

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WITHDRAWN	Noes _____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