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# HOUSE BILL No. 1094

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-20-1-27; IC 16-22-8-34.3; IC 16-41-25.5.

**Synopsis:** Soil and septic system education and research. Establishes the soil and septic system education and research council (council). Requires the dean of agriculture of Purdue University to establish and administer a soil and septic system education and research program. Establishes the soil and septic system education and research fund (fund). Provides that the council shall recommend expenditures from the fund for the soil and septic system education and research program. Requires the board of each county health department (and the Marion County health and hospital corporation) to impose a fee of \$25 on each permit issued by the county health department or the county for the operation, installation, construction, repair, or replacement of a septic system. Requires that 80% of the fees must be paid to the treasurer of state for distribution to the fund and that 20% of the fees must be placed into the county health fund for education and outreach activities related to soils and septic systems.

**Effective:** July 1, 2013.

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January 8, 2013, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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# HOUSE BILL No. 1094



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-20-1-27 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 27. **(a)** The board of  
3 each local health department may, with the approval of the county or  
4 city executive, establish and collect fees for specific services and  
5 records established by local ordinances and state law. However, fees  
6 may not exceed the cost of services provided. The fees shall be  
7 accounted for and transferred to the health fund of the taxing  
8 jurisdiction.

9 **(b) In addition to any other fees imposed under subsection (a),**  
10 **the board of each county health department shall impose a fee of**  
11 **twenty-five dollars (\$25) on each permit issued by the county**  
12 **health department or the county for the operation, installation,**  
13 **construction, repair, or replacement of a septic system.**

14 **(c) Eighty percent (80%) of any fees collected under subsection**  
15 **(b) shall be paid by the county treasurer to the treasurer of state**  
16 **not later than the fifteenth day of the month following the month**  
17 **in which the fees are collected. The treasurer of state shall transfer**



1 fees received under this subsection to the soil and septic system  
2 education and research fund established by IC 16-41-25.5-7. The  
3 treasurer of state shall transfer the fees to the soil and septic  
4 system education and research fund not later than the fifteenth day  
5 of the month following the month in which the treasurer of state  
6 receives the fees.

7 (d) Twenty percent (20%) of any fees collected under subsection  
8 (b) shall be deposited by the county treasurer into an account  
9 within the county health fund not later than the fifteenth day of the  
10 month following the month in which the fees are collected. Money  
11 in the account may be used only for education and outreach  
12 activities related to soils and septic systems.

13 SECTION 2. IC 16-22-8-34.3 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2013]: Sec. 34.3. (a) In addition to any other  
16 fees imposed by the board or the corporation, the board shall  
17 impose a fee of twenty-five dollars (\$25) on each permit issued by  
18 the corporation or the county for the operation, installation,  
19 construction, repair, or replacement of a septic system.

20 (b) Eighty percent (80%) of any fees collected under subsection  
21 (a) shall be paid by the county treasurer to the treasurer of state  
22 not later than the fifteenth day of the month following the month  
23 in which the fees are collected. The treasurer of state shall transfer  
24 fees received under this subsection to the soil and septic system  
25 education and research fund established by IC 16-41-25.5-7. The  
26 treasurer of state shall transfer the fees to the soil and septic  
27 system education and research fund not later than the fifteenth day  
28 of the month following the month in which the treasurer of state  
29 receives the fees.

30 (c) Twenty percent (20%) of any fees collected under subsection  
31 (a) shall be deposited by the county treasurer into an account  
32 within the county health fund not later than the fifteenth day of the  
33 month following the month in which the fees are collected. Money  
34 in the account may be used only for education and outreach  
35 activities related to soils and septic systems.

36 SECTION 3. IC 16-41-25.5 IS ADDED TO THE INDIANA CODE  
37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2013]:

39 Chapter 25.5. Soil and Septic System Education and Research  
40 Sec. 1. As used in this chapter, "council" refers to the soil and  
41 septic system education and research council created by this  
42 chapter.

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1           **Sec. 2.** As used in this chapter, "director" refers to the dean of  
2 agriculture of Purdue University or the dean's designee.

3           **Sec. 3.** The director shall establish and administer a soil and  
4 septic system education and research program.

5           **Sec. 4.** The soil and septic system education and research  
6 program may include research, education, and outreach activities  
7 related to soils and septic systems.

8           **Sec. 5.** The director may contract with a qualified organization,  
9 agency, or individual to perform any part of the soil and septic  
10 system education and research program, including any of the  
11 activities described in section 4 of this chapter.

12           **Sec. 6.** The director may not regulate:

- 13           (1) septic systems or septic system components;  
14           (2) residential or commercial wastewater treatment systems;  
15           or  
16           (3) the price of any system (or component of a system)  
17 described in subdivision (1) or (2);

18 under this chapter.

19           **Sec. 7. (a)** The soil and septic system education and research  
20 fund is established. The fund consists of the following:

- 21           (1) Fees deposited in the fund under IC 16-20-1-27 or  
22 IC 16-22-8-34.3.  
23           (2) Any appropriations made to the fund by the general  
24 assembly.  
25           (3) Any gifts or grants made to the fund.

26           **(b)** The fund may not be used for political or legislative activity  
27 of any kind.

28           **(c)** The fund shall be administered by the director and used for  
29 purposes of this chapter. The expenses of administering the fund  
30 shall be paid from money in the fund.

31           **(d)** Money in the fund at the end of a state fiscal year does not  
32 revert to the state general fund.

33           **Sec. 8. (a)** The soil and septic system education and research  
34 council is created.

35           **(b)** The council must have an odd number of members, but at  
36 least five (5) and not more than nine (9) members. The following  
37 are members of the council:

- 38           (1) The director or the director's designee.  
39           (2) The head of the agricultural and biological engineering  
40 department at Purdue University or the designee of the head  
41 of the department.  
42           (3) The director of the Indiana water resources research

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- 1 center at Purdue University or the designee of the director of
- 2 the center.
- 3 (4) The head of the agronomy department at Purdue
- 4 University or the designee of the head of the department.
- 5 (5) The president of the Indiana Onsite Wastewater
- 6 Professionals Association or the designee of the president of
- 7 the association.
- 8 (6) Other members that the director appoints.
- 9 (c) A majority of the members of the council must have
- 10 expertise in at least one (1) of the following:
- 11 (1) Siting of septic systems.
- 12 (2) Design of septic systems.
- 13 (3) Installation of septic systems.
- 14 (4) Regulation of septic systems by local government.
- 15 (5) Maintenance of septic systems.
- 16 (6) Development of septic system components.
- 17 Sec. 9. The council shall adopt bylaws governing the terms of
- 18 office, filling unexpired terms, expenses, quorum, duties, and other
- 19 administrative matters. The bylaws may be amended by a
- 20 two-thirds (2/3) vote of the members present, if a quorum is
- 21 present.
- 22 Sec. 10. The council shall do the following:
- 23 (1) Elect a chairperson and any other officers.
- 24 (2) Recommend expenditures from the soil and septic system
- 25 education and research fund:
- 26 (A) for the soil and septic system education and research
- 27 program; and
- 28 (B) for the administration of this chapter.
- 29 (3) Perform any other necessary duties.
- 30 Sec. 11. The director shall consider the advice,
- 31 recommendations, and assistance of the council for the expenditure
- 32 of funds for the soil and septic system education and research
- 33 program and for the administration of this chapter.

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