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| PREVAILED | Roll Call No. _____ |
| FAILED | Ayes _____ |
| WITHDRAWN | Noes _____ |
| RULED OUT OF ORDER | |

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 44 be amended to read as follows:

- 1 Page 2, after line 8 , begin a new paragraph and insert:
- 2 "SECTION 2. [EFFECTIVE UPON PASSAGE] (a) **As used in**
- 3 **this SECTION, "White River fish kill" means the contamination**
- 4 **event in December 1999 in the White River in Madison County,**
- 5 **Indiana, that resulted over a period of several days in the death of**
- 6 **fish in Madison County, Hamilton County, and Marion County.**
- 7 (b) "Department" refers to the department of environmental
- 8 management.
- 9 (c) The department shall prepare a report that includes the
- 10 following:
- 11 (1) A detailed and comprehensive description of the White
- 12 River fish kill that:
- 13 (A) addresses the source and nature of the contaminant
- 14 that resulted in the death of fish;
- 15 (B) addresses the events that resulted in the release of
- 16 the contaminant into the White River;
- 17 (C) addresses the effects of the contaminant on the
- 18 White River and on the health of fish and all other
- 19 forms of life in and near the river;
- 20 (D) includes all reports previously prepared by the
- 21 department in the course of its investigation of the
- 22 White River fish kill;
- 23 (E) includes the department's findings with respect to
- 24 criminal liability relating to the White River fish kill;
- 25 (F) describes the protocols and procedures in place at
- 26 the time of the White River fish kill for providing notice
- 27 of such an event to:

- 1 (i) local units of government;
2 (ii) local health departments;
3 (iii) individuals who reside near the White River;
4 (iv) businesses located near the White River; and
5 (v) fishermen and other casual users of the White
6 River;
- 7 (G) describes the extent to which the protocols and
8 procedures described in clause (F) were followed;
9 (H) sets forth the time line of all events relating to the
10 White River fish kill, including the dates and times of:
11 (i) the events that resulted in the release of the
12 contaminant into the White River;
13 (ii) all activities relating to the investigation of the
14 White River fish kill; and
15 (iii) notice by the department or any other state
16 agency to the entities listed in clause (F);
17 (I) describes plans for restoration of the White River;
18 and
19 (J) sets forth the department's recommendations for
20 changes in statutes, rules, or procedures and practices of
21 the department to:
22 (i) reduce the probability of contamination events
23 similar to the White River fish kill in the future;
24 and
25 (ii) improve the timeliness and efficiency of
26 protocols and procedures for notice to affected
27 entities if such an event occurs in the future.
- 28 (2) A complete list of all events of contamination of waters of
29 the state in which fish or other aquatic species were killed
30 and in which civil penalties were imposed under IC 13-30-4
31 (or under the law that governed the imposition of civil
32 penalties before the enactment of IC 13-30-4), including the
33 following:
34 (A) a description of the contamination event;
35 (B) the date the contamination event occurred;
36 (C) the entity on which the civil penalty was imposed;
37 (D) the total amount of the civil penalty imposed; and
38 (E) the amount per day or per hour of the civil penalty
39 imposed.
- 40 (d) Before August 1, 2000, the department shall deliver the
41 report described in subsection (c) to:
42 (1) the executive director of the legislative services agency
43 for distribution to members of the legislative council;
44 (2) the environmental quality service council;
45 (3) the governor; and
46 (4) the lieutenant governor.
- 47 (e) The environmental quality service council shall:
48 (1) study the report delivered to it under subsection (d); and
49 (2) make recommendations to the general assembly before
50 January 1, 2001, to:
51 (A) reduce the probability of contamination events
52 similar to the White River fish kill in the future; and

1 **(B) improve the timeliness and efficiency of protocols**
2 **and procedures for notice to affected entities if such an**
3 **event occurs in the future.**

4 SECTION 3. An emergency is declared for this act."

5 Renumber all SECTIONS consecutively.

(Reference is to ESB 44 as printed February 17, 2000.)

Representative ATTERHOLT