

HOUSE BILL No. 1290

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-12-7.

Synopsis: Nullification of EPA regulations in Indiana. Nullifies all regulations imposed in Indiana by the United States Environmental Protection Agency (EPA). Provides that the department of environmental management shall provide environmental protection for the citizens of Indiana.

Effective: July 1, 2015.

Judy, Heaton

January 13, 2015, read first time and referred to Committee on Environmental Affairs.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1290



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 13-12-7 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]:
4 **Chapter 7. Nullification of United States Environmental**
5 **Protection Agency Regulations**
6 **Sec. 1. The general assembly makes the following findings:**
7 **(1) The Tenth Amendment to the Constitution of the United**
8 **States reads as follows: "The powers not delegated to the**
9 **United States by the Constitution, nor prohibited by it to the**
10 **States, are reserved to the States respectively, or to the**
11 **people."**
12 **(2) The Tenth Amendment defines the total scope of federal**
13 **power as being that which is specifically granted by the**
14 **Constitution of the United States and no more.**
15 **(3) Article VI of the Constitution of the United States states**



- 1 that federal actions are supreme only when made in
2 "pursuance thereof" constitutionally authorized laws.
- 3 **(4) The scope of power defined by the Tenth Amendment**
4 **means that the federal government was created by the states**
5 **specifically to be an agent of the states.**
- 6 **(5) The regulation making authority of the United States**
7 **Environmental Protection Agency is not authorized by the**
8 **Constitution of the United States in any article or amendment**
9 **and violates the Constitution's true meaning and intent as**
10 **given by the founders and ratifiers.**
- 11 **Sec. 2. Based on the findings in section 1 of this chapter, all**
12 **regulations imposed by the United States Environmental**
13 **Protection Agency before, on, or after July 1, 2015, are void in**
14 **Indiana.**
- 15 **Sec. 3. The state, being conscious of the need for environmental**
16 **protection for its citizens, shall provide environmental protection**
17 **through the department of environmental management.**
- 18 **Sec. 4. All laws and funding appropriations concerning**
19 **environmental protection shall be determined through passage of**
20 **an enrolled act by the general assembly.**
- 21 **Sec. 5. The department of environmental management shall be**
22 **responsible for the implementation of all necessary rules**
23 **concerning environmental protection in Indiana.**

