
HOUSE BILL No. 1272

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-17-2; IC 13-18-1; IC 13-19-2.

Synopsis: Environmental rulemaking boards. Provides that an environmental rulemaking board shall contract with an individual, a business firm, or a legal firm to act as technical secretary and may contract with an individual or a legal firm to act as legal counsel. With respect to the technical secretary and the legal counsel, eliminates the recommendation of candidates by the governor and designates additional duties. Transfers duties from the department of environmental management to the technical secretary.

Effective: July 1, 2003.

Weinzapfel

January 13, 2003, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1272



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 13-17-2-12 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) The board shall
- 3 select from a list of three (3) qualified individuals recommended by the
- 4 governor; **contract with:**
- 5 (1) an **individual who:**
- 6 (A) is an independent third party; ~~who and~~
- 7 (B) is not an employee of the state;
- 8 (2) a **business firm; or**
- 9 (3) a **legal firm;**
- 10 to serve as technical secretary of the board.
- 11 (b) ~~During the interim between meetings of the board;~~ The
- 12 ~~department~~ **technical secretary** shall do the following:
- 13 (1) Handle correspondence.
- 14 (2) Make or arrange for investigations and surveys.
- 15 (3) Obtain, assemble, or prepare reports and data as directed by
- 16 the board.
- 17 (c) ~~The technical secretary shall:~~



1 (4) Review all materials prepared for the board by the department
2 to make any necessary revisions.

3 (5) **Serve as a hearing officer as directed by the board.**

4 (6) **Convene and lead meetings to discuss matters pending
5 before the board.**

6 (7) **Initiate and manage rulemaking efforts in cooperation
7 with the department.**

8 (c) Provisions of this chapter concerning terms of appointment,
9 vacancies, and compensation of appointed board members apply to the
10 technical secretary.

11 (d) The technical secretary is not a voting member of the board.

12 SECTION 2. IC 13-17-2-13 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) The board may
14 select from a list of three (3) qualified individuals recommended by the
15 governor; **contract with:**

16 (1) **an individual who:**

17 (A) **is an independent third party; who and**

18 (B) **is not an employee of the state; or**

19 (2) **a legal firm;**

20 to serve as legal counsel.

21 (b) The legal counsel shall do the following:

22 (1) Advise the board on legal matters or proceedings arising from
23 the exercise of the board's duties.

24 (2) Review all materials prepared for the board by the **technical
25 secretary and the department** for legal accuracy and sufficiency
26 and direct the **technical secretary and the department** to make
27 any necessary revisions.

28 ~~(b)~~ (c) Provisions of this chapter concerning terms of appointment,
29 vacancies, and compensation of appointed board members apply to the
30 legal counsel. The legal counsel is not a voting member of the board.

31 SECTION 3. IC 13-18-1-11 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) The board shall
33 select from a list of three (3) qualified individuals recommended by the
34 governor; **contract with:**

35 (1) **an individual who:**

36 (A) **is an independent third party; who and**

37 (B) **is not an employee of the state;**

38 (2) **a business firm; or**

39 (3) **a legal firm;**

40 to serve as technical secretary of the board.

41 (b) ~~Between meetings of the board;~~ The **department technical
42 secretary** shall do the following:

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- 1 (1) Handle correspondence.
 2 (2) Make or arrange for investigations and surveys.
 3 (3) Obtain, assemble, or prepare reports and data as directed by
 4 the board.
 5 ~~(c)~~ **The technical secretary shall:**
 6 (4) Review all materials prepared for the board by the department
 7 to make any necessary revisions.
 8 **(5) Serve as a hearing officer as directed by the board.**
 9 **(6) Convene and lead meetings to discuss matters pending**
 10 **before the board.**
 11 **(7) Initiate and manage rulemaking efforts in cooperation**
 12 **with the department.**

13 (c) Provisions of this chapter concerning terms of appointment,
 14 vacancies, and compensation of appointed board members apply to the
 15 technical secretary.

16 (d) The technical secretary is not a voting member of the board.

17 SECTION 4. IC 13-18-1-12 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) The board may
 19 select from a list of three ~~(3)~~ qualified individuals recommended by the
 20 governor; **contract with:**

21 (1) an **individual who:**

22 (A) is an independent third party; ~~who and~~

23 (B) is not an employee of the state; **or**

24 (2) a **legal firm;**

25 to serve as legal counsel.

26 (b) The legal counsel shall do the following:

27 (1) Advise the board on legal matters or proceedings arising from
 28 the exercise of the board's duties.

29 (2) Review all materials prepared for the board by the **technical**
 30 **secretary and the** department for legal accuracy and sufficiency
 31 and direct the **technical secretary and the** department to make
 32 any necessary revisions.

33 ~~(b)~~ (c) Provisions of this chapter concerning terms of appointment,
 34 vacancies, and compensation of appointed board members apply to the
 35 legal counsel. The legal counsel is not a voting member of the board.

36 SECTION 5. IC 13-19-2-10 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) The board shall
 38 select from a list of three ~~(3)~~ qualified persons recommended by the
 39 governor; **contract with:**

40 (1) an **individual who:**

41 (A) is an independent third party; ~~who and~~

42 (B) is not an employee of the state;

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- 1 **(2) a business firm; or**
 2 **(3) a legal firm;**
 3 to serve as technical secretary of the board.
 4 ~~(b) During the interim between meetings of the board;~~ The
 5 ~~department~~ **technical secretary** shall do the following:
 6 (1) Handle correspondence.
 7 (2) Make or arrange for investigations and surveys.
 8 (3) Obtain, assemble, or prepare reports and data as directed by
 9 the board.
 10 ~~(c) The technical secretary shall:~~
 11 **(4) Review all materials prepared for the board by the department**
 12 to make any necessary revisions.
 13 **(5) Serve as a hearing officer as directed by the board.**
 14 **(6) Convene and lead meetings to discuss matters pending**
 15 **before the board.**
 16 **(7) Initiate and manage rulemaking efforts in cooperation**
 17 **with the department.**
 18 ~~(c)~~ Provisions of this chapter concerning terms of appointment,
 19 vacancies, and compensation of appointed board members apply to the
 20 technical secretary.
 21 ~~(d)~~ The technical secretary is not a voting member of the board.
 22 SECTION 6. IC 13-19-2-11 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) The board may
 24 select from a list of three ~~(3)~~ **qualified persons recommended by the**
 25 ~~governor;~~ **contract with:**
 26 **(1) an individual who:**
 27 **(A) is an independent third party; who and**
 28 **(B) is not an employee of the state; or**
 29 **(2) a legal firm;**
 30 to serve as legal counsel.
 31 ~~(b)~~ The legal counsel shall do the following:
 32 (1) Advise the board on legal matters or proceedings arising from
 33 the exercise of the board's duties.
 34 (2) Review all materials prepared for the board by the **technical**
 35 **secretary and the** department for legal accuracy and sufficiency
 36 and direct the **technical secretary and the** department to make
 37 any necessary revisions.
 38 ~~(b)~~ ~~(c)~~ Provisions of this chapter concerning terms of appointment,
 39 vacancies, and compensation of appointed board members apply to the
 40 legal counsel. The legal counsel is not a voting member of the board.

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