



February 18, 2009

# HOUSE BILL No. 1074

DIGEST OF HB 1074 (Updated February 17, 2009 11:45 am - DI 77)

**Citations Affected:** IC 13-11; IC 13-18.

**Synopsis:** Confined feeding operations. Establishes good character disclosure requirements for confined feeding operations and concentrated animal feeding operations (operations). Requires operators to maintain liability insurance. Allows the department of environmental management (IDEM) to review and act on disclosed good character information. Provides that: (1) IDEM approval of operations applies to both original construction and modifications; (2) the requirement for notice to owners and occupants of neighboring land applies to all operations; and (3) notice be published after a application or notice of intent is filed.

**Effective:** January 1, 2010.

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## Cheatham, Pflum, Saunders

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January 7, 2009, read first time and referred to Committee on Agriculture and Rural Development.  
February 17, 2009, amended, reported — Do Pass.

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February 18, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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## HOUSE BILL No. 1074



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 13-11-2-8, AS AMENDED BY P.L.154-2005,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2010]: Sec. 8. (a) "Applicant", for purposes of  
4 **IC 13-18-10, refers to a person (as defined in section 158(b) of this**  
5 **chapter) that submits an application to the department under**  
6 **IC 13-18-10-2.**

7 (a) (b) "Applicant", for purposes of IC 13-19-4, means an  
8 individual, a corporation, a limited liability company, a partnership, or  
9 a business association that:

10 (1) receives, for commercial purposes, solid or hazardous waste  
11 generated offsite for storage, treatment, processing, or disposal;  
12 and

13 (2) applies for the issuance, transfer, or major modification of a  
14 permit described in IC 13-15-1-3 other than a postclosure permit  
15 or an emergency permit.

16 For purposes of this subsection, an application for the issuance of a  
17 permit does not include an application for renewal of a permit.

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1           ~~(b)~~ (c) "Applicant", for purposes of IC 13-20-2, means an  
2 individual, a corporation, a limited liability company, a partnership, or  
3 a business association that applies for an original permit for the  
4 construction or operation of a landfill.

5           ~~(c)~~ (d) For purposes of subsection ~~(a)~~; (b), "applicant" does not  
6 include an individual, a corporation, a limited liability company, a  
7 partnership, or a business association that:

- 8           (1) generates solid or hazardous waste; and  
9           (2) stores, treats, processes, or disposes of the solid or hazardous  
10 waste at a site that is:

11           (A) owned by the individual, corporation, partnership, or  
12 business association; and

13           (B) limited to the storage, treatment, processing, or disposal of  
14 solid or hazardous waste generated by that individual,  
15 corporation, limited liability company, partnership, or business  
16 association.

17           SECTION 2. IC 13-11-2-71, AS AMENDED BY P.L.137-2007,  
18 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JANUARY 1, 2010]: Sec. 71. "Environmental management laws"  
20 refers to the following:

- 21           (1) IC 13-12-2 and IC 13-12-3.  
22           (2) IC 13-13.  
23           (3) IC 13-14.  
24           (4) IC 13-15.  
25           (5) IC 13-16.  
26           (6) IC 13-17-3-15, IC 13-17-8-10, IC 13-17-10, and IC 13-17-11.  
27           (7) **IC 13-18-10**, IC 13-18-12, IC 13-18-13-31, and IC 13-18-15  
28 through IC 13-18-20.  
29           (8) IC 13-19-1, IC 13-19-4, and IC 13-19-5-17.  
30           (9) IC 13-20-1, IC 13-20-2, IC 13-20-4 through IC 13-20-15,  
31 IC 13-20-17.7, IC 13-20-19 through IC 13-20-21, and  
32 IC 13-20-22-21.  
33           (10) IC 13-22.  
34           (11) IC 13-23.  
35           (12) IC 13-24.  
36           (13) IC 13-25-1 through IC 13-25-5.  
37           (14) IC 13-27-8.  
38           (15) IC 13-30, except IC 13-30-1.

39           SECTION 3. IC 13-11-2-129.9 IS ADDED TO THE INDIANA  
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
41 [EFFECTIVE JANUARY 1, 2010]: **Sec. 129.9. "Modification", for**  
42 **purposes of IC 13-18-10, refers to an expansion of a confined**

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1 **feeding operation or concentrated animal feeding operation that**  
2 **results in an increase in the confined animal capacity.**

3 SECTION 4. IC 13-11-2-191 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 191. (a)  
5 **"Responsible party", for purposes of IC 13-18-10, means any of the**  
6 **following:**

- 7 (1) **An applicant.**
- 8 (2) **An officer, a corporation director, or a senior management**
- 9 **official of any of the following that is an applicant:**
  - 10 (A) **A corporation.**
  - 11 (B) **A partnership.**
  - 12 (C) **A limited liability company.**
  - 13 (D) **A business association.**

- 14 ~~(a)~~ (b) **"Responsible party", for purposes of IC 13-19-4, means:**
  - 15 (1) an officer, a corporation director, or a senior management
  - 16 official of a corporation, partnership, limited liability company, or
  - 17 business association that is an applicant; or
  - 18 (2) an individual, a corporation, a limited liability company, a
  - 19 partnership, or a business association that owns, directly or
  - 20 indirectly, at least a twenty percent (20%) interest in the
  - 21 applicant.

- 22 ~~(b)~~ (c) **"Responsible party", for purposes of IC 13-20-6, means:**
  - 23 (1) an officer, a corporation director, or a senior management
  - 24 official of a corporation, partnership, limited liability company, or
  - 25 business association that is an operator; or
  - 26 (2) an individual, a corporation, a limited liability company, a
  - 27 partnership, or a business association that owns, directly or
  - 28 indirectly, at least a twenty percent (20%) interest in the operator.

29 ~~(c)~~ (d) **"Responsible party", for purposes of IC 13-24-2, has the**  
30 **meaning set forth in Section 1001 of the federal Oil Pollution Act of**  
31 **1990 (33 U.S.C. 2701).**

32 ~~(d)~~ (e) **"Responsible party", for purposes of IC 13-25-6, means a**  
33 **person:**

- 34 (1) **who:**
  - 35 (A) owns hazardous material that is involved in a hazardous
  - 36 materials emergency; or
  - 37 (B) owns a container or owns or operates a vehicle that
  - 38 contains hazardous material that is involved in a hazardous
  - 39 materials emergency; and
- 40 (2) **who:**
  - 41 (A) causes; or
  - 42 (B) substantially contributes to the cause of;

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the hazardous materials emergency.

SECTION 5. IC 13-18-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. (a) **Except as provided in subsection (b)**, a person may not start construction or **modification** of a ~~confined feeding operation~~ **either of the following** without obtaining the prior approval of the department:

(1) **A confined feeding operation.**

(2) **A CAFO.**

(b) **Subject to section 1.5 of this chapter**, obtaining an NPDES permit for a CAFO meets the requirements of subsection ~~(a)~~ **(a)(2)** and 327 IAC 16 to obtain an approval.

SECTION 6. IC 13-18-10-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 1.5. (a) This section applies to the following:**

(1) **An applicant for approval under section 1(a) of this chapter whose application:**

(A) is:

(i) **filed with the department; and**

(ii) **not approved by the department;**

**before 2010; or**

(B) **is filed with the department after 2009.**

(2) **A person who applies for approval under 327 IAC 5 of an individual NPDES permit for a CAFO whose application:**

(A) is:

(i) **filed with the department; and**

(ii) **not approved by the department;**

**before 2010; or**

(B) **is filed with the department after 2009.**

(3) **A person who files a notice of intent under 327 IAC 15 for general NPDES permit coverage for a CAFO whose notice is filed after 2009.**

(b) **An applicant referred to in subsection (a)(1) or (a)(2) must include in the application the disclosure statement or statements referred to in subsection (d).**

(c) **A person referred to in subsection (a)(3) must include the disclosure statement or statements referred to in subsection (d) and proof of financial assurance referred to in subsection (g) in the notice of intent filed under 327 IAC 15 for general NPDES permit coverage for the CAFO.**

(d) **An applicant or person referred to in subsection (b) or (c) must submit to the department a disclosure statement for each**

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- responsible party that includes the following:
- (1) The name and business address of the responsible party.
  - (2) A description of the responsible party's experience in managing the type of facility that will be managed under the permit.
  - (3) Subject to subsection (h), a description of all pending administrative, civil, or criminal enforcement actions filed against the responsible party that alleges either of the following:
    - (A) Acts or omissions that:
      - (i) constitute a material violation of a state or federal environmental law or regulation; and
      - (ii) present a substantial endangerment to human health or the environment.
    - (B) Knowing repeated violations of state or federal environmental laws or regulations that could lead to environmental harm.
  - (4) Subject to subsection (h), a description of all finally adjudicated or settled administrative, civil, or criminal enforcement actions resolved against the responsible party within the three (3) years that immediately precede the date of the application involving either of the following:
    - (A) Acts or omissions that:
      - (i) constitute a material violation of a state or federal environmental law or regulation; and
      - (ii) present a substantial endangerment to human health or the environment.
    - (B) Knowing repeated violations of state or federal environmental laws or regulations that could lead to environmental harm.
  - (5) Identification of all state and federal environmental permits previously denied or revoked.
  - (e) A disclosure statement submitted under subsection (d):
    - (1) must be executed under oath or affirmation; and
    - (2) is subject to the penalty for perjury under IC 35-44-2-1.
  - (f) The department may investigate and verify the information set forth in a disclosure statement submitted under subsection (d).
  - (g) A person referred to in subsection (b) or (c) must submit to the department evidence of financial assurance, maintained in accordance with and in amounts established by rules adopted under section 4 of this chapter. The financial assurance must be in the form of a liability insurance policy issued by an insurance

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**company authorized to do business in Indiana.**

**(h) The information an applicant or person is required under subsection (d)(3) and (d)(4) to include in a disclosure statement does not include information related to acts, omissions, or violations of an independent contractor of the applicant or person.**

SECTION 7. IC 13-18-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2. (a) Application for approval of the construction **or modification** of a confined feeding operation **or a CAFO** must be made on a form provided by the department. An applicant must submit the completed application form to the department together with the following:

- (1) Plans and specifications for the design and operation of manure treatment and control facilities.
- (2) A manure management plan that outlines procedures for the following:
  - (A) Soil testing.
  - (B) Manure testing.
- (3) Maps of manure application areas.
- (4) Supplemental information that the department requires, including the following:
  - (A) General features of topography.
  - (B) Soil types.
  - (C) Drainage course.
  - (D) Identification of nearest streams, ditches, and lakes.
  - (E) Location of field tiles.
  - (F) Location of land application areas.
  - (G) Location of manure treatment facilities.
  - (H) Farmstead plan, including the location of water wells on the site.

(5) A fee of one hundred dollars (\$100). The department shall refund the fee if the department does not make a determination in accordance with the time period established under section 2.1 of this chapter.

**(6) The disclosure statement or statements and the proof of financial assurance required under section 1.5 of this chapter.**

(b) An applicant who applies for approval to construct a confined feeding operation **or a CAFO** on land that is undeveloped or for which a valid existing approval has not been issued, **or to modify a confined feeding operation or a CAFO**, shall make a reasonable effort to provide notice:

- (1) to:
  - (A) each person who owns land that adjoins the land on which

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- 1 the confined feeding operation **or the CAFO** is to be located  
 2 **or modified**; or  
 3 (B) if a person who owns land that adjoins the land on which  
 4 the confined feeding operation **or the CAFO** is to be located  
 5 **or modified** does not occupy the land, all occupants of the  
 6 land; and  
 7 (2) to the county executive of the county in which the confined  
 8 feeding operation **or the CAFO** is to be located **or modified**;  
 9 not more than ten (10) working days after submitting an application.  
 10 The notice must be sent by mail, be in writing, include the date on  
 11 which the application was submitted to the department, and include a  
 12 brief description of the subject of the application. The applicant shall  
 13 pay the cost of complying with this subsection. The applicant shall  
 14 submit an affidavit to the department that certifies that the applicant  
 15 has complied with this subsection.
- 16 **(c) A person must comply with subsection (d) if:**  
 17 **(1) as provided in section 1(b) of this chapter, the person is not**  
 18 **required to file an application for construction of a CAFO:**  
 19 **(A) on land that is undeveloped; or**  
 20 **(B) for which:**  
 21 **(i) a valid existing approval has not been issued; or**  
 22 **(ii) an NPDES permit has not been obtained;**  
 23 **or for modification of a CAFO; and**  
 24 **(2) the person files:**  
 25 **(A) an application under 327 IAC 5 for an individual**  
 26 **NPDES permit for the construction or modification of a**  
 27 **CAFO; or**  
 28 **(B) a notice of intent under 327 IAC 15 for general NPDES**  
 29 **permit coverage for construction or modification of a**  
 30 **CAFO.**
- 31 **(d) A person referred to in subsection (c) shall make a**  
 32 **reasonable effort to provide notice:**  
 33 **(1) to:**  
 34 **(A) each person who owns land that adjoins the land on**  
 35 **which the CAFO is to be located or modified; and**  
 36 **(B) if a person who owns land that adjoins the land on**  
 37 **which the CAFO is to be located or modified does not**  
 38 **occupy the land, all occupants of the land; and**  
 39 **(2) to the county executive of the county in which the CAFO**  
 40 **is to be located or modified;**  
 41 **not more than ten (10) working days after submitting a**  
 42 **application or filing a notice of intent. The notice must be sent by**

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1 mail, be in writing, include the date on which the application or  
2 notice of intent was submitted to or filed with the department, and  
3 include a brief description of the subject of the application or  
4 notice of intent. The person shall pay the cost of complying with  
5 this subsection. The person shall submit an affidavit to the  
6 department that certifies that the person has complied with this  
7 subsection.

8 (e) In addition to the requirements of subsection (d), a person  
9 referred to in subsection (c) shall publish notice under IC 5-3-1 not  
10 more than ten (10) days after filing an application or a notice of  
11 intent as described in subsection (c)(2). The published notice of  
12 intent must include the date the application or notice of intent was  
13 filed and a brief description of the subject of the application or  
14 notice of intent. The person shall pay the cost of publication and  
15 submit proof of publication to the department.

16 (f) Plans and specifications for manure treatment or control  
17 facilities for a confined feeding operation or a CAFO must secure the  
18 approval of the department. The department shall approve the  
19 construction and operation of the manure management system of the  
20 confined feeding operation or the CAFO if the commissioner  
21 determines that the applicant meets the requirements of:

- 22 (1) this chapter;
- 23 (2) rules adopted under this chapter;
- 24 (3) the water pollution control laws;
- 25 (4) rules adopted under the water pollution control laws; and
- 26 (5) policies and statements adopted under IC 13-14-1-11.5  
27 relative to confined feeding operations or CAFOs.

28 SECTION 8. IC 13-18-10-2.1 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2.1. (a) The  
30 department:

- 31 (1) shall make a determination on an application not later than  
32 ninety (90) days after the date the department receives the  
33 completed application, including all required supplemental  
34 information, unless the department and the applicant agree to a  
35 longer time; and
- 36 (2) may conduct any inquiry or investigation, consistent with the  
37 department's duties under this chapter, the department considers  
38 necessary before making a determination.

39 (b) If the department fails to make a determination on an application  
40 not later than ninety (90) days after the date the department receives  
41 the completed application, the applicant may request and receive a  
42 refund of an approval application fee paid by the applicant, and the

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commissioner shall:

- (1) continue to review the application;
- (2) approve or deny the application as soon as practicable; and
- (3) refund the applicant's application fee not later than twenty-five (25) working days after the receipt of the applicant's request.

(c) The commissioner may suspend the processing of an application and the ninety (90) day period described under this section if the department:

- (1) determines within thirty (30) days after the department receives the application that the application is incomplete; and
- (2) has mailed a notice of deficiency to the applicant that specifies the parts of the application that:
  - (~~1~~) (A) do not contain adequate information for the department to process the application; or
  - (~~2~~) (B) are not consistent with applicable law.

(d) The department may establish requirements in an approval regarding that part of the confined feeding operation **or the CAFO** that concerns manure handling and application to assure compliance with:

- (1) this chapter;
- (2) rules adopted under this chapter;
- (3) the water pollution control laws;
- (4) rules adopted under the water pollution control laws; and
- (5) policies and statements adopted under IC 13-14-1-11.5 relative to confined feeding operations **or CAFOs**.

**(e) Subject to subsection (f), the commissioner may deny an application upon making either of the following findings:**

- (1) A responsible party intentionally misrepresented or concealed any material fact in a disclosure statement required in section 1.5 of this chapter.**
- (2) An enforcement action was resolved against a responsible party as described in section 1.5(d)(4) of this chapter.**

**(f) The commissioner may not deny an application under this section based solely on pending actions disclosed under section 1.5(d)(3) of this chapter.**

**(g) Before making a determination to approve or deny an application, the commissioner must consider the following factors:**

- (1) The nature and details of the acts attributed to the applicant or responsible party.**
- (2) The degree of culpability of the responsible party.**
- (3) The responsible party's cooperation with the state or federal agencies involved in the investigation of the activities involved in actions referred to in section 1.5(d)(4) of this**

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- chapter.**
- (4) The responsible party's dissociation from any other persons or entities convicted in a criminal enforcement action referred to in section 1.5(d)(4) of this chapter.**
- (5) Prior or subsequent self-policing or internal education programs established by the responsible party to prevent acts, omissions, or violations referred to in section 1.5(d)(4) of this chapter.**
- (6) Any demonstration of good citizenship by the person or responsible party.**

~~(e)~~ **(h)** The department may amend an approval or revoke an approval:

- (1) for failure to comply with:
  - (A) this chapter;
  - (B) rules adopted under this chapter;
  - (C) the water pollution control laws; or
  - (D) rules adopted under the water pollution control laws; and
- (2) as needed to prevent discharges of manure into the environment that pollute or threaten to pollute the waters of the state.

SECTION 9. IC 13-18-10-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2.2. (a) If an applicant receives an approval under this chapter and completes construction, not more than thirty (30) days after the date the applicant completes the construction the applicant shall execute and send to the department an affidavit that affirms under penalties of perjury that the confined feeding operation **or CAFO**:

- (1) was constructed; and
- (2) will be operated;

in accordance with the requirements of the department's approval.

(b) Construction of an approved confined feeding operation **or CAFO** must:

- (1) begin not later than two (2) years; and
- (2) be completed not later than four (4) years;

after the date the department approves the construction of the confined feeding operation **or CAFO** or the date all appeals brought under IC 4-21.5 concerning the construction of the confined feeding operation **or CAFO** have been completed, whichever is later.

SECTION 10. IC 13-18-10-2.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2.6. The department shall establish a compliance and technical assistance program for owners and operators of confined feeding operations **and**

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1       **CAFOs** that may be administered by:  
2           (1) the department;  
3           (2) a state college or university; or  
4           (3) a contractor.

5       SECTION 11. IC 13-18-10-4, AS AMENDED BY P.L.2-2007,  
6       SECTION 167, IS AMENDED TO READ AS FOLLOWS  
7       [EFFECTIVE JANUARY 1, 2010]: Sec. 4. (a) The board may adopt  
8       rules under IC 4-22-2 and IC 13-14-9 and the department may adopt  
9       policies or statements under IC 13-14-1-11.5 that are necessary for the  
10       proper administration of this chapter. The rules, policies, or statements  
11       may concern construction and operation of confined feeding operations  
12       **and CAFOs** and may include uniform standards for:  
13           (1) construction and manure containment that are appropriate for  
14           a specific site; and  
15           (2) manure application and handling that are consistent with best  
16           management practices:  
17               (A) designed to reduce the potential for manure to be  
18               conveyed off a site by runoff or soil erosion; and  
19               (B) that are appropriate for a specific site.  
20       (b) Standards adopted in a rule, policy, or statement under  
21       subsection (a) must:  
22           (1) consider confined feeding standards that are consistent with  
23           standards found in publications from:  
24               (A) the United States Department of Agriculture;  
25               (B) the Natural Resources Conservation Service of the United  
26               States Department of Agriculture;  
27               (C) the Midwest Plan Service; and  
28               (D) postsecondary educational institution extension bulletins;  
29           and  
30           (2) be developed through technical review by the department,  
31           postsecondary educational institution specialists, and other animal  
32           industry specialists.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1074, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 2, delete "either of the following:".

Page 3, line 3, delete "(1) An" and insert "**an**".

Page 3, run in lines 2 through 3.

Page 3, delete line 4.

Page 3, line 9, delete "referred to in IC 13-18-10-1.5(a)(1)".

Page 3, delete lines 10 through 11.

Page 3, line 12, delete "(3)" and insert "**(2)**".

Page 3, line 13, delete "applicant referred to" and insert "**applicant:**".

Page 3, delete lines 14 through 15.

Page 4, line 40, delete "the following in the application:" and insert "**in the application**".

Page 4, line 41, delete "(1) The" and insert "**the**".

Page 4, run in lines 40 through 41.

Page 5, delete line 1.

Page 5, line 14, delete "A" and insert "**Subject to subsection (h), a**".

Page 5, line 25, delete "A" and insert "**Subject to subsection (h), a**".

Page 5, line 27, delete "five (5)" and insert "**three (3)**".

Page 6, line 7, delete "of:" and insert "**of a liability insurance policy issued by an insurance company authorized to do business in Indiana.**".

Page 6, delete lines 8 through 14, begin a new paragraph and insert:

**"(h) The information an applicant or person is required under subsection (d)(3) and (d)(4) to include in a disclosure statement does not include information related to acts, omissions, or violations of an independent contractor of the applicant or person."**

Page 8, line 2, after "modified;" delete "or" and insert "**and**".

Page 8, between lines 16 and 17, begin a new paragraph and insert:

**"(e) In addition to the requirements of subsection (d), a person referred to in subsection (c) shall publish notice under IC 5-3-1 not more than ten (10) days after filing an application or a notice of intent as described in subsection (c)(2). The published notice of intent must include the date the application or notice of intent was filed and a brief description of the subject of the application or notice of intent. The person shall pay the cost of publication and submit proof of publication to the department."**

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Page 8, line 17, delete "(e)" and insert "(f)".

Page 9, line 8, delete "either of" and insert "the department:".

Page 9, delete lines 9 through 10.

Page 9, line 11, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 9, line 13, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 9, line 15, delete "(1) (i)", begin a new line double block indented and insert:

"~~(1)~~ (A)".

Page 9, line 17, delete "(2) (ii)", begin a new line double block indented and insert:

"~~(2)~~ (B)".

Page 9, delete lines 18 through 22.

Page 9, line 35, delete "in:" and insert **"in a disclosure statement required in section 1.5 of this chapter."**

Page 9, delete lines 36 through 38.

Page 10, delete lines 18 through 19.

Page 10, line 20, delete "(7)" and insert "(6)".

Page 10, delete lines 22 through 31.

Page 10, line 32, delete "(j)" and insert "(h)".

Page 10, line 32, delete "of an application".

Page 10, line 33, delete "approval of an application:" and insert "approval:".

Page 11, line 28, delete "Subject to subsection".

Page 11, line 29, delete "(c), the" and insert "The".

Page 12, delete lines 13 through 20.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1074 as introduced.)

PFLUM, Chair

Committee Vote: yeas 11, nays 0.

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