

Adopted	Rejected
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## COMMITTEE REPORT

YES: 9  
NO: 0

### 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:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT TO amend the Indiana Code concerning
- 3 environmental law.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 13-27.5-1-2 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The board
- 7 consists of ~~twelve (12)~~ **thirteen (13)** members.
- 8 (b) The commissioner and the president of the Indiana economic
- 9 development council established under IC 4-3-14 shall serve as ex
- 10 officio nonvoting members of the board. The commissioner or the
- 11 president may in writing designate a technical representative to serve
- 12 as a nonvoting member of the board when the commissioner or the
- 13 president is absent from a meeting of the board.
- 14 (c) The governor shall appoint ~~ten (10)~~ **eleven (11)** members of the
- 15 board as follows:
- 16 (1) Two (2) representatives of public or private universities in

- 1 Indiana, one (1) of whom must have expertise in occupational
- 2 health and the workplace environment.
- 3 (2) Three (3) representatives of manufacturers, including one (1)
- 4 representative of small manufacturers.
- 5 (3) One (1) representative of a statewide environmental
- 6 organization.
- 7 (4) One (1) representative of organized labor.
- 8 (5) One (1) representative of the public.
- 9 (6) One (1) representative of county government.
- 10 (7) One (1) representative of municipal government.

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

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

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

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

- 23 (1) is four (4) years; and
- 24 (2) continues until the member's successor is appointed and
- 25 qualified.

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

28 ~~(c)~~ **(b)** If a vacancy occurs in the appointed membership of the  
 29 board, the governor shall appoint a member to fill the vacancy for the  
 30 remainder of the unexpired term and to serve at the pleasure of the  
 31 governor.

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

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

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

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

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

5           (d) The chairperson of the board shall include in the notice required  
6           under subsection (c) the following:

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

9                 (2) A general description of the subject matter to be discussed at  
10                the meeting.

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

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

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

19           (c) The environmental quality service council is established.

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

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

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

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

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

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

37                         (B) Three ~~(3)~~ individuals representing local government,  
38                         one ~~(1)~~ of whom may be a solid waste management district

1           **director and not more than two (2) of whom may be**  
 2           **affiliated with the same political party.**

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

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

7           **(E) Two (2) individuals representing the following**  
 8           **interests:**

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

10              **(ii) One (1) representative of agriculture.**

11           **Until an appointment is made under clause (A), (B), (C), (D),**  
 12           **or (E), an unfilled position shall be held by the corresponding**  
 13           **member of the environmental quality service council serving**  
 14           **on December 31, 2000, who was appointed under**  
 15           **P.L.248-1996, SECTION 1(d)(4) to represent the same**  
 16           **interest as must be represented by the person appointed to the**  
 17           **unfilled position.**

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

21           **(f) If a vacancy occurs among the members of the council, the**  
 22           **appointing authority of the member whose position is vacant shall**  
 23           **fill the vacancy by appointment. If the appointing authority does**  
 24           **not fill a vacancy within sixty (60) days after the date the vacancy**  
 25           **occurs, the vacancy shall be filled by appointment by the chairman**  
 26           **of the legislative council.**

27           **(g) The chairman of the legislative council shall designate a**  
 28           **member of the council to be the chairman of the council.**

29           **(h) The chairman of the council shall call for the council to meet**  
 30           **at least one (1) time during a calendar year. The chairman may**  
 31           **designate subcommittees to meet between committee meetings and**  
 32           **report back to the full council.**

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

37           **(j) The council shall do the following:**

38               **(1) Advise the commissioner of the department on policy**

- 1           **issues decided upon by the council.**
- 2           **(2) Review the mission and goals of the department and**
- 3           **evaluate the implementation of the mission.**
- 4           **(3) Serve as a council of the general assembly to evaluate:**
- 5                 **(A) resources and structural capabilities of the department**
- 6                 **to meet the department's priorities; and**
- 7                 **(B) program requirements and resource requirements for**
- 8                 **the department.**
- 9           **(4) Serve as a forum for citizens, the regulated community,**
- 10           **and legislators to discuss broad policy directions.**
- 11           **(5) Submit a final report to the governor, the legislative**
- 12           **council, the budget committee, and the administrative rules**
- 13           **oversight committee established by IC 2-5-18 before**
- 14           **November 1, 2001, and before November 1 each year**
- 15           **thereafter, that contains:**
- 16                 **(A) an outline of activities of the council;**
- 17                 **(B) recommendations for any department action;**
- 18                 **(C) recommendations for any legislative action; and**
- 19                 **(D) an estimate of funding levels required by the**
- 20                 **department, including an evaluation of permit fees.**
- 21           **(k) The commissioner of the department shall report to the**
- 22           **council each month concerning the following:**
- 23                 **(1) Permitting programs and technical assistance.**
- 24                 **(2) Proposed rules and rulemaking in progress.**
- 25                 **(3) The financial status of the department.**
- 26                 **(4) Any additional matter requested by the council.**
- 27           **(l) The council shall:**
- 28                 **(1) operate under procedures; and**
- 29                 **(2) issue reports and recommendations;**
- 30           **as directed by the legislative council.**
- 31           **(m) The legislative services agency shall provide staff support**

1       **to the council.**  
2       **(n) This SECTION expires December 31, 2005.**  
3       **SECTION 5. An emergency is declared for this act.**  
          (Reference is to SB 121 as printed January 24, 2001.)

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

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Representative Weinzapfel