

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1197 be amended to read as follows:

- 1 Page 5, between lines 12 and 13, begin a new paragraph and insert:
- 2 "SECTION 12. [EFFECTIVE UPON PASSAGE] (a) **As used in**
- 3 **this SECTION, "facility" means either of the following:**
- 4 (1) **A new concentrated animal feeding operation as defined**
- 5 **in IC 13-11-2-38.3.**
- 6 (2) **A new confined feeding operation as defined in**
- 7 **IC 13-11-2-40.**
- 8 (b) **As used in this SECTION, "facility approval date" refers to**
- 9 **either of the following:**
- 10 (1) **The date the department of environmental management**
- 11 **approves a facility under IC 13-18-10-1.**
- 12 (2) **With respect to a facility to which subdivision (1) does not**
- 13 **apply, either of the following:**
- 14 (A) **The date the department of environmental**
- 15 **management approves a NPDES permit for the facility**
- 16 **under 327 IAC 5.**
- 17 (B) **The date a notice of intent is filed for general NPDES**
- 18 **permit coverage for the facility under 327 IAC 15.**
- 19 (c) **As used in this SECTION, "facility ordinance" refers to an**
- 20 **ordinance that regulates any of the following with respect to a**
- 21 **facility:**
- 22 (1) **Location.**
- 23 (2) **Construction.**
- 24 (3) **Operation.**

- 1 **(d) As used in this SECTION, "legislative body" has the**
- 2 **meaning set forth in IC 36-1-2-9.**
- 3 **(e) A facility ordinance may retroactively regulate a facility only**
- 4 **if:**
 - 5 **(1) the legislative body of the county adopts the facility**
 - 6 **ordinance:**
 - 7 **(A) after the effective date of this SECTION;**
 - 8 **(B) before January 1, 2008; and**
 - 9 **(C) not later than ninety (90) days after the facility**
 - 10 **approval date; and**
 - 11 **(2) on the date the legislative body adopts the facility**
 - 12 **ordinance under subdivision (1) the county does not have a**
 - 13 **facility ordinance is in effect.**
- 14 **(f) This SECTION expires January 1, 2008."**
- 15 Renumber all SECTIONS consecutively.
(Reference is to HB 1197 as printed February 16, 2007.)

Representative Lehe