

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.

SENATE ENROLLED ACT No. 121

AN ACT to amend the Indiana Code concerning environmental law.

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

SECTION 1. IC 13-27.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The board consists of ~~twelve (12)~~ **thirteen (13)** members.

(b) The commissioner and the president of the Indiana economic development council established under IC 4-3-14 shall serve as ex officio nonvoting members of the board. The commissioner or the president may in writing designate a technical representative to serve as a nonvoting member of the board when the commissioner or the president is absent from a meeting of the board.

(c) The governor shall appoint ~~ten (10)~~ **eleven (11)** members of the board as follows:

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



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

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

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

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

(1) is four (4) years; and

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

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

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

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

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

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

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

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

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

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

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

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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 seventeen (17) voting members and one (1) nonvoting member 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:

(A) commissioner of the department; or

(B) commissioner's designee;

who serves as a nonvoting member.

(4) Nine (9) individuals who are not members of the general assembly and who are appointed by the governor as follows:

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

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

(C) Two (2) individuals representing environmental interests, one (1) of whom may be a solid waste management district director and 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 on December 31, 2000, who was appointed under P.L.248-1996, SECTION 1(d)(4) to represent the same interest as must be represented by the person appointed to the

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unfilled position.

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

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

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

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

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

(j) The council shall do the following:

- (1) Study issues designated by the legislative council.
- (2) Advise the commissioner of the department on policy issues decided upon by the council.
- (3) Review the mission and goals of the department and evaluate the implementation of the mission.
- (4) Serve as a council of the general assembly to evaluate:
 - (A) resources and structural capabilities of the department to meet the department's priorities; and
 - (B) program requirements and resource requirements for the department.
- (5) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.
- (6) Submit a final report to the legislative council that contains at least the following:
 - (A) An outline of activities of the council.
 - (B) Recommendations for any department action.
 - (C) Recommendations for any legislative action.

(k) The commissioner of the department shall report to the council each month concerning the following:

- (1) Permitting programs and technical assistance.
- (2) Proposed rules and rulemaking in progress.



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(3) The financial status of the department.

(4) Any additional matter requested by the council.

(l) The council shall:

(1) operate under procedures; and

(2) issue reports and recommendations;

as directed by the legislative council.

(m) The legislative services agency shall provide staff support to the council.

(n) This SECTION expires December 31, 2005.

SECTION 5. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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