

Adopted Rejected

COMMITTEE REPORT

YES: 7
NO: 2

MR. SPEAKER:

Your Committee on Environmental Affairs, to which was referred House Bill 1225, 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:

- 1 Page 2, line 40, after "(f)" insert "**This subsection does not apply**
- 2 **to property located in a county that has a consolidated city.**".
- 3 Page 3, line 19, after "(g)" insert "**This subsection does not apply**
- 4 **to a sewage disposal system located in a county that has a**
- 5 **consolidated city.**".
- 6 Page 3, line 41, delete "Beginning July 1, 2012, the governing board
- 7 of a" and insert: "**This subsection applies only to property located in**
- 8 **a county that has a consolidated city. A not-for-profit public sewer**
- 9 **utility may require a property that is within its service territory**
- 10 **and is producing sewage or similar waste to be connected to its**
- 11 **sewer system and require the discontinuance of use of a sewage**
- 12 **disposal system serving the property if:**
- 13 (1) **there is an available sanitary sewer within three hundred**
- 14 **(300) feet of the property line; and**
- 15 (2) **the utility provides written notice by certified mail to the**
- 16 **property owner, at the address provided by the property**

1 owner, at least ninety (90) days before the date for connection
2 stated in the notice."

3 Page 3, delete line 42.

4 Page 4, delete lines 1 through 14.

5 Page 5, between lines 3 and 4, begin a new paragraph and insert:

6 "SECTION 4. IC 13-11-2-270 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2012]: **Sec. 270. "Youth camp", for purposes
9 of IC 13-26-11-2, means an area or a tract of land established,
10 operated, or maintained to provide more than seventy-two (72)
11 continuous hours of outdoor group living experiences:**

- 12 (1) away from established residences; and
- 13 (2) for educational, recreational, sectarian, or health
- 14 purposes;

15 for at least ten (10) children who are less than eighteen (18) years
16 of age and not accompanied by a parent or guardian."

17 Page 5, delete lines 16 through 42.

18 Delete pages 6 through 15.

19 Page 16, delete lines 1 through 12, begin a new paragraph and
20 insert:

21 "SECTION 6. IC 13-26-4-1.5 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2012]: **Sec. 1.5. (a) The following apply to the
24 membership of the board of trustees of a district:**

25 (1) At least one (1) trustee must be an elected official who
26 represents a political subdivision that has territory in the
27 district.

28 (2) Except for an elected official described in subdivision (1),
29 each trustee must be:

- 30 (A) a ratepayer in the district; or
- 31 (B) if there are no available ratepayers in a district, a
- 32 resident of the district.

33 (b) This subsection applies to a district that exists on or after
34 July 1, 2012. Beginning with the initial election or appointment of
35 a trustee to fill a vacancy that occurs on a board after June 30,
36 2012, or to fill the office of a trustee whose term begins after June
37 30, 2012, the district shall comply with the trustee requirements set
38 forth in subsection (a) in the following order:

1 **(1) The district shall comply with the requirement of**
 2 **subsection (a)(1) first.**

3 **(2) After the requirement under subsection (a)(1) is fulfilled,**
 4 **the district shall use subsequent elections or appointments of**
 5 **trustees to fill vacancies to fulfill the requirement of**
 6 **subsection (a)(2).**

7 SECTION 7. IC 13-26-4-6 IS REPEALED [EFFECTIVE JULY 1,
 8 2012]. *Sec. 6. An appointed trustee does not have to be a resident of*
 9 *the district.*

10 SECTION 8. IC 13-26-4-8 IS ADDED TO THE INDIANA CODE
 11 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 12 1, 2012]: **Sec. 8. (a) When the board of a district conducts a public**
 13 **hearing, the board shall allow any person an opportunity to be**
 14 **heard:**

15 **(1) in the presence of others who are present to testify; and**

16 **(2) in accordance with subsection (b).**

17 **(b) The board may limit testimony at a public hearing to a**
 18 **reasonable time stated at the opening of the public hearing.**

19 SECTION 9. IC 13-26-5-2, AS AMENDED BY P.L.1-2009,
 20 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2012]: *Sec. 2. A district may do the following:*

22 (1) Sue or be sued.

23 (2) Make contracts in the exercise of the rights, powers, and
 24 duties conferred upon the district.

25 (3) Adopt and alter a seal and use the seal by causing the seal to
 26 be impressed, affixed, reproduced, or otherwise used. However,
 27 the failure to affix a seal does not affect the validity of an
 28 instrument.

29 (4) Adopt, amend, and repeal the following:

30 (A) Bylaws for the administration of the district's affairs.

31 (B) Rules and regulations for the following:

32 (i) The control of the administration and operation of the
 33 district's service and facilities.

34 (ii) The exercise of all of the district's rights of ownership.

35 (5) Construct, acquire, lease, operate, or manage works and obtain
 36 rights, easements, licenses, money, contracts, accounts, liens,
 37 books, records, maps, or other property, whether real, personal, or
 38 mixed, of a person or an eligible entity.

- 1 (6) Assume in whole or in part any liability or obligation of:
 2 (A) a person;
 3 (B) a nonprofit water, sewage, or solid waste project system;
 4 or
 5 (C) an eligible entity;
 6 including a pledge of part or all of the net revenues of a works to
 7 the debt service on outstanding bonds of an entity in whole or in
 8 part in the district and including a right on the part of the district
 9 to indemnify and protect a contracting party from loss or liability
 10 by reason of the failure of the district to perform an agreement
 11 assumed by the district or to act or discharge an obligation.
- 12 (7) Fix, alter, charge, and collect reasonable rates and other
 13 charges in the area served by the district's facilities to every
 14 person whose premises are, whether directly or indirectly,
 15 supplied with water or provided with sewage or solid waste
 16 services by the facilities for the purpose of providing for the
 17 following:
 18 (A) The payment of the expenses of the district.
 19 (B) The construction, acquisition, improvement, extension,
 20 repair, maintenance, and operation of the district's facilities
 21 and properties.
 22 (C) The payment of principal or interest on the district's
 23 obligations.
 24 (D) To fulfill the terms of agreements made with:
 25 (i) the purchasers or holders of any obligations; or
 26 (ii) a person or an eligible entity.
- 27 (8) Except as provided in ~~section~~ **sections 2.5 and 2.6** of this
 28 chapter, require connection to the district's sewer system of
 29 property producing sewage or similar waste, and require the
 30 discontinuance of use of privies, cesspools, septic tanks, and
 31 similar structures if:
 32 (A) there is an available sanitary sewer within three hundred
 33 (300) feet of the property line;
 34 (B) the district has given written notice by certified mail to the
 35 property owner at the address of the property at least ninety
 36 (90) days before a date for connection to be stated in the
 37 notice; and
 38 (C) if the property is located outside the district's territory:

- 1 (i) the district has obtained and provided to the property
- 2 owner (along with the notice required by clause (B)) a letter
- 3 of recommendation from the local health department that
- 4 there is a possible threat to the public's health; and
- 5 (ii) if the property is also located within the extraterritorial
- 6 jurisdiction of a municipal sewage works under IC 36-9-23
- 7 or a public sanitation department under IC 36-9-25, the
- 8 municipal works board or department of public sanitation
- 9 has acknowledged in writing that the property is within the
- 10 municipal sewage works or department of public sanitation's
- 11 extraterritorial jurisdiction, but the municipal works board
- 12 or department of public sanitation is unable to provide sewer
- 13 service.

14 However, a district may not require the owner of a property
 15 described in this subdivision to connect to the district's sewer
 16 system if the property is already connected to a sewer system that
 17 has received an NPDES permit and has been determined to be
 18 functioning satisfactorily.

19 (9) Provide by ordinance for reasonable penalties for failure to
 20 connect and also apply to the circuit or superior court of the
 21 county in which the property is located for an order to force
 22 connection, with the cost of the action, including reasonable
 23 attorney's fees of the district, to be assessed by the court against
 24 the property owner in the action.

25 (10) Refuse the services of the district's facilities if the rates or
 26 other charges are not paid by the user.

27 (11) Control and supervise all property, works, easements,
 28 licenses, money, contracts, accounts, liens, books, records, maps,
 29 or other property rights and interests conveyed, delivered,
 30 transferred, or assigned to the district.

31 (12) Construct, acquire by purchase or otherwise, operate, lease,
 32 preserve, and maintain works considered necessary to accomplish
 33 the purposes of the district's establishment within or outside the
 34 district and enter into contracts for the operation of works owned,
 35 leased, or held by another entity, whether public or private.

36 (13) Hold, encumber, control, acquire by donation, purchase, or
 37 condemnation, construct, own, lease as lessee or lessor, use, and
 38 sell interests in real and personal property or franchises within or

- 1 outside the district for:
- 2 (A) the location or protection of works;
- 3 (B) the relocation of buildings, structures, and improvements
- 4 situated on land required by the district or for any other
- 5 necessary purpose; or
- 6 (C) obtaining or storing material to be used in constructing and
- 7 maintaining the works.
- 8 (14) Upon consent of two-thirds (2/3) of the members of the
- 9 board, merge or combine with another district into a single district
- 10 on terms so that the surviving district:
- 11 (A) is possessed of all rights, franchises, and authority of the
- 12 constituent districts; and
- 13 (B) is subject to all the liabilities, obligations, and duties of
- 14 each of the constituent districts, with all rights of creditors of
- 15 the constituent districts being preserved unimpaired.
- 16 (15) Provide by agreement with another eligible entity for the
- 17 joint construction of works the district is authorized to construct
- 18 if the construction is for the district's own benefit and that of the
- 19 other entity. For this purpose the cooperating entities may jointly
- 20 appropriate land either within or outside their respective borders
- 21 if all subsequent proceedings, actions, powers, liabilities, rights,
- 22 and duties are those set forth by statute.
- 23 (16) Enter into contracts with a person, an eligible entity, the
- 24 state, or the United States to provide services to the contracting
- 25 party for any of the following:
- 26 (A) The distribution or purification of water.
- 27 (B) The collection or treatment of sanitary sewage.
- 28 (C) The collection, disposal, or recovery of solid waste.
- 29 (17) Make provision for, contract for, or sell the district's
- 30 byproducts or waste.
- 31 (18) Exercise the power of eminent domain, **including for**
- 32 **purposes of siting sewer or water utility infrastructure, but**
- 33 **only after the district attempts to use existing public**
- 34 **rights-of-way or easements.**
- 35 (19) Remove or change the location of a fence, building, railroad,
- 36 canal, or other structure or improvement located within or outside
- 37 the district. If:
- 38 (A) it is not feasible or economical to move the building,

1 structure, or improvement situated in or upon land acquired;
 2 and
 3 (B) the cost is determined by the board to be less than that of
 4 purchase or condemnation;
 5 the district may acquire land and construct, acquire, or install
 6 buildings, structures, or improvements similar in purpose to be
 7 exchanged for the buildings, structures, or improvements under
 8 contracts entered into between the owner and the district.

9 (20) Employ consulting engineers, superintendents, managers,
 10 and other engineering, construction, and accounting experts,
 11 attorneys, bond counsel, employees, and agents that are necessary
 12 for the accomplishment of the district's purpose and fix their
 13 compensation.

14 (21) Procure insurance against loss to the district by reason of
 15 damages to the district's properties, works, or improvements
 16 resulting from fire, theft, accident, or other casualty or because of
 17 the liability of the district for damages to persons or property
 18 occurring in the operations of the district's works and
 19 improvements or the conduct of the district's activities.

20 (22) Exercise the powers of the district without obtaining the
 21 consent of other eligible entities. However, the district shall:

22 (A) restore or repair all public or private property damaged in
 23 carrying out the powers of the district and place the property
 24 in the property's original condition as nearly as practicable; or

25 (B) pay adequate compensation for the property.

26 (23) Dispose of, by public or private sale or lease, real or personal
 27 property determined by the board to be no longer necessary or
 28 needed for the operation or purposes of the district.

29 SECTION 10. IC 13-26-5-2.5, AS AMENDED BY P.L.123-2011,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2012]: Sec. 2.5. (a) ~~As used in this section, septic tank soil~~
 32 ~~absorption system has the meaning set forth in IC 13-11-2-199.5. For~~
 33 **purposes of this section, a sewage disposal system is "failing" if one**
 34 **(1) or more of the following apply:**

35 **(1) The system refuses to accept sewage at the rate of design**
 36 **application and interferes with the normal use of plumbing**
 37 **fixtures.**

38 **(2) Effluent discharge exceeds the absorptive capacity of the**

1 soil into which the system discharges, resulting in ponding,
2 seepage, or other discharge of the effluent to the ground
3 surface or to surface waters.

4 **(3) Effluent discharged from the system contaminates a**
5 **potable water supply, ground water, or surface waters.**

6 (b) Subject to subsection (d) and except as provided in subsection
7 (e); A property owner is exempt from the requirement to connect to a
8 district's sewer system and to discontinue use of a septic tank soil
9 absorption sewage disposal system if the following conditions are met:

10 (1) The property owner's septic tank soil absorption system was
11 new at the time of installation and was approved in writing by the
12 local health department:

13 (2) The property owner, at the property owner's own expense,
14 obtains and provides to the district a certification from the local
15 health department or the department's designee that the septic
16 tank soil absorption system is functioning satisfactorily. If the
17 local health department or the department's designee denies the
18 issuance of a certificate to the property owner, the property owner
19 may appeal the denial to the board of the local health department.
20 The decision of the board is final and binding.

21 (3) The property owner provides the district with:

22 (A) the written notification of potential qualification for the
23 exemption described in subsection (g); and

24 (B) the certification described in subdivision (2);

25 within the time limits set forth in subsection (g):

26 (c) If a property owner, within the time allowed under subsection
27 (g), notifies a district in writing that the property owner qualifies for the
28 exemption under this section, the district shall, until the property
29 owner's eligibility for an exemption under this section is determined,
30 suspend the requirement that the property owner discontinue use of a
31 septic tank soil absorption system and connect to the district's sewer
32 system:

33 (d) A property owner who qualifies for the exemption provided
34 under this section may not be required to connect to the district's sewer
35 system for a period of ten (10) years beginning on the date the new
36 septic tank soil absorption system was installed. If ownership of the
37 property passes from the owner who qualified for the exemption to
38 another person during the exemption period, the exemption does not

1 apply to the subsequent owner of the property:

2 (e) The district may require a property owner who qualifies for the
3 exemption under this section to discontinue use of a septic tank soil
4 absorption system and connect to the district's sewer system if the
5 district credits the unamortized portion of the original cost of the
6 property owner's septic tank soil absorption system against the debt
7 service portion of the customer's monthly bill. The amount that the
8 district must credit under this subsection is determined in STEP TWO
9 of the following formula:

10 STEP ONE: Multiply the original cost of the property owner's
11 septic tank soil absorption system by a fraction, the numerator of
12 which is ninety-six (96) months minus the age in months of the
13 property owner's septic system, and the denominator of which is
14 ninety-six (96) months.

15 STEP TWO: Determine the lesser of four thousand eight hundred
16 dollars (\$4,800) or the result of STEP ONE.

17 The district shall apportion the total credit amount as determined in
18 STEP TWO against the debt service portion of the property owner's
19 monthly bill over a period to be determined by the district, but not to
20 exceed twenty (20) years; or two hundred forty (240) months: **if the
21 sewage disposal system is not failing.**

22 (f) (c) A district that has filed plans with the department to create or
23 expand a sewage district shall, within ten (10) days after filing the
24 plans, provide written notice to affected property owners:

- 25 (1) that the property owner may be required to discontinue the use
26 of a **septic tank soil absorption sewage disposal** system;
- 27 (2) that the property owner may qualify for an exemption from the
28 requirement to discontinue the use of the **septic tank soil
29 absorption sewage disposal** system; and
- 30 (3) of the procedures to claim an exemption.

31 (g) (d) To qualify for an exemption under this section, a property
32 owner must, (1) within ~~sixty (60)~~ **twenty (20)** days after the date of the
33 written notice given to the property owner under subsection (f); (c),
34 notify the district in writing that the property owner qualifies for the
35 exemption under this section and (2) ~~within sixty (60) days after the~~
36 ~~district receives the written notice provided under subdivision (1);~~
37 ~~provide the district with the certification required under subsection~~
38 ~~(b)(2).~~

1 (h) When a property owner who qualifies for an exemption under
 2 this section subsequently discontinues use of the property owner's
 3 septic tank soil absorption system and connects to the district's sewer
 4 system, the property owner may be required to pay only the following
 5 to connect to the sewer system: (1) The connection fee the property
 6 owner would have paid if the property owner connected to the sewer
 7 system on the first date the property owner could have connected to the
 8 sewer system. (2) Any additional costs: (A) considered necessary by;
 9 and (B) supported by documentary evidence provided by; the district.
 10 because the sewage disposal system is not failing or because the
 11 property owner intends to repair or replace the sewage disposal
 12 system, as applicable. Upon receipt of notice under this subsection,
 13 the district shall suspend the requirement to discontinue use of the
 14 sewage disposal system for one hundred eighty (180) days, during
 15 which the property owner shall repair or replace the sewage
 16 disposal system as needed. Before the expiration of the one
 17 hundred eighty (180) days, the property owner shall notify the
 18 district in writing that:

- 19 (1) the sewage disposal system has been repaired or replaced,
 20 as applicable, and is not failing; or
- 21 (2) the property owner requires additional time to repair or
 22 replace the system.

23 A district that receives notice under subdivision (2) may grant the
 24 property owner additional time as it determines proper.

25 (e) A property owner who qualifies for an exemption under this
 26 section:

- 27 (1) may not be required to:
 - 28 (A) connect to a district's sewer system; and
 - 29 (B) discontinue use of a sewage disposal system;
- 30 for five (5) years beginning on the date the exemption begins;
 31 and
- 32 (2) may apply for additional and unlimited five (5) year
 33 extensions of the exemption if the owner obtains and provides
 34 to the district, at the owner's expense, a certification from the
 35 local health department or the department's designee that the
 36 sewage disposal system is not failing.

37 (f) A property owner who connects to a district's sewer system
 38 may provide, at the owner's expense, labor, equipment, materials,

1 or any combination of labor, equipment, and materials from any
2 source to accomplish the connection to the sewer system, subject to
3 inspection and approval by the board or a designee of the board.

4 (g) This section does not prohibit the state department of health,
5 a local health department, or a county health officer from
6 proceeding under IC 16-41-20 to declare a dwelling served by a
7 sewage disposal system a public nuisance and pursuing all
8 available remedies.

9 SECTION 11. IC 13-26-5-2.6 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2012]: **Sec. 2.6. A district may not require the**
12 **owner of a property described in section 2(8) of this chapter to**
13 **connect to the district's sewer system if:**

- 14 (1) the property is located on at least ten (10) acres;
- 15 (2) the owner can demonstrate the availability of at least two
- 16 (2) areas on the property for the collection and treatment of
- 17 sewage that will protect human health and the environment;
- 18 (3) the waste stream from the property is limited to domestic
- 19 sewage from a residence or business;
- 20 (4) the system used to collect and treat the domestic sewage
- 21 has a maximum design flow of seven hundred fifty (750)
- 22 gallons per day; and
- 23 (5) the owner, at the owner's own expense, obtains and
- 24 provides to the district a certification from the local health
- 25 department or the department's designee that the system is
- 26 functioning satisfactorily.

27 SECTION 12. IC 13-26-11-1 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1. The rates and**
29 **charges for a waterworks may be determined based on the following:**

- 30 (1) A flat charge for each connection. **If a board uses a flat**
- 31 **charge as factor to determine a rate or charge for a**
- 32 **waterworks, the board must:**
 - 33 (A) prepare a written statement of not more than one (1)
 - 34 page in length that summarizes the calculations and
 - 35 processes used to determine the amount of the flat charge;
 - 36 and
 - 37 (B) provide a copy of the written statement to each person
 - 38 who:

- 1 **(i) is required to pay the rate or charge; and**
- 2 **(ii) requests a paper copy of the summary.**
- 3 (2) The amount of water consumed.
- 4 (3) The size of the meter or connection.
- 5 (4) Whether the property served has been or will be required to
- 6 pay separately for the cost of any of the facilities of the works.
- 7 (5) A combination of these or other factors that the board
- 8 determines is necessary to establish just and equitable rates and
- 9 charges.

10 SECTION 13. IC 13-26-11-2, AS AMENDED BY P.L.189-2005,
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2012]: Sec. 2. (a) Except as provided in subsection (b), the
 13 rates or charges for a sewage works ~~may~~ **must** be determined based on
 14 **a combination of the following factors:**

- 15 (1) A flat charge for each connection. **If a board uses a flat**
- 16 **charge as factor to determine a rate or charge for a sewage**
- 17 **works, the board shall:**

- 18 **(A) prepare a written statement of not more than one (1)**
- 19 **page in length that summarizes the calculations and**
- 20 **processes used to determine the amount of the flat charge;**
- 21 **and**

- 22 **(B) provide a copy of the written statement to each person**
- 23 **who:**

- 24 **(i) is required to pay the rate or charge; and**
- 25 **(ii) requests a paper copy of the summary.**
- 26 (2) The amount of water used on the premises.
- 27 (3) The number and size of water outlets on the premises.
- 28 (4) The amount, strength, or character of sewage discharged into
- 29 the sewers.
- 30 (5) The size of sewer connections.
- 31 (6) Whether the property served has been or will be required to
- 32 pay separately for the cost of any of the facilities of the works.
- 33 (7) A combination of these or other factors that the board
- 34 determines is necessary to establish nondiscriminatory, just, and
- 35 equitable rates or charges.

- 36 (b) ~~If a campground is billed for sewage service at a flat rate under~~
- 37 ~~subsection (a); the campground may instead elect to be billed for the~~
- 38 ~~sewage service under this subsection by installing; A campground or~~

1 **youth camp may be billed for sewage service at a flat rate or by**
 2 **installing**, at the campground's **or youth camp's** expense, a meter to
 3 measure the actual amount of sewage discharged by the campground
 4 **or youth camp** into the sewers. If a campground **or youth camp** elects
 5 to be billed by use of a meter:

6 (1) the rate charged by a board for the metered sewage service
 7 may not exceed the rate charged to residential customers for
 8 equivalent usage; and

9 (2) the amount charged by a board for the campground's **or youth**
 10 **camp's** monthly sewage service for the period beginning
 11 September 1 and ending May 31 must be equal to ~~the greater of:~~

12 ~~(A) the actual amount that would be charged for the sewage~~
 13 ~~discharged during the month by the campground **or youth**~~
 14 ~~**camp** as measured by the meter. **or**~~

15 ~~(B) the lowest monthly charge paid by the campground for~~
 16 ~~sewage service during the previous period beginning June 1~~
 17 ~~and ending August 31.~~

18 (c) If a campground **or youth camp** does not install a meter under
 19 subsection (b) and is billed for sewage service at a flat rate, ~~under~~
 20 ~~subsection (a)~~; for a calendar year beginning after December 31, 2004,
 21 each campsite at the campground **or youth camp** may not equal more
 22 than one-third (1/3) of one (1) resident equivalent unit. The basic
 23 monthly charge for the campground's **or youth camp's** sewage service
 24 must be equal to the number of the campground's **or youth camp's**
 25 resident equivalent units multiplied by the rate charged by the board for
 26 a resident unit.

27 (d) The board may impose additional charges on a campground **or**
 28 **youth camp** under subsections (b) and (c) if the board incurs
 29 additional costs that are caused by any unique factors that apply to
 30 providing sewage service for the campground **or youth camp**,
 31 including, but not limited to:

32 (1) the installation of:

33 (A) oversized pipe; or

34 (B) any other unique equipment;

35 necessary to provide sewage service for the campground **or youth**
 36 **camp**; and

37 (2) concentrations of biochemical oxygen demand (BOD) that
 38 exceed federal pollutant standards."

1 Page 17, line 5 after "district." insert **"The party prevailing in any**
2 **civil action filed under this section is entitled to recover the costs**
3 **of the action, including reasonable attorney's fees as determined by**
4 **the court."**

5 Page 17, delete lines 26 through 37, begin a new paragraph and
6 insert:

7 **"(d) A complaint made under subsection (b) must include**
8 **adequate details to allow the health officer to verify the existence**
9 **of the unlawful conditions that are the subject of the complaint. A**
10 **health officer must provide a copy of a complaint upon request to**
11 **the person who is the subject of the complaint.**

12 **(e) A person who provides false information upon which a**
13 **health officer relies in issuing an order under this section commits**
14 **a Class C infraction."**

15 Page 18, line 26, delete "residential use only." and insert **"use only**
16 **in the private homes."**

17 Page 18, line 28, after "form." insert **"However, an ordinance**
18 **adopted under this section may:**

19 **(A) require an individual who constructs a sewage disposal**
20 **system to submit a schematic of the system to the**
21 **appropriate local health department or county health**
22 **officer; and**

23 **(B) provide that the sewage disposal system may not be**
24 **placed in operation until the individual, at the individual's**
25 **expense, obtains a certification from the appropriate local**
26 **health department or county health officer that the system**
27 **is functioning satisfactorily."**

28 Renumber all SECTIONS consecutively.
(Reference is to HB 1225 as introduced.)

and when so amended that said bill do pass.

Representative Wolkins