

February 16, 1998

ENGROSSED SENATE BILL No. 272

DIGEST OF SB 272 (Updated February 16, 1998 6:28 pm - DI 02)

Citations Affected: IC 14-27; IC 14-34.

Synopsis: Surface mining, dams, dikes, floodwalls and levees. Makes the law on the regulation of dams, dikes, and levees inapplicable to certain dams, dikes, floodwalls, or levees. Authorizes the director of the DNR to issue a surface coal mining and reclamation permit subject to the condition that the permittee obtain or maintain in force other licenses or permits required for the mining operation. Concerning proposed revisions in surface coal mining permits, establishes the conditions that categorize a proposed revision as significant, nonsignificant, or a minor field revision. Provides procedures for the
(Continued next page)

Effective: See text of bill.

Server, Gery

(HOUSE SPONSORS — HEEKE, J. DAVIS, STILWELL)

January 8, 1998, read first time and referred to Committee on Natural Resources.
January 27, 1998, amended, reported favorably — Do Pass.
January 30, 1998, read second time, amended, ordered engrossed.
February 2, 1998, engrossed.
February 3, 1998, read third time, passed. Yeas 38, nays 12.
HOUSE ACTION
February 10, 1998, read first time and referred to Committee on Agriculture and Rural Development.
February 11, 1998, reassigned to Committee on Natural Resources.
February 16, 1998, amended, reported — Do Pass.

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Digest Continued

review and approval of each of these three categories of permit revisions. Establishes criteria to determine that a proposed change in the area covered by a mining permit is an incidental boundary revision. Allows an incidental boundary revision to occur without applying for a new permit. Repeals a provision requiring the natural resources commission to adopt rules defining nonsignificant revisions of a surface coal mining and reclamation operations permit.

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February 16, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

ENGROSSED SENATE BILL No. 272

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

- 1 SECTION 1. IC 14-27-7-4, AS ADDED BY P.L.1-1995, SECTION
2 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 1998]: Sec. 4. (a) The department shall make an engineering inspection
4 of all dams, levees, dikes, and floodwalls and appurtenant works:
5 (1) at least one (1) time every two (2) years or at more frequent
6 intervals if the exigencies of the case require; or
7 (2) upon the written request of an affected person or agency.
8 (b) The department shall place in the files of the department a report
9 of each inspection conducted under subsection (a).
10 (c) This chapter does not apply to the following:
11 (1) A dam that meets the following conditions:
12 (A) Is built for the sole purpose of erosion control, watering
13 livestock, recreation, or providing a haven or refuge for fish or
14 wildlife.

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- 1 (B) Has a drainage area above the dam of not more than one
 2 (1) square mile.
 3 (C) Does not exceed twenty (20) feet in height from the natural
 4 stream bed to spillway level.
 5 (D) Does not impound more than one hundred (100) acre-feet
 6 of water.
- 7 (2) A levee, dike, or floodwall that meets the following
 8 conditions:
 9 (A) Is under a single private ownership.
 10 (B) Provides protection only to land or other property under
 11 the single private ownership.
- 12 **(3) A dam, dike, floodwall, or levee that is regulated under the**
 13 **federal Mine Safety and Health Act of 1977, unless the dam,**
 14 **dike, floodwall, or levee is proposed to be retained as a**
 15 **permanent structure after bond release.**
- 16 SECTION 2. IC 14-34-4-18, AS ADDED BY P.L.1-1995,
 17 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 1998]: Sec. 18. (a) Each permit issued by the director is
 19 subject to conditions imposed by the director. The conditions must
 20 include at a minimum a requirement for the operator to pay to the
 21 federal Office of Surface Mining all fees owed under 30 CFR Part 870.
- 22 **(b) The director may issue a permit subject to the condition that**
 23 **the permittee obtain or maintain in force other licenses or permits**
 24 **required for the surface coal mining and reclamation operation.**
 25 **However, the imposition of a condition under this subsection does**
 26 **not authorize or require the director to administer or enforce the**
 27 **requirements of any federal law or of any state law other than this**
 28 **article.**
- 29 SECTION 3. IC 14-34-5-7, AS ADDED BY P.L.1-1995, SECTION
 30 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 31 1998]: Sec. 7. (a) ~~The director may approve an application for a~~
 32 ~~revision of a permit submitted under section 5 of this chapter if the~~
 33 ~~application is based only on nonsignificant revisions of the permit: (as~~
 34 ~~defined in the rules adopted under section 6 of this chapter):~~ **A change**
 35 **in mining or reclamation operations from the approved mining and**
 36 **reclamation plans that would adversely affect the permittee's**
 37 **compliance with this article is a permit revision subject to review**
 38 **and approval as provided in this section and sections 8 through 8.4**
 39 **of this chapter.**
- 40 (b) ~~The director may approve an application under subsection (a)~~
 41 ~~without notice and a hearing.~~ **A permit revision is either:**
- 42 **(1) a significant revision subject to sections 8 and 8.1 of this**

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- 1 chapter;
- 2 (2) a nonsignificant revision subject to sections 8.2 and 8.3 of
- 3 this chapter; or
- 4 (3) a minor field revision subject to section 8.4 of this chapter.
- 5 (c) Permit revisions may be approved by:
- 6 (1) the director; or
- 7 (2) the director's designated representative.
- 8 (d) A permit revision may not be approved unless the permittee
- 9 demonstrates and the director or the director's designated
- 10 representative finds the following:
- 11 (1) That reclamation as required by this article and by the
- 12 rules adopted by the commission under IC 14-34-2-1 can be
- 13 accomplished.
- 14 (2) That applicable requirements of IC 14-34-4-7 that are
- 15 pertinent to the permit revision are met.
- 16 (3) That the permit revision complies with all applicable
- 17 requirements of this article and the rules adopted by the
- 18 commission under IC 14-34-2-1.
- 19 SECTION 4. IC 14-34-5-8, AS ADDED BY P.L.1-1995, SECTION
- 20 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 21 1998]: Sec. 8. (a) Unless an application for revision of a permit
- 22 submitted under section 5 of this chapter is based only on
- 23 nonsignificant revisions (as defined in the rules adopted under section
- 24 6 of this chapter); or minor field revisions, the application may be
- 25 approved only after the notice and hearing requirements of this article
- 26 for issuance of a permit have been fulfilled.
- 27 (b) The director may impose other conditions for approval of the
- 28 application.
- 29 SECTION 5. IC 14-34-5-8.1 IS ADDED TO THE INDIANA CODE
- 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 31 1, 1998]: Sec. 8.1. For purposes of sections 7 and 8 of this chapter,
- 32 a proposed revision of a permit is significant if any of the following
- 33 conditions exists:
- 34 (1) The changes may result in an adverse impact beyond that
- 35 previously considered, affecting cultural resources that are
- 36 listed on or eligible to be listed on:
- 37 (A) the National Register of Historic Places; or
- 38 (B) the register of Indiana historic sites and historic
- 39 structures established under IC 14-21-1.
- 40 (2) Blasting will be used in a manner that is likely to cause
- 41 adverse impacts beyond that previously considered to persons
- 42 or property outside the permit area.



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- 1 (3) The changes may result in an adverse impact beyond that
 2 previously considered, affecting a water supply to which
 3 IC 14-25-4 applies.
- 4 (4) The changes:
- 5 (A) require the identification, disturbance, or handling of
 6 toxic forming or acid forming materials different from
 7 those previously considered; and
 8 (B) have the potential for causing an additional impact not
 9 previously considered.
- 10 (5) The changes may result in an adverse impact on fish,
 11 wildlife, and related environmental values beyond that
 12 previously considered.
- 13 (6) The addition of:
- 14 (A) a coal processing facility; or
 15 (B) a permanent support facility;
 16 is proposed, and the addition of the facility will cause an
 17 impact not previously considered, except that the addition of
 18 a temporary coal processing facility used exclusively for
 19 crushing and screening need not be considered a significant
 20 revision.
- 21 (7) The changes will cause:
- 22 (A) a new or an updated probable hydrologic consequences
 23 determination; or
 24 (B) a cumulative hydrologic impact analysis to be required
 25 under IC 14-34-3-3.
- 26 (8) A postmining land use will be changed to any of the
 27 following:
- 28 (A) A residential land use.
 29 (B) A commercial or industrial land use.
 30 (C) A recreational land use.
 31 (D) Developed water resources as defined in rules adopted
 32 by the commission under IC 14-34-2-1 that meets the size
 33 criteria of 30 CFR 77.216(a).
- 34 SECTION 6. IC 14-34-5-8.2 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 1998]: **Sec. 8.2.** For purposes of sections 7, 8, and 8.3 of this
 37 chapter, a proposed permit revision is nonsignificant if any of the
 38 following conditions exist:
- 39 (1) For surface mines, changes of the:
- 40 (A) direction of mining; or
 41 (B) location of mining equipment;
 42 within the permit area.

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1 (2) The substitution of mining equipment designed for the
 2 same purpose, the use of which is not detrimental to the
 3 achievement of final reclamation or subsidence control.

4 (3) For underground mines, any change in the direction or
 5 location of mining within the permit area or shadow area in
 6 response to unanticipated events.

7 (4) A postmining land use change other than a change
 8 described in section 8.1(8) of this chapter.

9 (5) Any other change in the mining or reclamation plan that
 10 the director reasonably determines:

11 (A) will not have a significant effect:

12 (i) on the achievement of final reclamation plans under
 13 IC 14-34-3-12;

14 (ii) on subsidence control plans; and

15 (iii) on the surrounding area;

16 (B) does not involve significant delay in achieving final
 17 reclamation or significant change in the land use; or

18 (C) is necessitated by unanticipated and unusually adverse
 19 weather conditions, other acts of God, strikes, or other
 20 causes beyond the reasonable control of the permittee, if
 21 all steps specified by the director to maximize
 22 environmental protection are taken.

23 SECTION 7. IC 14-34-5-8.3 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 1998]: **Sec. 8.3. A nonsignificant revision in a mining or
 26 reclamation plan must be:**

27 (1) reviewed; and

28 (2) approved in writing;

29 **by the director before it may be implemented.**

30 SECTION 8. IC 14-34-5-8.4 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 1998]: **Sec. 8.4. (a) For purposes of section 7 and 8 of this
 33 chapter, a proposed revision of a permit is a minor field revision if
 34 the proposed change:**

35 (1) does not require technical review or design analysis; and

36 (2) is capable of being evaluated in the field by the director's
 37 designated delegate for compliance with the requirements of
 38 section 7(d) of this chapter.

39 (b) A minor field revision may be approved by a field inspector
 40 in an inspection report or on a form signed in the field.

41 (c) A minor field revision approved under this section:

42 (1) must be properly documented and separately filed; and

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- 1 (2) may include the following:
- 2 (A) Soil stockpile location and configurations.
- 3 (B) As-built pond certifications.
- 4 (C) Minor transportation facilities changes.
- 5 (D) Any of the following for a pond:
- 6 (i) Depth.
- 7 (ii) Shape.
- 8 (iii) Orientation.
- 9 (E) An area for temporary drainage control or temporary
- 10 water storage.
- 11 (F) Equipment changes.
- 12 (G) Explosive storage areas.
- 13 (H) Minor mine management or support facility locations
- 14 (except for the disposal or storage of refuse).
- 15 (I) Adding United States Natural Resources Conservation
- 16 Service conservation practices.
- 17 (J) Methods of erosion protection on diversions.
- 18 (K) Temporary cessation of mining.
- 19 (L) Minor diversion location changes.

20 SECTION 9. IC 14-34-5-8.5 IS ADDED TO THE INDIANA CODE

21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

22 1, 1998]: **Sec. 8.5. An extension of the area covered by a permit,**

23 **except for an incidental boundary revision under section 8.6 of this**

24 **chapter, must be made by applying for a new permit.**

25 SECTION 10. IC 14-34-5-8.6 IS ADDED TO THE INDIANA

26 CODE AS A NEW SECTION TO READ AS FOLLOWS

27 [EFFECTIVE JULY 1, 1998]: **Sec. 8.6. (a) For the area covered by**

28 **a permit to be extended under this section as an incidental**

29 **boundary revision, all of the following must apply:**

- 30 (1) The extension may not constitute a significant revision to
- 31 the method of conduct of mining or reclamation operations
- 32 contemplated by the original permit.
- 33 (2) The extension must be required for the orderly and
- 34 continuous mining and reclamation operation.
- 35 (3) The extension must adjoin the permit or shadow area
- 36 acreage.
- 37 (4) The extended area must be mined and reclaimed in
- 38 conformity with the approved permit plans.
- 39 (5) The area of the extension may not exceed the lesser of:
- 40 (A) ten percent (10%) of the area originally covered by the
- 41 permit; or
- 42 (B) twenty (20) acres.

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1 (b) The aggregate of all incidental boundary revisions of a
2 permit under this section may not exceed the area originally
3 covered by the permit by more than fifteen percent (15%).
4 However, the director may waive the limitation under this
5 subsection if the director finds that:

- 6 (1) all other provisions of this section are met; and
7 (2) the interests of the public are not adversely affected.

8 (c) The aggregate of all incidental boundary revisions of a
9 permit under this section that involve coal removal may not exceed
10 the area originally covered by the permit by more than ten percent
11 (10%).

12 (d) To obtain an incidental boundary revision under this section,
13 a permittee must submit to the director an application containing
14 the following:

- 15 (1) A statement of the size of:
16 (A) the original permit area; and
17 (B) the additional area that would be added by the
18 boundary revision.
19 (2) A statement of the uses that:
20 (A) were made of the land before mining; and
21 (B) will be made of the land after mining.
22 (3) A showing that the requirements of subsection (a) are met.
23 (4) A map showing the additional area to be added by the
24 boundary revision.
25 (5) Proof of the permittee's legal right to enter and conduct
26 surface coal mining and reclamation operations on the
27 additional area to be added by the boundary revision.
28 (6) Any necessary plans that are not contained in the permit
29 already approved.
30 (7) A statement indicating whether any areas unsuitable for
31 mining are contained in the permit already approved.

32 (e) An application for an incidental boundary revision may not
33 be approved unless the applicant demonstrates and the director
34 finds the following:

- 35 (1) That reclamation of the area as required by this article
36 can be accomplished.
37 (2) That the application complies with all requirements of this
38 article.

39 (f) The director shall approve or deny an incidental boundary
40 revision of a permit under this section within thirty (30) days after
41 the application for the proposed boundary revision is submitted to
42 the director, unless the director finds that more than thirty (30)



1 **days are needed to adequately review the application and make the**
2 **findings required by subsection (e).**

3 **(g) This section does not alter the general requirements of this**
4 **article for the submission of fees and bonds.**

5 SECTION 11. IC 14-34-5-6 IS REPEALED [EFFECTIVE JULY 1,
6 1998].

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SENATE MOTION

Mr. President: I move that Senator Lewis be removed as second author and that Senator Young be removed as coauthor of Senate Bill 272 and that Senator Gery be added as coauthor therewith.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred Senate Bill 272, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, before "Definitions" insert "**Applicability and**".

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 1. This article does not apply to the following individuals:

(1) An officer or employee of the:

(A) federal government;

(B) state government; or

(C) local government;

while engaged in providing soil science services for the officer's or employee's employer.

(2) An individual engaged solely in soil science research or the instruction of soil science.

(3) An individual not engaged in the public practice of soil science.

(4) A professional engineer registered under IC 25-31 who applies soil science to the practice of engineering.

(5) A professional geologist certified under IC 25-17.6 who applies soil science to the practice of geology.

(6) A person who is a certified professional erosion and sediment control specialist (CPESC) or soil conservationist who uses soil science in making land use decisions for the conservation of soil and water resources.

(7) A professional wetlands specialist who applies soil science for the purpose of making wetland delineations or determinations."

Page 1, line 6, delete "1" and insert "2".

Page 1, line 8, delete "2" and insert "3".

Page 1, line 10, delete "3" and insert "4".

Page 1, line 13, delete "4" and insert "5".

Page 1, line 14, delete "a professional" and insert "**an associate**".

Page 1, line 15, delete "5" and insert "6".

Page 2, line 3, delete "6" and insert "7".

Page 2, line 6, delete "7" and insert "8".

Page 2, line 10, delete "8" and insert "9".

Page 2, line 13, delete "9" and insert "10".

Page 2, line 21, delete "10" and insert "11".

Page 2, line 23, delete "11" and insert "12".

Page 5, delete lines 17 through 20, begin a new paragraph and



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insert:

"(d) The board shall submit the money in the fund to the state chemist on an annual basis. All funds submitted to the state chemist under this section shall be paid to the treasurer of Purdue University to be used in meeting all necessary expenses in carrying out this article."

Page 9, delete lines 1 through 19.

Page 9, line 20, delete "Sec. 2." and insert "**Sec. 1.**".

Page 9, line 21, delete "exempted under section 1 of this chapter;" and insert "**described in IC 25-40-1-1;**".

Page 9, line 32, delete "Sec. 3." and insert "**Sec. 2.**".

Page 12, line 38, delete "may" and insert "**shall**".

Page 12, line 38, delete "requirement" and insert "**and examination requirements**".

Page 12, line 40, delete "but" and insert "**similarly to those who qualify under subsection (b), but who**".

Page 12, delete line 42, begin a new line block indented and insert:

"(1) has at least five (5) years of experience in evaluating soil morphology and soil landscapes and has submitted reports dealing with environmental aspects of soil science acceptable to:

- (A) a county board of health;**
- (B) the state department of health;**
- (C) the department of environmental management; or**
- (D) a similar agency; and**

(2) provides to the satisfaction of the board:

- (A) examples of the individual's professional work; and**
- (B) names of people who can evaluate the individual's professional competence and adherence to ethical standards."**

Page 13, delete lines 1 through 5.

and when so amended that said bill do pass.

(Reference is to Senate Bill 272 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 7, Nays 1.



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SENATE MOTION

Mr. President: I move that Senate Bill 272 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JULY 1, 1998]".

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

"SECTION 1. IC 25-1-2-6, AS AMENDED BY P.L.253-1997(ss), SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dental examiners.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.

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- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Indiana board of registration for soil scientists.**
- ~~(40)~~ **(41)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 2. IC 25-1-7-1, AS AMENDED BY P.L.147-1997, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is



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licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dental examiners (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana board of registration for soil scientists (IC**



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25-40-2-1).

~~(34)~~ **(35)** Any other occupational or professional agency created after June 30, 1981.

SECTION 3. IC 25-1-8-1, AS AMENDED BY P.L.147-1997, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dental examiners (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- ~~(22) Until July 1, 1996, Indiana state board of television and radio service examiners (IC 25-36-1).~~
- ~~(23)~~ **(22)** Indiana board of veterinary medical examiners (IC 15-5-1.1-3).
- ~~(24)~~ **(23)** Department of insurance (IC 27-1).
- ~~(25)~~ **(24)** State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under IC 25-30-2.
- ~~(26)~~ **(25)** Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- ~~(27)~~ **(26)** Private detectives licensing board (IC 25-30-1-5.1).
- ~~(28)~~ **(27)** Occupational therapy committee (IC 25-23.5-2-1).



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~~(29)~~ **(28)** Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).

~~(30)~~ **(29)** Real estate appraiser licensure and certification board (IC 25-34.1-8).

~~(31)~~ **(30)** State board of registration for land surveyors (IC 25-21.5-2-1).

~~(32)~~ **(31)** Physician assistant committee (IC 25-27.5).

~~(33)~~ **(32)** Indiana athletic trainers certification board (IC 25-5.1-2-1).

~~(34)~~ **(33)** Board of podiatric medicine (IC 25-29-2-1).

~~(35)~~ **(34)** Indiana dietitians certification board (IC 25-14.5-2-1).

(35) Indiana board of registration for soil scientists (IC 25-40-2-1).

(36) Any other occupational or professional agency created after June 30, 1981.

SECTION 4. IC 25-1-11-1, AS AMENDED BY P.L.234-1995, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

(7) State board of registration of land surveyors (IC 25-21.5-2-1).

(8) State board of funeral and cemetery service (IC 25-15-9).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana plumbing commission (IC 25-28.5-1-3).

(11) Indiana real estate commission (IC 25-34.1-2-1).

~~(12) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~

~~(13)~~ **(12)** Real estate appraiser licensure certification board (IC 25-34.1-8).

~~(14)~~ **(13)** Private detectives licensing board (IC 25-30-1-5.1).

(14) Indiana board of registration for soil scientists (IC 25-40-2-1)."

Page 2, line 3, delete "who" and insert ".".

Page 2, delete line 4.

Page 3, line 31, after "6." insert "(a)".

Page 3, between lines 31 and 32, begin a new paragraph and insert:



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"(b) The board may not take official action without at least three (3) votes being in accord."

Page 4, line 23, delete "Each year the" insert "**The**".

Page 4, line 23, delete ":" and insert "**establish fees under IC 25-1-8.**"

Page 4, delete lines 24 through 29.

Page 6, line 3, delete "does not".

Page 6, line 4, delete "revert" and insert "**reverts**".

Page 8, line 28, after "seal" insert "**on**".

Page 8, line 29, delete "any report or other document".

Page 8, line 30, before "unless" insert "**any soil science report or other soil science document**".

Page 9, line 4, after "4." insert "**(a)**".

Page 9, between lines 7 and 8, begin a new paragraph and insert:

"(b) **The renewal notice must comply with IC 25-1-2-6.**"

Delete page 10.

Page 11, delete lines 1 through 36 begin a new paragraph and insert:

"**Sec. 1. The office of the attorney general shall receive, investigate, and prosecute complaints against a registered soil scientist according to the procedures under IC 25-1-7.**

Sec. 2. A registered soil scientist is subject to disciplinary sanctions by the board under IC 25-1-11 if the registered soil scientist:

(1) **violates the code of professional conduct adopted under IC 25-40-3-4; or**

(2) **violates the professional standards under IC 25-1-11-5.**"

Page 11, line 37, delete "7" and insert "**3**".

Page 11, line 38, delete "misdemeanor" and insert "**infraction**".

Page 13, between lines 17 and 18, begin a new paragraph and insert:

"(d) **Notwithstanding IC 25-40, as added by this act, an individual is not required to register with the Indiana board of registration for soil scientists to practice soil science (as defined by IC 25-40-1-9, as added by this act).**"

Page 13, line 18, delete "(d)" and insert "**(e)**".

Renumber all SECTIONS consecutively.

(Reference is to Senate Bill 272 as printed January 28, 1998.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 272, 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 natural and cultural resources.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to Senate Bill 272 as reprinted February 2, 1998.)

LYTLE, Chair

Committee Vote: yeas 13, nays 0.

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