

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1130 be amended to read as follows:

- 1 Page 1, line 3, delete "an agency" and insert "**all agencies**".
- 2 Page 1, line 4, after "administrative" insert "**department**".
- 3 Page 1, delete lines 5 through 6.
- 4 Page 1, line 11, delete "This" and insert "**Except as provided in**
- 5 **sections 2 and 3 of this chapter, this**".
- 6 Page 1, line 12, after "state" delete "law or".
- 7 Page 1, line 12, delete "or federal law or regulation".
- 8 Page 1, line 14, delete "2011, unless:" and insert "**2011**".
- 9 Page 1, between lines 14 and line 15, begin a new paragraph and
- 10 insert:
- 11 "**Sec. 2. This chapter does not apply if:**".
- 12 Page 2, line 14, delete "law, rule, or regulation" and insert "**rule**".
- 13 Page 2, line 17, delete "or".
- 14 Page 2, line 19, delete "regulation." and insert "**regulation;**
- 15 **(4) the alleged violation is a violation of an ethics code or**
- 16 **another rule governing the conduct of an agency employee or**
- 17 **contractor in the procurement or performance of services or**
- 18 **the delivery of property to a governmental entity; or**
- 19 **(5) the alleged violation was discovered as part of the**
- 20 **preparation of a health care licensing and certification survey**
- 21 **by the department of health.**
- 22 **Sec. 3. This chapter does not limit an agency's authority to issue**
- 23 **an emergency or a temporary order under IC 4-21.5-4 or another**
- 24 **law if:**

- 1 **(1) an emergency exists; or**
 2 **(2) a statute authorizes the agency to issue a temporary order**
 3 **or otherwise take immediate agency action.**
- 4 **Sec. 4. As used in this chapter, "inspection" means:**
 5 **(1) visual analysis; or**
 6 **(2) performance of tests;**
 7 **undertaken to evaluate the operation, use, or condition of real or**
 8 **personal property.**
- 9 **Sec. 5. As used in this chapter, "violation" refers to a violation**
 10 **of a state rule adopted by an agency."**
- 11 Page 2, line 20, delete "2." and insert "6."
 12 Page 2, line 22, delete "3" and insert "7".
 13 Page 2, line 23, delete "3" and insert "7".
 14 Page 2, line 23, delete "4" and insert "10".
 15 Page 2, line 25, delete "3. (a)" and insert "7."
 16 Page 2, line 28, after "(2)" insert "extend an".
 17 Page 2, line 28, after "offer" insert "in writing to".
 18 Page 2, line 28, after "violation" insert "giving the alleged violator".
 19 Page 2, line 28, after "into" delete "an" and insert "a corrective plan
 20 to correct the alleged violation before the agency imposes a civil
 21 penalty or takes another enforcement action permitted under
 22 section 10 of this chapter or another law.".
- 23 Page 2, delete lines 29 through 32, begin a new paragraph and
 24 insert:
 25 **"Sec. 8. (a) The notice to the alleged violator under section 7 of**
 26 **this chapter must include the following:**
 27 **(1) A description of the actions that must be taken to correct**
 28 **the alleged violation.**
 29 **(2) The date before which the alleged violator must enter into**
 30 **a corrective plan with the agency in order to avoid an**
 31 **enforcement action under section 10 of this chapter or**
 32 **another law."**
- 33 Page 2, line 33, delete "(c) An", begin a new line block indented and
 34 insert:
 35 **"(3) A statement that an".**
- 36 Page 2, line 33, delete "an agreed order" and insert "a corrective
 37 plan".
- 38 Page 2, between lines 34 and 35, begin a new paragraph and insert:
 39 **"(b) The agency may condition an offer on a requirement that**
 40 **the alleged violator take one (1) or more actions to protect the**
 41 **safety and property of other persons during the time in which the**
 42 **alleged violator reviews the proposed corrective plan."**
- 43 Page 2, line 35, delete "(d) An agreed order", begin a new paragraph
 44 and insert:
 45 **"(c) A corrective plan".**
- 46 Page 2, line 36, delete "agreed order" and insert "corrective plan".

- 1 Page 2, line 37, delete "Not more than thirty (30) days after".
 - 2 Page 2, delete line 38.
 - 3 Page 2, line 39, delete "correction, the", begin a new paragraph and
 - 4 insert:
 - 5 **"Sec. 9. The".**
 - 6 Page 2, line 41, delete "law," and insert **"rule not more than thirty**
 - 7 **(30) days after the earlier of the date that:**
 - 8 **(1) the alleged violation must be corrected under the**
 - 9 **corrective plan; or**
 - 10 **(2) the alleged violator notifies the agency that the alleged**
 - 11 **violator has corrected the violation."**
 - 12 Page 2, delete line 42.
 - 13 Page 3, line 1, delete "4." and insert **"10."**
 - 14 Page 3, line 2, delete "an agreed order" and insert **"a corrective**
 - 15 **plan"**.
 - 16 Page 3, line 4, delete "an agreement" and insert **"a corrective plan"**.
 - 17 Page 3, line 5, delete "section 3 of".
 - 18 Page 3, line 6, delete "notice of violation" and insert **"corrective**
 - 19 **order"**.
 - 20 Page 3, after line 7, begin a new paragraph and insert:
 - 21 **"Sec. 11. The following are public records:**
 - 22 **(1) A corrective plan entered into under this chapter.**
 - 23 **(2) The results of an inspection under section 9 of this chapter.**
 - 24 **(3) Any corrective order described in section 10 of this**
 - 25 **chapter are public records.**
 - 26 **An agency shall retain the public records described in subdivisions**
 - 27 **(1) through (3) in accordance with the appropriate retention**
 - 28 **schedule established under IC 5-15."**
- (Reference is to HB 1130 as printed January 12, 2011.)

Representative Koch