



March 15, 2001

**ENGROSSED
SENATE BILL No. 121**

DIGEST OF SB 121 (Updated March 14, 2001 10:01 AM - DI 69)

Citations Affected: IC 13-27.5; noncode.

Synopsis: Environmental committees. Increases the membership of the clean manufacturing technology board by adding a representative who is appointed by the governor and who must have expertise in occupational health and the workplace environment. Eliminates the limitation against board members serving more than two consecutive terms. Provides that meetings of the board must be held in accordance with the open door law. Reestablishes and extends the environmental quality service council (EQSC) through December 31, 2005. Reduces the number of members who serve on the EQSC from 24 to 20. Specifies that one of the two EQSC members representing local government may be a solid waste management district director. Requires the chairman of the EQSC to call for the EQSC to meet at least one time during a calendar year.

Effective: Upon passage; July 1, 2001.

Gard, Simpson

(HOUSE SPONSORS — WEINZAPFEL, WOLKINS, KRUZAN)

January 8, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

January 23, 2001, amended, reported favorably — Do Pass.

January 29, 2001, read second time, ordered engrossed. Engrossed.

January 30, 2001, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 26, 2001, read first time and referred to Committee on Environmental Affairs.

March 14, 2001, amended, reported — Do Pass.

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ES 121—LS 6626/DI 52+



March 15, 2001

First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

ENGROSSED SENATE BILL No. 121

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

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

- 1 SECTION 1. IC 13-27.5-1-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The board
3 consists of ~~twelve (12)~~ **thirteen (13)** members.
4 (b) The commissioner and the president of the Indiana economic
5 development council established under IC 4-3-14 shall serve as ex
6 officio nonvoting members of the board. The commissioner or the
7 president may in writing designate a technical representative to serve
8 as a nonvoting member of the board when the commissioner or the
9 president is absent from a meeting of the board.
10 (c) The governor shall appoint ~~ten (10)~~ **eleven (11)** members of the
11 board as follows:
12 (1) Two (2) representatives of public or private universities in
13 Indiana, one (1) of whom must have expertise in occupational
14 health and the workplace environment.
15 (2) Three (3) representatives of manufacturers, including one (1)
16 representative of small manufacturers.
17 (3) One (1) representative of a statewide environmental

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1 organization.

2 (4) One (1) representative of organized labor.

3 (5) One (1) representative of the public.

4 (6) One (1) representative of county government.

5 (7) One (1) representative of municipal government.

6 **(8) One (1) representative who must have expertise in**
 7 **occupational health and the workplace environment.**

8 (d) To be appointed as a member of the board under subsection (c),
 9 an individual must demonstrate a knowledge of policy or of technical
 10 matters concerning multimedia clean manufacturing.

11 (e) Neither individual appointed to the board under subsection (c)(1)
 12 may represent a university that is selected to establish the Indiana clean
 13 manufacturing technology and safe materials institute under
 14 IC 13-27.5-3.

15 SECTION 2. IC 13-27.5-1-3 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The term of
 17 office of an appointed member of the board:

18 (1) is four (4) years; and

19 (2) continues until the member's successor is appointed and
 20 qualified.

21 ~~(b) An appointed member of the board may not serve more than two~~
 22 ~~(2) consecutive terms.~~

23 ~~(c)~~ (b) If a vacancy occurs in the appointed membership of the
 24 board, the governor shall appoint a member to fill the vacancy for the
 25 remainder of the unexpired term and to serve at the pleasure of the
 26 governor.

27 SECTION 3. IC 13-27.5-1-7 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The board shall
 29 meet at least quarterly.

30 (b) The meetings of the board shall be ~~open to the public under held~~
 31 **in accordance with IC 5-14-1.5.**

32 ~~(c) The chairperson of the board shall cause a notice of a meeting to~~
 33 ~~be published as follows:~~

34 ~~(1) One (1) time in two (2) daily newspapers in the county in~~
 35 ~~which the public meeting will take place; subject to the~~
 36 ~~requirements in IC 5-3-1-4.~~

37 ~~(2) One (1) time in the Indiana Register.~~

38 ~~(d) The chairperson of the board shall include in the notice required~~
 39 ~~under subsection (c) the following:~~

40 ~~(1) A statement of the date, time, and place at which the public~~
 41 ~~meeting will be convened.~~

42 ~~(2) A general description of the subject matter to be discussed at~~

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the meeting.
(e) The chairperson of the board must comply with the publication requirements in subsection (c) at least twenty-one (21) days before the public meeting is convened.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "council" refers to the environmental quality service council established by subsection (c).

(b) As used in this SECTION, "department" refers to the department of environmental management.

(c) The environmental quality service council is established.

(d) The council consists of twenty (20) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The commissioner of the department or the commissioner's designee who serves as a nonvoting member.

(4) Eleven (11) individuals who are not members of the general assembly and who are appointed by the governor as follows:

(A) Three (3) individuals representing business and industry, not more than two (2) of whom may be affiliated with the same political party.

(B) Three (3) individuals representing local government, one (1) of whom may be a solid waste management district director and not more than two (2) of whom may be affiliated with the same political party.

(C) Two (2) individuals representing environmental organizations, not more than one (1) of whom may be affiliated with the same political party.

(D) One (1) individual representing the general public.

(E) Two (2) individuals representing the following interests:

(i) One (1) representative of semipublic permittees.

(ii) One (1) representative of agriculture.

Until an appointment is made under clause (A), (B), (C), (D), or (E), an unfilled position shall be held by the corresponding member of the environmental quality service council serving

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1 on December 31, 2000, who was appointed under
 2 P.L.248-1996, SECTION 1(d)(4) to represent the same
 3 interest as must be represented by the person appointed to the
 4 unfilled position.

5 (e) Appointments are valid for two (2) years after the date of the
 6 appointment. However, a member shall serve on the council until
 7 a new appointment is made.

8 (f) If a vacancy occurs among the members of the council, the
 9 appointing authority of the member whose position is vacant shall
 10 fill the vacancy by appointment. If the appointing authority does
 11 not fill a vacancy within sixty (60) days after the date the vacancy
 12 occurs, the vacancy shall be filled by appointment by the chairman
 13 of the legislative council.

14 (g) The chairman of the legislative council shall designate a
 15 member of the council to be the chairman of the council.

16 (h) The chairman of the council shall call for the council to meet
 17 at least one (1) time during a calendar year. The chairman may
 18 designate subcommittees to meet between committee meetings and
 19 report back to the full council.

20 (i) Each member of the council is entitled to receive the same
 21 per diem, mileage, and travel allowances paid to individuals who
 22 serve as legislative and lay members, respectively, on interim study
 23 committees established by the legislative council.

24 (j) The council shall do the following:

25 (1) Advise the commissioner of the department on policy
 26 issues decided upon by the council.

27 (2) Review the mission and goals of the department and
 28 evaluate the implementation of the mission.

29 (3) Serve as a council of the general assembly to evaluate:

30 (A) resources and structural capabilities of the department
 31 to meet the department's priorities; and

32 (B) program requirements and resource requirements for
 33 the department.

34 (4) Serve as a forum for citizens, the regulated community,
 35 and legislators to discuss broad policy directions.

36 (5) Submit a final report to the governor, the legislative
 37 council, the budget committee, and the administrative rules
 38 oversight committee established by IC 2-5-18 before
 39 November 1, 2001, and before November 1 each year
 40 thereafter, that contains:

41 (A) an outline of activities of the council;

42 (B) recommendations for any department action;

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- 1 (C) recommendations for any legislative action; and
- 2 (D) an estimate of funding levels required by the
- 3 department, including an evaluation of permit fees.
- 4 (k) The commissioner of the department shall report to the
- 5 council each month concerning the following:
- 6 (1) Permitting programs and technical assistance.
- 7 (2) Proposed rules and rulemaking in progress.
- 8 (3) The financial status of the department.
- 9 (4) Any additional matter requested by the council.
- 10 (l) The council shall:
- 11 (1) operate under procedures; and
- 12 (2) issue reports and recommendations;
- 13 as directed by the legislative council.
- 14 (m) The legislative services agency shall provide staff support
- 15 to the council.
- 16 (n) This SECTION expires December 31, 2005.
- 17 SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 121, 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:

Page 1, line 7, delete "twenty-four (24)" and insert "**fifteen (15)**".

Page 1, line 9, delete "Four (4) members of the senate, not more than two (2)" and insert "**Two (2) members of the senate, not more than one (1)**".

Page 1, line 12, delete "Four (4)" and insert "**Two (2)**".

Page 1, line 13, delete "two (2)" and insert "**one (1)**".

Page 1, line 18, delete "Fifteen (15)" and insert "**Ten (10)**".

Page 2, line 3, delete "Four (4)" and insert "**Two (2)**".

Page 2, line 4, delete "two (2)" and insert "**one (1)**".

Page 2, line 6, delete "Four (4)" and insert "**Two (2)**".

Page 2, line 7, delete "two (2)" and insert "**one (1)**".

Page 2, line 15, delete "Three (3) individuals" and insert "**Two (2) individuals, not more than one (1) of whom may be affiliated with the same political party,**".

Page 2, line 18, delete "Two (2) representatives of agriculture, not more than" and insert "**One (1) representative of agriculture.**".

Page 2, delete lines 19 through 20.

Page 2, line 38, delete "six (6)" and insert "**four (4)**".

Page 3, line 26, delete "month" and insert "**meeting**".

and when so amended that said bill do pass.

(Reference is to SB 121 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Simpson be added as second author of Senate Bill 121.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 121, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT TO amend the Indiana Code concerning environmental law.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 121 as printed January 24, 2001.)

WEINZAPFEL, Chair

Committee Vote: yeas 9, nays 0.

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