **Sec. 34.3. In addition to any other fees**  
10 **imposed by the board or the corporation, the board shall impose**  
11 **a fee of ten dollars (\$10) on each permit issued by the corporation**  
12 **or the county for the operation, installation, construction, repair,**  
13 **or replacement of a septic system. Any fees collected under this**  
14 **section shall be paid by the county treasurer to the treasurer of**  
15 **state not later than the fifteenth day of the month following the**  
16 **month in which the fees are collected. The treasurer of state shall**  
17 **transfer fees received under this subsection to the soil and septic**  
18 **system education and research fund established by IC 16-41-25.5-7.**  
19 **The treasurer of state shall transfer the fees to the soil and septic**  
20 **system education and research fund not later than the fifteenth day**  
21 **of the month following the month in which the treasurer of state**  
22 **receives the fees.**

23 SECTION 3. IC 16-41-25.5 IS ADDED TO THE INDIANA CODE  
24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2009]:

26 **Chapter 25.5. Soil and Septic System Education and Research**

27 **Sec. 1. As used in this chapter, "council" refers to the soil and**  
28 **septic system education and research council created by this**  
29 **chapter.**

30 **Sec. 2. As used in this chapter, "director" refers to the dean of**  
31 **agriculture of Purdue University or the dean's designee.**

32 **Sec. 3. The director shall establish and administer a soil and**  
33 **septic system education and research program.**

34 **Sec. 4. The soil and septic system education and research**  
35 **program may include research, education, and outreach activities**  
36 **related to soils and septic systems.**

37 **Sec. 5. The director may contract with a qualified organization,**  
38 **agency, or individual to perform any parts of the soil and septic**  
39 **system education and research program, including any of the**  
40 **activities described in section 4 of this chapter.**

41 **Sec. 6. The director may not regulate:**  
42 **(1) septic systems or septic system components;**

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- 1           (2) residential or commercial wastewater treatment systems;
- 2           or
- 3           (3) the price of any system (or component of a system)
- 4           described in subdivision (1) or (2);
- 5           under this chapter.

6           **Sec. 7. (a) The soil and septic system education and research**  
 7           **fund is established. The fund consists of the following:**

- 8           (1) Fees deposited in the fund under IC 16-20-1-27 or
- 9           IC 16-22-8-34.3.
- 10          (2) Any appropriations made to the fund by the general
- 11          assembly.
- 12          (3) Any gifts or grants made to the fund.

13          **(b) The fund may not be used for political or legislative activity**  
 14          **of any kind.**

15          **(c) The fund shall be administered by the director and used for**  
 16          **the purpose of this chapter. The expenses of administering the fund**  
 17          **shall be paid from money in the fund.**

18          **(d) Money in the fund at the end of a fiscal year does not revert**  
 19          **to the state general fund.**

20          **Sec. 8. (a) The soil and septic system education and research**  
 21          **council is created.**

22          **(b) The council must have an odd number of members, but at**  
 23          **least five (5) and not more than nine (9) members. The following**  
 24          **are the members of the council:**

- 25          (1) The director or the director's designee.
- 26          (2) The head of the agricultural and biological engineering
- 27          department at Purdue University or the designee of the head
- 28          of the department.
- 29          (3) The director of the Indiana water resources research
- 30          center at Purdue University or the designee of the director of
- 31          the center.
- 32          (4) The head of the agronomy department at Purdue
- 33          University or the designee of the head of the department.
- 34          (5) Other members that the director shall appoint.

35          **(c) A majority of the members of the council must have**  
 36          **expertise in at least one (1) of the following:**

- 37          (1) Siting of septic systems.
- 38          (2) Design of septic systems.
- 39          (3) Installation of septic systems.
- 40          (4) Regulation of septic systems by local government.
- 41          (5) Maintenance of septic systems.
- 42          (6) Development of septic system components.

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1           **Sec. 9. The council shall adopt bylaws governing the terms of**  
2 **office, filling unexpired terms, expenses, quorum, duties, and other**  
3 **administrative matters. The bylaws may be amended by a**  
4 **two-thirds (2/3) vote of the members present, if a quorum is**  
5 **present.**

6           **Sec. 10. The council shall do the following:**  
7           **(1) Elect a chairperson and any other officers.**  
8           **(2) Recommend expenditures from the soil and septic system**  
9 **education and research fund:**  
10           **(A) for the soil and septic system education and research**  
11 **program; and**  
12           **(B) for the administration of this chapter.**  
13           **(3) Perform any other necessary duties.**

14           **Sec. 11. The director shall consider the advice,**  
15 **recommendations, and assistance of the council for the expenditure**  
16 **of funds for the soil and septic system education and research**  
17 **program and for the administration of this chapter.**

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