

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 346, 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 1, between lines 8 and 9, begin a new paragraph and insert:  
2           "SECTION 3. IC 34-6-2-103, AS AMENDED BY P.L.90-2010,  
3           SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           UPON PASSAGE]: Sec. 103. (a) "Person", for purposes of IC 34-14,  
5           has the meaning set forth in IC 34-14-1-13.  
6           (b) "Person", for purposes of IC 34-11-2-11.5 and IC 34-24-4,  
7           means:  
8           (1) an individual;  
9           (2) a governmental entity;  
10           (3) a corporation;  
11           (4) a firm;  
12           (5) a trust;  
13           (6) a partnership; or  
14           (7) an incorporated or unincorporated association that exists  
15           under or is authorized by the laws of this state, another state, or a  
16           foreign country.  
17           (c) "Person", for purposes of section 44.8 of this chapter, means an  
18           adult or a minor.  
19           (d) "Person", for purposes of IC 34-26-4, has the meaning set forth  
20           in IC 35-41-1-22.  
21           (e) "Person", for purposes of IC 34-30-5, means any of the

1 following:

- 2 (1) An individual.  
 3 (2) A corporation.  
 4 (3) A partnership.  
 5 (4) An unincorporated association.  
 6 (5) The state (as defined in IC 34-6-2-140).  
 7 (6) A political subdivision (as defined in IC 34-6-2-110).  
 8 (7) Any other entity recognized by law.

9 (f) "Person", for purposes of IC 34-30-6, means an individual, a  
 10 corporation, a limited liability company, a partnership, an  
 11 unincorporated association, or a governmental entity that:

- 12 (1) has qualifications or experience in:  
 13 (A) storing, transporting, or handling a hazardous substance or  
 14 compressed gas;  
 15 (B) fighting fires;  
 16 (C) emergency rescue; or  
 17 (D) first aid care; or  
 18 (2) is otherwise qualified to provide assistance appropriate to  
 19 remedy or contribute to the remedy of the emergency.

20 (g) "Person", for purposes of IC 34-30-18, includes:

- 21 (1) an individual;  
 22 (2) an incorporated or unincorporated organization or association;  
 23 (3) the state of Indiana;  
 24 (4) a political subdivision (as defined in IC 36-1-2-13);  
 25 (5) an agency of the state or a political subdivision; or  
 26 (6) a group of such persons acting in concert.

27 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this  
 28 chapter, means an individual, an incorporated or unincorporated  
 29 organization or association, or a group of such persons acting in  
 30 concert.

31 (i) "Person", for purposes of IC 34-30-10.5, means the following:

- 32 (1) A political subdivision (as defined in IC 36-1-2-13).  
 33 (2) A volunteer fire department (as defined in IC 36-8-12-2).  
 34 (3) An employee of an entity described in subdivision (1) or (2)  
 35 who acts within the scope of the employee's responsibilities.  
 36 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is  
 37 acting for a volunteer fire department.  
 38 (5) A corporation, a limited liability company, a partnership, an  
 39 unincorporated association, or any other entity recognized by law.

40 (j) "Person", for purposes of IC 34-28-7, means:

- 41 (1) an individual;  
 42 (2) a governmental entity;

- 1 (3) a corporation;  
 2 (4) a firm;  
 3 (5) a trust;  
 4 (6) a partnership; or  
 5 (7) an incorporated or unincorporated association that exists  
 6 under or is authorized by the laws of this state, another state, or a  
 7 foreign country."

8 Page 1 line 11, delete "Subject to" and insert "**As used in this**  
 9 **chapter, "person" has the meaning set forth in IC 34-6-2-103(b).**".

10 Page 1, delete line 12.

11 Page 1, line 13, delete "entity," begin a new paragraph and insert:  
 12 "**(b) Subject to subsections (c), (d), and (e), a person**".

13 Page 2, line 6, delete "(b)" and insert "(c)".

14 Page 2, line 6, delete "(a)" and insert "(b)".

15 Page 2, line 9, delete "(c)" and insert "(d)".

16 Page 2, line 9, after "revive" insert "**or raise new claims in**".

17 Page 2, line 11, delete "against the person" and insert "**or settled**".

18 Page 2, between lines 12 and 13, begin a new paragraph and insert:

19 "**(e) Any person that brought an action under IC 13-30-9-2 or**  
 20 **IC 13-23-13-8(b) that was not finally adjudicated or settled prior**  
 21 **to the effective date of this section may amend that action, or bring**  
 22 **a new action, under this section.**".

23 Renumber all SECTIONS consecutively.

(Reference is to SB 346 as introduced.)

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

Committee Vote: Yeas 8, Nays 0.

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**Senator Gard, Chairperson**