

---

---

# HOUSE BILL No. 1002

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5; IC 4-4; IC 4-12-9; IC 4-13-2-14.1; IC 4-21.5-7-3; IC 4-22-2; IC 4-23; IC 5-1-17-29; IC 5-2; IC 5-20-4; IC 5-22; IC 5-24; IC 5-28; IC 5-29; IC 5-31; IC 6-1.1; IC 6-3.1; IC 8-4.5-3; IC 8-16-17; IC 10-17-9-20; IC 10-18-1-2; IC 11-10-4-6.6; IC 13-11-2; IC 13-12-4-5; IC 13-13-8; IC 13-14; IC 13-15; IC 13-16-1; IC 13-17; IC 13-18; IC 13-19; IC 13-20; IC 13-22; IC 13-23; IC 13-25-4-7; IC 13-27-8-3; IC 13-28-1-3; IC 13-29-1-13; IC 13-30; IC 14-8-2; IC 14-9-6; IC 14-10; IC 14-21; IC 14-25; IC 14-26-2-24; IC 15-11-10; IC 15-17-3-2; IC 16-18-2-372; IC 16-20-5-1; IC 16-41-37.5-3; IC 20-20; IC 20-40-8-18; IC 22-4.1-15.

**Synopsis:** Eliminate commissions, boards, and committees. Reenacts the public officers compensation advisory commission that was repealed in 2011. Decreases the membership of the Indiana war memorials commission from ten to nine members with one member from each congressional district. Sets December 31, 2013, as the termination date for the Indiana stadium and convention building authority and transfers powers, duties, and liabilities of the authority to the Indiana finance authority. Consolidates duplicative reporting required for the Indiana economic development corporation (IEDC). Repeals the electronic digital signature act. Consolidates reporting requirements imposed on the IEDC for various programs administered by the IEDC into the state economic incentives and compliance report. Repeals the chapter requiring the IEDC to study the steel industry and provide expertise to public officials regarding the steel industry.  
(Continued next page)

**Effective:** Upon passage; July 1, 2012; January 1, 2013.

---

---

## Wolkins, Dobis

---

---

January 9, 2012, read first time and referred to Select Committee on Government Reduction.

---

---



C  
O  
P  
Y

Repeals and otherwise eliminates reporting requirements imposed on the IEDC to consolidate those requirements at another location in the Indiana Code. Repeals the law that establishes the tobacco farmers and rural community impact fund. Repeals the law that allows a distressed political subdivision to appeal if the subdivision's property tax collections are reduced by at least 5% in a calendar year as a result of the application of certain tax credits. Repeals the law that allows certain political subdivisions to borrow money for rural community water supply systems. Repeals the capital investment tax credit. Removes obsolete references to the abandoned railroad corridors board. Repeals certain statutes creating the following boards of the department of environmental management: (1) Air pollution control. (2) Water pollution control. (3) Financial assurance. (4) Solid waste management board (collectively, the repealed boards). Defines "board" to exclude the repealed boards. Establishes the environmental rules board (consolidated board). Requires the consolidated board to use rulemaking procedures to adopt rules. Transfers to the board duties of the department of environmental management to adopt certain rules related to: (1) treatment plant or water distribution systems certification programs; and (2) the waste tire management fund. Transfers certain powers and duties of the repealed boards to the consolidated board. Broadens the requirements for the appointment of one member of the board of animal health. Repeals the following committees, commissions, and boards: (1) Office of community and rural affairs advisory council. (2) Tobacco farmers and rural community impact fund. (3) Indiana arts commission trust fund board. (4) Council on library automation. (5) Library advisory council. (6) Law enforcement, school policing, and youth work group. (7) Affordable housing and community development fund advisory committee. (8) Indiana tourism council. (9) Indiana health informatics corporation. (10) Ohio River bridges project commission. (11) Veterans' home advisory committee. (12) Mental health corrections quality advisory committee. (13) Distressed unit appeal board. (14) Department of local government finance rule adoption committee. (15) Natural resources advisory council. (16) Courthouse preservation advisory commission. (17) Rural community water supply loan program. (18) Water shortage task force. (19) Water resources task force. (20) Corporation for educational technology. (21) Educational technology council. (22) School air quality panel. (23) Building and trades advisory committee. Makes conforming changes.

C  
o  
p  
y



Introduced

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

C  
O  
P  
Y

## HOUSE BILL No. 1002

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

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

- 1 SECTION 1. IC 2-5-1.2-1, AS ADDED BY P.L.220-2011,
- 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b) or
- 4 otherwise in this article, this chapter applies to all committees
- 5 established under this article.
- 6 (b) This chapter does not apply to the following:
- 7 (1) The legislative council and code revision commission
- 8 (IC 2-5-1.1).
- 9 (2) The public officers compensation advisory commission
- 10 (~~IC 2-5-1.5~~; **IC 2-5-1.6**).
- 11 (3) The commission on interstate cooperation (IC 2-5-2).
- 12 (4) The commission on state tax and financing policy (IC 2-5-3).
- 13 (5) The natural resources study committee (IC 2-5-5).
- 14 (6) The pension management oversight commission (IC 2-5-12).
- 15 (7) The probate code study commission (IC 2-5-16).



- 1 (8) The administrative rules oversight committee (IC 2-5-18).  
 2 (9) The census data advisory committee (IC 2-5-19).  
 3 (10) The commission on military and veterans affairs (IC 2-5-20).  
 4 (11) A committee covered by IC 2-5-21.  
 5 (12) The health finance commission (IC 2-5-23).  
 6 (13) The water resources study committee (IC 2-5-25).  
 7 (14) The select joint commission on Medicaid oversight  
 8 (IC 2-5-26).  
 9 (15) The commission on developmental disabilities (IC 2-5-27.2).  
 10 ~~(16) The joint study committee on mass transit and transportation~~  
 11 ~~alternatives (IC 2-5-28).~~  
 12 ~~(17)~~ **(16)** The youth advisory council (IC 2-5-29).  
 13 ~~(18)~~ **(17)** The unemployment insurance oversight committee  
 14 (IC 2-5-30).  
 15 ~~(19)~~ **(18)** The criminal law and sentencing policy study committee  
 16 (IC 2-5-33.4).

17 SECTION 2. IC 2-5-1.6 IS ADDED TO THE INDIANA CODE AS  
 18 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 19 1, 2012]:

20 **Chapter 1.6. Public Officers Compensation Advisory**  
 21 **Commission**

22 **Sec. 1. As used in this chapter, "commission" refers to the**  
 23 **public officers compensation advisory commission established by**  
 24 **section 6 of this chapter.**

25 **Sec. 1.5. As used in this chapter, "compensation" refers to all of**  
 26 **the following elements of compensation:**

- 27 (1) Salary.  
 28 (2) Deferred compensation.  
 29 (3) Health, vision, and dental insurance.  
 30 (4) Pension and other retirement benefits.  
 31 (5) Any other:

32 (A) amount paid to an individual; or

33 (B) benefit provided to an individual;

34 to compensate the individual for services provided as a public  
 35 officer.

36 **Sec. 1.7. As used in this chapter, "compensation value" means**  
 37 **the dollar value of all elements of compensation for a public officer.**

38 **Sec. 2. As used in this chapter, "growth rate" refers to the rate**  
 39 **of change in Indiana nonfarm income determined by the Bureau of**  
 40 **Economic Analysis of the United States Department of Commerce.**

41 **Sec. 3. As used in this chapter, "political subdivision" has the**  
 42 **meaning set forth in IC 36-1-2-13.**

C  
o  
p  
y



1           **Sec. 4. As used in this chapter, "public employee" refers to any**  
 2 **of the following:**

- 3           **(1) An employee of the state.**  
 4           **(2) An employee of a political subdivision.**  
 5           **(3) An employee of any other entity whose salary is paid in**  
 6 **any part from funds derived from taxes imposed by the state**  
 7 **or a political subdivision.**

8           **Sec. 5. As used in this chapter, "public officer" refers to any of**  
 9 **the following:**

- 10           **(1) The governor.**  
 11           **(2) The lieutenant governor.**  
 12           **(3) The secretary of state.**  
 13           **(4) The auditor of state.**  
 14           **(5) The treasurer of state.**  
 15           **(6) The attorney general.**  
 16           **(7) The state superintendent of public instruction.**  
 17           **(8) A justice of the supreme court of Indiana.**  
 18           **(9) A judge of the court of appeals of Indiana.**  
 19           **(10) A judge of the Indiana tax court.**  
 20           **(11) A judge of a circuit, superior, or probate court.**  
 21           **(12) A member of the general assembly.**

22           **Sec. 6. There is established the public officers compensation**  
 23 **advisory commission.**

24           **Sec. 7. (a) The commission consists of the following members:**

- 25           **(1) Two (2) members appointed by the speaker of the house of**  
 26 **representatives. The members appointed under this**  
 27 **subdivision may not be members of the same political party.**  
 28           **(2) Two (2) members appointed by the president pro tempore**  
 29 **of the senate. The members appointed under this subdivision**  
 30 **may not be members of the same political party.**  
 31           **(3) Two (2) members appointed by the governor. The**  
 32 **members appointed under this subdivision may not be**  
 33 **members of the same political party.**  
 34           **(4) Two (2) members appointed by the chief justice of the**  
 35 **supreme court of Indiana. The members appointed under this**  
 36 **subdivision may not be members of the same political party.**  
 37           **(5) One (1) member appointed by the chief judge of the court**  
 38 **of appeals of Indiana.**

39           **(b) The following may not be a commission member:**

- 40           **(1) A public officer.**  
 41           **(2) A public employee.**  
 42           **(3) An individual who has a pecuniary interest in the salary of**

C  
O  
P  
Y



1 a public officer. For purposes of this subdivision, an  
 2 individual has a pecuniary interest in the salary of a public  
 3 officer if an increase in the salary of a public officer will result  
 4 in an ascertainable increase in the income or net worth of the  
 5 individual.

6 **Sec. 8. (a)** The term of a commission member begins on the later  
 7 of the following:

- 8 (1) July 1 after the member is appointed.
- 9 (2) The day the member accepts the member's appointment.

10 (b) The term of a commission member expires on July 1 of the  
 11 fourth year after the year the member's term begins.

12 (c) A member may be reappointed to serve a new term.

13 **Sec. 9. (a)** If there is a vacancy on the commission, the public  
 14 officer who appointed the member whose position is vacant shall  
 15 appoint an individual to fill the vacancy.

16 (b) The member appointed under this section shall fill the  
 17 vacancy for the remainder of the unexpired term.

18 **Sec. 10. (a)** Before July 1 of each odd-numbered year, the  
 19 chairman of the legislative council shall appoint one (1) member to  
 20 be chair of the commission.

21 (b) The member appointed as chair of the commission serves as  
 22 chair beginning July 1 after appointment.

23 (c) A member of the commission may be reappointed as chair of  
 24 the commission.

25 **Sec. 11.** Five (5) commission members constitute a quorum. The  
 26 affirmative votes of at least five (5) commission members are  
 27 necessary for the commission to take official action other than to  
 28 adjourn or to meet to hear reports or testimony.

29 **Sec. 12.** The commission shall meet at the call of the chair and  
 30 at other times as the commission considers necessary.

31 **Sec. 13.** Each member of the commission is entitled to the  
 32 following:

- 33 (1) The salary per diem provided under IC 4-10-11-2.1(b).
- 34 (2) Reimbursement for traveling expenses as provided under  
 35 IC 4-13-1-4.
- 36 (3) Other expenses actually incurred in connection with the  
 37 member's duties as provided in the state policies and  
 38 procedures established by the Indiana department of  
 39 administration and approved by the budget agency.

40 **Sec. 14.** The legislative services agency shall provide  
 41 administrative support for the commission. At the request of the  
 42 legislative services agency, the state personnel department or the

C  
O  
P  
Y



1 Indiana judicial center established by IC 33-38-9-4 shall assign  
 2 staff to provide research and other support to assist the legislative  
 3 services agency in providing administrative support to the  
 4 commission.

5 Sec. 15. The legislative services agency may contract with  
 6 consultants on behalf of the commission, as the commission  
 7 considers necessary, to implement this chapter.

8 Sec. 16. Except as otherwise provided by this chapter, the  
 9 commission is subject to the rules of the legislative council.

10 Sec. 17. The commission shall make reports to the general  
 11 assembly as required by this chapter or by the legislative council.  
 12 The reports to the legislative council must be in an electronic  
 13 format under IC 5-14-6.

14 Sec. 18. The commission shall meet at least one (1) time not later  
 15 than July 1 of each even-numbered year to do the following:

16 (1) For each public officer listed in section 5 of this chapter,  
 17 determine the most recent year that the compensation value  
 18 for the public officer increased.

19 (2) Receive information relating to the compensation of public  
 20 officers.

21 (3) Consider recommendations for suitable compensation for  
 22 public officers.

23 (4) Take testimony relating to the compensation of public  
 24 officers.

25 Sec. 19. (a) Not later than September 1 of each even-numbered  
 26 year, the commission shall make written recommendations to the:

27 (1) legislative council; and

28 (2) budget committee;

29 concerning suitable elements of compensation for public officers.  
 30 The recommendations to the legislative council must be in an  
 31 electronic format under IC 5-14-6.

32 (b) When making recommendations, the commission shall do  
 33 the following:

34 (1) Make a separate recommendation of compensation value,  
 35 which may include a recommendation for no adjustment of  
 36 compensation value, for each separate public officer listed in  
 37 section 5 of this chapter. The commission may not recommend  
 38 an increase in the compensation value for a public officer to  
 39 an amount that exceeds the compensation value the public  
 40 officer would receive if the compensation value for the public  
 41 officer increased each year since the most recent year the  
 42 public officer received an increase in compensation value by

C  
O  
P  
Y



1 the growth rate for each respective year.

2 (2) Recommend maintaining or abolishing existing elements  
3 of compensation or establishing new elements of  
4 compensation.

5 (3) Recommend a compensation plan that enables an  
6 individual who is a public officer to select elements of  
7 compensation to meet the individual's own circumstances  
8 while ensuring that individuals who hold the same public  
9 office receive compensation of equal compensation value.

10 (4) Make other recommendations the commission considers  
11 useful to provide suitable compensation for public officers.

12 Sec. 20. For purposes of this chapter, a health care adjustment  
13 under IC 33-38-5-8.2 is considered part of the compensation of a  
14 public officer who is a judicial officer.

15 Sec. 21. A commission recommendation does not take effect  
16 unless enacted by the general assembly.

17 Sec. 22. There is annually appropriated to the legislative  
18 services agency from the state general fund money necessary for  
19 the operation of the commission.

20 Sec. 23. Notwithstanding IC 1-1-1-8, the provisions of this  
21 chapter are not severable.

22 SECTION 3. IC 4-4-9.7-8 IS REPEALED [EFFECTIVE JULY 1,  
23 2012]. Sec. 8: The director shall establish a board to advise the office  
24 in the implementation of the duties of the office.

25 SECTION 4. IC 4-4-11-0.6 IS ADDED TO THE INDIANA CODE  
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
27 1, 2012]: Sec. 0.6. (a) As used in this section, "entity" means the  
28 Indiana stadium and convention building authority.

29 (b) On December 31, 2013, all powers, duties, and liabilities of  
30 the entity are transferred to the authority as the successor agency.

31 (c) On December 31, 2013, all records and property of the  
32 entity, including appropriations and other funds under the control  
33 or supervision of the entity, are transferred to the authority as the  
34 successor agency.

35 (d) After December 31 2013, any amounts owed to an entity  
36 before December 31, 2013, are considered to be owed to the  
37 authority as the successor agency.

38 (e) After December 31, 2013, a reference to an entity in a  
39 statute, rule, or other document is considered a reference to the  
40 authority as the successor agency.

41 (f) All powers, duties, and liabilities of an entity with respect to  
42 bonds issued by the entity in connection with any trust agreement

C  
o  
p  
y



1 **or indenture securing those bonds are transferred to the authority**  
 2 **as the successor agency. The rights of the trustee under any trust**  
 3 **agreement or indenture and the rights of the bondholders of an**  
 4 **entity remain unchanged, although the powers, duties, and**  
 5 **liabilities of the entity have been transferred to the authority as the**  
 6 **successor agency.**

7 SECTION 5. IC 4-12-9 IS REPEALED [EFFECTIVE JULY 1,  
 8 2012]. (Tobacco Farmers and Rural Community Impact Fund).

9 SECTION 6. IC 4-13-2-14.1, AS AMENDED BY P.L.113-2010,  
 10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2012]: Sec. 14.1. (a) A contract to which a state agency is a  
 12 party must be approved by the following persons:

13 (1) The commissioner of the Indiana department of  
 14 administration.

15 (2) The director of the budget agency. The director of the budget  
 16 agency is not required to approve a contract:

17 (A) for supplies under IC 5-22, unless the budget agency is  
 18 required to approve the contract under rules or written policies  
 19 adopted under IC 5-22; or

20 (B) for public works under IC 4-13.6, if the estimated cost of  
 21 the contract is less than one hundred thousand dollars  
 22 (\$100,000).

23 (3) The attorney general, as required by section 14.3 of this  
 24 chapter.

25 (b) Each of the persons listed in subsection (a) may delegate to  
 26 another person the responsibility to approve contracts under this  
 27 section. The delegation must be in writing and must be filed with the  
 28 Indiana department of administration.

29 (c) The Indiana department of administration may adopt rules under  
 30 IC 4-22-2 to provide for electronic approval of contracts. ~~Electronic~~  
 31 ~~approval may include obtaining the equivalent of a signature from all~~  
 32 ~~contracting parties using an electronic method that does not comply~~  
 33 ~~with IC 5-24 (the electronic digital signature act); so long as the~~  
 34 ~~method allows the party to read the terms of the contract and to~~  
 35 ~~manifest the party's agreement to the contract by clicking on an "ok";~~  
 36 ~~an "agree"; or a similarly labeled button or allows the party to not agree~~  
 37 ~~to the contract by clicking on a "cancel"; "don't agree"; "close window";~~  
 38 ~~or similarly labeled button. Rules adopted under this subsection must~~  
 39 ~~provide for the following:~~

40 (1) Security to prevent unauthorized access to the approval  
 41 process.

42 (2) The ability to convert electronic approvals into a medium

C  
O  
P  
Y



1 allowing persons inspecting or copying contract records to know  
 2 when approval has been given.

3 The rules adopted under this subsection may include any other  
 4 provisions the department considers necessary.

5 (d) The Indiana department of administration shall maintain a file  
 6 of information concerning contracts and leases to which a state agency  
 7 is a party.

8 SECTION 7. IC 4-21.5-7-3, AS AMENDED BY P.L.99-2005,  
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JANUARY 1, 2013]: Sec. 3. (a) The office of environmental  
 11 adjudication is established to review, under this article, agency actions  
 12 of the department of environmental management, actions of a board  
 13 described in IC 13-14-9-1, and challenges to rulemaking actions by a  
 14 board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or  
 15 IC 4-22-2-45.

16 (b) The office of environmental adjudication shall:

17 (1) conduct adjudicatory hearings required to implement:

18 (A) air pollution control laws (as defined in IC 13-11-2-6),  
 19 water pollution control laws (as defined in IC 13-11-2-261),  
 20 environmental management laws (as defined in  
 21 IC 13-11-2-71), and IC 13-19;

22 (B) rules of **the board (as defined in IC 13-13-8-1); and**

23 (i) the air pollution control board;

24 (ii) the water pollution control board;

25 (iii) the solid waste management board; and

26 (iv) the financial assurance board; and

27 (C) agency action of the department of environmental  
 28 management; and

29 (2) notify a board referred to in subdivision (1)(B) of a final order  
 30 of the office of environmental adjudication that interprets:

31 (A) a rule of the board; or

32 (B) a statute under which a rule of the board is authorized.

33 SECTION 8. IC 4-22-2-28.1, AS AMENDED BY P.L.110-2010,  
 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JANUARY 1, 2013]: Sec. 28.1. (a) This section applies to the  
 36 following:

37 (1) A rule for which the notice required by section 23 of this  
 38 chapter or by IC 13-14-9-3 is published by an agency or ~~by any of~~  
 39 ~~the boards (as defined in IC 13-11-2-18);~~ **board (as defined in**  
 40 **IC 13-13-8-1).**

41 (2) A rule for which:

42 (A) the notice required by IC 13-14-9-3; or

C  
o  
p  
y



- 1 (B) an appropriate later notice for circumstances described in  
 2 subsection (g);  
 3 is published by the department of environmental management  
 4 after June 30, 2006.
- 5 (b) As used in this section, "coordinator" refers to the small business  
 6 regulatory coordinator assigned to a rule by an agency under subsection  
 7 (e).
- 8 (c) As used in this section, "director" refers to the director or other  
 9 administrative head of an agency.
- 10 (d) As used in this section, "small business" has the meaning set  
 11 forth in IC 5-28-2-6.
- 12 (e) For each rulemaking action and rule finally adopted as a result  
 13 of a rulemaking action by an agency under this chapter, the agency  
 14 shall assign one (1) staff person to serve as the agency's small business  
 15 regulatory coordinator with respect to the proposed or adopted rule.  
 16 The agency shall assign a staff person to a rule under this subsection  
 17 based on the person's knowledge of, or experience with, the subject  
 18 matter of the rule. A staff person may serve as the coordinator for more  
 19 than one (1) rule proposed or adopted by the agency if the person is  
 20 qualified by knowledge or experience with respect to each rule. Subject  
 21 to subsection (f):
- 22 (1) in the case of a proposed rule, the notice of intent to adopt the  
 23 rule published under section 23 of this chapter; or
- 24 (2) in the case of a rule proposed by the department of  
 25 environmental management or ~~any of the boards (as defined in~~  
 26 ~~IC 13-11-2-18)~~ **the board (as defined in IC 13-13-8-1)**, the  
 27 notice published under IC 13-14-9-3 or the findings published  
 28 under IC 13-14-9-8(b)(1), whichever applies;
- 29 must include the name, address, telephone number, and electronic mail  
 30 address of the small business coordinator for the proposed rule, the  
 31 name, address, telephone number, and electronic mail address of the  
 32 small business ombudsman designated under IC 5-28-17-5, and a  
 33 statement of the resources available to regulated entities through the  
 34 small business ombudsman designated under IC 5-28-17-5. Subject to  
 35 subsection (f), in the case of a rule finally adopted, the final rule, as  
 36 published in the Indiana Register, must include the name, address,  
 37 telephone number, and electronic mail address of the coordinator.
- 38 (f) This subsection applies to a rule adopted by the department of  
 39 environmental management or ~~any of the boards (as defined in~~  
 40 ~~IC 13-11-2-18)~~ **the board (as defined in IC 13-13-8-1)** under  
 41 IC 13-14-9. Subject to subsection (g), the department shall include in  
 42 the notice provided under IC 13-14-9-3 or in the findings published

C  
o  
p  
y

1 under IC 13-14-9-8(b)(1), whichever applies, and in the publication of  
2 the final rule in the Indiana Register:

3 (1) a statement of the resources available to regulated entities  
4 through the technical and compliance assistance program  
5 established under IC 13-28-3;

6 (2) the name, address, telephone number, and electronic mail  
7 address of the ombudsman designated under IC 13-28-3-2;

8 (3) if applicable, a statement of:  
9 (A) the resources available to small businesses through the  
10 small business stationary source technical assistance program  
11 established under IC 13-28-5; and

12 (B) the name, address, telephone number, and electronic mail  
13 address of the ombudsman for small business designated under  
14 IC 13-28-5-2(3); and

15 (4) the information required by subsection (e).

16 The coordinator assigned to the rule under subsection (e) shall work  
17 with the ombudsman described in subdivision (2) and the office of  
18 voluntary compliance established by IC 13-28-1-1 to coordinate the  
19 provision of services required under subsection (h) and IC 13-28-3. If  
20 applicable, the coordinator assigned to the rule under subsection (e)  
21 shall work with the ombudsman referred to in subdivision (3)(B) to  
22 coordinate the provision of services required under subsection (h) and  
23 IC 13-28-5.

24 (g) If the notice provided under IC 13-14-9-3 is not published as  
25 allowed by IC 13-14-9-7, the department of environmental  
26 management shall publish in the notice provided under IC 13-14-9-4  
27 the information that subsection (f) would otherwise require to be  
28 published in the notice under IC 13-14-9-3. If neither the notice under  
29 IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as allowed  
30 by IC 13-14-9-8, the department of environmental management shall  
31 publish in the commissioner's written findings under IC 13-14-9-8(b)  
32 the information that subsection (f) would otherwise require to be  
33 published in the notice under IC 13-14-9-3.

34 (h) The coordinator assigned to a rule under subsection (e) shall  
35 serve as a liaison between the agency and any small business subject  
36 to regulation under the rule. The coordinator shall provide guidance to  
37 small businesses affected by the rule on the following:

38 (1) Any requirements imposed by the rule, including any  
39 reporting, record keeping, or accounting requirements.

40 (2) How the agency determines or measures compliance with the  
41 rule, including any deadlines for action by regulated entities.

42 (3) Any penalties, sanctions, or fines imposed for noncompliance

C  
o  
p  
y



1 with the rule.  
 2 (4) Any other concerns of small businesses with respect to the  
 3 rule, including the agency's application or enforcement of the rule  
 4 in particular situations. However, in the case of a rule adopted  
 5 under IC 13-14-9, the coordinator assigned to the rule may refer  
 6 a small business with concerns about the application or  
 7 enforcement of the rule in a particular situation to the ombudsman  
 8 designated under IC 13-28-3-2 or, if applicable, under  
 9 IC 13-28-5-2(3).  
 10 (i) The coordinator assigned to a rule under subsection (e) shall  
 11 provide guidance under this section in response to questions and  
 12 concerns expressed by small businesses affected by the rule. The  
 13 coordinator may also issue general guidelines or informational  
 14 pamphlets to assist small businesses in complying with the rule. Any  
 15 guidelines or informational pamphlets issued under this subsection  
 16 shall be made available:  
 17 (1) for public inspection and copying at the offices of the agency  
 18 under IC 5-14-3; and  
 19 (2) electronically through electronic gateway access.  
 20 (j) The coordinator assigned to a rule under subsection (e) shall  
 21 keep a record of all comments, questions, and complaints received  
 22 from small businesses with respect to the rule. The coordinator shall  
 23 deliver the record, along with any accompanying documents submitted  
 24 by small businesses, to the director:  
 25 (1) not later than ten (10) days after the date on which the rule is  
 26 submitted to the publisher under section 35 of this chapter; and  
 27 (2) before July 15 of each year during which the rule remains in  
 28 effect.  
 29 The coordinator and the director shall keep confidential any  
 30 information concerning a small business to the extent that the  
 31 information is exempt from public disclosure under IC 5-14-3-4.  
 32 (k) Not later than November 1 of each year, the director shall:  
 33 (1) compile the records received from all of the agency's  
 34 coordinators under subsection (j);  
 35 (2) prepare a report that sets forth:  
 36 (A) the number of comments, complaints, and questions  
 37 received by the agency from small businesses during the most  
 38 recent state fiscal year, categorized by the subject matter of the  
 39 rules involved;  
 40 (B) the number of complaints or questions reported under  
 41 clause (A) that were resolved to the satisfaction of the agency  
 42 and the small businesses involved;

COPY



- 1 (C) the total number of staff serving as coordinators under this
- 2 section during the most recent state fiscal year;
- 3 (D) the agency's costs in complying with this section during
- 4 the most recent state fiscal year; and
- 5 (E) the projected budget required by the agency to comply
- 6 with this section during the current state fiscal year; and
- 7 (3) deliver the report to the legislative council in an electronic
- 8 format under IC 5-14-6 and to the small business ombudsman
- 9 designated by IC 5-28-17-5.

10 SECTION 9. IC 4-22-2-28.2, AS ADDED BY P.L.239-2005,  
 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JANUARY 1, 2013]: Sec. 28.2. (a) This section applies to a violation  
 13 described in subsection (c) that occurs after June 30, 2005. However,  
 14 in the case of a violation of a rule adopted under IC 13-14-9 by the  
 15 department of environmental management or ~~any of the boards board~~  
 16 (as defined in ~~IC 13-11-2-18~~; **IC 13-13-8-1**), the procedures set forth  
 17 in IC 13-30-4-3 and IC 13-30-7 apply instead of this section.

18 (b) As used in this section, "small business" has the meaning set  
 19 forth in section 28.1(d) of this chapter.

20 (c) Except as provided in subsection (d), a small business that  
 21 voluntarily provides notice to an agency of the small business's actual  
 22 or potential violation of a rule adopted by the agency under this chapter  
 23 is immune from civil or criminal liability resulting from an agency  
 24 action relating to the violation if the small business does the following:

- 25 (1) Provides written notice of the violation to the agency not later
- 26 than forty-five (45) days after the small business knew or should
- 27 have known that the violation occurred.
- 28 (2) Corrects the violation within a time agreed to by the agency
- 29 and the small business. However, the small business shall be
- 30 given at least ninety (90) days after the date of the notice
- 31 described in subdivision (1) to correct the violation. The small
- 32 business may correct the violation at any time before the
- 33 expiration of the period agreed to under this subdivision.
- 34 (3) Cooperates with any reasonable request by the agency in any
- 35 investigation initiated in response to the notice.

36 (d) A small business is not immune from civil or criminal liability  
 37 relating to a violation of which the small business provides notice  
 38 under subsection (c) if any of the following apply:

- 39 (1) The violation resulted in serious harm or in imminent and
- 40 substantial endangerment to the public health, safety, or welfare.
- 41 (2) The violation resulted in a substantial economic benefit that
- 42 afforded the small business a clear advantage over the small

COPY



1 business's competitors.

2 (3) The small business has a pattern of continuous or repeated  
3 violations of the rule at issue or any other rules of the agency.

4 (e) Information that a small business provides under this section,  
5 including actions and documents that identify or describe the small  
6 business, to an agency in providing notice of the small business's actual  
7 or potential violation of a rule adopted by the agency is confidential,  
8 unless a clear and immediate danger to the public health, safety, or  
9 welfare or to the environment exists. Information described in this  
10 subsection may not be made available for use by the agency for  
11 purposes other than the purposes of this section without the consent of  
12 the small business.

13 (f) Voluntary notice of an actual or a potential violation of a rule  
14 that is provided by a small business under subsection (c) is not  
15 admissible as evidence in a proceeding, other than an agency  
16 proceeding, to prove liability for the rule violation or the effects of the  
17 rule violation.

18 SECTION 10. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011,  
19 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JANUARY 1, 2013]: Sec. 37.1. (a) This section applies to a  
21 rulemaking action resulting in any of the following rules:

22 (1) An order adopted by the commissioner of the Indiana  
23 department of transportation under IC 9-20-1-3(d) or  
24 IC 9-21-4-7(a) and designated by the commissioner as an  
25 emergency rule.

26 (2) An action taken by the director of the department of natural  
27 resources under IC 14-22-2-6(d) or IC 14-22-6-13.

28 (3) An emergency temporary standard adopted by the  
29 occupational safety standards commission under  
30 IC 22-8-1.1-16.1.

31 (4) An emergency rule adopted by the ~~solid waste management~~  
32 **environmental rules** board under IC 13-22-2-3 and classifying  
33 a waste as hazardous.

34 (5) A rule, other than a rule described in subdivision (6), adopted  
35 by the department of financial institutions under IC 24-4.5-6-107  
36 and declared necessary to meet an emergency.

37 (6) A rule required under IC 24-4.5-1-106 that is adopted by the  
38 department of financial institutions and declared necessary to  
39 meet an emergency under IC 24-4.5-6-107.

40 (7) A rule adopted by the Indiana utility regulatory commission to  
41 address an emergency under IC 8-1-2-113.

42 (8) An emergency rule adopted by the state lottery commission

C  
o  
p  
y



- 1 under IC 4-30-3-9.
- 2 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
- 3 executive board of the state department of health declares is
- 4 necessary to meet an emergency.
- 5 (10) An emergency rule adopted by the Indiana finance authority
- 6 under IC 8-21-12.
- 7 (11) An emergency rule adopted by the insurance commissioner
- 8 under IC 27-1-23-7 or IC 27-1-12.1.
- 9 (12) An emergency rule adopted by the Indiana horse racing
- 10 commission under IC 4-31-3-9.
- 11 (13) An emergency rule adopted by the ~~air pollution control~~
- 12 ~~board, the solid waste management board, or the water pollution~~
- 13 ~~control~~ **environmental rules** board under IC 13-15-4-10(4) or to
- 14 comply with a deadline required by or other date provided by
- 15 federal law, provided:
- 16 (A) the variance procedures are included in the rules; and
- 17 (B) permits or licenses granted during the period the
- 18 emergency rule is in effect are reviewed after the emergency
- 19 rule expires.
- 20 (14) An emergency rule adopted by the Indiana election
- 21 commission under IC 3-6-4.1-14.
- 22 (15) An emergency rule adopted by the department of natural
- 23 resources under IC 14-10-2-5.
- 24 (16) An emergency rule adopted by the Indiana gaming
- 25 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
- 26 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
- 27 (17) An emergency rule adopted by the alcohol and tobacco
- 28 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
- 29 IC 7.1-3-20-24.4.
- 30 (18) An emergency rule adopted by the department of financial
- 31 institutions under IC 28-15-11.
- 32 (19) An emergency rule adopted by the office of the secretary of
- 33 family and social services under IC 12-8-1-12.
- 34 (20) An emergency rule adopted by the office of the children's
- 35 health insurance program under IC 12-17.6-2-11.
- 36 (21) An emergency rule adopted by the office of Medicaid policy
- 37 and planning under IC 12-15-41-15.
- 38 (22) An emergency rule adopted by the Indiana state board of
- 39 animal health under IC 15-17-10-9.
- 40 (23) An emergency rule adopted by the board of directors of the
- 41 Indiana education savings authority under IC 21-9-4-7.
- 42 (24) An emergency rule adopted by the Indiana board of tax

C  
O  
P  
Y

- 1 review under IC 6-1.1-4-34 (repealed).  
 2 (25) An emergency rule adopted by the department of local  
 3 government finance under IC 6-1.1-4-33 (repealed).  
 4 (26) An emergency rule adopted by the boiler and pressure vessel  
 5 rules board under IC 22-13-2-8(c).  
 6 (27) An emergency rule adopted by the Indiana board of tax  
 7 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule  
 8 adopted by the department of local government finance under  
 9 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.  
 10 (28) An emergency rule adopted by the board of the Indiana  
 11 economic development corporation under IC 5-28-5-8.  
 12 (29) A rule adopted by the department of financial institutions  
 13 under IC 34-55-10-2.5.  
 14 (30) A rule adopted by the Indiana finance authority:  
 15 (A) under IC 8-15.5-7 approving user fees (as defined in  
 16 IC 8-15.5-2-10) provided for in a public-private agreement  
 17 under IC 8-15.5;  
 18 (B) under IC 8-15-2-17.2(a)(10):  
 19 (i) establishing enforcement procedures; and  
 20 (ii) making assessments for failure to pay required tolls;  
 21 (C) under IC 8-15-2-14(a)(3) authorizing the use of and  
 22 establishing procedures for the implementation of the  
 23 collection of user fees by electronic or other nonmanual  
 24 means; or  
 25 (D) to make other changes to existing rules related to a toll  
 26 road project to accommodate the provisions of a public-private  
 27 agreement under IC 8-15.5.  
 28 (31) An emergency rule adopted by the board of the Indiana  
 29 health informatics corporation under IC 5-31-5-8 **before its**  
 30 **repeal.**  
 31 (32) An emergency rule adopted by the department of child  
 32 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or  
 33 IC 31-27-4-3.  
 34 (33) An emergency rule adopted by the Indiana real estate  
 35 commission under IC 25-34.1-2-5(15).  
 36 (34) A rule adopted by the department of financial institutions  
 37 under IC 24-4.4-1-101 and determined necessary to meet an  
 38 emergency.  
 39 (35) An emergency rule adopted by the state board of pharmacy  
 40 regarding returning unused medication under IC 25-26-23.  
 41 (36) An emergency rule adopted by the department of local  
 42 government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.

C  
 O  
 P  
 Y



1 (37) An emergency rule adopted by the office of the secretary of  
 2 family and social services or the office of Medicaid policy and  
 3 planning concerning the following:

4 (A) Federal Medicaid waiver program provisions.

5 (B) Federal programs administered by the office of the  
 6 secretary.

7 (b) The following do not apply to rules described in subsection (a):

8 (1) Sections 24 through 36 of this chapter.

9 (2) IC 13-14-9.

10 (c) After a rule described in subsection (a) has been adopted by the  
 11 agency, the agency shall submit the rule to the publisher for the  
 12 assignment of a document control number. The agency shall submit the  
 13 rule in the form required by section 20 of this chapter and with the  
 14 documents required by section 21 of this chapter. The publisher shall  
 15 determine the format of the rule and other documents to be submitted  
 16 under this subsection.

17 (d) After the document control number has been assigned, the  
 18 agency shall submit the rule to the publisher for filing. The agency  
 19 shall submit the rule in the form required by section 20 of this chapter  
 20 and with the documents required by section 21 of this chapter. The  
 21 publisher shall determine the format of the rule and other documents  
 22 to be submitted under this subsection.

23 (e) Subject to section 39 of this chapter, the publisher shall:

24 (1) accept the rule for filing; and

25 (2) electronically record the date and time that the rule is  
 26 accepted.

27 (f) A rule described in subsection (a) takes effect on the latest of the  
 28 following dates:

29 (1) The effective date of the statute delegating authority to the  
 30 agency to adopt the rule.

31 (2) The date and time that the rule is accepted for filing under  
 32 subsection (e).

33 (3) The effective date stated by the adopting agency in the rule.

34 (4) The date of compliance with every requirement established by  
 35 law as a prerequisite to the adoption or effectiveness of the rule.

36 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,  
 37 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in  
 38 subsections (j), (k), and (l), a rule adopted under this section expires  
 39 not later than ninety (90) days after the rule is accepted for filing under  
 40 subsection (e). Except for a rule adopted under subsection (a)(13),  
 41 (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting  
 42 another rule under this section, but only for one (1) extension period.

C  
O  
P  
Y



1 The extension period for a rule adopted under subsection (a)(28) may  
 2 not exceed the period for which the original rule was in effect. A rule  
 3 adopted under subsection (a)(13) may be extended for two (2)  
 4 extension periods. Subject to subsection (j), a rule adopted under  
 5 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited  
 6 number of extension periods. Except for a rule adopted under  
 7 subsection (a)(13), for a rule adopted under this section to be effective  
 8 after one (1) extension period, the rule must be adopted under:

- 9 (1) sections 24 through 36 of this chapter; or  
 10 (2) IC 13-14-9;

11 as applicable.

12 (h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20),  
 13 (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:

- 14 (1) The expiration date stated by the adopting agency in the rule.  
 15 (2) The date that the rule is amended or repealed by a later rule  
 16 adopted under sections 24 through 36 of this chapter or this  
 17 section.

18 (i) This section may not be used to readopt a rule under IC 4-22-2.5.

19 (j) A rule described in subsection (a)(24) or (a)(25) expires not later  
 20 than January 1, 2006.

21 (k) A rule described in subsection (a)(28) expires on the expiration  
 22 date stated by the board of the Indiana economic development  
 23 corporation in the rule.

24 (l) A rule described in subsection (a)(30) expires on the expiration  
 25 date stated by the Indiana finance authority in the rule.

26 (m) A rule described in subsection (a)(5) or (a)(6) expires on the  
 27 date the department is next required to issue a rule under the statute  
 28 authorizing or requiring the rule.

29 SECTION 11. IC 4-23-2.5-1 IS REPEALED [EFFECTIVE JULY  
 30 1, 2012]. Sec. 1: As used in this chapter, "board" refers to the Indiana  
 31 arts commission trust fund board established by section 5 of this  
 32 chapter.

33 SECTION 12. IC 4-23-2.5-5 IS REPEALED [EFFECTIVE JULY  
 34 1, 2012]. Sec. 5: The Indiana arts commission trust fund board is  
 35 established.

36 SECTION 13. IC 4-23-2.5-6 IS REPEALED [EFFECTIVE JULY  
 37 1, 2012]. Sec. 6: The board consists of the following seven (7) voting  
 38 members:

- 39 (1) The treasurer of state.  
 40 (2) Three (3) members appointed by the governor who are not  
 41 members of the commission.  
 42 (3) Three (3) members of the commission appointed by the

C  
o  
p  
y



1 chairman of the commission:  
2 SECTION 14. IC 4-23-2.5-7 IS REPEALED [EFFECTIVE JULY  
3 1, 2012]. Sec. 7: The chairman of the commission shall designate one  
4 (1) of the chairman's appointees to the board as the chairman of the  
5 board.  
6 SECTION 15. IC 4-23-2.5-8 IS REPEALED [EFFECTIVE JULY  
7 1, 2012]. Sec. 8: The board shall meet at the call of the chairman of the  
8 board.  
9 SECTION 16. IC 4-23-2.5-9 IS REPEALED [EFFECTIVE JULY  
10 1, 2012]. Sec. 9: Four (4) voting members of the board constitute a  
11 quorum. The affirmative vote of four (4) members of the board is  
12 necessary for the board to take any action.  
13 SECTION 17. IC 4-23-2.5-10 IS REPEALED [EFFECTIVE JULY  
14 1, 2012]. Sec. 10: (a) The term of a board member begins on the later  
15 of the following:  
16 (1) The day the term of the member whom the individual is  
17 appointed to succeed expires.  
18 (2) The day the individual is appointed.  
19 (b) The term of a member expires July 1 of the second year after the  
20 member is appointed. However, a member serves at the pleasure of the  
21 appointing authority.  
22 (c) The appointing authority may reappoint a member for a new  
23 term.  
24 (d) The appointing authority shall appoint an individual to fill a  
25 vacancy among the members.  
26 SECTION 18. IC 4-23-2.5-11 IS REPEALED [EFFECTIVE JULY  
27 1, 2012]. Sec. 11: (a) Each member of the board who is not a state  
28 employee is entitled to the minimum salary per diem provided by  
29 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for  
30 traveling expenses as provided under IC 4-13-1-4 and other expenses  
31 actually incurred in connection with the member's duties as provided  
32 in the state policies and procedures established by the Indiana  
33 department of administration and approved by the budget agency.  
34 (b) Each member of the board who is a state employee is entitled to  
35 reimbursement for traveling expenses as provided under IC 4-13-1-4  
36 and other expenses actually incurred in connection with the member's  
37 duties as provided in the state policies and procedures established by  
38 the Indiana department of administration and approved by the budget  
39 agency.  
40 SECTION 19. IC 4-23-2.5-12 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) The ~~board~~  
42 **commission** shall manage and develop the fund and the assets of the

COPY



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

fund.

(b) The ~~board~~ **commission** shall do the following:

- (1) Establish a policy for the investment of assets of the fund.
- (2) Acquire money for the fund through the solicitation of private or public donations and other revenue producing activities.
- (3) Perform other tasks consistent with prudent management and development of the fund.

SECTION 20. IC 4-23-2.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Subject to the investment policy of the ~~board~~, **commission**, the treasurer of state shall administer the fund and invest the money in the fund.

(b) The expenses of administering the fund and this chapter shall be paid from the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

SECTION 21. IC 4-23-7-30 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 30:~~ (a) ~~The Indiana library and historical board shall establish the council on library automation to:~~

- ~~(1) conduct ongoing planning activities for library automation in Indiana; and~~
- ~~(2) advance the automation goals of Indiana's libraries through the cooperation of the appropriate library agencies and organizations.~~

(b) The council on library automation consists of thirteen (13) members as follows:

- ~~(1) One (1) member from the Indiana library and historical board.~~
- ~~(2) Two (2) members from area library services authorities.~~
- ~~(3) Two (2) members from the Indiana cooperative library services authority.~~
- ~~(4) Two (2) members from the department of education.~~
- ~~(5) Two (2) members from the state educational institution library automation committee.~~
- ~~(6) Two (2) members from the Indiana state library.~~
- ~~(7) Two (2) members from public libraries.~~

(c) ~~With regard to the members described in subsection (b)(1) through (b)(6); each respective entity or agency described in subsection (b)(1) through (b)(6) shall forward its nominees for appointment on the council to the Indiana library and historical board for confirmation.~~

(d) ~~The Indiana library and historical board shall establish a process to select the members appointed under subsection (b)(7).~~

(e) ~~Except as provided in subsection (f); the terms of office for~~

C  
O  
P  
Y



1 council members is three (3) years:

2 (f) The Indiana library and historical board shall establish the  
3 procedures for the council, including staggering the terms for initial  
4 members of the council.

5 (g) The council may do the following:

6 (1) Encourage planning by individual libraries and groups of  
7 libraries with regard to library automation:

8 (2) Annually update and distribute the statewide library  
9 automation and resource sharing plan:

10 (3) Submit to the state library board its recommendations  
11 concerning the adoption of library automation standards under  
12 IC 4-23-7.1-11(b):

13 (4) Encourage library automation, resource sharing, and document  
14 delivery programs that are consistent with state technology  
15 strategies, educational programs, and economic interests:

16 (5) Consult with appropriate agencies and organizations with an  
17 interest in library automation and resource sharing in Indiana.

18 (h) The council shall provide an annual report to the Indiana library  
19 and historical board on the council's activities and progress made  
20 towards meeting the goals in the statewide library automation and  
21 resource sharing plan. The council shall recommend to the Indiana  
22 library and historical board funding strategies that support the goals  
23 and initiatives contained in the statewide plan:

24 SECTION 22. IC 4-23-7.1-1, AS AMENDED BY P.L.1-2005,  
25 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2012]: Sec. 1. As used in this chapter:

27 (1) "Advisory council" refers to the Indiana state library advisory  
28 council established by section 39 of this chapter:

29 (2) (1) "Agency" means any state administration, agency,  
30 authority, board, bureau, commission, committee, council,  
31 department, division, institution, office, service, or other similar  
32 body of state government.

33 (3) (2) "Board" means the Indiana library and historical board  
34 established by IC 4-23-7-2.

35 (4) (3) "Department" means the Indiana library and historical  
36 department established by IC 4-23-7-1.

37 (5) (4) "Director" means director of the Indiana state library.

38 (6) (5) "Historical bureau" means the Indiana historical bureau  
39 established by IC 4-23-7-3.

40 (7) (6) "Public library" has the meaning set forth in IC 36-12-1-5.

41 (8) (7) "State library" means the Indiana state library established  
42 by IC 4-23-7-3.



C  
o  
p  
y

- 1           (9) (8) "Statewide library card program" refers to the program  
2           established by section 5.1 of this chapter.
- 3           SECTION 23. IC 4-23-7.1-11, AS AMENDED BY P.L.130-2007,  
4           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5           JULY 1, 2012]: Sec. 11. (a) The board ~~with the advice of the advisory~~  
6           ~~council~~, shall establish operating standards and rules for libraries  
7           eligible to receive funds, either federal or state, under the provisions of  
8           any program for which the Indiana state library is the administrator.  
9           The Indiana state library shall monitor libraries eligible to receive  
10          funds or receiving funds to ascertain whether or not the standards and  
11          rules are being met.
- 12          (b) The board ~~with the advice of the council on library automation~~  
13          ~~established under IC 4-23-7-30~~, shall establish library automation  
14          standards for libraries. The Indiana state library shall monitor  
15          compliance with the standards.
- 16          SECTION 24. IC 4-23-7.1-39 IS REPEALED [EFFECTIVE JULY  
17          1, 2012]. Sec. 39: (a) The Indiana state library advisory council is  
18          established for the purpose of advising the board and the state librarian  
19          concerning:
- 20               (1) general policies of the state library;
- 21               (2) plans or programs for library development and interlibrary  
22               cooperation;
- 23               (3) library research;
- 24               (4) professional development for librarians;
- 25               (5) standards and rules for library services;
- 26               (6) administration and distribution of state and federal funds; and
- 27               (7) other matters as requested by the board and the state librarian.
- 28          (b) The advisory council consists of no fewer than fifteen (15)  
29          members:
- 30          (c) The membership of the council must be broadly representative  
31          and comply with the requirements established by the federal  
32          Department of Education under 34 C.F.R. 770.
- 33          (d) The board shall appoint the members of the council with  
34          nominations for appointment from library organizations and the state  
35          librarian.
- 36          (e) Members of the advisory council shall serve two (2) year terms.
- 37          (f) A member of the advisory council is not entitled to:
- 38               (1) the minimum salary per diem provided by IC 4-10-11-2.1(b);
- 39               or
- 40               (2) reimbursement from state funds for traveling expenses and  
41               other expenses actually incurred in connection with the member's  
42               duties.

C  
O  
P  
Y

1 SECTION 25. IC 5-1-17-29 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2012]: **Sec. 29. This chapter expires December 31, 2013.**

4 SECTION 26. IC 5-2-6-3, AS AMENDED BY P.L.74-2010,  
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2012]: Sec. 3. The institute is established to do the following:

- 7 (1) Evaluate state and local programs associated with:
  - 8 (A) the prevention, detection, and solution of criminal  
 9 offenses;
  - 10 (B) law enforcement; and
  - 11 (C) the administration of criminal and juvenile justice.
- 12 (2) Improve and coordinate all aspects of law enforcement,  
 13 juvenile justice, and criminal justice in this state.
- 14 (3) Stimulate criminal and juvenile justice research.
- 15 (4) Develop new methods for the prevention and reduction of  
 16 crime.
- 17 (5) Prepare applications for funds under the Omnibus Act and the  
 18 Juvenile Justice Act.
- 19 (6) Administer victim and witness assistance funds.
- 20 (7) Administer the traffic safety functions assigned to the institute  
 21 under IC 9-27-2.
- 22 (8) Compile and analyze information and disseminate the  
 23 information to persons who make criminal justice decisions in this  
 24 state.
- 25 (9) Serve as the criminal justice statistical analysis center for this  
 26 state.
- 27 (10) Identify grants and other funds that can be used by the  
 28 department of correction to carry out its responsibilities  
 29 concerning sex or violent offender registration under IC 11-8-8.
- 30 (11) Administer the application and approval process for  
 31 designating an area of a consolidated or second class city as a  
 32 public safety improvement area under IC 36-8-19.5.
- 33 (12) Develop and maintain a meth watch program to inform  
 34 retailers and the public about illicit methamphetamine production,  
 35 distribution, and use in Indiana.
- 36 (13) Establish, maintain, and operate, subject to specific  
 37 appropriation by the general assembly, a web site containing a list  
 38 of properties (as defined in IC 5-2-6-19(b)) that have been used  
 39 as the site of a methamphetamine laboratory.
- 40 (14) Develop and manage the gang crime witness protection  
 41 program established by section 21 of this chapter.
- 42 (15) Identify grants and other funds that can be used to fund the

C  
 o  
 p  
 y



1 gang crime witness protection program.

2 (16) After December 31, 2008, administer the licensing of:

3 (A) commercial driver training schools; and

4 (B) instructors at commercial driver training schools.

5 (17) Administer any sexual offense services.

6 (18) Administer domestic violence programs.

7 (19) Administer assistance to victims of human sexual trafficking  
8 offenses as provided in IC 35-42-3.5-4.

9 (20) Administer the domestic violence prevention and treatment  
10 fund under IC 5-2-6.7.

11 (21) Administer the family violence and victim assistance fund  
12 under IC 5-2-6.8.

13 ~~(22) Administer and provide staff support to the law enforcement,  
14 school policing, and youth work group under IC 5-2-6.9.~~

15 SECTION 27. IC 5-2-6.9 IS REPEALED [EFFECTIVE JULY 1,  
16 2012]. (Law Enforcement, School Policing, and Youth Work Group).

17 SECTION 28. IC 5-20-4-1 IS REPEALED [EFFECTIVE JULY 1,  
18 2012]. ~~Sec. 4: As used in this chapter, "advisory committee" refers to  
19 the affordable housing and community development fund advisory  
20 committee established by section 15 of this chapter.~~

21 SECTION 29. IC 5-20-4-15, AS AMENDED BY P.L.145-2006,  
22 SECTION 13, AND AS AMENDED BY P.L.181-2006, SECTION 39,  
23 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15: (a) The  
24 affordable housing and community development trust fund advisory  
25 committee is established:~~

26 ~~(b) The advisory committee consists of sixteen (16) members to be  
27 appointed by the governor as follows:~~

28 ~~(1) One (1) member of the office division of the secretary of  
29 family mental health and social services addiction.~~

30 ~~(2) One (1) member of the Indiana economic development  
31 corporation division of family resources.~~

32 ~~(3) One (1) member to represent home builders of the division of  
33 disability, aging, and rehabilitative services.~~

34 ~~(4) One (1) member of the office of rural affairs established by  
35 IC 4-4-9.7-4 the lieutenant governor.~~

36 ~~(5) One (1) member to represent residential real estate developers.~~

37 ~~(6) One (1) member to represent construction trades.~~

38 ~~(7) One (1) member to represent mortgage lenders banks and  
39 other lending institutions.~~

40 ~~(8) One (1) member to represent the interests of persons with  
41 disabilities.~~

42 ~~(9) One (1) member to represent service providers.~~

C  
o  
p  
y



- 1 (10) Two (2) members to represent neighborhood groups.  
 2 (11) One (1) member to represent low income families.  
 3 (12) One (1) member to represent nonprofit community based  
 4 organizations and community development corporations.  
 5 (13) One (1) member to represent real estate brokers or  
 6 salespersons.  
 7 (14) One (1) member to represent the Indiana Apartment Owner's  
 8 Association.  
 9 (15) One (1) member to represent the manufactured housing  
 10 industry.

11 At least three (3) members of the *advisory* committee shall be from a  
 12 city with a population of less than thirty-five thousand (35,000); a  
 13 town; or a rural area.

14 (c) Members of the advisory committee shall serve a term of three  
 15 (3) years. However, the governor may remove for cause an appointed  
 16 member of the advisory committee and fill vacancies of appointed  
 17 members on the advisory committee.

18 (d) The advisory committee shall make recommendations to the  
 19 *housing and community development* authority regarding:

- 20 (1) the development of policies and procedures under section 14  
 21 of this chapter; and  
 22 (2) long term sources to capitalize the *housing trust* fund;  
 23 including the following:

- 24 (A) Revenue from development ordinances, fees, or taxes;  
 25 (B) Market based or private revenue;  
 26 (C) Revenue generated from government programs,  
 27 foundations, private individuals, or corporations.

28 (e) The advisory committee shall prepare and present an annual  
 29 report that:

- 30 (1) describes disbursements under the *housing trust* fund; and  
 31 (2) makes recommendations to the board of the *Indiana housing*  
 32 *and community development* authority regarding long term  
 33 sources to capitalize the *housing trust* fund.

34 SECTION 30. IC 5-20-4-16 IS REPEALED [EFFECTIVE JULY 1,  
 35 2012]. Sec. 16. (a) Each member of the advisory committee who is not  
 36 a state employee is entitled to the minimum salary per diem provided  
 37 by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement  
 38 for traveling expenses and other expenses actually incurred in  
 39 connection with the member's duties, as provided in the state travel  
 40 policies and procedures established by the department of  
 41 administration and approved by the budget agency.

42 (b) Each member of the advisory committee who is a state employee

C  
o  
p  
y



1 is entitled to reimbursement for traveling expenses and other expenses  
 2 actually incurred in connection with the member's duties, as provided  
 3 in the state travel policies and procedures established by the  
 4 department of administration and approved by the budget agency.

5 SECTION 31. IC 5-22-15-1, AS AMENDED BY P.L.79-2008,  
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2012]: Sec. 1. This chapter applies to the following:

8 (1) A purchase of supplies under this article by any of the  
 9 following:

10 (A) A governmental body.

11 (B) A state educational institution.

12 (C) An instrumentality of the state that performs essential  
 13 governmental functions on either a statewide or local basis.

14 (D) The state lottery commission created by IC 4-30-3-1.

15 (2) A purchase made under IC 5-17-1.

16 ~~(3) An offer to conduct an indoor air quality inspection and~~  
 17 ~~evaluation program under IC 16-41-37.5.~~

18 SECTION 32. IC 5-22-15-3, AS AMENDED BY P.L.79-2008,  
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2012]: Sec. 3. As used in this chapter, "adjusted offer" means  
 21 the offer price of an offeror for

22 ~~(1) preferred supplies or~~

23 ~~(2) conducting an indoor air quality inspection and evaluation~~  
 24 ~~program under IC 16-41-37.5;~~

25 as determined under section 10 of this chapter.

26 SECTION 33. IC 5-22-15-5, AS AMENDED BY P.L.79-2008,  
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2012]: Sec. 5. As used in this chapter, "price preference  
 29 percentage" means the percentage preference provided by this chapter  
 30 for ~~either of the following:~~

31 ~~(1) A a specified kind or item of supplies.~~

32 ~~(2) An offer to conduct an indoor air quality inspection and~~  
 33 ~~evaluation program under IC 16-41-37.5.~~

34 SECTION 34. IC 5-22-15-8, AS AMENDED BY P.L.79-2008,  
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2012]: Sec. 8. ~~(a)~~ An offeror who wants to claim a preference  
 37 provided under this chapter for a given supply item must indicate in the  
 38 offer what supply item in the offer is a preferred supply.

39 ~~(b)~~ An offeror who wants to claim a preference provided under this  
 40 chapter to conduct an indoor air quality inspection and evaluation  
 41 program under IC 16-41-37.5 must indicate in the offer that the indoor  
 42 air quality inspection and evaluation program is subject to a price

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

preference:  
SECTION 35. IC 5-22-15-10, AS AMENDED BY P.L.79-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) This section does not apply to an absolute preference.

(b) If an offeror offers a preferred supply for a given supply item, the purchasing agent shall compute an adjusted offer for that item according to the following formula:

STEP ONE: Determine the price preference percentage for the supply item under this chapter.

STEP TWO: Multiply the offeror's offer for the supply item by the percentage determined under STEP ONE.

STEP THREE: Subtract the number determined under STEP TWO from the offeror's offer for the supply item.

(c) If an offeror offers to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5, the purchasing agent shall compute an adjusted offer to conduct that indoor air quality inspection and evaluation program according to the following formula:

STEP ONE: Determine the price preference percentage for the indoor air quality inspection and evaluation program eligible to an offeror under section 20.7 of this chapter.

STEP TWO: Multiply the offeror's offer for the indoor air quality inspection and evaluation program by the percentage determined under STEP ONE.

STEP THREE: Subtract the number determined under STEP TWO from the offeror's offer to conduct the indoor air quality inspection and evaluation program.

SECTION 36. IC 5-22-15-20.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 20.7. (a) As used in this section, "Indiana business" has the meaning set forth in section 20.5 of this chapter.

(b) There is a price preference of ten percent (10%) for an Indiana business that submits an offer to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5.

SECTION 37. IC 5-22-21-7.5, AS AMENDED BY P.L.1-2006, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.5. (a) This section applies to surplus computer hardware that:

- (1) is not usable by a state agency as determined under section 6 of this chapter; and
- (2) has market value.

(b) As used in this section, "educational entity" refers to the following:

C  
o  
p  
y



1           (†) a school corporation as defined in IC 36-1-2-17 or nonpublic  
2 schools as defined in IC 20-10.1-1-3 before July 1, 2005, or  
3 IC 20-18-2-12.

4           (‡) ~~The corporation for educational technology described in~~  
5 ~~IC 20-10.1-25.1 before July 1, 2005; or IC 20-20-15.~~

6           (c) As used in this section, "market value" means the value of the  
7 property is more than the estimated costs of sale and transportation of  
8 the property.

9           (d) Surplus computer hardware available for sale may, under the  
10 policies prescribed by the budget agency, be offered to an educational  
11 entity.

12           SECTION 38. IC 5-24 IS REPEALED [EFFECTIVE JULY 1,  
13 2012]. (Electronic Digital Signature Act).

14           SECTION 39. IC 5-28-12 IS REPEALED [EFFECTIVE JULY 1,  
15 2012]. (Steel Industry).

16           SECTION 40. IC 5-28-17-1, AS AMENDED BY P.L.87-2011,  
17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2012]: Sec. 1. (a) The corporation shall do the following to  
19 carry out this chapter:

20           (1) Contribute to the strengthening of the economy of Indiana by  
21 encouraging the organization and development of new business  
22 enterprises, including technologically oriented enterprises.

23           (2) ~~Submit an annual report to the governor and to the general~~  
24 ~~assembly not later than November 1 of each year. The annual~~  
25 ~~report must:~~

26           (A) ~~include detailed information on the structure, operation,~~  
27 ~~and financial status of the corporation, including:~~

28           (i) ~~detailed information on the corporation's efforts to~~  
29 ~~support the development of small businesses under this~~  
30 ~~chapter; and~~

31           (ii) ~~an evaluation of the results of the corporation's efforts to~~  
32 ~~encourage the development of small businesses under this~~  
33 ~~chapter; and~~

34           (B) ~~be in an electronic format under IC 5-14-6.~~

35           The board shall conduct an annual public hearing to receive  
36 comment from interested parties regarding the annual report, and  
37 notice of the hearing shall be given at least fourteen (14) days  
38 before the hearing in accordance with IC 5-14-1.5-5(b):

39           (‡) (2) Approve and administer loans from the small business  
40 development fund established by IC 5-28-18.

41           (†) (3) Conduct activities for nontraditional entrepreneurs under  
42 IC 5-28-18.

C  
O  
P  
Y



- 1           ~~(5)~~ (4) Establish and administer the small and minority business
- 2           financial assistance program under IC 5-28-20.
- 3           ~~(6)~~ (5) Assist small businesses in obtaining state and federal tax
- 4           incentives.
- 5           ~~(7)~~ (6) Maintain, through the Small Business Development
- 6           Centers, a statewide network of public, private, and educational
- 7           resources to, among other things, inform small businesses of the
- 8           state and federal programs under which they may obtain financial
- 9           assistance or realize reduced costs through programs such as the
- 10          small employer health insurance pooling program under
- 11          IC 27-8-5-16(8).
- 12          (b) The corporation may do the following to carry out this chapter:
- 13           (1) Receive money from any source, enter into contracts, and
- 14           expend money for any activities appropriate to its purpose.
- 15           (2) Do all other things necessary or incidental to carrying out the
- 16           corporation's functions under this chapter.
- 17           (3) Establish programs to identify entrepreneurs with marketable
- 18           ideas and to support the organization and development of new
- 19           business enterprises, including technologically oriented
- 20           enterprises.
- 21           (4) Conduct conferences and seminars to provide entrepreneurs
- 22           with access to individuals and organizations with specialized
- 23           expertise.
- 24           (5) Establish a statewide network of public, private, and
- 25           educational resources to assist the organization and development
- 26           of new enterprises.
- 27           (6) Operate a small business assistance center to provide small
- 28           businesses, including minority owned businesses and businesses
- 29           owned by women, with access to managerial and technical
- 30           expertise and to provide assistance in resolving problems
- 31           encountered by small businesses.
- 32           (7) Cooperate with public and private entities, including the
- 33           Indiana Small Business Development Center Network and the
- 34           federal government marketing program, in exercising the powers
- 35           listed in this subsection.
- 36           (8) Establish and administer the small and minority business
- 37           financial assistance program under IC 5-28-20.
- 38           (9) Approve and administer loans from the small business
- 39           development fund established by IC 5-28-18.
- 40           (10) Coordinate state funded programs that assist the organization
- 41           and development of new enterprises.
- 42          SECTION 41. IC 5-28-18-8, AS ADDED BY P.L.4-2005,

C  
o  
p  
y



1 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2012]: Sec. 8. (a) The corporation shall perform the following  
3 duties:

4 (1) Establish and implement the policies and procedures to be  
5 used by the corporation in the administration of the fund.

6 (2) Subject to section 10 of this chapter, establish criteria for  
7 awarding loans from the fund.

8 (3) Review and approve or disapprove applications for loans from  
9 the fund.

10 (4) Establish the terms of loans from the fund, which must include  
11 the conditions set forth in section 11 of this chapter.

12 (5) Award the loans approved under this chapter.

13 (6) Provide the staff and other resources necessary to implement  
14 this chapter.

15 (7) Prepare and distribute to appropriate entities throughout  
16 Indiana requests for proposals for the organization and operation  
17 of local pools.

18 (8) Conduct conferences and seminars concerning the fund.

19 (9) ~~Submit a report concerning the fund to the general assembly~~  
20 ~~before November 1 of each year. The report must include detailed~~  
21 ~~information concerning the structure, operation, and financial~~  
22 ~~condition of the fund. The report must be in an electronic format~~  
23 ~~under IC 5-14-6.~~

24 (b) The corporation may enter into contracts necessary for the  
25 administration of this chapter, including contracts for servicing loans  
26 from the fund.

27 SECTION 42. IC 5-28-21-21 IS REPEALED [EFFECTIVE JULY  
28 1, 2012]. ~~Sec. 21: Before July 2 each year, the corporation shall provide~~  
29 ~~the legislative council and the governor with a report that includes the~~  
30 ~~following information:~~

31 (1) ~~The number of applications for incubators received by the~~  
32 ~~corporation.~~

33 (2) ~~The number of applications for incubators approved by the~~  
34 ~~corporation.~~

35 (3) ~~The number of incubators created under this chapter.~~

36 (4) ~~The number of tenants occupying each incubator.~~

37 (5) ~~The occupancy rate of each incubator.~~

38 (6) ~~The number of jobs provided by each incubator and the~~  
39 ~~tenants of each incubator.~~

40 (7) ~~The number of firms still operating in Indiana after leaving~~  
41 ~~incubators and the number of jobs provided by those firms. The~~  
42 ~~corporation shall attempt to identify the reasons firms that were~~

C  
o  
p  
y



1 established in an incubator have moved to another state.  
2 The report to the legislative council must be in an electronic format  
3 under IC 5-14-6.

4 SECTION 43. IC 5-28-23-1, AS AMENDED BY P.L.2-2007,  
5 SECTION 110, IS AMENDED TO READ AS FOLLOWS  
6 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The corporation shall do the  
7 following:

8 (1) contribute to the strengthening of the economy of Indiana  
9 through the development of science and technology and to  
10 promote the modernization of Indiana businesses by supporting  
11 the transfer of science, technology, and quality improvement  
12 methods to the workplace.

13 (2) Submit an annual report to the governor and to the general  
14 assembly (in an electronic format under IC 5-14-6) that is due on  
15 the first day of November for each year and must include detailed  
16 information on the corporation's efforts to carry out this chapter.  
17 The corporation shall conduct an annual public hearing to receive  
18 comments from interested parties regarding the report, and notice  
19 of the hearing shall be given at least fourteen (14) days before the  
20 hearing in accordance with IC 5-14-1.5-5(b).

21 (b) The corporation may do the following:

22 (1) Receive money from any source, borrow money, enter into  
23 contracts, and expend money for activities appropriate to its  
24 purpose under this chapter.

25 (2) Do things necessary or incidental to carrying out the functions  
26 listed in this chapter.

27 (3) Establish a statewide business modernization network to assist  
28 Indiana businesses in identifying ways to increase productivity  
29 and market competitiveness.

30 (4) Identify scientific and technological problems and  
31 opportunities related to the economy of Indiana and formulate  
32 proposals to overcome those problems or realize those  
33 opportunities.

34 (5) Identify specific areas in which scientific research and  
35 technological investigation will contribute to the improvement of  
36 productivity of Indiana manufacturers and farmers.

37 (6) Determine specific areas in which financial investment in  
38 scientific and technological research and development from  
39 private businesses located in Indiana could be improved or  
40 increased if state resources were made available to assist in  
41 financing activities.

42 (7) Assist in establishing cooperative associations of

C  
o  
p  
y



1 postsecondary educational institutions in Indiana and of private  
 2 enterprises to coordinate research and development programs that  
 3 will, consistent with the primary educational function of the  
 4 postsecondary educational institutions, aid in the creation of new  
 5 jobs in Indiana.

6 (8) Assist in financing the establishment and continued  
 7 development of technology intensive businesses in Indiana.

8 (9) Advise postsecondary educational institutions of the research  
 9 needs of Indiana businesses and improve the exchange of  
 10 scientific and technological information for the mutual benefit of  
 11 postsecondary educational institutions and private businesses.

12 (10) Coordinate programs established by postsecondary  
 13 educational institutions to provide Indiana businesses with  
 14 scientific and technological information.

15 (11) Establish programs in scientific education that will support  
 16 the accelerated development of technology intensive businesses  
 17 in Indiana.

18 (12) Provide financial assistance through contracts, grants, and  
 19 loans to programs of scientific and technological research and  
 20 development.

21 (13) Determine how state educational institutions can increase  
 22 income derived from the sale or licensure of products or processes  
 23 having commercial value that are developed as a result of state  
 24 educational institution sponsored research programs.

25 SECTION 44. IC 5-28-28-4, AS ADDED BY P.L.222-2007,  
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JANUARY 1, 2013]: Sec. 4. As used in this chapter, "tax credit" means  
 28 a state tax liability credit under any of the following:

- 29 (1) IC 6-3.1-7.  
 30 (2) IC 6-3.1-13.  
 31 ~~(3) IC 6-3.1-13.5.~~  
 32 ~~(4) (3) IC 6-3.1-26.~~  
 33 ~~(5) (4) IC 6-3.1-27.~~  
 34 ~~(6) (5) IC 6-3.1-28.~~  
 35 ~~(7) (6) IC 6-3.1-30.~~

36 SECTION 45. IC 5-28-28-10 IS ADDED TO THE INDIANA  
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2012]: **Sec. 10. In addition to the other**  
 39 **requirements of this chapter, the economic incentives and**  
 40 **compliance report must also include detailed information on the**  
 41 **structure, operation, and financial status of the following**  
 42 **programs, resources, or activities for which the corporation is**

C  
o  
p  
y



1 responsible:

2 (1) Small business development under IC 5-28-17.

3 (2) The small business development fund established under  
4 IC 5-28-18-7.

5 (3) The small business incubator program under IC 5-28-21.

6 (4) Efforts to promote business modernization of and the  
7 adoption of technology by Indiana businesses under  
8 IC 5-28-23.

9 SECTION 46. IC 5-28-28-11 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2012]: **Sec. 11. The corporation shall conduct  
12 an annual public hearing to receive comments from interested  
13 parties regarding the annual report required by this chapter, and  
14 notice of the hearing shall be given at least fourteen (14) days  
15 before the hearing in accordance with IC 5-14-1.5-5(b).**

16 SECTION 47. IC 5-29-1-3 IS REPEALED [EFFECTIVE JULY 1,  
17 2012]. ~~Sec. 3. "Council" refers to the Indiana tourism council  
18 established by IC 5-29-4-1.~~

19 SECTION 48. IC 5-29-4 IS REPEALED [EFFECTIVE JULY 1,  
20 2012]. (Indiana Tourism Council).

21 SECTION 49. IC 5-31 IS REPEALED [EFFECTIVE JULY 1,  
22 2012]. (Indiana Health Informatics Corporation).

23 SECTION 50. IC 6-1.1-20.3 IS REPEALED [EFFECTIVE JULY 1,  
24 2012]. (Distressed Political Subdivisions).

25 SECTION 51. IC 6-1.1-31-13 IS REPEALED [EFFECTIVE JULY  
26 1, 2012]. ~~Sec. 13. (a) Before February 1, 2002, the governor shall  
27 appoint two (2) individuals to participate in the adoption of rules by the  
28 department of local government finance as described in subsection (c).  
29 The term of each individual is one (1) year. The individuals serve at the  
30 pleasure of the governor. The expenses of the individuals shall be paid  
31 from the budget of the Indiana department of administration.~~

32 (b) The individuals:

33 (1) must be familiar with the duties and operations of the  
34 department of local government finance;

35 (2) are not employees of the department;

36 (3) are entitled to the minimum salary per diem provided by  
37 IC 4-10-11-2.1(b);

38 (4) are entitled to reimbursement for traveling expenses as  
39 provided under IC 4-13-1-4 and other expenses actually incurred  
40 in connection with the individuals' duties as provided in the state  
41 policies and procedures established by the Indiana department of  
42 administration and approved by the budget agency; and

C  
o  
p  
y



1 (5) may not be affiliated with the same political party.

2 (c) The individuals appointed under this section shall consider all  
3 rules proposed by the department of local government finance for  
4 adoption. During the period when the department is formulating a rule  
5 for adoption, the department shall provide the proposed rule to each  
6 individual appointed under this section. Each individual shall review  
7 the proposed rule. Before the department of local government finance  
8 takes final action to adopt a rule, the commissioner of the department  
9 and the individuals appointed under this section shall vote on the  
10 adoption. The department may take final action to adopt a rule only if  
11 there are at least two (2) affirmative votes for adoption. If the vote  
12 results in disapproval of the adoption, the department may not propose  
13 for adoption the same rule, or substantially the same rule, until at least  
14 one (1) year after the date of the vote. The department must make a  
15 written record of the vote under this subsection. The record of the vote  
16 is a public record.

17 (d) The department of local government finance shall:

18 (1) provide facilities and support to the individuals appointed  
19 under this section for the performance of their duties under this  
20 section; and

21 (2) allow each individual appointed under this section at least two  
22 (2) weeks to review a proposed rule before a vote is taken on the  
23 proposed rule under subsection (c).

24 SECTION 52. IC 6-3.1-1-3, AS AMENDED BY P.L.223-2007,  
25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JANUARY 1, 2013]: Sec. 3. A taxpayer (as defined in the following  
27 laws), pass through entity (as defined in the following laws), or  
28 shareholder, partner, or member of a pass through entity may not be  
29 granted more than one (1) tax credit under the following laws for the  
30 same project:

31 (1) IC 6-3.1-10 (enterprise zone investment cost credit).

32 (2) IC 6-3.1-11 (industrial recovery tax credit).

33 (3) IC 6-3.1-11.5 (military base recovery tax credit).

34 (4) IC 6-3.1-11.6 (military base investment cost credit).

35 ~~(5) IC 6-3.1-13.5 (capital investment tax credit):~~

36 ~~(6) (5) IC 6-3.1-19 (community revitalization enhancement~~  
37 ~~district tax credit).~~

38 ~~(7) (6) IC 6-3.1-24 (venture capital investment tax credit).~~

39 ~~(8) (7) IC 6-3.1-26 (Hoosier business investment tax credit).~~

40 ~~(9) (8) IC 6-3.1-31.9 (Hoosier alternative fuel vehicle~~  
41 ~~manufacturer tax credit).~~

42 If a taxpayer, pass through entity, or shareholder, partner, or member

C  
o  
p  
y



1 of a pass through entity has been granted more than one (1) tax credit  
 2 for the same project, the taxpayer, pass through entity, or shareholder,  
 3 partner, or member of a pass through entity must elect to apply only  
 4 one (1) of the tax credits in the manner and form prescribed by the  
 5 department.

6 SECTION 53. IC 6-3.1-13.5 IS REPEALED [EFFECTIVE  
 7 JANUARY 1, 2013]. (Capital Investment Tax Credit).

8 SECTION 54. IC 6-3.1-15-1, AS AMENDED BY P.L.1-2005,  
 9 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2012]: Sec. 1. As used in this chapter, "buddy system project"  
 11 ~~has the meaning set forth in IC 20-20-15-4(1)(A).~~ **means a statewide**  
 12 **computer project placing computers in homes of public school**  
 13 **students.**

14 SECTION 55. IC 6-3.1-15-10, AS AMENDED BY P.L.1-2005,  
 15 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2012]: Sec. 10. The state board shall ~~in consultation with the~~  
 17 ~~corporation for educational technology if the corporation is established~~  
 18 ~~under IC 20-20-15-3,~~ establish minimum standards for qualified  
 19 computer equipment. Upon receipt of computer equipment, a service  
 20 center shall promptly inspect the equipment. If the computer equipment  
 21 meets the minimum standards established by the state board, the  
 22 service center shall accept the computer equipment as qualified  
 23 computer equipment and shall, subject to section 11(b) of this chapter,  
 24 promptly send a certification to the computer equipment owner for the  
 25 tax credit available under this chapter.

26 SECTION 56. IC 8-4.5-3-1, AS AMENDED BY P.L.59-2005,  
 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2012]: Sec. 1. (a) The departments annually shall do the  
 29 following:

30 (1) Prepare a list of existing rights-of-way that might be  
 31 abandoned during the following year. ~~The list shall be submitted~~  
 32 ~~to the board for review.~~

33 (2) Set priorities for potential future uses of rights-of-way  
 34 consistent with the Indiana department of transportation's  
 35 comprehensive transportation plan and the department of natural  
 36 resources trail system plan.

37 (3) Contact each railroad owner that holds an interest in a corridor  
 38 in Indiana to assess the status and any issues concerning corridors  
 39 that may be abandoned.

40 (b) The Indiana department of transportation annually, in  
 41 consultation with affected state and local agencies, shall prepare a list  
 42 of corridors for preservation.

C  
o  
p  
y



1 SECTION 57. IC 8-4.5-3-2 IS REPEALED [EFFECTIVE JULY 1,  
2 2012]. Sec. 2: (a) The board shall do the following:

3 (1) Review the list prepared under section 1(1) of this chapter.

4 (2) Approve or disapprove the priorities set under section 1(2) of  
5 this chapter.

6 (3) Review criteria for project selection under the program.

7 (4) Review procedures for public participation under the program.

8 (b) If the board disapproves the priorities set under section 1(2) of  
9 this chapter, the departments shall revise the priorities as directed by  
10 the board.

11 SECTION 58. IC 8-4.5-3-3 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The departments  
13 annually shall update the list prepared under section 1(1) of this  
14 chapter and the priorities set under section 1(2) of this chapter based  
15 on the following:

16 (1) Annual system diagram map and supplemental information  
17 submitted to the ~~Interstate Commerce Commission~~ and state  
18 agencies identifying potential abandonment applications.

19 (2) Changes in local agency interest.

20 (3) Availability of funds.

21 (4) Possible future uses for rail, transit, highway, bicycle,  
22 pedestrian, utility, communication, or recreation corridors.

23 (b) ~~The updated list and priorities are subject to review and approval~~  
24 ~~by the board under section 2 of this chapter.~~

25 SECTION 59. IC 8-4.5-3-4 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~Subject to approval~~  
27 ~~by the board, the~~ **The** Indiana department of transportation shall file a  
28 petition with the United States Surface Transportation Board for public  
29 use conditions on a corridor that has been identified for preservation  
30 under this chapter.

31 SECTION 60. IC 8-4.5-3-6 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. ~~Subject to approval~~  
33 ~~by the board, the~~ **The** departments annually shall assemble a written  
34 report containing the following information:

35 (1) A description of the rights-of-way that have been abandoned  
36 during the previous year. This description is not required to  
37 include the legal description of any of the rights-of-way.

38 (2) Any property that has been purchased under the program.

39 (3) Sources of funds for the program.

40 (4) Other information that the board or the departments consider  
41 relevant.

42 SECTION 61. IC 8-16-17 IS REPEALED [EFFECTIVE JULY 1,

C  
O  
P  
Y



1 2012]. (Ohio River Bridges Project Commission).

2 SECTION 62. IC 10-17-9-20 IS REPEALED [EFFECTIVE JULY  
3 1, 2012]. Sec. 20: (a) The Indiana Veterans' Home advisory committee  
4 is established:

5 (b) The advisory committee consists of eight (8) members appointed  
6 by the governor and must include the following:

7 (1) One (1) member who is a licensed physician:

8 (2) One (1) member who is a member of the general assembly  
9 from the district in which the Indiana Veterans' Home is located:

10 (3) The director of veterans' affairs or the director's designee:

11 (c) The term of a member, other than a member who is a member of  
12 the general assembly, is four (4) years. A member of the general  
13 assembly appointed under this section serves until the end of the  
14 member's current legislative term. The governor may remove a member  
15 of the advisory committee for cause. The governor shall fill a vacancy  
16 in the membership of an advisory committee for the unexpired term of  
17 the vacating member:

18 (d) The advisory committee shall hold at least one (1) regular  
19 meeting in each calendar quarter and may hold special meetings upon  
20 the call of the superintendent:

21 (e) The members of the advisory committee shall elect a chairperson  
22 and a secretary:

23 (f) Each member of the advisory committee who is not a state  
24 employee is entitled to the minimum salary per diem provided by  
25 IC 4-10-11-2.1(b). The member is also entitled to reimbursement for  
26 traveling expenses as provided under IC 4-13-1-4 and other expenses  
27 actually incurred in connection with the member's duties as provided  
28 in the state policies and procedures established by the Indiana  
29 department of administration and approved by the budget agency:

30 (g) Each member of the advisory committee who is a state employee  
31 but who is not a member of the general assembly is entitled to  
32 reimbursement for traveling expenses as provided under IC 4-13-1-4  
33 and other expenses actually incurred in connection with the member's  
34 duties as provided in the state travel policies and procedures  
35 established by the Indiana department of administration and approved  
36 by the budget agency:

37 (h) Each member of the advisory committee who is a member of the  
38 general assembly is entitled to receive the same per diem, mileage, and  
39 travel allowances paid to members of the general assembly serving on  
40 interim study committees established by the legislative council:

41 (i) The advisory committee shall act in an advisory capacity to the  
42 superintendent and to the director concerning ways to improve the

C  
o  
p  
y



1 **Indiana Veterans' Home and the care of its residents.**

2 SECTION 63. IC 10-18-1-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The Indiana war  
4 memorials commission is established.

5 (b) **Beginning July 1, 2015**, the commission consists of ~~ten (10)~~  
6 **nine (9)** members. Each Indiana congressional district must be  
7 represented by at least one (1) member who is:

- 8 (1) a resident of that congressional district;  
9 (2) a veteran of service in the armed forces of the United States of  
10 America in time of war;  
11 (3) a citizen of Indiana at the time of the service; and  
12 (4) appointed:  
13 (A) in the manner;  
14 (B) for the terms;  
15 (C) to have the powers; and  
16 (D) to perform the duties;

17 as provided in this chapter.

18 (c) The commission:

- 19 (1) as the commission and in the commission's name, may  
20 prosecute and defend suits; and  
21 (2) has all other duties, rights, and powers that are:  
22 (A) necessary to implement this chapter; and  
23 (B) not inconsistent with this chapter.

24 (d) The members of the commission are not liable in their individual  
25 capacity, except to the state, for any act done or omitted in connection  
26 with the performance of their duties under this chapter.

27 (e) A suit against the commission must be brought in a court with  
28 jurisdiction in Marion County. Notice or summons of the suit shall be  
29 served upon the president, vice president, or secretary of the  
30 commission. In a suit against the commission, it is not necessary to  
31 name the individual members of the commission as either plaintiff or  
32 defendant. Commission members may sue and be sued in the name of  
33 the Indiana war memorials commission.

34 (f) The commission shall:

- 35 (1) report to the governor through the adjutant general; and  
36 (2) be under the adjutant general for administrative supervision.

37 **(g) The reduction in the membership of the commission from ten**  
38 **(10) to nine (9) under subsection (b) shall be accomplished as the**  
39 **terms of members end and new members are appointed. This**  
40 **subsection expires July 1, 2015.**

41 SECTION 64. IC 11-10-4-6.6 IS REPEALED [EFFECTIVE JULY  
42 1, 2012]. Sec. 6.6: (a) As used in this section, "advisory committee"

C  
O  
P  
Y



1 refers to the mental health corrections quality advisory committee  
2 established by subsection (b):

3 (b) The mental health corrections quality advisory committee is  
4 established. The advisory committee consists of the following  
5 members:

6 (1) The commissioner of the department or the commissioner's  
7 designee, who shall serve as chairperson of the advisory  
8 committee:

9 (2) The director of the division of mental health and addiction or  
10 the director's designee:

11 (3) A representative of a statewide mental health advocacy  
12 organization:

13 (4) A representative of a statewide mental health provider  
14 organization:

15 (5) A representative from a medical services organization that  
16 participates in the department's medical services program:

17 (6) A member with expertise in psychiatric research representing  
18 a postsecondary educational institution:

19 (7) A pharmacist licensed under IC 25-26 with expertise in mental  
20 health disorders:

21 The governor shall make the appointments under subdivisions (3)  
22 through (7) for a term of four (4) years and fill any vacancy on the  
23 advisory committee:

24 (c) The affirmative votes of a majority of the voting members  
25 appointed to the advisory committee are required for the committee to  
26 take action on any measure:

27 (d) The advisory committee shall advise the department and make  
28 recommendations concerning the department's formulary for  
29 medications for mental health and addictive disorders and consider the  
30 following:

31 (1) Peer reviewed medical literature:

32 (2) Observational studies:

33 (3) Health economic studies:

34 (4) Input from physicians and patients:

35 (5) Any other information determined by the advisory committee  
36 to be appropriate:

37 (e) The department shall report recommendations made by the  
38 advisory committee to the department's medical director:

39 (f) The department shall report the following information to the  
40 Indiana commission on mental health and addiction (IC 12-21-6.5-2):

41 (1) The advisory committee's advice and recommendations made  
42 under this section:

C  
o  
p  
y



1 (2) The number and types of restrictions implemented by the  
2 department and the outcome of each restriction.

3 (3) The transition of individuals with mental illness into the  
4 community and the rate of recidivism.

5 (4) Any decision by the department to change the mental health  
6 care delivery system in which medication is provided to inmates.

7 SECTION 65. IC 13-11-2-17, AS AMENDED BY P.L.159-2011,  
8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JANUARY 1, 2013]: Sec. 17. (a) "Board", except as provided in  
10 subsections (b) through (h); and (c), refers to **the environmental rules**  
11 **board established by IC 13-13-8-3.**

12 (1) the air pollution control board;

13 (2) the water pollution control board; or

14 (3) the solid waste management board:

15 (b) "Board", for purposes of IC 13-17, refers to the air pollution  
16 control board:

17 (c) "Board", for purposes of IC 13-18, refers to the water pollution  
18 control board:

19 (d) "Board", for purposes of:

20 (1) IC 13-19;

21 (2) IC 13-20;

22 (3) IC 13-22;

23 (4) IC 13-23, except IC 13-23-11;

24 (5) IC 13-24; and

25 (6) IC 13-25;

26 refers to the solid waste management board:

27 (e) (b) "Board", for purposes of IC 13-21, refers to the board of  
28 directors of a solid waste management district.

29 (f) "Board", for purposes of IC 13-23-11, refers to the underground  
30 storage tank financial assurance board:

31 (g) (c) "Board", for purposes of IC 13-26, refers to the board of  
32 trustees of a regional water, sewage, or solid waste district.

33 (h) "Board", for purposes of IC 13-27 and IC 13-27.5, refers to the  
34 clean manufacturing technology board:

35 SECTION 66. IC 13-11-2-18 IS REPEALED [EFFECTIVE  
36 JANUARY 1, 2013]. Sec. 18: "Boards" refers to all of the following:

37 (1) The air pollution control board:

38 (2) The water pollution control board:

39 (3) The solid waste management board:

40 SECTION 67. IC 13-11-2-84 IS REPEALED [EFFECTIVE  
41 JANUARY 1, 2013]. Sec. 84: "Financial assurance board", for  
42 purposes of IC 13-23, refers to the underground petroleum storage tank

C  
o  
p  
y



1 ~~financial assurance board.~~

2 SECTION 68. IC 13-11-2-165 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 165. "Pollution  
4 control laws" refers to the following:

5 (1) IC 13-12-4 and IC 13-12-5.

6 (2) IC 13-17, except for the following:

7 (A) IC 13-17-3-15.

8 (B) IC 13-17-7.

9 (C) IC 13-17-8-10.

10 (D) IC 13-17-10.

11 (E) IC 13-17-11.

12 (F) IC 13-17-13.

13 (3) IC 13-18, except for the following:

14 (A) IC 13-18-12 and IC 13-18-13.

15 (B) IC 13-18-15 through IC 13-18-20.

16 (4) ~~IC 13-19-2~~ and IC 13-19-3.

17 (5) IC 13-20-16 and IC 13-20-17.

18 SECTION 69. IC 13-12-4-5 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. To the fullest  
20 extent possible:

21 (1) the policies, rules, and statutes of the state shall be interpreted  
22 and administered in accordance with the policies set forth in this  
23 chapter; and

24 (2) all state agencies shall do the following:

25 (A) Use a systematic, interdisciplinary approach that will  
26 ensure the integrated use of the natural and social sciences and  
27 the environmental design arts in planning and decision making  
28 that may have an impact on the environment.

29 (B) Identify and develop methods and procedures that will  
30 ensure that unquantified environmental amenities and values  
31 may be given appropriate consideration in decision making  
32 along with economic and technical considerations.

33 (C) Include in every recommendation or report on proposals  
34 for legislation and other major state actions significantly  
35 affecting the quality of the human environment a detailed  
36 statement by the responsible official on the following:

37 (i) The environmental impact of the proposed action.

38 (ii) Any adverse environmental effects that cannot be  
39 avoided should the proposal be implemented.

40 (iii) Alternatives to the proposed action.

41 (iv) The relationship between local short term uses of the  
42 environment and the maintenance and enhancement of long

C  
o  
p  
y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

term productivity.  
(v) Any irreversible and irretrievable commitments of resources that would be involved if the proposed action should be implemented.

Before making a detailed statement, the responsible state official shall consult with and obtain the comments of each state agency that has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of the statement and the comments and views of the appropriate federal, state, and local agencies that are authorized to develop and enforce environmental standards shall be made available to the governor and to the public and must accompany the proposal through the agency review processes. The ~~air pollution control board, water pollution control board, and solid waste management~~ board shall by rule define the actions that constitute a major state action significantly affecting the quality of the human environment.

(D) Study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources.

(E) Recognize the long range character of environmental problems and, where consistent with the policy of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize state cooperation in anticipating and preventing a decline in the quality of the environment.

(F) Make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

(G) Initiate and use ecological information in the planning and development of resource oriented projects.

SECTION 70. IC 13-13-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

**Chapter 8. Environmental Rules Board**

**Sec. 1. As used in this chapter, "board" refers to the environmental rules board established by section 3 of this chapter.**

**Sec. 2. (a) The following entities are abolished on January 1, 2013:**

- (1) The air pollution control board (established by IC 13-17-2 before its repeal).**

C  
o  
p  
y



- 1           (2) The water pollution control board (established by  
2           IC 13-18-1 before its repeal).
- 3           (3) The solid waste management board (established by  
4           IC 13-19-2 before its repeal).
- 5           (4) The underground storage tank financial assurance board  
6           (established by IC 13-23-11 before its repeal).
- 7           (b) All powers, duties, and liabilities are transferred from the  
8           entities abolished under subsection (a) to the environmental rules  
9           board established by section 3 of this chapter effective January 1,  
10          2013.
- 11          (c) On and after January 1, 2013, a reference to an entity  
12          abolished under subsection (a) in a statute or rule shall be treated  
13          as a reference to the environmental rules board.
- 14          (d) Rules adopted by the entities abolished under subsection (a)  
15          before January 1, 2013, shall be treated as though the rules were  
16          adopted by the environmental rules board.
- 17          (e) A member of an entity abolished under subsection (a) may  
18          serve until December 31, 2012. The initial members of the  
19          environmental rules board shall be appointed under section 4 of  
20          this chapter not later than December 31, 2012.
- 21          Sec. 3. The environmental rules board is established as an  
22          independent board.
- 23          Sec. 4. The board consists of the following seventeen (17)  
24          members:
- 25           (1) The following ex officio members:
- 26           (A) The commissioner of the department of environmental  
27           management.
- 28           (B) The commissioner of the state department of health.
- 29           (C) The director of the department of natural resources.
- 30           (D) The lieutenant governor.
- 31           (E) The secretary of commerce or the secretary's designee.
- 32           (2) The following twelve (12) members, who shall be  
33           appointed by the governor based on recommendations from  
34           representative constituencies:
- 35           (A) One (1) representative of agriculture.
- 36           (B) One (1) representative of manufacturing.
- 37           (C) One (1) representative of environmental interests.
- 38           (D) One (1) representative of labor.
- 39           (E) One (1) representative of local government.
- 40           (F) One (1) representative of small business.
- 41           (G) One (1) health professional who holds a license to  
42           practice in Indiana.

C  
O  
P  
Y

- 1                   (H) One (1) representative of the solid waste management
- 2                   industry.
- 3                   (I) One (1) representative of businesses that:
- 4                   (i) own; or
- 5                   (ii) engage in the sale of petroleum from;
- 6                   one (1) or more underground storage tanks.
- 7                   (J) One (1) representative of a public utility that engages
- 8                   in the production and transmission of electricity.
- 9                   (K) Two (2) representatives of the general public, who
- 10                  cannot qualify to sit on the board under any of the other
- 11                  clauses in this subdivision.

12                  Sec. 5. An ex officio member of the board may designate in

13                  writing a technical representative to serve as a voting member of

14                  the board when the ex officio member is unable to attend a board

15                  meeting.

16                  Sec. 6. Not more than six (6) of the appointed members of the

17                  board may be members of the same political party.

18                  Sec. 7. (a) An appointed member of the board serves a term of

19                  four (4) years.

20                  (b) The term of each member of the board continues until a

21                  successor is appointed and qualified.

22                  (c) If a vacancy occurs in the appointed membership of the

23                  board, the governor shall appoint a member not later than ninety

24                  (90) days after the vacancy occurs for the remainder of the

25                  unexpired term created by the vacancy. The board shall suspend

26                  the exercise of the board's duties if the vacancy has not been filled

27                  not later than ninety (90) days after the vacancy occurs.

28                  (d) The governor may remove an appointed member of the

29                  board for cause. Cause includes the repeated failure to attend

30                  meetings.

31                  Sec. 8. (a) Ex officio members of the board serve without

32                  additional compensation.

33                  (b) Each appointed member of the board is entitled to the

34                  following:

35                  (1) The minimum salary per diem provided by

36                  IC 4-10-11-2.1(b).

37                  (2) Reimbursement for traveling expenses provided under

38                  IC 4-13-1-4 and other expenses actually incurred in

39                  connection with the member's duties, as provided in the state

40                  policies and procedures established by the Indiana

41                  department of administration and approved by the budget

42                  agency.

C  
O  
P  
Y



1 (c) The per diem salary and mileage reimbursement are valid  
2 claims against the department.

3 Sec. 9. Nine (9) members of the board, six (6) of whom must be  
4 appointed members of the board, constitute a quorum. A quorum  
5 must be present to transact business at a meeting of the board.  
6 Meetings of the board are subject to the public meeting  
7 requirements under IC 5-14-1.5.

8 Sec. 10. The governor shall annually select:

9 (1) one (1) of the appointed members of the board to serve as  
10 chairperson; and

11 (2) another of the appointed members to serve as vice  
12 chairperson.

13 Sec. 11. Each member of the board shall fully disclose any  
14 potential conflicts of interest relating to permits or enforcement  
15 orders under the:

16 (1) Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the  
17 Clean Air Act Amendments of 1990;

18 (2) Resource Conservation and Recovery Act (42 U.S.C. 6901  
19 et seq.);

20 (3) Comprehensive Environmental Response, Compensation,  
21 and Liability Act of 1980, as amended by the federal  
22 Superfund Amendments and Reauthorization Act of 1986 (42  
23 U.S.C. 9601 through 9675);

24 (4) Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

25 (5) Safe Drinking Water Act (42 U.S.C. 300f through 300j).

26 Sec. 12. The board shall adopt rules under IC 4-22-2 and  
27 IC 13-14-9 that are consistent with the purposes of this title.

28 SECTION 71. IC 13-14-1-3 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The department  
30 shall assure accomplishment of the comprehensive, long term programs  
31 established by the ~~boards:~~ **board.**

32 SECTION 72. IC 13-14-1-4 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The department  
34 shall procure compliance with standards and rules adopted by the  
35 ~~boards:~~ **board.**

36 SECTION 73. IC 13-14-1-7 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The  
38 commissioner shall prepare the proposed budget of the department and  
39 the ~~boards:~~ **board.**

40 SECTION 74. IC 13-14-1-8 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. The  
42 commissioner may propose financing a structure to the ~~boards:~~ **board.**

C  
o  
p  
y



1 SECTION 75. IC 13-14-1-9, AS AMENDED BY P.L.172-2011,  
 2 SECTION 113, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JANUARY 1, 2013]: Sec. 9. (a) The commissioner shall  
 4 issue permits, licenses, orders, and variances as authorized by:

- 5 (1) this title;
- 6 (2) other statutes; and
- 7 (3) rules of the ~~boards:~~ **board.**

8 (b) If the commissioner is notified by the department of state  
 9 revenue that a person is on the most recent tax warrant list, the  
 10 commissioner may not issue a permit or license to the applicant until:

- 11 (1) the applicant provides a statement to the commissioner from  
 12 the department of state revenue indicating that the applicant's tax  
 13 warrant has been satisfied; or
- 14 (2) the commissioner receives a notice from the commissioner of  
 15 the department of state revenue under IC 6-8.1-8-2(k).

16 SECTION 76. IC 13-14-1-12 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. The  
 18 commissioner shall enforce rules consistent with the purposes of:

- 19 (1) air pollution control laws;
- 20 (2) water pollution control laws;
- 21 (3) IC 13-18-9;
- 22 (4) IC 13-18-10;
- 23 ~~(5) IC 13-19-2;~~
- 24 ~~(6) (5) IC 13-19-3; and~~
- 25 ~~(7) (6) IC 36-9-30.~~

26 SECTION 77. IC 13-14-2-2 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The department  
 28 may have a designated agent, upon presentation of proper credentials,  
 29 enter upon private or public property to inspect for and investigate  
 30 possible violations of any of the following:

- 31 (1) Air pollution control laws.
- 32 (2) Water pollution control laws.
- 33 (3) Environmental management laws.
- 34 (4) IC 13-18-9.
- 35 (5) IC 13-18-10.
- 36 ~~(6) IC 13-19-2.~~
- 37 ~~(7) (6) IC 13-19-3.~~
- 38 ~~(8) (7) Any rule adopted by one (1) of the boards: board.~~

39 SECTION 78. IC 13-14-2-3 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The department  
 41 may do the following:

- 42 (1) Represent the state in all matters pertaining to plans,

C  
o  
p  
y



1 procedures, or negotiations for interstate compacts or other  
2 governmental arrangements for environmental protection.

3 (2) Conduct, convoke, attend, or participate in official or  
4 unofficial conferences or hearings within or outside Indiana  
5 concerning any matter within the scope of the power and duties  
6 of the ~~boards~~ **board** or the department.

7 SECTION 79. IC 13-14-2-6, AS AMENDED BY P.L.78-2009,  
8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JANUARY 1, 2013]: Sec. 6. Except as provided in IC 13-14-6, the  
10 commissioner may proceed in court, by appropriate action, to:

11 (1) enforce any final order of the commissioner or ~~of one (1) of~~  
12 ~~the boards;~~ **board;**

13 (2) collect any penalties or fees;

14 (3) procure or secure compliance with this title or any other law  
15 that the department has the duty or power to enforce;

16 (4) procure compliance with any standard or rule ~~of one (1) of the~~  
17 ~~boards;~~ **board;**

18 (5) enforce a restrictive covenant (as defined in IC 13-11-2-193.5)  
19 in accordance with the terms of the covenant if the covenant is:

20 (A) executed before July 1, 2009;

21 (B) approved by the commissioner; and

22 (C) created in connection with any:

23 (i) remediation;

24 (ii) closure;

25 (iii) cleanup;

26 (iv) corrective action; or

27 (v) determination exercising enforcement discretion or of no  
28 further action being required;

29 approved by the department under this title; or

30 (6) enforce a restrictive covenant (as defined in IC 13-11-2-193.5)  
31 in accordance with the terms of the covenant if the covenant is:

32 (A) executed after June 30, 2009; and

33 (B) created in connection with any of the following approved  
34 by the department under this title:

35 (i) A remediation.

36 (ii) A closure.

37 (iii) A cleanup.

38 (iv) A corrective action.

39 (v) A determination exercising enforcement discretion or of  
40 no further action being required.

41 SECTION 80. IC 13-14-4-3 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) Each

C  
O  
P  
Y



1 person:  
 2 (1) discharging; or  
 3 (2) proposing to discharge or emit;  
 4 contaminants that could affect environmental quality shall furnish to  
 5 the department the reasonable technical or monitoring program reports  
 6 that the ~~boards specify~~ **board specifies** by rule.  
 7 (b) An affidavit of the responsible officer or person in charge of the  
 8 operation involved must accompany each report.  
 9 SECTION 81. IC 13-14-5-5 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~boards~~  
 11 **board** shall adopt rules under IC 4-22-2 **and IC 13-14-9** to administer  
 12 this chapter and IC 13-30-7.  
 13 SECTION 82. IC 13-14-7-1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The:  
 15 (1) governor may assign to ~~any of the boards~~ **board** the adoption  
 16 of rules in any area not provided for by law as of September 1,  
 17 1985; or  
 18 (2) board may directly exercise that power until a specific agency  
 19 for the exercise of the power is created.  
 20 SECTION 83. IC 13-14-8-1 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~boards~~  
 22 **board** may:  
 23 (1) adopt;  
 24 (2) repeal;  
 25 (3) rescind; or  
 26 (4) amend;  
 27 rules and standards by proceeding in the manner prescribed in  
 28 IC 4-22-2 and IC 13-14-9.  
 29 SECTION 84. IC 13-14-8-2 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) The  
 31 department may propose to the ~~boards~~ **board** the:  
 32 (1) adoption;  
 33 (2) repeal;  
 34 (3) rescission; or  
 35 (4) amendment;  
 36 of any rule or standard.  
 37 (b) The rules proposed by the department must be adopted by the  
 38 ~~appropriate~~ board under IC 4-22-2 and IC 13-14-9 before the rules  
 39 become effective.  
 40 SECTION 85. IC 13-14-8-5 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Any person  
 42 may present written proposals for the adoption, amendment, or repeal

C  
O  
P  
Y

1 of a rule by ~~one (1) of the boards.~~ **board**. A proposal presented under  
2 this section must be:

- 3 (1) supported by a statement of reasons; and  
4 (2) accompanied by a petition signed by at least two hundred  
5 (200) persons.

6 (b) If the board ~~with rulemaking authority in the subject area to~~  
7 ~~which the rule pertains~~ finds that the proposal:

- 8 (1) is not plainly devoid of merit; and  
9 (2) does not deal with a subject on which a hearing was held  
10 within the previous six (6) months of the submission of the  
11 proposal;

12 the board shall give notice and hold a hearing on the proposal.

13 SECTION 86. IC 13-14-8-7 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. (a) Without  
15 limiting the generality of the regulatory authority of the ~~boards~~ **board**  
16 under this title, the ~~appropriate~~ board may adopt rules under IC 4-22-2  
17 and IC 13-14-9 prescribing the following:

- 18 (1) Standards or requirements for discharge or emission  
19 specifying the maximum permissible short term and long term  
20 concentrations of various contaminants of the air, water, or land.  
21 (2) Procedures for the administration of a system of permits for:  
22 (A) the discharge of any contaminants;  
23 (B) the construction, installation, or modification of any:  
24 (i) facility;  
25 (ii) equipment; or  
26 (iii) device;  
27 that may be designed to control or prevent pollution; or  
28 (C) the operation of any:  
29 (i) facility;  
30 (ii) equipment; or  
31 (iii) device;  
32 to control or to prevent pollution.  
33 (3) Standards and conditions for the use of any fuel or vehicle  
34 determined to constitute an air pollution hazard.  
35 (4) Standards for the filling or sealing of abandoned:  
36 (A) water wells;  
37 (B) water holes; and  
38 (C) drainage holes;  
39 to protect ground water against contamination.  
40 (5) Alert criteria and abatement standards for pollution episodes  
41 or emergencies constituting an acute danger to health or to the  
42 environment, including priority lists for terminating activities that

C  
O  
P  
Y



1 contribute to the hazard, whether or not the activities would meet  
2 all discharge requirements of the board under normal conditions.

3 (6) Requirements and procedures for the inspection of any  
4 equipment, facility, vehicle, vessel, or aircraft that may cause or  
5 contribute to pollution.

6 (7) Requirements and standards for equipment and procedures  
7 for:

8 (A) monitoring contaminant discharges at their sources;

9 (B) the collection of samples; and

10 (C) the collection, reporting, and retention, in accordance with  
11 record retention schedules adopted under IC 5-15-5.1, of data  
12 resulting from that monitoring.

13 (8) Standards or requirements to control:

14 (A) the discharge; or

15 (B) the pretreatment;

16 of contaminants introduced or discharged into publicly owned  
17 treatment works.

18 (b) If the ~~solid waste management board or air pollution control~~  
19 board is required to adopt new rules or amend existing rules to  
20 implement an amendment to the federal Resource Conservation and  
21 Recovery Act or an amendment to or addition of a National Emission  
22 Standard for Hazardous Air Pollutants under the federal Clean Air Act,  
23 the board shall adopt the new rules or amend the existing rules not  
24 more than nine (9) months after the date the federal law becomes  
25 effective. This subsection does not limit ~~a~~ **the** board's authority to  
26 amend at any time the rules adopted under this subsection.

27 SECTION 87. IC 13-14-9-1, AS AMENDED BY P.L.204-2007,  
28 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JANUARY 1, 2013]: Sec. 1. (a) Except as provided in sections 8 and  
30 14 of this chapter, this chapter applies to the ~~following:~~ **board.**

31 ~~(1) A board.~~

32 ~~(2) The underground storage tank financial assurance board~~  
33 ~~established by IC 13-23-11-1.~~

34 (b) In addition to the requirements of IC 4-22-2 and IC 13-14-8, ~~a~~  
35 **the** board may not adopt a rule except in accordance with this chapter.

36 SECTION 88. IC 13-14-9-14, AS AMENDED BY P.L.159-2011,  
37 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JANUARY 1, 2013]: Sec. 14. (a) Except as provided in subsection (g),  
39 sections 1 through 13 of this chapter do not apply to a rule adopted  
40 under this section.

41 (b) The ~~water pollution control~~ board may use the procedures in this  
42 section to adopt a rule to establish new water quality standards for a

C  
O  
P  
Y



1 community served by a combined sewer that has:

- 2 (1) an approved long term control plan; and  
 3 (2) an approved use attainability analysis that supports the use of  
 4 a CSO wet weather limited use subcategory established under  
 5 IC 13-18-3-2.5.

6 (c) After the department approves the long term control plan and use  
 7 attainability analysis, the department shall publish in the Indiana  
 8 Register a notice of adoption of a proposed rule to establish a CSO wet  
 9 weather limited use subcategory for the area defined by the approved  
 10 use attainability analysis.

11 (d) The notice under subsection (c) must include the following:

- 12 (1) Suggested rule language that amends the designated use to  
 13 allow for a CSO wet weather limited use subcategory in  
 14 accordance with IC 13-18-3-2.5.  
 15 (2) A written comment period of at least thirty (30) days.  
 16 (3) A notice of public hearing before the ~~water pollution control~~  
 17 board.

18 (e) The department shall include the following in the written  
 19 materials to be considered by the ~~water pollution control~~ board at the  
 20 public hearing referred to in subsection (d)(3):

- 21 (1) The full text of the proposed rule as most recently prepared by  
 22 the department.  
 23 (2) Written responses of the department to written comments  
 24 received during the comment period referred to in subsection  
 25 (d)(2).  
 26 (3) The letter prepared by the department approving the long term  
 27 control plan and use attainability analysis.

28 (f) At the public hearing referred to in subsection (d)(3), the board  
 29 may:

- 30 (1) adopt the proposed rule to establish a new water quality  
 31 standard amending the designated use to allow for a CSO wet  
 32 weather limited use subcategory;  
 33 (2) adopt the proposed rule with amendments;  
 34 (3) reject the proposed rule; or  
 35 (4) determine to reconsider the proposed rule at a subsequent  
 36 board meeting.

37 (g) If the board adopts the proposed rule with amendments under  
 38 subsection (f)(2), the amendments must meet the logical outgrowth  
 39 requirements of section 10 of this chapter, except that the board, in  
 40 determining whether the amendments are a logical outgrowth of  
 41 comments provided to the board, and in considering whether the  
 42 language of comments provided to the board fairly apprised interested

C  
O  
P  
Y



1 persons of the specific subjects and issues contained in the  
 2 amendments, shall consider the comments provided to the board at the  
 3 public hearing referred to in subsection (d)(3).

4 (h) The department shall submit a new water quality standard  
 5 established in a rule adopted under subsection (f) to the United States  
 6 Environmental Protection Agency for approval.

7 SECTION 89. IC 13-14-11-4 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The department  
 9 shall, subject to the approval of ~~at three (3) of the boards;~~ **board**,  
 10 develop written procedures for the separate storage and security of files  
 11 containing records excepted from disclosure requirements under  
 12 IC 5-14-3-4.

13 SECTION 90. IC 13-14-11-5 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~boards~~  
 15 **board** shall adopt rules requiring the execution of a confidentiality  
 16 agreement with persons employed, contracted, or subcontracted by the  
 17 department that is enforceable by:

- 18 (1) the state; and
- 19 (2) the submitter of the information.

20 SECTION 91. IC 13-14-12-2 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The money on  
 22 deposit in the environmental management special fund shall be used  
 23 exclusively for the purposes of the department and the ~~boards;~~ **board**.  
 24 The revenues accruing to the fund are appropriated to the department  
 25 for purposes of this title. However, expenditures for projects authorized  
 26 by the department or a board must be approved by the governor and the  
 27 budget agency.

28 SECTION 92. IC 13-14-12-4 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) The auditor  
 30 of state shall issue a report on the fund not later than ten (10) working  
 31 days following the last day of each four (4) month period.

32 (b) The report must:

- 33 (1) include the beginning and ending balance, disbursements, and  
 34 receipts, including accrued interest or other investment earnings  
 35 of the fund;
- 36 (2) comply with accounting standards under IC 4-13-2-7(a)(1);  
 37 and
- 38 (3) be available to the public.

39 (c) The auditor of state shall forward copies of the report to the  
 40 following:

- 41 (1) The commissioner.
- 42 (2) The standing committees of the house of representatives and

C  
o  
p  
y



1 the senate concerned with the environment.

2 (3) The ~~air pollution control~~ board.

3 ~~(4) The water pollution control board.~~

4 ~~(5) The solid waste management board.~~

5 SECTION 93. IC 13-15-1-1 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~air~~  
7 ~~pollution control~~ board shall establish requirements for the issuance of  
8 permits to control air pollution, noise, and atomic radiation, including  
9 the following:

10 (1) Permits to control or limit the emission of any contaminants  
11 into the atmosphere.

12 (2) Permits for the construction, installation, or modification of  
13 facilities, equipment, or devices to control or limit any discharge,  
14 emission, or disposal of contaminants into the air.

15 (3) Permits for the operation of facilities, equipment, or devices  
16 to control or limit the discharge, emission, or disposal of any  
17 contaminants into the environment.

18 SECTION 94. IC 13-15-1-2 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The ~~water~~  
20 ~~pollution control~~ board shall establish requirements for the issuance of  
21 permits to control water pollution and atomic radiation, including the  
22 following:

23 (1) Permits to control or limit the discharge of any contaminants  
24 into state waters or into a publicly owned treatment works.

25 (2) Permits for the construction, installation, or modification of  
26 facilities, equipment, or devices to control or limit any discharge,  
27 emission, or disposal of contaminants into the waters of Indiana  
28 or into a publicly owned treatment works.

29 (3) Permits for the operation of facilities, equipment, or devices  
30 to control or limit the discharge, emission, or disposal of any  
31 contaminants into the waters of Indiana or into a publicly owned  
32 treatment works.

33 However, the ~~water pollution control~~ board may not require a permit  
34 under subdivision (2) for any facility, equipment, or device  
35 constructed, installed, or modified as part of a surface coal mining  
36 operation that is operated under a permit issued under IC 14-34.

37 SECTION 95. IC 13-15-1-3 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The ~~solid waste~~  
39 ~~management~~ board shall establish requirements for the issuance of  
40 permits to control solid waste, hazardous waste, and atomic radiation,  
41 including the following:

42 (1) Permits to control or limit the disposal of any contaminants

C  
o  
p  
y



1 onto or into the land.

2 (2) Permits for the construction, installation, or modification of  
3 facilities, equipment, or devices:

4 (A) to control or limit any discharge, emission, or disposal of  
5 contaminants into the land; or

6 (B) for the storage, treatment, processing, transferring, or  
7 disposal of solid waste or hazardous waste.

8 (3) Permits for the operation of facilities, equipment, or devices:

9 (A) to control or limit the discharge, emission, transfer, or  
10 disposal of any contaminants into the land; or

11 (B) for the storage, transportation, treatment, processing,  
12 transferring, or disposal of solid waste or hazardous waste.

13 SECTION 96. IC 13-15-2-1 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) ~~Each~~ **The**  
15 board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to establish  
16 requirements and procedures for the issuance of permits.

17 (b) In rules for the issuance of permits, ~~each~~ **the** board may do the  
18 following:

19 (1) Prescribe standards for the discharge, emission, or disposal of  
20 contaminants and the operation of any facility, equipment, or  
21 device.

22 (2) Impose the conditions that are considered necessary to  
23 accomplish the purposes of this title.

24 SECTION 97. IC 13-15-2-2 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) ~~The boards~~  
26 **board** may adopt rules under IC 4-22-2 and IC 13-14-9 to allow the  
27 department to issue permits that do the following:

28 (1) Provide incentives to owners and operators of facilities to  
29 assess the pollution emitted by the facilities into all environmental  
30 media.

31 (2) Provide incentives to owners and operators of facilities to  
32 implement the most innovative and effective pollution control or  
33 pollution prevention strategies while maintaining enforceable  
34 performance goals.

35 (3) Provide incentives to owners and operators of facilities to  
36 reduce pollution levels at the facilities below the levels required  
37 by law.

38 (4) Consolidate environmental requirements into one (1) permit  
39 that would otherwise be included in more than one (1) permit.

40 (5) Reduce the time and money spent by owners and operators of  
41 facilities and the department on administrative tasks that do not  
42 benefit the environment.

C  
o  
p  
y



- 1 (6) Provide owners and operators of facilities with as much  
 2 operational flexibility as can reasonably be provided while being  
 3 consistent with enforcement of permit requirements.
- 4 (b) The rules adopted under this section may provide for permits  
 5 that contain the following:
- 6 (1) Authorization of emission trading.  
 7 (2) Consolidated reporting mechanisms.  
 8 (3) Third party certifications.  
 9 (4) Multimedia regulation.  
 10 (5) Other conditions consistent with subsection (a).
- 11 (c) The rules adopted under this section must provide that a permit  
 12 issued under the rules adopted under this section meets the following  
 13 criteria:
- 14 (1) Activities conducted under the permit must result in greater  
 15 overall environmental protection than would otherwise be  
 16 achieved under applicable law.  
 17 (2) Upon issuance of a permit, all limits, conditions, and  
 18 standards contained in the permit are enforceable under  
 19 IC 13-30-3.  
 20 (3) The permit applicant must give notice in accordance with  
 21 IC 13-15-8, and the commissioner shall give notice to the public  
 22 and provide an opportunity to comment on the proposed permit in  
 23 accordance with IC 13-15-5.
- 24 (d) The rules adopted under this section must allow the department  
 25 to give priority to applications involving permits that are issued as  
 26 described in this section based on:
- 27 (1) the degree of environmental benefit that may be obtained  
 28 under the permit;  
 29 (2) the potential application of any innovative control  
 30 technologies or regulatory procedures that may be made available  
 31 to other permit applicants and permit holders; and  
 32 (3) other criteria that the ~~boards~~ **board** may establish.
- 33 (e) The rules adopted under this section must be consistent with  
 34 federal law for federally authorized or delegated permit programs.
- 35 SECTION 98. IC 13-15-3-5, AS AMENDED BY P.L.78-2009,  
 36 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JANUARY 1, 2013]: Sec. 5. (a) Whenever a permit is required by any  
 38 rule of ~~one (1) of the boards~~ **board** under IC 13-15-1 for the  
 39 construction, installation, operation, or modification of any facility,  
 40 equipment, or device, the permit may be issued only after the  
 41 department staff has:
- 42 (1) approved the plans and specifications; and

C  
O  
P  
Y

- 1 (2) determined that the facility, equipment, or device meets the  
2 requirement of the rule.
- 3 (b) Notwithstanding subsection (a) and subject to subsection (c), a  
4 person to whom a permit has been issued may not start the  
5 construction, installation, operation, or modification of a facility,  
6 equipment, or a device until the person has obtained any approval  
7 required by any:
- 8 (1) county;  
9 (2) city; or  
10 (3) town;
- 11 in which the facility, equipment, or device is located.
- 12 (c) Subsection (b) applies only to an approval required in an  
13 applicable ordinance, rule, or regulation in effect at the time the person  
14 submits the permit application to the issuing state agency.
- 15 SECTION 99. IC 13-15-3-6 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) When a  
17 person holding a valid permit concerning an activity of a continuing  
18 nature has made a timely and sufficient application for a renewal or a  
19 new permit in accordance with rules of ~~one (1) of the boards; board,~~  
20 the existing permit does not expire until a final determination on the  
21 application has been made by the department. However, the  
22 commissioner may seek injunctive relief with regard to the continuing  
23 activity of the permit applicant while the permit application is pending  
24 if the continuing activity of the permit applicant constitutes a threat to  
25 the public health, safety, or welfare.
- 26 (b) An application for renewal of a hazardous waste disposal facility  
27 operating permit under IC 13-22-3 must be submitted at least one  
28 hundred eighty (180) days before the expiration of the facility's current  
29 permit to be considered timely under this section.
- 30 SECTION 100. IC 13-15-4-6 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a)  
32 Notwithstanding the periods specified in sections 1 through 4 of this  
33 chapter and this section, a person proposing to construct, modify, or  
34 operate any equipment, facility, or pollution control device that is  
35 demonstrated to achieve pollution control or pollution prevention in  
36 excess of applicable federal, state, or local requirements may apply to  
37 the commissioner for an interim permit to construct, modify, or operate  
38 the equipment, facility, or pollution control device.
- 39 (b) The commissioner shall approve or deny the interim permit not  
40 later than sixty (60) days after receipt of the application for an interim  
41 permit, unless the applicant and the commissioner agree that a longer  
42 review period is necessary.

C  
o  
p  
y

1 (c) The boards shall adopt rules under IC 4-22-2 to implement this  
 2 section before January 1, 1997. The rules may not allow an interim  
 3 construction or operation permit pending a final permit determination  
 4 if an interim permit is not allowed under federal law for a federally  
 5 authorized or delegated permit program.

6 (d) (c) This section does not relieve a person from complying with:

7 (1) the permit requirements provided under this title; and

8 (2) rules adopted under this title;

9 to the extent that this title and the rules are not inconsistent with this  
 10 section.

11 SECTION 101. IC 13-15-7-4 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) This section  
 13 applies to a facility that:

14 (1) has been issued an operating permit by the ~~air pollution~~ board;  
 15 or

16 (2) is operating without a permit but has made a timely and  
 17 complete application for a permit under IC 13-17-8-10.

18 (b) The ~~air pollution control~~ board shall adopt rules under IC 4-22-2  
 19 **and IC 13-14-9** as part of the operating permit program established  
 20 under 42 U.S.C. 7661 through 7661f providing that a facility may make  
 21 changes without a permit revision if the following conditions exist:

22 (1) The changes are not modifications under any provision of  
 23 Title I of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as  
 24 amended by the federal Clean Air Act Amendments of 1990  
 25 (P.L.101-549).

26 (2) The changes do not exceed emissions:

27 (A) expressed as a rate of emissions; or

28 (B) expressed as total emissions;

29 allowable under the permit.

30 (3) The facility provides the commissioner with written  
 31 notification at least seven (7) days before the proposed changes  
 32 are made. However, the ~~air pollution control~~ board may adopt  
 33 rules that provide a different period for notifications that involve  
 34 emergency situations.

35 SECTION 102. IC 13-15-9-2 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) ~~Each~~ **The**  
 37 board may adopt rules under IC 4-22-2 **and IC 13-14-9** establishing:

38 (1) conditions for the issuance of a permit under this chapter; and

39 (2) requirements for the operation of nuclear facilities.

40 (b) Rules adopted by the ~~air pollution control~~ board may relate to:

41 (1) air pollution from nuclear facilities; ~~Rules adopted by the~~  
 42 ~~water pollution control board may relate to~~

C  
O  
P  
Y



- 1           (2) water pollution from nuclear facilities; **or**  
 2           (3) ~~Rules adopted by the solid waste management board may~~  
 3           ~~relate to~~ other environmental problems associated with nuclear  
 4           facilities.

5           ~~(c) The boards may not adopt rules that establish contradictory~~  
 6           ~~conditions and requirements.~~

7           SECTION 103. IC 13-15-9-3 IS AMENDED TO READ AS  
 8           FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. A person  
 9           proposing to construct:

- 10           (1) a nuclear powered generating facility; or  
 11           (2) a nuclear fuel reprocessing plant;

12           shall file with the ~~technical secretary of each~~ board an environmental  
 13           feasibility report, on a form prescribed by the ~~boards,~~ **board,**  
 14           concurrently with the filing of the preliminary safety analysis required  
 15           to be filed with the United States Atomic Energy Commission.

16           SECTION 104. IC 13-15-9-4 IS AMENDED TO READ AS  
 17           FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) The  
 18           commissioner, on behalf of ~~each the~~ board, may conduct a public  
 19           hearing at a time and place to be determined by the department on the  
 20           environmental effects of the proposed operation.

21           (b) A person affected by the proposed construction may participate  
 22           in the hearing to the extent and in the manner that the board prescribes.

23           SECTION 105. IC 13-15-9-5 IS AMENDED TO READ AS  
 24           FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) ~~Each~~ **The**  
 25           board shall adopt rules and standards under section 2 of this chapter to  
 26           protect the citizens of Indiana from the hazards of radiation.

27           (b) Each permit required under this chapter according to rules  
 28           adopted by the ~~boards~~ **board** must specify the maximum allowable  
 29           level of radioactive discharge.

30           (c) Each permit issued must include a requirement for:

- 31           (1) appropriate procedures of monitoring any discharge; and  
 32           (2) a report of each discharge to the department.

33           SECTION 106. IC 13-15-10-1 IS AMENDED TO READ AS  
 34           FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste~~  
 35           ~~management~~ board shall adopt rules to establish a department operated  
 36           training and certification program for the following:

- 37           (1) Operators of solid waste incinerators and waste to energy  
 38           facilities.  
 39           (2) Operators of land disposal sites.  
 40           (3) Operators of facilities described under IC 13-15-1-3 whose  
 41           operation could have an adverse impact on the environment if not  
 42           operated properly.

C  
o  
p  
y



1 SECTION 107. IC 13-15-10-3 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) The waste  
 3 facility operator trust fund is established. The ~~solid waste management~~  
 4 board shall deposit fees collected under this chapter in the fund.

5 (b) Money in the fund shall be used for paying the expenses of the  
 6 training and certification program described in this chapter.

7 SECTION 108. IC 13-15-10-4 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The ~~solid waste~~  
 9 ~~management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9**  
 10 to implement this chapter. The rules must include the following:

11 (1) Requirements for certification that consider any training that  
 12 is required by state rule or federal regulation.

13 (2) Mandatory testing and retraining.

14 (3) Recognition of training programs that the ~~solid waste~~  
 15 ~~management~~ board approves to serve as a training program that  
 16 this chapter requires. A recognized training program may be  
 17 offered by an employer or by any other provider.

18 (4) Recognition of an interim period for which existing facility  
 19 operators must obtain certification.

20 SECTION 109. IC 13-15-10-5 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) The ~~solid~~  
 22 ~~waste management~~ board shall establish by rule and cause to be  
 23 collected fees for the following:

24 (1) Examination of applicants for certification.

25 (2) Issuance, renewal, or transfer of a certificate.

26 (3) Restoration of an expired certificate when that action is  
 27 authorized by law.

28 (4) Issuance of certificates by reciprocity or endorsement for  
 29 out-of-state applicants.

30 (5) Issuance of board or committee reciprocity or endorsements  
 31 for resident practitioners who apply to another state for a  
 32 certificate.

33 (b) A fee may not be less than fifty dollars (\$50) unless the fee is  
 34 collected under a rule adopted by the ~~solid waste management~~ board  
 35 that sets a fee for miscellaneous expenses incurred by the department  
 36 on behalf of the operators the ~~solid waste management~~ board regulates.  
 37 The fees may not be less than are required to pay all of the costs, both  
 38 direct and indirect, of the operation of the department under this  
 39 chapter.

40 (c) A fee may not be charged to an operator employed by a solid  
 41 waste facility that is wholly owned and operated by a unit of local  
 42 government.

C  
o  
p  
y



1 SECTION 110. IC 13-15-10-6 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) For the  
 3 payment of fees under this chapter, the ~~solid waste management~~ board  
 4 shall accept cash, a draft, a money order, a cashier's check, and a  
 5 certified or other personal check.

6 (b) If:

7 (1) the ~~solid waste management~~ board receives an uncertified  
 8 personal check for the payment of a fee; and

9 (2) the check does not clear the bank;

10 the ~~solid waste management~~ board may void the license, registration,  
 11 or certificate for which the check was received.

12 (c) Unless designated by rule, a fee is not refundable or transferable.

13 SECTION 111. IC 13-15-11-1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The  
 15 environmental management permit operation fund is established for the  
 16 purpose of providing money for permitting and directly associated  
 17 activities of the following programs of the department and ~~boards:~~ **the**  
 18 **board:**

19 (1) National Pollutant Discharge Elimination System program.

20 (2) Solid waste program.

21 (3) Hazardous waste program.

22 (4) Safe drinking water program.

23 SECTION 112. IC 13-16-1-1 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. This chapter  
 25 applies to fees established under this title by ~~any of the following:~~ **the**  
 26 **board.**

27 ~~(1) The air pollution control board.~~

28 ~~(2) The water pollution control board.~~

29 ~~(3) The solid waste management board.~~

30 SECTION 113. IC 13-16-1-3 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. A fee  
 32 established by ~~one (1) of the boards~~ **board** under this chapter for a type  
 33 or class of permit may be based on the average of the costs specified in  
 34 section 2 of this chapter for all permits of that type or class.

35 SECTION 114. IC 13-16-1-4 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The ~~boards~~  
 37 **board** shall periodically review the fees established under this chapter.  
 38 ~~A~~ **The** board may change the amount of a fee if the board determines,  
 39 based upon the factors set forth in section 2 of this chapter, that the  
 40 amount of the fee is not appropriate.

41 SECTION 115. IC 13-17-1-1 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. It is the intent

C  
o  
p  
y



1 and purpose of air pollution control laws to maintain the purity of the  
 2 air resource of Indiana, which shall be consistent with protection of the  
 3 public health and welfare and the public enjoyment of the air resource,  
 4 physical property and other resources, flora and fauna, maximum  
 5 employment, and full industrial development of Indiana. The ~~air~~  
 6 ~~pollution control~~ board and the department shall safeguard the air  
 7 resource through the prevention, abatement, and control of air pollution  
 8 by all practical and economically feasible methods.

9 SECTION 116. IC 13-17-2 IS REPEALED [EFFECTIVE  
 10 JANUARY 1, 2013]. (Establishment of Air Pollution Control Board).

11 SECTION 117. IC 13-17-3-6 IS REPEALED [EFFECTIVE  
 12 JANUARY 1, 2013]. ~~Sec. 6: The board shall develop operating policies~~  
 13 ~~governing the implementation of air pollution control laws by the~~  
 14 ~~commissioner.~~

15 SECTION 118. IC 13-17-3-11 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 11. The board  
 17 may adopt rules under IC 4-22-2 **and IC 13-14-9** under discretionary  
 18 authority granted to the state by:

- 19 (1) the federal Clean Air Act (42 U.S.C. 7401 et seq.), as  
 20 amended by the Clean Air Act Amendments of 1990  
 21 (P.L.101-549); or
- 22 (2) a regulation adopted under the federal Clean Air Act.

23 SECTION 119. IC 13-17-5-1 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~air~~  
 25 ~~pollution control~~ board may adopt rules for the control of emissions  
 26 from vehicles. However, the board must, before adopting the rules,  
 27 forward to each member of the general assembly a copy of the  
 28 proposed rules. The rules may prescribe requirements for the  
 29 following:

- 30 (1) The installation and use of equipment designed to reduce or  
 31 eliminate emissions.
- 32 (2) The proper maintenance of that equipment and of vehicles.

33 SECTION 120. IC 13-17-8-3 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The ~~air~~  
 35 ~~pollution control~~ board shall adopt fees to be collected under the  
 36 operating permit program. The annual aggregate amount of fees  
 37 collected under the operating permit program from all sources subject  
 38 to the operating permit program must be sufficient to cover only the  
 39 direct and indirect reasonable costs of the following permit program  
 40 activities:

- 41 (1) Preparing rules, regulations, and guidance regarding  
 42 implementation and enforcement of the program.

C  
o  
p  
y



- 1 (2) Reviewing and acting on the following:
- 2 (A) An application for an operating permit.
- 3 (B) An operating permit revision.
- 4 (C) An operating permit renewal.
- 5 (3) The general administrative cost of running the operating
- 6 permit program.
- 7 (4) Implementing and enforcing the terms of a permit granted
- 8 under the operating permit program. However, court costs for
- 9 enforcement actions are not included under this subdivision.
- 10 (5) Emissions and ambient monitoring.
- 11 (6) Modeling analyses and demonstrations.
- 12 (7) Preparing inventories and tracking emissions.
- 13 (8) Developing and administering a small business stationary
- 14 source technical and environmental compliance assistance
- 15 program.

16 SECTION 121. IC 13-17-13-1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~air~~  
 18 ~~pollution control~~ board may adopt rules under IC 4-22-2 **and**  
 19 **IC 13-14-9** to establish categories of sources or facilities that may be  
 20 effectively restricted through specific requirements established by the  
 21 rules to emit less than the amount of air pollutants for which a Title V  
 22 air operating permit is required.

23 SECTION 122. IC 13-18-1 IS REPEALED [EFFECTIVE  
 24 JANUARY 1, 2013]. (Establishment of Water Pollution Control  
 25 Board).

26 SECTION 123. IC 13-18-3-1 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~water~~  
 28 ~~pollution control~~ board shall adopt rules for the control and prevention  
 29 of pollution in waters of Indiana with any substance:

- 30 (1) that is deleterious to:
- 31 (A) the public health; or
- 32 (B) the prosecution of any industry or lawful occupation; or
- 33 (2) by which:
- 34 (A) any fish life or any beneficial animal or vegetable life may
- 35 be destroyed; or
- 36 (B) the growth or propagation of fish life or beneficial animal
- 37 or vegetable life is prevented or injuriously affected.

38 SECTION 124. IC 13-18-3-3 IS REPEALED [EFFECTIVE  
 39 JANUARY 1, 2013]. ~~Sec. 3: The board shall develop operating policies~~  
 40 ~~governing the implementation of the water pollution control laws by~~  
 41 ~~the department.~~

42 SECTION 125. IC 13-18-3-12 IS AMENDED TO READ AS

C  
O  
P  
Y



1 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. The ~~water~~  
 2 ~~pollution control~~ board shall adopt rules providing that whenever a  
 3 person submits plans to a unit concerning the design or construction of:  
 4 (1) a sanitary sewer or public water main, if:  
 5 (A) a professional engineer who is registered under IC 25-31  
 6 prepared the plans;  
 7 (B) the unit provided for review of the plans by a qualified  
 8 engineer and subsequently approved the plans; and  
 9 (C) all other requirements specified in rules adopted by the  
 10 water pollution control board are met; or  
 11 (2) a sanitary sewer extension for and within a subdivision, if:  
 12 (A) a qualified land surveyor who is registered under  
 13 IC 25-21.5 prepared the plans;  
 14 (B) the subdivision is being laid out or having been laid out by  
 15 the land surveyor subject to IC 25-21.5-7;  
 16 (C) the unit provided for review of the plans by a qualified  
 17 engineer and subsequently approved the plans; and  
 18 (D) all other requirements specified in rules adopted by the  
 19 water pollution control board are met;

20 the plans are not required to be submitted to any state agency for a  
 21 permit, permission, or review, unless required by federal law.

22 SECTION 126. IC 13-18-11-1.5 IS AMENDED TO READ AS FOLLOWS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1.5. The  
 24 ~~department~~ **board** shall adopt regulations to implement certification  
 25 programs for operators of water treatment plants or water distribution  
 26 systems. The certification program for the operators shall be classified  
 27 in accordance with the complexity, size, and source of the water for the  
 28 treatment system and the complexity and size for the distribution  
 29 system.

30 SECTION 127. IC 13-18-12-1, AS AMENDED BY P.L.159-2011,  
 31 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JANUARY 1, 2013]: Sec. 1. The ~~water pollution control~~ board and the  
 33 department shall regulate persons who provide septage management  
 34 services.

35 SECTION 128. IC 13-18-12-2.5, AS ADDED BY P.L.223-2011,  
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JANUARY 1, 2013]: Sec. 2.5. (a) The department and the ~~boards~~  
 38 **board** may allow a person to use industrial waste products in a land  
 39 application operation or as ingredients in a soil amendment or soil  
 40 substitute to be land applied if:

- 41 (1) the industrial waste products are not hazardous wastes;
- 42 (2) the industrial waste products:

C  
o  
p  
y



- 1 (A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or  
 2 (B) otherwise provide a benefit to the process of creating the  
 3 soil amendments or soil substitute or to the final soil  
 4 amendment, soil substitute, or material to be land applied,  
 5 such as bulking;  
 6 (3) the finished soil amendment, soil substitute, or material to be  
 7 land applied satisfies the applicable criteria in 327 IAC 6.1;  
 8 (4) the finished soil amendment, soil substitute, or material to be  
 9 land applied has a beneficial use;  
 10 (5) the requirements of subsection (b) are satisfied; and  
 11 (6) the person pays a permit fee in an amount determined by the  
 12 department that does not exceed the costs incurred by the  
 13 department to issue the permit.  
 14 (b) The department:  
 15 (1) may allow the use of industrial waste products:  
 16 (A) in a land application operation; or  
 17 (B) as ingredients in a soil amendment or soil substitute to be  
 18 land applied;  
 19 on the same basis as other materials under the rules concerning  
 20 land application and marketing and distribution permits;  
 21 (2) may not:  
 22 (A) discriminate against the use of industrial waste products  
 23 on the basis that the industrial waste products lack biological  
 24 carbon;  
 25 (B) impose requirements beyond applicable criteria in 327  
 26 IAC 6.1, unless additional requirements are necessary for the  
 27 protection of human health and the environment;  
 28 (C) require that the finished soil amendment, soil substitute, or  
 29 material to be land applied must be of a particular economic  
 30 value; or  
 31 (D) for any pollutant that has a pollutant limit or concentration  
 32 in 327 IAC 6.1, require that an industrial waste product or the  
 33 finished soil amendment, soil substitute, or material to be land  
 34 applied satisfies:  
 35 (i) the department's risk integrated system of closures  
 36 nonrule policy document; or  
 37 (ii) any other standards other than criteria in 327 IAC 6.1;  
 38 and  
 39 (3) for any pollutant present in the industrial waste products that  
 40 does not have a pollutant limit or concentration in 327 IAC 6.1,  
 41 shall consider the benefits of the finished soil amendment, soil  
 42 substitute, or material to be land applied as compared to the

C  
O  
P  
Y

1 measurable risks to human health and the environment based on  
 2 the anticipated use of the finished soil amendment, soil substitute,  
 3 or material to be land applied; and  
 4 (4) shall require an application for a permit for the land  
 5 application of industrial waste products to include  
 6 characterization of individual industrial waste products at the  
 7 point of waste generation before mixing the waste streams.

8 (c) The board may adopt rules for pollutant limits or concentrations  
 9 for pollutants for which limits or concentrations do not exist in 327  
 10 IAC 6.1 as of July 1, 2011.

11 SECTION 129. IC 13-19-2 IS REPEALED [EFFECTIVE  
 12 JANUARY 1, 2013]. (Establishment of Solid Waste Management  
 13 Board).

14 SECTION 130. IC 13-19-3-1 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste~~  
 16 ~~management~~ board shall do the following:

17 (1) Except as provided in sections 3 through 4 of this chapter,  
 18 adopt rules under IC 4-22-2 **and IC 13-14-9** to regulate solid and  
 19 hazardous waste and atomic radiation in Indiana, including rules  
 20 necessary to the implementation of the federal Resource  
 21 Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as  
 22 amended.

23 (2) Develop operating policy concerning the activities of the  
 24 department.

25 (3) Carry out other duties imposed by law.

26 SECTION 131. IC 13-19-3-7 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The department  
 28 and the ~~boards~~ **board** shall allow a person to use foundry sand that  
 29 meets Type III criteria under 329 IAC 10-9 for the following activities  
 30 in accordance with guidance without requiring the person to obtain any  
 31 permits from the department:

32 (1) As a daily cover for litter and vermin control at a landfill in  
 33 accordance with any applicable permits issued for the landfill.

34 (2) As a protective cover for a landfill leachate system in  
 35 accordance with any applicable permits issued for the landfill.

36 (3) For use as capped embankments for ground and sight barriers  
 37 under ten thousand (10,000) cubic yards or embankments for  
 38 airports, bridges, or overpasses.

39 (4) For use:

40 (A) in a land application operation; or

41 (B) as a soil amendment;

42 if the application or amendment does not include the operation of

C  
O  
P  
Y



- 1 a landfill.
- 2 (5) As a structural fill base capped by clay, asphalt, or concrete
- 3 for the following:
- 4 (A) Roads.
- 5 (B) Road shoulders.
- 6 (C) Parking lots.
- 7 (D) Floor slabs.
- 8 (E) Utility trenches.
- 9 (F) Bridge abutments.
- 10 (G) Tanks and vaults.
- 11 (H) Construction or architectural fill.
- 12 (I) Other similar uses.
- 13 (6) As a raw material constituent incorporated into another
- 14 product, including the following:
- 15 (A) Flowable fill.
- 16 (B) Concrete.
- 17 (C) Asphalt.
- 18 (D) Brick.
- 19 (E) Block.
- 20 (F) Portland cement.
- 21 (G) Glass.
- 22 (H) Roofing materials.
- 23 (I) Rock wool.
- 24 (J) Plastics.
- 25 (K) Fiberglass.
- 26 (L) Mineral wool.
- 27 (M) Lightweight aggregate.
- 28 (N) Paint.
- 29 (O) Plaster.
- 30 (P) Other similar products.

31 SECTION 132. IC 13-19-4-10 IS AMENDED TO READ AS

32 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. The board

33 may adopt rules under IC 4-22-2 **and IC 13-14-9** to administer this

34 chapter.

35 SECTION 133. IC 13-20-1-5 IS AMENDED TO READ AS

36 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~solid waste~~

37 ~~management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9**

38 to implement this chapter.

39 SECTION 134. IC 13-20-2-7 IS AMENDED TO READ AS

40 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The ~~solid waste~~

41 ~~management~~ board may adopt rules under IC 4-22-2 **and IC 13-14-9**

42 to administer this chapter.

C  
o  
p  
y



1 SECTION 135. IC 13-20-3-5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The board shall  
 3 adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter.

4 SECTION 136. IC 13-20-6-7 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. (a) The  
 6 department shall establish a uniform transfer station inspection  
 7 program to protect the health of the residents of Indiana and the  
 8 environment of Indiana:

9 (1) for transfer stations located:

10 (A) inside Indiana; and

11 (B) outside Indiana;

12 that receive municipal waste and that engage in waste transfer  
 13 activities; and

14 (2) under rules adopted by the ~~solid waste management~~ board.

15 (b) The ~~solid waste management~~ board shall establish fees payable  
 16 by the transfer stations inspected. The amount of a fee imposed for the  
 17 inspection of a transfer station may not exceed the cost of time and  
 18 materials directly expended by:

19 (1) the department; or

20 (2) a contractor hired by the department;

21 for conducting the inspection of the transfer station.

22 SECTION 137. IC 13-20-8-1 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste~~  
 24 ~~management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9**  
 25 to regulate the construction and operation of incinerators under  
 26 IC 13-14-8. The rules must incorporate by reference pertinent rules  
 27 adopted by the ~~air pollution control~~ board **concerning air pollution**  
 28 **control.**

29 SECTION 138. IC 13-20-8-5 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) The  
 31 department, in accordance with IC 13-15, shall operate a permit  
 32 program for all incinerators subject to regulation under the rules of the  
 33 ~~air pollution control board and the solid waste management~~ board.

34 (b) The department shall issue permits for an incinerator that is in  
 35 compliance with construction and operating rules adopted by the ~~solid~~  
 36 ~~waste management board and the air pollution control~~ board.

37 (c) The department shall grant operating authority under a permit  
 38 issued by the department only after the owner of the incinerator has:

39 (1) complied with all construction and pre-operational standards  
 40 established by pertinent rules; and

41 (2) submitted the results of a pre-operational emissions test that  
 42 demonstrate that the incinerator's performance complies with all

C  
O  
P  
Y



1           pertinent rules.

2           (d) The pre-operational emissions test required by this section shall  
3 be conducted under the supervision of the department. In addition, the  
4 report of the results of the pre-operational emissions test must contain  
5 a certification that the test was performed in compliance with the  
6 following:

7           (1) All pertinent rules.

8           (2) The pre-operational emissions test plan submitted with the  
9 permit application.

10          SECTION 139. IC 13-20-9-3 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The ~~solid waste~~  
12 ~~management~~ board may adopt rules under IC 4-22-2 **and IC 13-14-9**  
13 to implement this chapter.

14          SECTION 140. IC 13-20-10-3 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. To register a  
16 composting facility for vegetative matter with the department, a person  
17 must submit an application to the department that contains the  
18 following:

19           (1) A:

20           (A) legal description; and

21           (B) topographic map;

22           of the site on which the composting facility will be located.

23           (2) A description of the composting facility that indicates the area  
24 to be served by the composting operation.

25           (3) An estimate of the volume of materials that will be processed  
26 annually by the composting facility.

27           (4) Any other information that the department or the ~~solid waste~~  
28 ~~management~~ board requires by rule.

29          SECTION 141. IC 13-20-10-10 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. The board  
31 may adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this  
32 chapter.

33          SECTION 142. IC 13-20-13-9, AS AMENDED BY P.L.204-2007,  
34 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JANUARY 1, 2013]: Sec. 9. (a) The department may use money in the  
36 fund to assist the department in:

37           (1) removing waste tires from sites where waste tires have been  
38 disposed of improperly;

39           (2) properly managing waste tires;

40           (3) performing surveillance and enforcement activities used to  
41 implement proper waste tire management; and

42           (4) conducting the waste tire education program under section 15

C  
o  
p  
y



1 of this chapter.

2 (b) The department may use money in the fund to provide grants

3 and loans to entities to establish and operate programs involving the

4 following:

5 (1) Recycling or reuse of waste tires.

6 (2) Using waste tires as a source of fuel.

7 (3) Developing markets for waste tires and products containing

8 recycled or reused waste tires.

9 (c) The ~~department board~~ may adopt rules under IC 4-22-2 and

10 **IC 13-14-9** necessary to implement this section.

11 SECTION 143. IC 13-20-14-1 IS AMENDED TO READ AS

12 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Except as

13 provided in:

14 (1) rules adopted under subsection (d); and

15 (2) section 10 of this chapter;

16 a whole waste tire may not be disposed of at a solid waste landfill.

17 (b) The department may approve shredded or ground up tires for use

18 as daily cover for a solid waste landfill.

19 (c) Material approved under subsection (b) is exempt from

20 IC 13-20-22 and IC 13-21-13.

21 (d) The ~~solid waste management~~ board shall adopt rules that allow

22 for the incidental disposal of small amounts of whole waste tires at

23 solid waste landfills.

24 (e) The rules adopted under subsection (d) may allow a landfill

25 operator to meet the requirements of the rule by employing procedures

26 designed to achieve the objectives of subsection (d) in lieu of a numeric

27 standard.

28 SECTION 144. IC 13-20-14-6 IS AMENDED TO READ AS

29 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. The ~~solid waste~~

30 ~~management~~ board shall adopt rules under IC 4-22-2 and ~~IC 13-14-8~~

31 **IC 13-14-9** to implement this chapter.

32 SECTION 145. IC 13-20-14-9.5 IS AMENDED TO READ AS

33 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9.5. (a) Except as

34 provided in rules adopted under subsection (c), an operator of a transfer

35 station shall remove whole waste tires present in solid waste that is

36 being transferred from a vehicle or container to another vehicle or

37 container at the transfer station.

38 (b) Whole waste tires removed by an operator of a transfer station

39 under subsection (a) shall be disposed of as provided in this chapter.

40 (c) The ~~solid waste management~~ board shall adopt rules that allow

41 for the incidental transfer of small amounts of whole waste tires under

42 subsection (a).

COPY



1 (d) The rules adopted under subsection (c) may allow a transfer  
 2 station operator to meet the requirements of the rule by employing  
 3 procedures designed to achieve the objectives of subsection (c) in lieu  
 4 of a numeric standard.

5 SECTION 146. IC 13-20-15-1 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste~~  
 7 ~~management board~~ **department** shall administer and implement this  
 8 chapter to protect the public health, safety, and welfare from the toxic  
 9 effects and environmental dangers of PCB. The board shall adopt the  
 10 rules required by this chapter under IC 4-22-2 **and IC 13-14-9**.

11 SECTION 147. IC 13-22-2-2 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The ~~solid waste~~  
 13 ~~management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9**  
 14 to implement this chapter through IC 13-22-8, IC 13-22-11.5, and  
 15 IC 13-22-13 through IC 13-22-14.

16 SECTION 148. IC 13-22-2-6 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. The board shall  
 18 do the following:

19 (1) Adopt rules under IC 4-22-2 **and IC 13-14-9** setting standards  
 20 for closure and postclosure monitoring and maintenance plans.

21 (2) Include in the rules a requirement for prior notice of closure  
 22 and a time limit for completion of closure.

23 SECTION 149. IC 13-22-2-7 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The board shall  
 25 adopt rules under IC 4-22-2 **and IC 13-14-9** setting standards for  
 26 corrective action for all releases of hazardous waste or constituents  
 27 from any solid waste management unit at a hazardous waste facility.  
 28 The standards must require that corrective action be taken beyond the  
 29 facility boundary where necessary to protect human health and the  
 30 environment, unless the owner or operator of the facility concerned  
 31 demonstrates to the satisfaction of the commissioner that, despite the  
 32 best efforts of the owner or operator, the owner or operator is unable to  
 33 obtain the necessary permission to undertake that action. The rules  
 34 adopted under this section apply to the following:

35 (1) All facilities operating under permits issued under IC 13-22-3  
 36 or IC 13-7-8.5 (before its repeal).

37 (2) All landfills, surface impoundments, and waste piles,  
 38 including any new units, replacements of existing units, and  
 39 lateral expansions of existing units, that receive hazardous waste  
 40 after July 26, 1982.

41 SECTION 150. IC 13-22-8-1 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) The ~~solid~~

C  
O  
P  
Y



1 ~~waste management~~ board shall adopt rules under IC 4-22-2 **and**  
2 **IC 13-14-9** on standards of financial responsibility for the following:

- 3 (1) Closure.  
4 (2) Postclosure monitoring at hazardous waste facilities.  
5 (3) Any required corrective action at those facilities.

6 (b) The rules adopted under this section must reflect the provisions  
7 for financial responsibility prescribed by section 2 of this chapter.

8 SECTION 151. IC 13-23-1-1 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) The  
10 department shall establish and operate an underground storage tank  
11 release detection, prevention, and correction program under this article  
12 according to rules adopted by the ~~solid waste management~~ board.

13 (b) The department may contract with another state agency to jointly  
14 operate the program under a memorandum of agreement that:

- 15 (1) may be amended;  
16 (2) must contain the specific duties of the department and the  
17 contracting agency; and  
18 (3) is available to the public for inspection.

19 SECTION 152. IC 13-23-7-4 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The expenses  
21 of administering the provisions of this article that are funded by the  
22 trust fund, including:

- 23 (1) IC 13-23-8;  
24 (2) IC 13-23-9; **and**  
25 ~~(3) IC 13-23-11; and~~  
26 ~~(4)~~ **(3)** IC 13-23-12;

27 shall be paid from money in the fund.

28 SECTION 153. IC 13-23-8-1 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The  
30 department, under rules adopted by the ~~underground storage tank~~  
31 ~~financial assurance~~ board, ~~under IC 4-22-2~~, shall use money in the  
32 excess liability trust fund, to the extent that money is available in the  
33 excess liability trust fund, to pay claims submitted to the department  
34 for the following:

- 35 (1) The payment of the costs allowed under IC 13-23-9-2,  
36 excluding:  
37 (A) liabilities to third parties; and  
38 (B) the costs of repairing or replacing an underground storage  
39 tank;  
40 arising out of releases of petroleum.  
41 (2) Providing payment of part of the liability of owners and  
42 operators of underground petroleum storage tanks:

C  
O  
P  
Y



- 1 (A) to third parties under IC 13-23-9-3; or  
 2 (B) for reasonable attorney's fees incurred in defense of a third  
 3 party liability claim.

4 SECTION 154. IC 13-23-8-4.5 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4.5. The ~~financial~~  
 6 ~~assurance~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to  
 7 do the following:

8 (1) Establish standards, procedures, and penalties for submitting  
 9 or resubmitting a claim under section 1 of this chapter when the  
 10 owner or operator has failed to:

- 11 (A) register an underground petroleum storage tank from  
 12 which a release has occurred; or  
 13 (B) pay all registration fees that are due under IC 13-23-12-1  
 14 by the date the fees are due.

15 (2) Determine eligibility for new owners or operators that acquire  
 16 ownership or operation of the underground petroleum storage  
 17 tank as a result of:

- 18 (A) a bona fide, good faith transaction, negotiated at arm's  
 19 length, between parties under separate ownership and control;  
 20 (B) a foreclosure or a deed transferred in lieu of a foreclosure;  
 21 (C) the exercise of the person's lien rights; or  
 22 (D) an inheritance.

23 SECTION 155. IC 13-23-8-5 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~financial~~  
 25 ~~assurance~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to  
 26 define the manner in which the priority order of liability claims and  
 27 loan guaranties is established. The rules must give priority to liability  
 28 claims associated with releases from underground storage tanks that  
 29 pose an immediate and significant threat to the environment.

30 SECTION 156. IC 13-23-11 IS REPEALED [EFFECTIVE  
 31 JANUARY 1, 2013]. (Underground Storage Tank Financial Assurance  
 32 Board).

33 SECTION 157. IC 13-25-4-7 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The ~~solid waste~~  
 35 ~~management~~ board shall adopt rules establishing criteria for  
 36 determining the commissioner's priorities in selecting hazardous  
 37 substance response sites. Until these rules have been adopted, the  
 38 commissioner shall give priority to those sites presenting a significant  
 39 threat to public health and environment.

40 SECTION 158. IC 13-27-8-3, AS ADDED BY P.L.100-2006,  
 41 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JANUARY 1, 2013]: Sec. 3. (a) The ~~following~~ **board** may adopt rules

C  
o  
p  
y



1 to implement this chapter to the extent consistent with federal law.

2 ~~(1) The boards.~~

3 ~~(2) The underground storage tank financial assurance board~~  
4 ~~established by IC 13-23-11-1.~~

5 (b) The rules adopted by the entities under subsection (a) may  
6 establish the following:

7 (1) Eligibility requirements for participation in environmental  
8 performance based programs.

9 (2) Compliance methods and schedules that:

10 (A) differ from compliance methods and schedules that apply  
11 to nonparticipants in environmental performance based  
12 programs under rules adopted by the ~~boards; board;~~

13 (B) apply only to participants in environmental performance  
14 based programs; and

15 (C) include any of the following:

16 (i) Changes to monitoring and reporting requirements and  
17 schedules.

18 (ii) Streamlined submission requirements for permit  
19 renewals.

20 (iii) Prioritized applications.

21 (iv) Authorization to make without prior governmental  
22 approval certain operational changes that do not result in  
23 additional environmental impact.

24 (3) Recognition incentives to encourage participation in  
25 environmental performance based programs.

26 (4) Other incentives consistent with the policies of this title and  
27 federal law to encourage participation in environmental  
28 performance based programs.

29 (5) Requirements for participants in environmental performance  
30 based programs to implement any of the following:

31 (A) Continuous improvement environmental systems.

32 (B) Pollution prevention and waste minimization programs  
33 developed under IC 13-27-7.

34 SECTION 159. IC 13-28-1-3 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. ~~Each of the~~  
36 ~~regulatory boards within the department~~ **The board** may adopt rules  
37 under IC 4-22-2 **and IC 13-14-9** as required to implement the  
38 compliance program described in this article.

39 SECTION 160. IC 13-29-1-13 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. The ~~solid~~  
41 ~~waste management~~ board shall adopt under IC 4-22-2 **and IC 13-14-9**  
42 the rules necessary to implement this chapter.



C  
O  
P  
Y

1 SECTION 161. IC 13-30-2-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. A person may  
 3 not do any of the following:

4 (1) Discharge, emit, cause, allow, or threaten to discharge, emit,  
 5 cause, or allow any contaminant or waste, including any noxious  
 6 odor, either alone or in combination with contaminants from other  
 7 sources, into:

8 (A) the environment; or

9 (B) any publicly owned treatment works;

10 in any form that causes or would cause pollution that violates or  
 11 would violate rules, standards, or discharge or emission  
 12 requirements adopted by the ~~appropriate~~ board under the  
 13 environmental management laws.

14 (2) Increase the quantity or strength of a discharge of  
 15 contaminants into the waters or construct or install a sewer or  
 16 sewage treatment facility or a new outlet for contaminants into the  
 17 waters of Indiana without prior approval of the department.

18 (3) Deposit any contaminants upon the land in a place and manner  
 19 that creates or would create a pollution hazard that violates or  
 20 would violate a rule adopted by ~~one (1) of the boards:~~ **board.**

21 (4) Deposit or cause or allow the deposit of any contaminants or  
 22 solid waste upon the land, except through the use of sanitary  
 23 landfills, incineration, composting, garbage grinding, or another  
 24 method acceptable to the ~~solid waste management~~ board.

25 (5) Dump or cause or allow the open dumping of garbage or of  
 26 any other solid waste in violation of rules adopted by the ~~solid~~  
 27 ~~waste management~~ board.

28 (6) Dispose of solid waste in, upon, or within the limits of or  
 29 adjacent to a public highway, state park, state nature preserve, or  
 30 recreation area or in or immediately adjacent to a lake or stream,  
 31 except:

32 (A) in proper containers provided for sanitary storage of the  
 33 solid waste; or

34 (B) as a part of a sanitary landfill operation or other land  
 35 disposal method approved by the department.

36 (7) Construct, install, operate, conduct, or modify, without prior  
 37 approval of the department, any equipment or facility of any type  
 38 that may:

39 (A) cause or contribute to pollution; or

40 (B) be designed to prevent pollution.

41 However, the commissioner or the ~~appropriate~~ board may approve  
 42 experimental uses of any equipment, facility, or pollution control

C  
o  
p  
y



1 device that is considered necessary for the further development of  
 2 the state of the art of pollution control.

3 (8) Conduct any salvage operation or open dump by open burning  
 4 or burn, cause, or allow the burning of any solid waste in a  
 5 manner that violates either:

6 (A) the air pollution control laws; or

7 (B) the rules adopted by the ~~air pollution control~~ board.

8 (9) Commence construction of a proposed hazardous waste  
 9 facility without having first:

10 (A) filed an application for; and

11 (B) received;

12 a permit from the department.

13 (10) Commence or engage in the operation of a hazardous waste  
 14 facility without having first obtained a permit from the  
 15 department.

16 (11) Deliver any hazardous waste to a hazardous waste facility  
 17 that:

18 (A) is not approved; or

19 (B) does not hold a permit from the department.

20 (12) Cause or allow the transportation of a hazardous waste  
 21 without a manifest if a manifest is required by law.

22 (13) Violate any:

23 (A) condition;

24 (B) limitation; or

25 (C) stipulation;

26 placed upon a certificate of environmental compatibility by the  
 27 hazardous waste facility site approval authority or any other  
 28 provision of IC 13-22-10.

29 (14) Apply or allow the application of used oil to any ground  
 30 surface, except for purposes of treatment in accordance with a  
 31 permit issued by the department under any of the following:

32 (A) IC 13-15, except IC 13-15-9.

33 (B) IC 13-17-11.

34 (C) IC 13-18-18.

35 (D) IC 13-20-1.

36 (15) Commence construction of a solid waste incinerator without  
 37 first obtaining a permit from the department under IC 13-20-8.

38 (16) Commence operation of a solid waste incinerator without  
 39 first obtaining the approval of the department under IC 13-20-8.

40 SECTION 162. IC 13-30-3-11 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 11. An order of  
 42 the commissioner under this chapter may do any of the following:

C  
O  
P  
Y



- 1 (1) Include a direction to cease and desist from violations of the  
 2 following:  
 3 (A) Environmental management laws.  
 4 (B) Air pollution control laws.  
 5 (C) Water pollution control laws.  
 6 (D) A rule adopted by ~~one (†) of the boards;~~ **board.**  
 7 (2) Impose monetary penalties in accordance with the following:  
 8 (A) Environmental management laws.  
 9 (B) Air pollution control laws.  
 10 (C) Water pollution control laws.  
 11 (3) Mandate corrective action, including corrective action to be  
 12 taken beyond the boundaries of the area owned or controlled by  
 13 the person to whom the order is directed, to alleviate the violation.  
 14 (4) Revoke a permit or condition or modify the terms of a permit.  
 15 SECTION 163. IC 13-30-4-1 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Subject to  
 17 IC 13-14-6 and except as provided in IC 13-23-14-2 and  
 18 IC 13-23-14-3, a person who violates:  
 19 (1) any provision of:  
 20 (A) environmental management laws;  
 21 (B) air pollution control laws;  
 22 (C) water pollution control laws;  
 23 (D) IC 13-18-14-1; or  
 24 (E) a rule or standard adopted by ~~one (†) of the boards;~~ **board;**  
 25 or  
 26 (2) any determination, permit, or order made or issued by the  
 27 commissioner under:  
 28 (A) environmental management laws or IC 13-7 (before its  
 29 repeal);  
 30 (B) air pollution control laws or IC 13-1-1 (before its repeal);  
 31 or  
 32 (C) water pollution control laws or IC 13-1-3 (before its  
 33 repeal);  
 34 is liable for a civil penalty not to exceed twenty-five thousand dollars  
 35 (\$25,000) per day of any violation.  
 36 (b) The department may:  
 37 (1) recover the civil penalty described in subsection (a) in a civil  
 38 action commenced in any court with jurisdiction; and  
 39 (2) request in the action that the person be enjoined from  
 40 continuing the violation.  
 41 SECTION 164. IC 13-30-7-7 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The ~~boards~~

C  
O  
P  
Y

1 **board** shall adopt rules under IC 4-22-2 **and IC 13-14-9** to administer  
2 this chapter.

3 SECTION 165. IC 14-8-2-48, AS AMENDED BY P.L.197-2011,  
4 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2012]: Sec. 48. (a) "Commission", except as provided in  
6 ~~subsections (b) through (r)~~, **this section**, refers to the natural resources  
7 commission.

8 (b) "Commission", for purposes of IC 14-13-1, has the meaning set  
9 forth in IC 14-13-1-1.

10 (c) "Commission", for purposes of IC 14-13-2, has the meaning set  
11 forth in IC 14-13-2-2.

12 (d) "Commission", for purposes of IC 14-13-4, has the meaning set  
13 forth in IC 14-13-4-1.

14 (e) "Commission", for purposes of IC 14-13-5, has the meaning set  
15 forth in IC 14-13-5-1.

16 (f) "Commission", for purposes of IC 14-13-6, has the meaning set  
17 forth in IC 14-13-6-2.

18 (g) "Commission", for purposes of IC 14-14-1, has the meaning set  
19 forth in IC 14-14-1-3.

20 (h) "Commission", for purposes of IC 14-20-11, has the meaning set  
21 forth in IC 14-20-11-1.

22 ~~(i) "Commission", for purposes of IC 14-21-4, has the meaning set~~  
23 ~~forth in IC 14-21-4-1.~~

24 ~~(j) "Commission", for purposes of IC 14-25-11, has the meaning set~~  
25 ~~forth in IC 14-25-11-1.~~

26 ~~(k) (i) "Commission", for purposes of IC 14-28-4, has the meaning~~  
27 ~~set forth in IC 14-28-4-1.~~

28 ~~(l) (j) "Commission", for purposes of IC 14-30-1, has the meaning~~  
29 ~~set forth in IC 14-30-1-2.~~

30 ~~(m) (k) "Commission", for purposes of IC 14-30-2, has the meaning~~  
31 ~~set forth in IC 14-30-2-2.~~

32 ~~(n) (l) "Commission", for purposes of IC 14-30-3, has the meaning~~  
33 ~~set forth in IC 14-30-3-2.~~

34 ~~(o) (m) "Commission", for purposes of IC 14-30-4, has the meaning~~  
35 ~~set forth in IC 14-30-4-2.~~

36 ~~(p) (n) "Commission", for purposes of IC 14-33-20, has the meaning~~  
37 ~~set forth in IC 14-33-20-2.~~

38 SECTION 166. IC 14-8-2-61 IS REPEALED [EFFECTIVE JULY  
39 1, 2012]. Sec. 61. "Council", for purposes of IC 14-21-1, has the  
40 meaning set forth in IC 14-21-1-5.

41 SECTION 167. IC 14-8-2-84 IS REPEALED [EFFECTIVE JULY  
42 1, 2012]. Sec. 84. "Eligible entity", for purposes of IC 14-25-11, has the

C  
o  
p  
y



- 1 ~~meaning set forth in IC 14-25-11-2.~~  
 2 SECTION 168. IC 14-8-2-107, AS AMENDED BY P.L.167-2011,  
 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2012]: Sec. 107. "Fund" has the following meaning:  
 5 (1) For purposes of IC 14-9-5, the meaning set forth in  
 6 IC 14-9-5-1.  
 7 (2) For purposes of IC 14-9-8-21, the meaning set forth in  
 8 IC 14-9-8-21.  
 9 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in  
 10 IC 14-9-8-21.5.  
 11 (4) For purposes of IC 14-9-9, the meaning set forth in  
 12 IC 14-9-9-3.  
 13 (5) For purposes of IC 14-12-1, the meaning set forth in  
 14 IC 14-12-1-1.  
 15 (6) For purposes of IC 14-12-2, the meaning set forth in  
 16 IC 14-12-2-2.  
 17 (7) For purposes of IC 14-12-3, the meaning set forth in  
 18 IC 14-12-3-2.  
 19 (8) For purposes of IC 14-13-1, the meaning set forth in  
 20 IC 14-13-1-2.  
 21 (9) For purposes of IC 14-13-2, the meaning set forth in  
 22 IC 14-13-2-3.  
 23 (10) For purposes of IC 14-16-1, the meaning set forth in  
 24 IC 14-16-1-30.  
 25 (11) For purposes of IC 14-19-8, the meaning set forth in  
 26 IC 14-19-8-1.  
 27 (12) For purposes of IC 14-20-11, the meaning set forth in  
 28 IC 14-20-11-2.  
 29 ~~(13) For purposes of IC 14-21-4, the meaning set forth in~~  
 30 ~~IC 14-21-4-10.~~  
 31 ~~(14)~~ **(13)** For purposes of IC 14-22-3, the meaning set forth in  
 32 IC 14-22-3-1.  
 33 ~~(15)~~ **(14)** For purposes of IC 14-22-4, the meaning set forth in  
 34 IC 14-22-4-1.  
 35 ~~(16)~~ **(15)** For purposes of IC 14-22-5, the meaning set forth in  
 36 IC 14-22-5-1.  
 37 ~~(17)~~ **(16)** For purposes of IC 14-22-8, the meaning set forth in  
 38 IC 14-22-8-1.  
 39 ~~(18)~~ **(17)** For purposes of IC 14-22-34, the meaning set forth in  
 40 IC 14-22-34-2.  
 41 ~~(19)~~ **(18)** For purposes of IC 14-23-3, the meaning set forth in  
 42 IC 14-23-3-1.

C  
O  
P  
Y

- 1           ~~(20)~~ **(19)** For purposes of IC 14-24-4.5, the meaning set forth in  
2           IC 14-24-4.5-2(5).
- 3           ~~(21)~~ **(20)** For purposes of IC 14-25-2-4, the meaning set forth in  
4           IC 14-25-2-4.
- 5           ~~(22)~~ **(21)** For purposes of IC 14-25-10, the meaning set forth in  
6           IC 14-25-10-1.
- 7           ~~(23)~~ For purposes of ~~IC 14-25-11-19~~, the meaning set forth in  
8           ~~IC 14-25-11-19~~.
- 9           ~~(24)~~ **(22)** For purposes of IC 14-25.5, the meaning set forth in  
10          IC 14-25.5-1-3.
- 11          ~~(25)~~ **(23)** For purposes of IC 14-28-5, the meaning set forth in  
12          IC 14-28-5-2.
- 13          ~~(26)~~ **(24)** For purposes of IC 14-31-2, the meaning set forth in  
14          IC 14-31-2-5.
- 15          ~~(27)~~ **(25)** For purposes of IC 14-25-12, the meaning set forth in  
16          IC 14-25-12-1.
- 17          ~~(28)~~ **(26)** For purposes of IC 14-32-8, the meaning set forth in  
18          IC 14-32-8-1.
- 19          ~~(29)~~ **(27)** For purposes of IC 14-33-14, the meaning set forth in  
20          IC 14-33-14-3.
- 21          ~~(30)~~ **(28)** For purposes of IC 14-33-21, the meaning set forth in  
22          IC 14-33-21-1.
- 23          ~~(31)~~ **(29)** For purposes of IC 14-34-6-15, the meaning set forth in  
24          IC 14-34-6-15.
- 25          ~~(32)~~ **(30)** For purposes of IC 14-34-14, the meaning set forth in  
26          IC 14-34-14-1.
- 27          ~~(33)~~ **(31)** For purposes of IC 14-34-19-1.3, the meaning set forth  
28          in IC 14-34-19-1.3(a).
- 29          ~~(34)~~ **(32)** For purposes of IC 14-34-19-1.5, the meaning set forth  
30          in IC 14-34-19-1.5(a).
- 31          ~~(35)~~ **(33)** For purposes of IC 14-37-10, the meaning set forth in  
32          IC 14-37-10-1.
- 33          SECTION 169. IC 14-8-2-123.5 IS REPEALED [EFFECTIVE  
34          JULY 1, 2012]. Sec. ~~123.5~~: "Historic courthouse", for purposes of  
35          ~~IC 14-21-4~~, has the meaning set forth in ~~IC 14-21-4-2~~.
- 36          SECTION 170. IC 14-8-2-149 IS REPEALED [EFFECTIVE JULY  
37          1, 2012]. Sec. ~~149~~: "Legislative body", for purposes of ~~IC 14-25-11~~, has  
38          the meaning set forth in ~~IC 14-25-11-3~~.
- 39          SECTION 171. IC 14-8-2-279.5 IS REPEALED [EFFECTIVE  
40          JULY 1, 2012]. Sec. ~~279.5~~: "Task force", for purposes of:  
41          (1) ~~IC 14-25-14~~, has the meaning set forth in ~~IC 14-25-14-1~~; and  
42          (2) ~~IC 14-25-16~~, has the meaning set forth in ~~IC 14-25-16-1~~.

C  
o  
p  
y

1 SECTION 172. IC 14-9-6 IS REPEALED [EFFECTIVE JULY 1,  
2 2012]. (Advisory Councils).

3 SECTION 173. IC 14-10-1-1, AS AMENDED BY P.L.95-2006,  
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2012]: Sec. 1. The natural resources commission is  
6 established. The commission consists of ~~twelve (12)~~ **eleven (11)**  
7 members as follows:

8 (1) The commissioner of the Indiana department of transportation  
9 or the commissioner's designee.

10 (2) The commissioner of the department of environmental  
11 management or the commissioner's designated deputy.

12 (3) The director of the office of tourism development or the  
13 director's designee.

14 (4) The director of the department.

15 ~~(5) The chairperson of the advisory council established by~~  
16 ~~IC 14-9-6-1.~~

17 ~~(6)~~ **(5)** The president of the Indiana academy of science or the  
18 president's designee.

19 ~~(7)~~ **(6)** Six (6) citizen members appointed by the governor, at least  
20 two (2) of whom must have knowledge, experience, or education  
21 in the environment or in natural resource conservation. Not more  
22 than three (3) citizen members may be of the same political party.

23 SECTION 174. IC 14-10-2-5, AS AMENDED BY P.L.167-2011,  
24 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2012]: Sec. 5. (a) The department may adopt emergency rules  
26 under IC 4-22-2-37.1 to carry out the duties of the department under  
27 the following:

28 (1) IC 14-9.

29 (2) This article.

30 (3) IC 14-11.

31 (4) IC 14-12-2.

32 (5) IC 14-14.

33 (6) IC 14-17-3.

34 (7) IC 14-18, except IC 14-18-6 and IC 14-18-8.

35 (8) IC 14-19-1 and IC 14-19-8.

36 (9) IC 14-21.

37 (10) IC 14-22-3, IC 14-22-4, and IC 14-22-5.

38 (11) IC 14-23-1.

39 (12) IC 14-25, except IC 14-25-8-3 ~~IC 14-25-11~~; and IC 14-25-13.

40 (13) IC 14-26.

41 (14) IC 14-27.

42 (15) IC 14-28.

C  
o  
p  
y



1 (16) IC 14-29.  
 2 (17) IC 14-35-1, IC 14-35-2, and IC 14-35-3.  
 3 (18) IC 14-37.  
 4 (19) IC 14-38, except IC 14-38-3.  
 5 (b) A rule adopted under subsection (a) expires not later than one  
 6 (1) year after the rule is accepted for filing by the publisher of the  
 7 Indiana Register.  
 8 SECTION 175. IC 14-21-1-5 IS REPEALED [EFFECTIVE JULY  
 9 1, 2012]. Sec. 5. As used in this chapter, "council" refers to the  
 10 advisory council established by IC 14-9-6-1.  
 11 SECTION 176. IC 14-21-1-12 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The division shall  
 13 do the following:  
 14 (1) Develop a program of historical, architectural, and  
 15 archeological research and development, including continuing  
 16 surveys, excavations, scientific recording, interpretation, and  
 17 publication of the state's historical, architectural, and  
 18 archeological resources.  
 19 (2) Prepare a preservation plan for the state that establishes  
 20 planning guidelines to encourage the continuous maintenance and  
 21 integrity of historic sites and historic structures. However, the  
 22 plan is not effective until the plan has been  
 23 (A) presented to the council for review and comment; and  
 24 (B) approved by the review board after public hearing.  
 25 (3) Undertake the action necessary to qualify the state for  
 26 participation in sources of federal aid to further the purposes  
 27 stated in subdivisions (1) and (2).  
 28 (4) Provide information on historic sites and structures within  
 29 Indiana to federal, state, and local governmental agencies, private  
 30 individuals, and organizations.  
 31 (5) Advise and coordinate the activities of local historical  
 32 associations, historic district commissions, historic commissions,  
 33 and other interested groups or persons.  
 34 (6) Provide technical and financial assistance to local historical  
 35 associations, historic district commissions, historic commissions,  
 36 and other interested groups or persons.  
 37 (7) Review environmental impact statements as required by  
 38 federal and state law for actions significantly affecting historic  
 39 properties.  
 40 SECTION 177. IC 14-21-1-13, AS AMENDED BY P.L.2-2007,  
 41 SECTION 169, IS AMENDED TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2012]: Sec. 13. The division may do the

COPY



- 1 following:
- 2 (1) Recommend the purchase, lease, or gift of historic property of
- 3 archeological importance and make recommendations to the
- 4 director ~~council~~, and commission regarding policies affecting the
- 5 operation and administration of these sites and structures by the
- 6 section of historic sites of the division of state museums and
- 7 historic sites.
- 8 (2) Prepare and review planning and research studies relating to
- 9 archeology.
- 10 (3) Conduct a program of education in archeology, either within
- 11 the division or in conjunction with a postsecondary educational
- 12 institution.
- 13 (4) Inspect and supervise an archeological field investigation
- 14 authorized by this chapter.
- 15 SECTION 178. IC 14-21-4 IS REPEALED [EFFECTIVE JULY 1,
- 16 2012]. (Courthouse Preservation Advisory Commission).
- 17 SECTION 179. IC 14-25-2-2.5, AS AMENDED BY P.L.3-2008,
- 18 SECTION 102, IS AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) As used in this chapter,
- 20 "water utility" means:
- 21 (1) a public utility (as defined in IC 8-1-2-1(a));
- 22 (2) a municipally owned utility (as defined in IC 8-1-2-1(h));
- 23 (3) a not-for-profit utility (as defined in IC 8-1-2-125(a));
- 24 (4) a cooperatively owned corporation;
- 25 (5) a conservancy district established under IC 14-33; or
- 26 (6) a regional water district established under IC 13-26;
- 27 that provides water service to the public.
- 28 (b) A person that seeks to contract with the commission for the
- 29 provision of certain minimum quantities of stream flow or the sale of
- 30 water on a unit pricing basis under section 2 of this chapter must
- 31 submit a request to the commission and the department. The
- 32 commission shall not make a determination as to whether to enter into
- 33 a contract with the person making the request until:
- 34 (1) the procedures set forth in this section have been followed;
- 35 and
- 36 (2) the commission has reviewed and considered each report
- 37 submitted to the commission under subsection (i).
- 38 (c) Not later than thirty (30) days after receiving a request under
- 39 subsection (b), the department shall provide, by certified mail, written
- 40 notice of the request to the following:
- 41 (1) Each person with whom the commission holds a contract for:
- 42 (A) the provision of certain minimum quantities of stream

C  
o  
p  
y



- 1 flow; or  
 2 (B) the sale of water on a unit pricing basis;  
 3 as of the date of the request.  
 4 (2) The executive and legislative body of each:  
 5 (A) county;  
 6 (B) municipality, if any; and  
 7 (C) conservancy district established under IC 14-33, if any;  
 8 in which the water sought in the request would be used.  
 9 (3) The executive and legislative body of each:  
 10 (A) county;  
 11 (B) municipality, if any; and  
 12 (C) conservancy district established under IC 14-33, if any;  
 13 in which the affected reservoir is located.  
 14 (d) Not later than seven (7) days after receiving a notice from the  
 15 department under subsection (c), each person described in subsection  
 16 (c)(1) shall, by certified mail, provide written notice of the request to  
 17 each:  
 18 (1) water utility; or  
 19 (2) other person;  
 20 that contracts with the person described in subsection (c)(1) for the  
 21 purchase of water for resale. Each person to whom notice is mailed  
 22 under this subsection is in turn responsible for providing written notice  
 23 by certified mail to each water utility or other person that purchases  
 24 water from that person for resale. A water utility or another person  
 25 required to provide notice under this subsection shall mail the required  
 26 notice not later than seven (7) days after it receives notice of the  
 27 request from the water utility or other person from whom it purchases  
 28 water for resale.  
 29 (e) At the same time that:  
 30 (1) a person described in subsection (c)(1); or  
 31 (2) a water utility or another person described in subsection (d);  
 32 mails any notice required under subsection (d), it shall also mail to the  
 33 department, by certified mail, a list of the names and addresses of each  
 34 water utility or other person to whom it has mailed the notice under  
 35 subsection (d).  
 36 (f) In addition to the mailed notice required under subsection (c), the  
 37 department shall publish notice of the request, in accordance with  
 38 IC 5-3-1, in each county:  
 39 (1) in which a person described in section (c)(1) is located;  
 40 (2) in which the affected reservoir is located;  
 41 (3) in which the water sought in the request would be used; and  
 42 (4) in which a water utility or other person included in a list

C  
O  
P  
Y

1 received by the department under subsection (e) is located.  
 2 Notwithstanding IC 5-3-1-6, in each county in which publication is  
 3 required under this subsection, notice shall be published in at least one  
 4 (1) general circulation newspaper in the county. The department may,  
 5 in its discretion, publish public notices in a qualified publication (as  
 6 defined in IC 5-3-1-0.7) or additional newspapers to provide  
 7 supplementary notification to the public. The cost of publishing  
 8 supplementary notification is a proper expenditure of the department.

9 (g) A notice required to be mailed or published under this section  
 10 must:

- 11 (1) identify the person making the request;  
 12 (2) include a brief description of:  
 13 (A) the nature of the pending request; and  
 14 (B) the process by which the commission will determine  
 15 whether to enter into a contract with the person making the  
 16 request;  
 17 (3) set forth the date, time, and location of the public meeting  
 18 required under subsection (h); and  
 19 (4) in the case of a notice that is required to be mailed under  
 20 subsection (c)(1) or (d), a statement of the recipient's duty to in  
 21 turn provide notice to any:  
 22 (A) water utility; or  
 23 (B) other person;  
 24 that purchases water for resale from the recipient, in accordance  
 25 with subsection (d).

26 (h) The ~~advisory council established by IC 14-9-6-1~~ **commission**  
 27 shall hold a public meeting in each county in which notice is published  
 28 under subsection (f). A public meeting required under this subsection  
 29 must include the following:

- 30 (1) A presentation by the department describing:  
 31 (A) the nature of the pending request; and  
 32 (B) the process by which the commission will determine  
 33 whether to enter into a contract with the person making the  
 34 request.  
 35 (2) An opportunity for public comment on the pending request.

36 The ~~advisory council~~ **commission** may appoint a hearing officer to  
 37 assist with a public meeting held under this subsection.

38 (i) Not later than thirty (30) days after a public meeting is held  
 39 under subsection (h), the ~~advisory council~~ **commission** shall ~~submit to~~  
 40 ~~the commission~~ **prepare** a report summarizing the public meeting.

41 SECTION 180. IC 14-25-7-10, AS AMENDED BY P.L.95-2006,  
 42 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C  
o  
p  
y



1 JULY 1, 2012]: Sec. 10. (a) The commission shall administer this  
2 chapter.

3 (b) The deputy director for water and resource regulation shall serve  
4 as technical secretary to the commission. The deputy director shall  
5 perform the duties that are required by this chapter or that the  
6 commission directs.

7 ~~(c) The advisory council established by IC 14-9-6-1 shall serve in~~  
8 ~~an advisory capacity to the commission with respect to the~~  
9 ~~implementation of the commission's powers and duties, including the~~  
10 ~~drafting of rules and development of inventories, assessments, and~~  
11 ~~plans.~~

12 ~~(d)~~ (c) For the time that the ~~advisory council~~ **commission** is  
13 involved in the drafting of rules, the membership of the council shall  
14 be augmented as follows:

15 (1) Two (2) members of the senate, not more than one (1) of  
16 whom may be of the same political party, shall be appointed for  
17 a term of two (2) years by the president pro tempore of the senate.

18 (2) Two (2) members of the house of representatives, not more  
19 than one (1) of whom may be of the same political party, shall be  
20 appointed for a term of two (2) years by the speaker of the house  
21 of representatives.

22 These members are entitled to travel expenses and a per diem  
23 allowance as determined by the budget agency for members of boards  
24 and commissions generally.

25 ~~(e)~~ (d) The department shall provide professional, technical, and  
26 clerical personnel, equipment, supplies, and support services  
27 reasonably required to assist the commission in the exercise of the  
28 commission's powers and duties under this chapter. The department  
29 shall include money for this purpose in the regular operating budget  
30 requests of the department.

31 SECTION 181. IC 14-25-11 IS REPEALED [EFFECTIVE JULY 1,  
32 2012]. (Rural Community Water Supply Systems).

33 SECTION 182. IC 14-25-14 IS REPEALED [EFFECTIVE JULY 1,  
34 2012]. (Water Shortage Task Force).\

35 SECTION 183. IC 14-25-15-9, AS ADDED BY P.L.4-2008,  
36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2012]: Sec. 9. Not later than ten (10) years after the compact  
38 takes effect under section 9.4 of the compact, the general assembly  
39 shall study and make findings and recommendations concerning the  
40 following:

41 (1) The appropriateness of the permit threshold amounts  
42 established in section 7(a) of this chapter considering:

C  
o  
p  
y



- 1 (A) advances made under section 1.4 of the compact;  
 2 ~~(B) findings under IC 14-25-14;~~ and  
 3 ~~(C)~~ **(B)** other new water management technology and practices  
 4 that become available.
- 5 (2) Any changes in those amounts that the general assembly  
 6 deems warranted.
- 7 SECTION 184. IC 14-25-16 IS REPEALED [EFFECTIVE JULY 1,  
 8 2012]. (Water Resources Task Force).
- 9 SECTION 185. IC 14-26-2-24, AS ADDED BY P.L.6-2008,  
 10 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2012]: Sec. 24. (a) Relying on recommendations of the  
 12 department, ~~and the advisory council established by IC 14-9-6-1,~~ the  
 13 commission shall adopt, under IC 4-22-7-7(a)(5)(A), and maintain a  
 14 nonrule policy statement that lists the public freshwater lakes in  
 15 Indiana. For each public freshwater lake the statement must include the  
 16 following information:
- 17 (1) The name of the lake.  
 18 (2) The county and specific location within the county where the  
 19 lake is located.
- 20 (b) A person may obtain administrative review from the commission  
 21 for the listing or nonlisting of a lake as a public freshwater lake through  
 22 a licensure action, status determination, or enforcement action under  
 23 IC 4-21.5.
- 24 SECTION 186. IC 15-11-10 IS REPEALED [EFFECTIVE JULY 1,  
 25 2012]. (Tobacco Farmers and Rural Community Impact Fund).
- 26 SECTION 187. IC 15-17-3-2, AS ADDED BY P.L.2-2008,  
 27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2012]: Sec. 2. The board consists of eleven (11) members  
 29 appointed by the governor as follows:
- 30 (1) One (1) member from the school of veterinary medicine of  
 31 Purdue University upon the recommendation of the Purdue  
 32 University board of trustees.
- 33 (2) Two (2) members, each of whom must:
- 34 (A) be a graduate of a veterinary college accredited by the  
 35 American Veterinarian Medical Association and licensed and  
 36 accredited to practice veterinary medicine and surgery in  
 37 Indiana;  
 38 (B) have at least five (5) years experience in veterinary  
 39 medicine; and  
 40 (C) actually be engaged in the general practice of veterinary  
 41 medicine during the member's term on the board.  
 42 The members appointed under this subdivision may not belong to

C  
o  
p  
y

1 the same political party.

2 (3) Seven (7) members with the following qualifications:

3 (A) One (1) member must be engaged in poultry production.

4 (B) One (1) member must be engaged in dairying.

5 (C) One (1) member must be engaged in swine production.

6 (D) One (1) member must be engaged in beef-type cattle  
7 production.

8 (E) One (1) member must be engaged in horse production.

9 (F) One (1) member must be engaged in sheep production.

10 (G) One (1) member must be:

11 (i) engaged in small animal veterinary medical practice; and

12 (ii) a veterinarian licensed and accredited to practice  
13 veterinary medicine and surgery in Indiana who has been  
14 licensed and accredited for at least five (5) years.

15 The members appointed under clauses (A) through (F) must be  
16 producers of livestock or poultry who are engaged in livestock or  
17 poultry production during their service on the board. Not more  
18 than four (4) of the members appointed under this subdivision  
19 may belong to the same political party.

20 (4) One (1) member who is ~~affiliated with a licensed livestock~~  
21 ~~market.~~ **holds a license issued by the board from among the**  
22 **following groups:**

23 (A) Livestock markets.

24 (B) Rendering plants and collection services.

25 (C) State inspected meat plants.

26 (D) Milk plants.

27 SECTION 188. IC 16-18-2-372 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 372. "Water  
29 board", for purposes of IC 16-41, refers to the ~~water pollution control~~  
30 board established by ~~IC 13-18-1-1.~~ **IC 13-13-8-3.**

31 SECTION 189. IC 16-20-5-1 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) If a multiple  
33 county sewer, water, wastewater, or similar district has been  
34 established under IC 13-26 or IC 13-3-2 (before its repeal), the affected  
35 counties may by concurrent resolution of each county executive  
36 establish an area board of health for the sole purposes of administering  
37 and enforcing, consistent with environmental management laws (as  
38 defined in IC 13-11-2-71), all state and local environmental statutes,  
39 rules, and ordinances relative to the maintenance of a high quality  
40 environmental level in the district.

41 (b) Area boards of health created under this chapter have  
42 jurisdiction with the ~~boards identified in IC 13-11-2-18~~ **board**

C  
O  
P  
Y



1 established under IC 13-13-8 and the department of environmental  
 2 management within the uniform inspection and enforcement area  
 3 established under section 5 of this chapter.

4 SECTION 190. IC 16-41-37.5-3 IS REPEALED [EFFECTIVE  
 5 JULY 1, 2012]. Sec. 3: (a) The air quality panel is established to assist  
 6 the state department in carrying out this chapter.

7 (b) The panel consists of the following members:

8 (1) A representative of the state department, appointed by the  
 9 commissioner of the state department.

10 (2) A representative of the department of education, appointed by  
 11 the state superintendent of public instruction.

12 (3) A representative of the Indiana department of administration;  
 13 appointed by the commissioner of the Indiana department of  
 14 administration.

15 (4) A member of the governing body of a school corporation;  
 16 appointed by the state superintendent of public instruction.

17 (5) A teacher licensed under IC 20-28-4 or IC 20-28-5, appointed  
 18 by the governor.

19 (6) A representative of a statewide parent organization, appointed  
 20 by the state superintendent of public instruction.

21 (7) A physician who has experience in indoor air quality issues;  
 22 appointed by the commissioner of the state department.

23 (8) An individual with training and experience in occupational  
 24 safety and health, appointed by the commissioner of the  
 25 department of labor.

26 (9) A mechanical engineer with experience in building ventilation  
 27 system design, appointed by the governor.

28 (10) A building contractor with experience in air flow systems  
 29 who is a member of a national association that specializes in air  
 30 flow systems; appointed by the governor.

31 (11) A member of a labor organization whose members install,  
 32 service, evaluate, and balance heating, ventilation, and air  
 33 conditioning equipment; appointed by the governor.

34 (12) An individual with experience in the cleaning and  
 35 maintenance of commercial facilities; appointed by the governor.

36 (c) The chairperson of the panel shall be the representative of the  
 37 state department.

38 (d) The panel shall convene at least twice annually at the discretion  
 39 of the chairperson.

40 (e) The state department shall post minutes of each meeting of the  
 41 panel on the state department's web site not later than forty-five (45)  
 42 days after the meeting.

C  
O  
P  
Y



1 (f) The state department shall provide administrative support for the  
2 panel:

3 (g) The panel shall:

4 (1) identify and make available to schools and state agencies best  
5 operating practices for indoor air quality;

6 (2) assist the state department in developing plans to improve air  
7 quality conditions found in inspections under section 2 of this  
8 chapter; and

9 (3) assist the state department in adopting rules under section 2 of  
10 this chapter.

11 (h) The state department shall prepare and make available to the  
12 public an annual report describing the panel's actions:

13 SECTION 191. IC 20-20-13-6, AS AMENDED BY  
14 P.L.182-2009(ss), SECTION 305, IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The Senator  
16 David C. Ford educational technology fund is established to extend  
17 educational technologies to elementary and secondary schools. The  
18 fund may be used for:

19 (1) the 4R's technology grant program to assist school  
20 corporations (on behalf of public schools) in purchasing  
21 technology equipment:

22 (A) for kindergarten and grade 1 students, to learn reading,  
23 writing, and arithmetic using technology;

24 (B) for students in all grades, to understand that technology is  
25 a tool for learning; and

26 (C) for students in kindergarten through grade 3 who have  
27 been identified as needing remediation, to offer daily  
28 remediation opportunities using technology to prevent those  
29 students from failing to make appropriate progress at the  
30 particular grade level;

31 (2) a school technology program developed by the department.  
32 The program may include grants to school corporations for the  
33 purchase of:

34 (A) equipment, hardware, and software;

35 (B) learning and teaching systems; and

36 (C) other materials;

37 that promote student learning, as determined by the department.

38 (3) providing educational technologies, including computers in  
39 the homes of students;

40 (4) conducting educational technology training for teachers; and

41 (5) other innovative educational technology programs.

42 (b) The department may also use money in the fund under contracts

C  
o  
p  
y



1 entered into with the office of technology established by IC 4-13.1-2-1  
 2 to study the feasibility of establishing an information  
 3 telecommunications gateway that provides access to information on  
 4 employment opportunities, career development, and instructional  
 5 services from data bases operated by the state among the following:

- 6 (1) Elementary and secondary schools.  
 7 (2) Postsecondary educational institutions.  
 8 (3) Career and technical educational centers and institutions that  
 9 are not postsecondary educational institutions.  
 10 (4) Libraries.  
 11 (5) Any other agencies offering education and training programs.

12 (c) The fund consists of:

- 13 (1) state appropriations;  
 14 (2) private donations to the fund;  
 15 ~~(3) money directed to the fund from the corporation for~~  
 16 ~~educational technology under IC 20-20-15; or~~  
 17 ~~(4) (3) any combination of the amounts described in subdivisions~~  
 18 ~~(1) through (3). this subsection.~~

19 (d) The fund shall be administered by the department.

20 (e) Unexpended money appropriated to or otherwise available in the  
 21 fund at the end of a state fiscal year does not revert to the state general  
 22 fund but remains available to the department for use under this chapter.

23 (f) Subject to section 7 of this chapter, a school corporation may use  
 24 money from the school corporation's capital projects fund as permitted  
 25 under IC 20-40-8 for educational technology equipment.

26 SECTION 192. IC 20-20-13-7, AS AMENDED BY P.L.2-2006,  
 27 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2012]: Sec. 7. (a) Notwithstanding any other law, a school  
 29 corporation is not entitled to:

- 30 ~~(1) receive any money under this chapter or IC 20-20-15;~~  
 31 ~~(2) (1) use money from the school corporation's capital projects~~  
 32 ~~fund for educational technology equipment under IC 20-40-8; or~~  
 33 ~~(3) (2) receive an advance from the common school fund for an~~  
 34 ~~educational technology program under IC 20-49-4;~~

35 unless the school corporation develops a three (3) year technology plan.

36 (b) Each technology plan must include at least the following  
 37 information:

- 38 (1) A description of the school corporation's intent to integrate  
 39 technology into the school corporation's curriculum.  
 40 (2) A plan for providing inservice training.  
 41 (3) A schedule for maintaining and replacing educational  
 42 technology equipment.

C  
o  
p  
y



- 1 (4) A description of the criteria used to select the appropriate
- 2 educational technology equipment for the appropriate use.
- 3 (5) Other information requested by the department after
- 4 consulting with the budget agency.
- 5 (c) The department shall develop guidelines concerning the
- 6 development of technology plans. The guidelines developed under this
- 7 subsection are subject to the approval of the governor.
- 8 SECTION 193. IC 20-20-13-8, AS ADDED BY P.L.1-2005,
- 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2012]: Sec. 8. Upon the approval of the governor and the
- 11 budget agency, the department may use funds available under this
- 12 chapter to provide or extend education technology to any school
- 13 corporation for purposes described in this chapter. ~~The department~~
- 14 ~~(upon the approval of the governor and the budget agency) may direct~~
- 15 ~~funds under this chapter to the corporation for educational technology~~
- 16 ~~under IC 20-20-15 to further the corporation's purposes.~~
- 17 SECTION 194. IC 20-20-13-9, AS ADDED BY P.L.1-2005,
- 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2012]: Sec. 9. (a) This section applies to the 4R's technology
- 20 program described in section 6(a)(1) of this chapter.
- 21 (b) In addition to any other funds available under this chapter, if
- 22 state funds are transferred under IC 20-32-5-19 to the 4R's technology
- 23 program:
- 24 (1) those funds do not revert to the state general fund;
- 25 (2) those funds shall be made available to the 4R's technology
- 26 program under this chapter; and
- 27 (3) the department, upon approval by the governor and the budget
- 28 agency, shall use those funds to award grants under this section.
- 29 (c) To be eligible to receive a grant under the program, a school
- 30 corporation must comply with the following:
- 31 (1) The school corporation must apply to the department for a
- 32 grant on behalf of a school within the school corporation to
- 33 purchase technology equipment.
- 34 (2) The school corporation must certify the following:
- 35 (A) That the school will provide every kindergarten and grade
- 36 1 student at that school the opportunity to learn reading,
- 37 writing, and arithmetic using technology.
- 38 (B) That the school will provide daily before or after school
- 39 technology laboratories for students in grades 1 through 3 who
- 40 have been identified as needing remediation in reading,
- 41 writing, or arithmetic.
- 42 (C) That the school will provide additional technology

COPY



1 opportunities, that may include Saturday sessions, for students  
 2 in other grade levels to use the technology laboratories for  
 3 remediation in reading, writing, arithmetic, or mathematics.

4 (D) That the school will provide technology opportunities to  
 5 students that attend remediation programs under IC 20-32-8 (if  
 6 the school corporation is required to do so) or any other  
 7 additional summer programs.

8 (E) That the school corporation ~~either~~ through its own or the  
 9 school's initiative ~~or through donations made to the~~  
 10 ~~corporation for educational technology under IC 20-20-15 on~~  
 11 ~~behalf of the school corporation~~, is able to provide a part of the  
 12 costs attributable to purchasing the necessary technology  
 13 equipment.

14 (3) The school corporation must include in the application the  
 15 sources of and the amount of money secured under subdivision  
 16 (2)(E).

17 (4) The school corporation or the school must:

18 (A) provide teacher training services; or

19 (B) use vendor provided teacher training services.

20 (5) The school corporation must give primary consideration to the  
 21 purchase of technology equipment that includes teacher training  
 22 services.

23 (6) The teachers who will be using the technology equipment  
 24 must support the initiative described in this chapter.

25 (d) Upon review of the applications by the department, the  
 26 satisfaction of the requirements set forth in subsection (c), and subject  
 27 to the availability of funds for this purpose, the department shall award  
 28 to each eligible school corporation a grant to purchase technology  
 29 equipment under section 6(a)(1) of this chapter.

30 (e) The department shall monitor the compliance by the school  
 31 corporations receiving grants of the matters cited in subsection (c).

32 SECTION 195. IC 20-20-13-15, AS ADDED BY P.L.1-2005,  
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2012]: Sec. 15. A school corporation qualifies for a  
 35 technology plan grant under sections 13 through 24 of this chapter  
 36 when the technology plan of the school corporation developed under  
 37 section 7 of this chapter is approved by the department. For purposes  
 38 of determining whether a school corporation qualifies for a grant under  
 39 sections 13 through 24 of this chapter, the department shall:

40 (1) review;

41 (2) suggest changes;

42 (3) approve; or

C  
O  
P  
Y



1 (4) reject;  
 2 a school corporation's technology plan. However, before the  
 3 department may approve a technology plan, the department must  
 4 consult with the corporation for educational technology established by  
 5 IC 20-20-15-3 on the contents of the technology plan.

6 SECTION 196. IC 20-20-13-17, AS ADDED BY P.L.1-2005,  
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2012]: Sec. 17. The total technology plan grant amount to a  
 9 qualifying school corporation is the amount determined by the  
 10 department with advice from the educational technology council  
 11 established by IC 20-20-14-2, multiplied by the school corporation's  
 12 ADM. The amount is one hundred dollars (\$100). However, for the  
 13 purposes of determining the ADM of a school corporation, students  
 14 who are transferred under IC 20-33-4 or IC 20-26-11 shall be counted  
 15 as students having legal settlement in the transferee corporation and not  
 16 having legal settlement in the transferor corporation.

17 SECTION 197. IC 20-20-14 IS REPEALED [EFFECTIVE JULY 1,  
 18 2012]. (Educational Technology Council).

19 SECTION 198. IC 20-20-15 IS REPEALED [EFFECTIVE JULY 1,  
 20 2012]. (Corporation for Educational Technology).

21 SECTION 199. IC 20-40-8-18 IS REPEALED [EFFECTIVE JULY  
 22 1, 2012]. Sec. 18: Money in the fund may be used to carry out a plan  
 23 developed under IC 16-41-37.5.

24 SECTION 200. IC 22-4.1-15 IS REPEALED [EFFECTIVE JULY  
 25 1, 2012]. (Building and Trades Advisory Committee).

26 SECTION 195. [EFFECTIVE UPON PASSAGE] **(a) For purposes**  
 27 **of this SECTION, "corporation" means the Indiana health**  
 28 **informatics corporation established under IC 5-31 before its repeal**  
 29 **by this act.**

30 **(b) Any assets and obligations of the corporation are transferred**  
 31 **to the office of the secretary of family and social services on June**  
 32 **30, 2012.**

33 **(c) This SECTION expires December 31, 2012.**

34 SECTION 201. **An emergency is declared for this act.**

C  
o  
p  
y

