

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 586, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 13-14-2-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) **This section**  
5 **applies to any:**  
6           **(1) determination made by the commissioner;**  
7           **(2) order issued by the commissioner; and**  
8           **(3) notice issued by the department;**  
9 **under this title.**  
10          **(b) The commissioner may issue orders and make determinations.**  
11 **under this title.**  
12          ~~(b)~~ **(c) An order issued under this section may address multiple sites**  
13 **for the purpose of arranging for site investigations and the**  
14 **establishment of priority of sites.**  
15          **(d) Notice of a determination made or an order issued by the**  
16 **commissioner must be given under IC 4-21.5-3-1, unless a person**  
17 **provides a written request to the department for a different**  
18 **method of notice that is reasonably available to the department.**  
19          **(e) The department:**  
20               **(1) shall make a good faith effort to provide notice of an order**  
21               **or a determination according to subsection (d); and**

1           **(2) bears the burden of persuasion that the notice has been**  
2           **provided.**

3           **(f) Failure to receive notice does not invalidate an order or a**  
4           **determination, unless the person required to receive notice of an**  
5           **order or a determination is substantially prejudiced by the lack of**  
6           **notice. The burden of persuasion as to substantial prejudice is on**  
7           **the person claiming the lack of notice."**

8           Page 1, line 2, delete "(a)".

9           Page 1, line 6, strike "by".

10          Page 1, line 7, delete "electronic mail" and insert "**in accordance**  
11          **with IC 13-14-2-1"**.

12          Page 1, delete lines 9 through 11.

13          Page 2, line 1, strike "by".

14          Page 2, line 2, delete "electronic mail or United States mail." and  
15          insert "**in accordance with IC 13-14-2-1"**.

16          Page 2, line 27, strike "by".

17          Page 2, line 28, delete "electronic mail or United" and insert "**in**  
18          **accordance with IC 13-14-2-1"**.

19          Page 2, line 29, delete "States mail".

20          Page 3, line 1, strike "by".

21          Page 3, line 1, delete "electronic" and insert "**in accordance with**  
22          **IC 13-14-2-1"**.

23          Page 3, line 2, delete "mail or United States mail".

24          Page 3, line 13, strike "by".

25          Page 3, line 14, delete "electronic mail or United States mail" and  
26          insert "**in accordance with IC 13-14-2-1"**.

27          Page 3, line 34, strike "by".

28          Page 3, line 35, delete "electronic mail or United States mail" and  
29          insert "**in accordance with IC 13-14-2-1"**.

30          Page 4, line 23, delete "electronic" and insert "**United States"**.

31          Page 5, line 12, strike "by".

32          Page 5, line 12, after "mail" delete "the" and insert "**in the"**.

33          Page 5, line 26, delete "notice:" and insert "**notice in accordance**  
34          **with IC 13-14-2-1"**.

35          Page 5, line 27, delete "(1) by United States mail".

36          Page 5, line 27, strike "addressed to the alleged violator at the".

37          Page 5, strike line 28.

38          Page 5, line 29, strike "business;".

- 1 Page 5, line 29, delete "or".
- 2 Page 5, delete lines 30 through 31.
- 3 Renumber all SECTIONS consecutively.  
(Reference is to SB 586 as introduced.)

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

Committee Vote: Yeas 6, Nays 1.

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**Senator Charbonneau, Chairperson**