

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Senate Bill 272 be amended to read as follows:

- 1           Replace the effective dates in SECTIONS 1 through 2 with
- 2           "[EFFECTIVE JULY 1, 1998]".
- 3           Page 1, between the enacting clause and line 1, begin a new
- 4           paragraph and insert:
- 5           "SECTION 1. IC 25-1-2-6, AS AMENDED BY P.L.253-1997(ss),
- 6           SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7           JULY 1, 1998]: Sec. 6. (a) As used in this section, "license" includes
- 8           all occupational and professional licenses, registrations, permits, and
- 9           certificates issued under the Indiana Code, and "licensee" includes all
- 10          occupational and professional licensees, registrants, permittees, and
- 11          certificate holders regulated under the Indiana Code.
- 12          (b) This section applies to the following entities that regulate
- 13          occupations or professions under the Indiana Code:
- 14               (1) Indiana board of accountancy.
- 15               (2) Indiana grain buyers and warehouse licensing agency.
- 16               (3) Indiana auctioneer commission.
- 17               (4) Board of registration for architects.
- 18               (5) State board of barber examiners.
- 19               (6) State board of cosmetology examiners.
- 20               (7) Medical licensing board of Indiana.
- 21               (8) Secretary of state.
- 22               (9) State board of dental examiners.
- 23               (10) State board of funeral and cemetery service.
- 24               (11) Worker's compensation board of Indiana.
- 25               (12) Indiana state board of health facility administrators.
- 26               (13) Committee of hearing aid dealer examiners.
- 27               (14) Indiana state board of nursing.
- 28               (15) Indiana optometry board.
- 29               (16) Indiana board of pharmacy.
- 30               (17) Indiana plumbing commission.
- 31               (18) Board of podiatric medicine.
- 32               (19) Private detectives licensing board.
- 33               (20) State board of registration for professional engineers.

- 1 (21) Board of environmental health specialists.
- 2 (22) State psychology board.
- 3 (23) Indiana real estate commission.
- 4 (24) Speech-language pathology and audiology board.
- 5 (25) Department of natural resources.
- 6 (26) State boxing commission.
- 7 (27) Board of chiropractic examiners.
- 8 (28) Mining board.
- 9 (29) Indiana board of veterinary medical examiners.
- 10 (30) State department of health.
- 11 (31) Indiana physical therapy committee.
- 12 (32) Respiratory care committee.
- 13 (33) Occupational therapy committee.
- 14 (34) Social worker, marriage and family therapist, and mental
- 15 health counselor board.
- 16 (35) Real estate appraiser licensure and certification board.
- 17 (36) State board of registration for land surveyors.
- 18 (37) Physician assistant committee.
- 19 (38) Indiana dietitians certification board.
- 20 (39) Indiana hypnotist committee.

21 **(40) Indiana board of registration for soil scientists.**  
 22 ~~(40)~~ **(41)** Any other occupational or professional agency created  
 23 after June 30, 1981.

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

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

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

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

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

42 "Licensee" means a person who is:

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

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

- 1 "Regulated occupation" means an occupation in which a person is  
 2 licensed, certified, or registered by one (1) of the following:
- 3 (1) Indiana board of accountancy (IC 25-2.1-2-1).
  - 4 (2) Board of registration for architects (IC 25-4-1-2).
  - 5 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
  - 6 (4) State board of barber examiners (IC 25-7-5-1).
  - 7 (5) State boxing commission (IC 25-9-1).
  - 8 (6) Board of chiropractic examiners (IC 25-10-1).
  - 9 (7) State board of cosmetology examiners (IC 25-8-3-1).
  - 10 (8) State board of dental examiners (IC 25-14-1).
  - 11 (9) State board of funeral and cemetery service (IC 25-15-9).
  - 12 (10) State board of registration for professional engineers  
 13 (IC 25-31-1-3).
  - 14 (11) Indiana state board of health facility administrators  
 15 (IC 25-19-1).
  - 16 (12) Medical licensing board of Indiana (IC 25-22.5-2).
  - 17 (13) Indiana state board of nursing (IC 25-23-1).
  - 18 (14) Indiana optometry board (IC 25-24).
  - 19 (15) Indiana board of pharmacy (IC 25-26).
  - 20 (16) Indiana plumbing commission (IC 25-28.5-1-3).
  - 21 (17) Board of podiatric medicine (IC 25-29-2-1).
  - 22 (18) Board of environmental health specialists (IC 25-32-1).
  - 23 (19) State psychology board (IC 25-33).
  - 24 (20) Speech-language pathology and audiology board  
 25 (IC 25-35.6-2).
  - 26 (21) Indiana real estate commission (IC 25-34.1-2).
  - 27 (22) Indiana board of veterinary medical examiners  
 28 (IC 15-5-1.1).
  - 29 (23) Department of natural resources for purposes of licensing  
 30 water well drillers under IC 25-39-3.
  - 31 (24) Respiratory care committee (IC 25-34.5).
  - 32 (25) Private detectives licensing board (IC 25-30-1-5.1).
  - 33 (26) Occupational therapy committee (IC 25-23.5).
  - 34 (27) Social worker, marriage and family therapist, and mental  
 35 health counselor board (IC 25-23.6).
  - 36 (28) Real estate appraiser licensure and certification board  
 37 (IC 25-34.1-8).
  - 38 (29) State board of registration for land surveyors  
 39 (IC 25-21.5-2-1).
  - 40 (30) Physician assistant committee (IC 25-27.5).
  - 41 (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
  - 42 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
  - 43 (33) Indiana hypnotist committee ( IC 25-20.5-1-7).
  - 44 **(34) Indiana board of registration for soil scientists (IC**  
 45 **25-40-2-1).**
  - 46 ~~(34)~~ **(35) Any other occupational or professional agency created**  
 47 **after June 30, 1981.**

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

- 5 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 6 (2) Board of registration for architects (IC 25-4-1-2).
- 7 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 8 (4) State board of barber examiners (IC 25-7-5-1).
- 9 (5) State boxing commission (IC 25-9-1).
- 10 (6) Board of chiropractic examiners (IC 25-10-1).
- 11 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 12 (8) State board of dental examiners (IC 25-14-1).
- 13 (9) State board of funeral and cemetery service (IC 25-15).
- 14 (10) State board of registration for professional engineers  
 15 (IC 25-31-1-3).
- 16 (11) Indiana state board of health facility administrators  
 17 (IC 25-19-1).
- 18 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 19 (13) Mining board (IC 22-10-1.5-2).
- 20 (14) Indiana state board of nursing (IC 25-23-1).
- 21 (15) Indiana optometry board (IC 25-24).
- 22 (16) Indiana board of pharmacy (IC 25-26).
- 23 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 24 (18) Board of environmental health specialists (IC 25-32-1).
- 25 (19) State psychology board (IC 25-33).
- 26 (20) Speech-language pathology and audiology board  
 27 (IC 25-35.6-2).
- 28 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 29 ~~(22) Until July 1, 1996, Indiana state board of television and~~  
 30 ~~radio service examiners (IC 25-36-1).~~
- 31 ~~(23)~~ (22) Indiana board of veterinary medical examiners  
 32 (IC 15-5-1.1-3).
- 33 ~~(24)~~ (23) Department of insurance (IC 27-1).
- 34 ~~(25)~~ (24) State police department (IC 10-1-1-1), for purposes of  
 35 certifying polygraph examiners under IC 25-30-2.
- 36 ~~(26)~~ (25) Department of natural resources for purposes of  
 37 licensing water well drillers under IC 25-39-3.
- 38 ~~(27)~~ (26) Private detectives licensing board (IC 25-30-1-5.1).
- 39 ~~(28)~~ (27) Occupational therapy committee (IC 25-23.5-2-1).
- 40 ~~(29)~~ (28) Social worker, marriage and family therapist, and  
 41 mental health counselor board (IC 25-23.6-2-1).
- 42 ~~(30)~~ (29) Real estate appraiser licensure and certification board  
 43 (IC 25-34.1-8).
- 44 ~~(31)~~ (30) State board of registration for land surveyors  
 45 (IC 25-21.5-2-1).
- 46 ~~(32)~~ (31) Physician assistant committee (IC 25-27.5).
- 47 ~~(33)~~ (32) Indiana athletic trainers certification board

- 1 (IC 25-5.1-2-1).
- 2 ~~(34)~~ **(33)** Board of podiatric medicine (IC 25-29-2-1).
- 3 ~~(35)~~ **(34)** Indiana dietitians certification board (IC 25-14.5-2-1).
- 4 **(35) Indiana board of registration for soil scientists**
- 5 **(IC 25-40-2-1).**
- 6 (36) Any other occupational or professional agency created after
- 7 June 30, 1981.
- 8 SECTION 4. IC 25-1-11-1, AS AMENDED BY P.L.234-1995,
- 9 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 1998]: Sec. 1. As used in this chapter, "board" means any of
- 11 the following:
- 12 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 13 (2) Board of registration for architects (IC 25-4-1-2).
- 14 (3) Indiana auctioneer commission (IC 25-6.1-2).
- 15 (4) State board of barber examiners (IC 25-7-5-1).
- 16 (5) State boxing commission (IC 25-9-1).
- 17 (6) State board of cosmetology examiners (IC 25-8-3-1).
- 18 (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- 19 (8) State board of funeral and cemetery service (IC 25-15-9).
- 20 (9) State board of registration for professional engineers
- 21 (IC 25-31-1-3).
- 22 (10) Indiana plumbing commission (IC 25-28.5-1-3).
- 23 (11) Indiana real estate commission (IC 25-34.1-2-1).
- 24 ~~(12) Until July 1, 1996, Indiana State board of television and~~
- 25 ~~radio service examiners (IC 25-36-1-4).~~
- 26 ~~(13)~~ **(12)** Real estate appraiser licensure certification board
- 27 (IC 25-34.1-8).
- 28 ~~(14)~~ **(13)** Private detectives licensing board (IC 25-30-1-5.1).
- 29 **(14) Indiana board of registration for soil scientists**
- 30 **(IC 25-40-2-1)."**
- 31 Page 2, line 3, delete "who" and insert ".".
- 32 Page 2, delete line 4.
- 33 Page 3, line 31, after "6." insert "(a)".
- 34 Page 3, between lines 31 and 32, begin a new paragraph and
- 35 insert:
- 36 **"(b) The board may not take official action without at least**
- 37 **three (3) votes being in accord."**
- 38 Page 4, line 23, delete "Each year the" insert "The".
- 39 Page 4, line 23, delete ":" and insert "establish fees under
- 40 **IC 25-1-8."**
- 41 Page 4, delete lines 24 through 29.
- 42 Page 6, line 3, delete "does not".
- 43 Page 6, line 4, delete "revert" and insert "reverts".
- 44 Page 8, line 28, after "seal" insert "on".
- 45 Page 8, line 29, delete "any report or other document".
- 46 Page 8, line 30, before "unless" insert "any soil science report or
- 47 **other soil science document"**.

- 1 Page 9, line 4, after "4." insert "(a)".
- 2 Page 9, between lines 7 and 8, begin a new paragraph and insert:
- 3 **"(b) The renewal notice must comply with IC 25-1-2-6."**
- 4 Delete page 10.
- 5 Page 11, delete lines 1 through 36 begin a new paragraph and
- 6 insert:
- 7 **"Sec. 1. The office of the attorney general shall receive,**
- 8 **investigate, and prosecute complaints against a registered soil**
- 9 **scientist according to the procedures under IC 25-1-7.**
- 10 **Sec. 2. A registered soil scientist is subject to disciplinary**
- 11 **sanctions by the board under IC 25-1-11 if the registered soil**
- 12 **scientist:**
- 13 **(1) violates the code of professional conduct adopted under**
- 14 **IC 25-40-3-4; or**
- 15 **(2) violates the professional standards under IC 25-1-11-5."**
- 16 Page 11, line 37, delete "7" and insert "3".
- 17 Page 11, line 38, delete "misdemeanor" and insert "**infraction**".
- 18 Page 13, between lines 17 and 18, begin a new paragraph and
- 19 insert:
- 20 **"(d) Notwithstanding IC 25-40, as added by this act, an**
- 21 **individual is not required to register with the Indiana board of**
- 22 **registration for soil scientists to practice soil science (as defined by**
- 23 **IC 25-40-1-9, as added by this act)."**
- 24 Page 13, line 18, delete "(d)" and insert "(e)".
- 25 Renumber all SECTIONS consecutively.  
(Reference is to SB 272 as printed January 28, 1998.)

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Senator SERVER