



Reprinted  
March 1, 2016

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## ENGROSSED HOUSE BILL No. 1075

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DIGEST OF HB 1075 (Updated February 29, 2016 4:26 pm - DI 55)

**Citations Affected:** IC 8-1; IC 13-11; IC 13-18; IC 35-44.1; IC 36-9.

**Synopsis:** Sewage fees and municipal sanitary sewer. Provides that if a wastewater utility charges different rates for different classes of property based at least partially on consumption, the utility must charge  
(Continued next page)

**Effective:** January 1, 2016 (retroactive); July 1, 2016.

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### Beumer, Bacon, Niezgodski, Wolkins

(SENATE SPONSORS — BECKER, BASSLER, NIEMEYER, BOOTS,  
BROWN L, STOOPS)

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January 5, 2016, read first time and referred to Committee on Environmental Affairs.  
January 28, 2016, amended, reported — Do Pass.  
February 1, 2016, read second time, ordered engrossed. Engrossed.  
February 2, 2016, read third time, passed. Yeas 72, nays 23.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Environmental Affairs.  
February 22, 2016, reported favorably — Do Pass.  
February 29, 2016, read second time, amended, ordered engrossed.

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EH 1075—LS 6577/DI 55



## Digest Continued

a rental unit community a rate based at least partially on consumption. Provides that, despite a contrary administrative rule, a person who uses a wastewater management vehicle to remove wastewater from a customer's sewage disposal system need not show on the invoice provided to the customer: (1) the date on which the wastewater was removed; or (2) the amount of wastewater removed; if the sewage disposal system is a chemical toilet. Exempts a property owner from being required to connect to a municipality's sewer system and discontinue the use of the property owner's own sewage disposal system if: (1) the property is located outside the boundaries of the municipality; (2) the property owner's sewage disposal system is a septic tank soil absorption system or a constructed wetland septic system that was new at the time of installation and was approved in writing by the local health department; and (3) the property owner obtains a written determination from the local health department that the owner's sewage disposal system is not failing. Establishes a procedure and deadlines for applying for the exemption. Provides that the exemption is for 10 years beginning on the date on which the property owner's sewage disposal system was installed. Provides that an initial 10 year exemption may be renewed for not more than two additional five year periods as long as the conditions for the exemption continue to be met. Specifies that the total exemption period may not exceed 20 years. Provides that if ownership of the property is transferred during an exemption period, the exemption continues to apply to the property for the remainder of the exemption period and the transferee may apply for any exemption renewals for which the previous property owner would have been entitled to apply. Limits the amount that a property owner may be required to pay for connecting to the municipality's sewer system if the property owner, during an exemption period, consents to the connection. Provides that a person who gives a false report concerning a septic tank soil absorption system or constructed wetland septic system in order to qualify for the exemption, knowing the report to be false, commits false informing, a Class B misdemeanor.

**EH 1075—LS 6577/DI 55**



Reprinted  
March 1, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1075

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A BILL FOR AN ACT to amend the Indiana Code concerning local government and utilities.

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

- 1 SECTION 1. IC 8-1-2-61.8 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]: **Sec. 61.8. (a) As used in this section, "rental unit  
4 community" has the meaning set forth in IC 36-1-20-1.5.**  
5 **(b) As used in this section, "utility" refers to a wastewater  
6 utility, whether or not the utility is under the jurisdiction of the  
7 commission for the approval of rates and charges.**  
8 **(c) If a utility charges different rates for different classes of  
9 property based at least partially on consumption, the utility must  
10 charge a rental unit community a rate based at least partially on  
11 consumption.**  
12 **(d) A rate for a rental unit community required by subsection  
13 (c) takes effect as follows:**  
14 **(1) If the utility is not under the jurisdiction of the commission**

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1           **for the approval of rates and charges, the first date after June**  
 2           **30, 2016, that a change in the utility's rate structure becomes**  
 3           **effective.**

4           **(2) If the utility is under the jurisdiction of the commission for**  
 5           **the approval of rates and charges, the first date that a change**  
 6           **in the utility's rate structure becomes effective after either of**  
 7           **the following has occurred:**

8               **(A) The commission began review of the utility's rates after**  
 9               **June 30, 2016.**

10              **(B) The utility sought a change in the utility's rates after**  
 11              **June 30, 2016.**

12           SECTION 2. IC 13-11-2-25.2 IS ADDED TO THE INDIANA  
 13           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 14           [EFFECTIVE JULY 1, 2016]: **Sec. 25.2. "Chemical toilet", for**  
 15           **purposes of IC 13-18-12-2.2, has the meaning set forth in**  
 16           **IC 13-18-12-2.2(a)(1).**

17           SECTION 3. IC 13-11-2-201, AS AMENDED BY P.L.292-2013,  
 18           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19           JULY 1, 2016]: **Sec. 201. (a) "Sewage disposal system", for purposes**  
 20           **of this chapter, IC 13-18-12 (except as provided in subsection (b)),**  
 21           **and IC 13-20-17.5, means septic tanks, septic tank soil absorption**  
 22           **systems, septage holding tanks, seepage pits, cesspools, privies,**  
 23           **composting toilets, interceptors or grease traps, portable sanitary units,**  
 24           **and other equipment, facilities, or devices used to:**

- 25               (1) store;  
 26               (2) treat;  
 27               (3) make inoffensive; or  
 28               (4) dispose of;

29           human excrement or liquid carrying wastes of a domestic nature.

30           **(b) "Sewage disposal system", for purposes of IC 13-18-12-2.2,**  
 31           **has the meaning set forth in IC 13-18-12-2.2(a)(2).**

32           SECTION 4. IC 13-11-2-257.6 IS ADDED TO THE INDIANA  
 33           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 34           [EFFECTIVE JULY 1, 2016]: **Sec. 257.6. "Wastewater", for**  
 35           **purposes of IC 13-18-12-2.2, has the meaning set forth in**  
 36           **IC 13-18-12-2.2(a)(3).**

37           SECTION 5. IC 13-11-2-257.8 IS ADDED TO THE INDIANA  
 38           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 39           [EFFECTIVE JULY 1, 2016]: **Sec. 257.8. "Wastewater management**  
 40           **vehicle", for purposes of IC 13-18-12-2.2, has the meaning set forth**  
 41           **in IC 13-18-12-2.2(b).**

42           SECTION 6. IC 13-18-12-2.2 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2016]: **Sec. 2.2. (a) As used in this section:**

3 (1) "chemical toilet" has the meaning set forth in 327  
 4 IAC 7.1-2-6;

5 (2) "sewage disposal system" has the meaning set forth in 327  
 6 IAC 7.1-2-36; and

7 (3) "wastewater" has the meaning set forth in 327  
 8 IAC 7.1-2-41;

9 on February 1, 2016.

10 (b) As used in this section, "wastewater management vehicle"  
 11 means a vehicle used for the removal of wastewater from sewage  
 12 disposal systems.

13 (c) Notwithstanding 327 IAC 7.1-6-1, the invoice provided to a  
 14 customer by the person who uses a wastewater management  
 15 vehicle to remove wastewater from the customer's sewage disposal  
 16 system need not show:

17 (1) the date on which the wastewater was removed from the  
 18 sewage disposal system; or

19 (2) the amount of wastewater removed from the sewage  
 20 disposal system;

21 if the sewage disposal system from which the wastewater is  
 22 removed is a chemical toilet.

23 SECTION 7. IC 35-44.1-2-3, AS AMENDED BY P.L.168-2014,  
 24 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 3. (a) As used in this**  
 26 **section, "consumer product" has the meaning set forth in IC 35-45-8-1.**

27 (b) As used in this section, "misconduct" means a violation of a  
 28 departmental rule or procedure of a law enforcement agency.

29 (c) A person who reports, by telephone, telegraph, mail, or other  
 30 written or oral communication, that:

31 (1) the person or another person has placed or intends to place an  
 32 explosive, a destructive device, or other destructive substance in  
 33 a building or transportation facility;

34 (2) there has been or there will be tampering with a consumer  
 35 product introduced into commerce; or

36 (3) there has been or will be placed or introduced a weapon of  
 37 mass destruction in a building or a place of assembly;

38 knowing the report to be false, commits false reporting, a Level 6  
 39 felony.

40 (d) A person who:

41 (1) gives a false report of the commission of a crime or gives false  
 42 information in the official investigation of the commission of a



- 1 crime, knowing the report or information to be false;  
 2 (2) gives a false alarm of fire to the fire department of a  
 3 governmental entity, knowing the alarm to be false;  
 4 (3) makes a false request for ambulance service to an ambulance  
 5 service provider, knowing the request to be false;  
 6 (4) gives a false report concerning a missing child (as defined in  
 7 IC 10-13-5-4) or missing endangered adult (as defined in  
 8 IC 12-7-2-131.3) or gives false information in the official  
 9 investigation of a missing child or missing endangered adult  
 10 knowing the report or information to be false;  
 11 (5) makes a complaint against a law enforcement officer to the  
 12 state or municipality (as defined in IC 8-1-13-3(b)) that employs  
 13 the officer:  
 14 (A) alleging the officer engaged in misconduct while  
 15 performing the officer's duties; and  
 16 (B) knowing the complaint to be false;  
 17 (6) makes a false report of a missing person, knowing the report  
 18 or information is false; or  
 19 (7) gives a false report of actions, behavior, or conditions  
 20 concerning:  
 21 (A) a septic tank soil absorption system under IC 8-1-2-125 or  
 22 IC 13-26-5-2.5; or  
 23 (B) **a septic tank soil absorption system or constructed**  
 24 **wetland septic system under IC 36-9-23-30.1;**  
 25 knowing the report or information to be false;  
 26 commits false informing, a Class B misdemeanor. However, the offense  
 27 is a Class A misdemeanor if it substantially hinders any law  
 28 enforcement process or if it results in harm to another person.  
 29 SECTION 8. IC 36-9-23-30 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]:  
 31 Sec. 30. (a) Subject to subsection (b) **and section 30.1 of this chapter,**  
 32 a municipality that operates sewage works under this chapter or under  
 33 any statute repealed by IC 19-2-5-30 (repealed September 1, 1981) may  
 34 require:  
 35 (1) connection to its sewer system of any property producing  
 36 sewage or similar waste; and  
 37 (2) discontinuance of the use of privies, cesspools, septic tanks,  
 38 and similar structures.  
 39 (b) A municipality may exercise the powers granted by subsection  
 40 (a) only if:  
 41 (1) there is an available sanitary sewer within three hundred (300)  
 42 feet of the property line of the affected property; and



- 1 (2) it has given notice by certified mail to the property owner at  
 2 the address of the property, at least ninety (90) days before the  
 3 date specified for connection in the notice.
- 4 (c) A municipality may establish, enforce, and collect reasonable  
 5 penalties for failure to make a connection under this section.
- 6 (d) A municipality may apply to the circuit or superior court for the  
 7 county in which it is located for an order to require a connection under  
 8 this section. The court shall assess the cost of the action and reasonable  
 9 attorney's fees of the municipality against the property owner in such  
 10 an action.
- 11 SECTION 9. IC 36-9-23-30.1 IS ADDED TO THE INDIANA  
 12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)]: **Sec. 30.1. (a)**  
 14 **As used in this section, "constructed wetland septic system" means**  
 15 **a residential sewage disposal system that includes:**
- 16 (1) a septic tank or other type of primary wastewater  
 17 treatment system; and
- 18 (2) a constructed wetland cell in which:
- 19 (A) effluent flows on top of soil or through a porous  
 20 medium such as pea gravel;
- 21 (B) wetland plants are growing, and their roots and stems  
 22 form a dense mat;
- 23 (C) suspended solids and trace metals in the effluent settle  
 24 and are filtered; and
- 25 (D) organisms living in the water, on the soil or gravel, and  
 26 on the stems and roots of the wetland plants feed on the  
 27 organic materials and nutrients in the effluent.
- 28 (b) For purposes of this section, a sewage disposal system is  
 29 "failing" if one (1) or more of the following apply:
- 30 (1) The system refuses to accept sewage at the rate of design  
 31 application and interferes with the normal use of plumbing  
 32 fixtures.
- 33 (2) Effluent discharge exceeds the absorptive capacity of the  
 34 soil into which the system discharges, resulting in ponding,  
 35 seepage, or other discharge of the effluent to the ground  
 36 surface or to surface waters.
- 37 (3) Effluent discharged from the system contaminates a  
 38 potable water supply, ground water, or surface waters.
- 39 (c) As used in this section, "qualified inspector" means any of  
 40 the following:
- 41 (1) An employee of a local health department who is  
 42 designated by the local health department as having



- 1 knowledge of onsite sewage systems sufficient to determine  
 2 whether an onsite sewage system is failing.
- 3 (2) An individual who is certified by the Indiana Onsite  
 4 Wastewater Professionals Association as an onsite sewage  
 5 system installer or inspector.
- 6 (3) An individual listed by:  
 7 (A) the state department of health; or  
 8 (B) the local health department with jurisdiction over the  
 9 service area of the property inspected;  
 10 as having sufficient knowledge of onsite sewage systems to  
 11 determine whether an onsite sewage system is failing.
- 12 (d) Subject to subsections (e) through (k), a property owner is  
 13 exempt from the requirement to connect to a municipality's sewer  
 14 system and to discontinue use of the property owner's sewage  
 15 disposal system if all of the following conditions are met:
- 16 (1) The property of the property owner is located outside the  
 17 boundaries of the municipality.
- 18 (2) The property owner's sewage disposal system on the  
 19 property is a septic tank soil absorption system or constructed  
 20 wetland septic system that:  
 21 (A) was new at the time of installation; and  
 22 (B) was approved in writing by the local health  
 23 department.
- 24 (3) Within sixty (60) days after the property owner is notified  
 25 under section 30 of this chapter that the municipality is  
 26 requiring connection to its sewer system and discontinuance  
 27 of use of the property owner's sewage disposal system, the  
 28 property owner notifies the municipality in writing that the  
 29 property owner is claiming the exemption provided by this  
 30 section.
- 31 (4) The property owner, at the property owner's expense,  
 32 obtains a written determination from:  
 33 (A) the local health department;  
 34 (B) the local health department's designee;  
 35 (C) if subsection (f) applies, a qualified inspector; or  
 36 (D) if subsection (g) applies, the board of the local health  
 37 department;  
 38 that the septic tank soil absorption system or constructed  
 39 wetland septic system is not failing.
- 40 (5) The property owner provides to the municipality a copy of  
 41 the written determination described in subdivision (4) within  
 42 one hundred twenty (120) days after the property owner is





- 1 notified under section 30 of this chapter that the municipality  
2 is requiring connection to its sewer system and discontinuance  
3 of use of the property owner's sewage disposal system.
- 4 (e) If a property owner, within the time allowed under  
5 subsection (d)(3), notifies the municipality in writing that the  
6 property owner is claiming the exemption provided by this section,  
7 the municipality shall suspend the requirement that the property  
8 owner discontinue use of the property owner's sewage disposal  
9 system and connect to the municipality's sewer system until the  
10 property owner's eligibility for the exemption under this section is  
11 determined.
- 12 (f) The local health department or the designee of the local  
13 health department shall provide the property owner with a written  
14 determination under subsection (d)(4) within sixty (60) days after  
15 receiving the property owner's request for the determination. If the  
16 local health department or its designee fails to provide a written  
17 determination in response to a property owner's request under  
18 subsection (d)(4) within sixty (60) days after receiving the request,  
19 the property owner, at the property owner's expense, may obtain  
20 a written determination from a qualified inspector.
- 21 (g) If the local health department or the department's designee,  
22 in response to a property owner's request under subsection (d)(4),  
23 determines that a septic tank soil absorption system or constructed  
24 wetland septic system is failing, the property owner may appeal the  
25 determination to the board of the local health department. The  
26 decision of the board as to whether the septic tank soil absorption  
27 system or constructed wetland septic system is failing is final and  
28 binding for purposes of this section.
- 29 (h) If a property qualifies under subsections (d) through (g) for  
30 the exemption provided by this section:
- 31 (1) the property owner is exempt from the requirement to  
32 connect to the municipality's sewer system for a period of ten  
33 (10) years beginning on the date on which the property  
34 owner's septic tank soil absorption system or constructed  
35 wetland septic system described in subsection (d)(2) was  
36 installed; and
- 37 (2) the property owner may renew the initial ten (10) year  
38 exemption described in subdivision (1) by seeking to obtain  
39 not more than two (2) additional five (5) year exemptions  
40 after the initial exemption expires by meeting the conditions  
41 set forth in subsection (i) for each five (5) year exemption.  
42 Each additional exemption under this subdivision begins on



1           the date the previous exemption would otherwise expire.  
 2           **The total period during which a property owner may be exempt**  
 3           **from the requirement to connect to a municipality's sewer system**  
 4           **under this subsection may not exceed twenty (20) years.**

5           **(i) A property owner qualifies for an exemption renewal as**  
 6           **described in subsection (h)(2) if all of the following conditions are**  
 7           **met:**

8                   **(1) The property continues to meet the conditions set forth in**  
 9                   **subsection (d)(1) through (d)(2).**

10                   **(2) Not less than one hundred twenty (120) days before the**  
 11                   **expiration of:**

12                           **(A) the property owner's initial exemption described in**  
 13                           **subsection (h)(1); or**

14                           **(B) the property owner's previous renewal of an exemption**  
 15                           **described in subsection (h)(2);**

16                   **the property owner notifies the municipality in writing that**  
 17                   **the property owner is seeking the renewal of an exemption**  
 18                   **under this section.**

19                   **(3) The property owner, at the property owner's expense,**  
 20                   **obtains another written determination from:**

21                           **(A) the local health department;**

22                           **(B) the local health department's designee;**

23                           **(C) a qualified inspector; or**

24                           **(D) the board of the local health department;**

25                   **as applicable, that the septic tank soil absorption system or**  
 26                   **constructed wetland septic system is not failing.**

27                   **(4) The property owner provides to the municipality a copy of**  
 28                   **the written determination described in subdivision (3) not less**  
 29                   **than thirty (30) days before the expiration of the property**  
 30                   **owner's:**

31                           **(A) initial exemption described in subsection (h)(1); or**

32                           **(B) previous exemption renewal period described in**  
 33                           **subsection (h)(2).**

34           **The local health department or the designee of the local health**  
 35           **department shall provide the property owner with a written**  
 36           **determination under subdivision (3)(A) or (3)(B) within sixty (60)**  
 37           **days after receiving the property owner's request for the**  
 38           **determination. If the local health department or its designee fails**  
 39           **to provide a written determination under subdivision (3)(A) or**  
 40           **(3)(B) within sixty (60) days after receiving a property owner's**  
 41           **request, the property owner, at the property owner's expense, may**  
 42           **obtain a written determination from a qualified inspector under**



1 subdivision (3)(C). If the local health department or the  
 2 department's designee determines that a septic tank soil absorption  
 3 system or constructed wetland septic system is failing, the property  
 4 owner may appeal the determination to the board of the local  
 5 health department under subdivision (3)(D), but the decision of the  
 6 board as to whether the septic tank soil absorption system or  
 7 constructed wetland septic system is failing is final and binding for  
 8 purposes of this section.

9 (j) If a property qualifies for the exemption provided by this  
 10 section and ownership of the property is transferred during a valid  
 11 exemption period, including an exemption renewal period  
 12 described in subsection (h)(2):

13 (1) the exemption continues to apply to the property for the  
 14 remainder of the exemption period during which the transfer  
 15 occurs; and

16 (2) the transferee may apply for any exemption renewals  
 17 under subsection (h)(2) that the previous property owner  
 18 would have been entitled to apply for under this section.

19 (k) If a property owner whose property qualifies for an  
 20 exemption under this section, including a transferee described in  
 21 subsection (j), discontinues use of the property owner's septic tank  
 22 soil absorption system or constructed wetland septic system and  
 23 consents to the connection of the property to the municipality's  
 24 sewer system, the property owner may not be required to pay more  
 25 than the following to connect to the municipality's sewer system:

26 (1) The connection fee the property owner would have paid if  
 27 the property owner had connected to the municipality's sewer  
 28 system on the first date on which the property owner could  
 29 have connected to the sewer system.

30 (2) Any additional costs:

31 (A) considered necessary by; and

32 (B) supported by documentary evidence provided by;  
 33 the municipality.

34 SECTION 10. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1075, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and utilities.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-2-61.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 61.8. (a) As used in this section, "rental unit community" has the meaning set forth in IC 36-1-20-1.5.**

**(b) As used in this section, "utility" refers to a wastewater utility, whether or not the utility is under the jurisdiction of the commission for the approval of rates and charges.**

**(c) If a utility charges different rates for different classes of property based at least partially on consumption, the utility must charge a rental unit community a rate based at least partially on consumption.**

**(d) A rate for a rental unit community required by subsection (c) takes effect as follows:**

**(1) If the utility is not under the jurisdiction of the commission for the approval of rates and charges, the first date after June 30, 2016, that a change in the utility's rate structure becomes effective.**

**(2) If the utility is under the jurisdiction of the commission for the approval of rates and charges, the first date that a change in the utility's rate structure becomes effective after either of the following has occurred:**

**(A) The commission began review of the utility's rates after June 30, 2016.**

**(B) The utility sought a change in the utility's rates after June 30, 2016."**

Page 6, delete lines 1 through 15, begin a new line block indented and insert:

**"(2) the property owner may renew the initial ten (10) year exemption described in subdivision (1) by seeking to obtain not more than two (2) additional five (5) year exemptions after the initial exemption expires by meeting the conditions set forth in subsection (i) for each five (5) year exemption.**



**Each additional exemption under this subdivision begins on the date the previous exemption would otherwise expire. The total period during which a property owner may be exempt from the requirement to connect to a municipality's sewer system under this subsection may not exceed twenty (20) years."**

Page 6, line 26, delete "(h)(2)(A) or (h)(2)(B);" and insert "**(h)(2);**".

Page 7, line 2, delete "(h)(2)(A) or (h)(2)(B)." and insert "**(h)(2).**".

Page 7, line 23, delete "(h)(2)(A) or (h)(2)(B):" and insert "**(h)(2):**".

Page 7, line 28, delete "(h)(2)(A) or (h)(2)(B)" and insert "**(h)(2)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1075 as introduced.)

WOLKINS

Committee Vote: yeas 9, nays 3.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1075, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1075 as printed January 29, 2016.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 0

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#### SENATE MOTION

Madam President: I move that Engrossed House Bill 1075 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert: "SECTION 2. IC 13-11-2-25.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 25.2. "Chemical toilet", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(a)(1).**

**EH 1075—LS 6577/DI 55**



SECTION 3. IC 13-11-2-201, AS AMENDED BY P.L.292-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 201. **(a)** "Sewage disposal system", for purposes of this chapter, IC 13-18-12 **(except as provided in subsection (b))**, and IC 13-20-17.5, means septic tanks, septic tank soil absorption systems, septage holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

- (1) store;
- (2) treat;
- (3) make inoffensive; or
- (4) dispose of;

human excrement or liquid carrying wastes of a domestic nature.

**(b) "Sewage disposal system", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(a)(2).**

SECTION 4. IC 13-11-2-257.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 257.6. **"Wastewater", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(a)(3).**

SECTION 5. IC 13-11-2-257.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 257.8. **"Wastewater management vehicle", for purposes of IC 13-18-12-2.2, has the meaning set forth in IC 13-18-12-2.2(b).**

SECTION 6. IC 13-18-12-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2.2. **(a) As used in this section:**

- (1) "chemical toilet" has the meaning set forth in 327 IAC 7.1-2-6;**
- (2) "sewage disposal system" has the meaning set forth in 327 IAC 7.1-2-36; and**
- (3) "wastewater" has the meaning set forth in 327 IAC 7.1-2-41;**

**on February 1, 2016.**

**(b) As used in this section, "wastewater management vehicle" means a vehicle used for the removal of wastewater from sewage disposal systems.**

**(c) Notwithstanding 327 IAC 7.1-6-1, the invoice provided to a customer by the person who uses a wastewater management vehicle to remove wastewater from the customer's sewage disposal system need not show:**



**(1) the date on which the wastewater was removed from the sewage disposal system; or**  
**(2) the amount of wastewater removed from the sewage disposal system;**  
**if the sewage disposal system from which the wastewater is removed is a chemical toilet."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1075 as printed February 23, 2016.)

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