



January 24, 2001

SENATE BILL No. 121

DIGEST OF SB 121 (Updated January 23, 2001 2:21 PM - DI 47)

Citations Affected: Noncode.

Synopsis: Environmental quality service council extension. Reestablishes and extends the environmental quality service council (EQSC) through December 31, 2005. Reduces the number of members of the EQSC from 24 to 15. Repeals the current EQSC enabling statute (which expires December 31, 2000).

Effective: Upon passage.

Gard

January 8, 2001, read first time and referred to Committee on Rules and Legislative Procedure.
January 23, 2001, amended, reported favorably — Do Pass.

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January 24, 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.

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SENATE BILL No. 121

A BILL FOR AN ACT concerning environmental law.

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

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "council" refers to the environmental quality service
3 council established by subsection (c).

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

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

7 (d) The council consists of fifteen (15) members appointed as
8 follows:

9 (1) Two (2) members of the senate, not more than one (1) of
10 whom may be affiliated with the same political party, to be
11 appointed by the president pro tempore of the senate.

12 (2) Two (2) members of the house of representatives, not more
13 than one (1) of whom may be affiliated with the same political
14 party, to be appointed by the speaker of the house of
15 representatives.

16 (3) The commissioner of the department or the
17 commissioner's designee.

18 (4) Ten (10) individuals who are not members of the general

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1 assembly and who are appointed by the governor as follows:

2 (A) Two (2) individuals representing business and
3 industry, not more than one (1) of whom may be affiliated
4 with the same political party.

5 (B) Two (2) individuals representing local government, not
6 more than one (1) of whom may be affiliated with the same
7 political party.

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

11 (D) Two (2) individuals representing the general public,
12 not more than one (1) of whom may be affiliated with the
13 same political party.

14 (E) Two (2) individuals, not more than one (1) of whom
15 may be affiliated with the same political party,
16 representing the following interests:

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

18 (ii) One (1) representative of agriculture.

19 Until an appointment is made under clause (A), (B), (C), or
20 (E), an unfilled position shall be held by the corresponding
21 member of the environmental quality service council serving
22 on December 31, 2000, who was appointed under
23 P.L.248-1996, SECTION 1(d)(4), and who represented the
24 same interest as that of the unfilled position.

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

28 (f) A vacancy among the members of the council shall be filled
29 by the appointing authority of the member whose position is
30 vacant. If the appointing authority does not fill a vacancy within
31 sixty (60) days after the date the vacancy occurs, the vacancy shall
32 be filled by the chairman of the legislative council.

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

35 (h) The chairman of the council shall call for the council to meet
36 at least four (4) times during a calendar year. The chairman may
37 designate subcommittees to meet between committee meetings and
38 report back to the full council.

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



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- 1 **(j) The council shall do the following:**
- 2 **(1) Advise the commissioner of the department on policy**
- 3 **issues decided upon by the council.**
- 4 **(2) Review the mission and goals of the department and**
- 5 **evaluate the implementation of the mission.**
- 6 **(3) Serve as a council of the general assembly to evaluate:**
- 7 **(A) resources and structural capabilities of the department**
- 8 **to meet the department's priorities; and**
- 9 **(B) program requirements and resource requirements for**
- 10 **the department.**
- 11 **(4) Serve as a forum for citizens, the regulated community,**
- 12 **and legislators to discuss broad policy directions.**
- 13 **(5) Submit a final report to the governor, the general**
- 14 **assembly, the budget committee, and the administrative rules**
- 15 **oversight committee established by IC 2-5-18 before**
- 16 **November 1, 2001, and before November 1 each year**
- 17 **thereafter, that contains:**
- 18 **(A) an outline of activities of the council;**
- 19 **(B) recommendations for any department action;**
- 20 **(C) recommendations for any legislative action; and**
- 21 **(D) an estimate of funding levels required by the**
- 22 **department, including an evaluation of permit fees.**
- 23 **(k) The commissioner of the department shall report to the**
- 24 **council each meeting concerning the following:**
- 25 **(1) Permitting programs and technical assistance.**
- 26 **(2) Proposed rules and rulemaking in progress.**
- 27 **(3) The financial status of the department.**
- 28 **(4) Any additional matter requested by the council.**
- 29 **(l) The council shall:**
- 30 **(1) operate under procedures; and**
- 31 **(2) issue reports and recommendations;**
- 32 **as directed by the legislative council.**
- 33 **(m) The legislative services agency shall provide staff support**
- 34 **to the council.**
- 35 **(n) This SECTION expires December 31, 2005.**
- 36 **SECTION 2. P.L.248-1996, SECTION 1 IS REPEALED**
- 37 **[EFFECTIVE UPON PASSAGE].**
- 38 **SECTION 3. 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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