

January 14, 1998

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## SENATE BILL No. 240

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DIGEST OF SB0240 (Updated January 12, 1998 5:59 pm - DI 78)

**Citations Affected:** IC 14-8-2-122; IC 14-34-1-6.

**Synopsis:** Reclamation of surface coal mine land. Requires the natural resources commission, when adopting rules, and the department of natural resources, when administering the surface coal mining and reclamation law, to provide incentives for and remove impediments to voluntary efforts by landowners and coal mine operators to establish postmining land uses of forest and wildlife habitat. Provides that land other than prime farmland is not required to be restored to the capability to grow row crops or to demonstrate the capability for any land use other than the approved postmining land use. Provides that there is no presumption that any category of land use is a higher or better use than any other category of land use. Requires all decisions concerning the approval of postmining land uses to be made on an individual basis using stated criteria.

**Effective:** July 1, 1998.

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**Server, R. Young, Lewis**

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January 8, 1998, read first time and referred to Committee on Natural Resources.  
January 13, 1998, reported favorably — Do Pass.

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SB 240—LS 6713/DI 02



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January 14, 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.

## SENATE BILL No. 240

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 14-8-2-122, AS ADDED BY P.L.1-1995,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 122. "Higher or better uses", for purposes of  
4 **IC 14-34-1-6 and IC 14-34-10-2**, has the meaning set forth in  
5 IC 14-34-10-2.

6 SECTION 2. IC 14-34-1-6 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 1998]: **Sec. 6. (a) The commission, in adopting rules to implement  
9 this article, and the director, in interpreting those rules and in  
10 administering the regulatory program established by this article,  
11 shall provide incentives for and remove impediments to voluntary  
12 efforts by landowners and coal mine operators to establish  
13 postmining land uses of forest and wildlife habitat, including water  
14 habitat for aquatic wildlife.**

15 **(b) This article does not require or authorize the imposition on  
16 lands, other than lands subject to the prime farmland restoration**

SB 240—LS 6713/DI 02



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1 requirements established under IC 14-34-10-2(b)(10), of any  
2 requirement to:  
3 (1) restore the capability of the land to grow row crops; or  
4 (2) demonstrate the capability of the land after mining and  
5 reclamation to support any land use other than the approved  
6 postmining land use.  
7 (c) This article does not create a presumption that any category  
8 of land use is a higher or better use than any other category of land  
9 use. A decision concerning approval of a postmining land use must  
10 be made on an individual basis using the criteria of whether the  
11 postmining land use has a higher:  
12 (1) economic value; or  
13 (2) nonmonetary benefit;  
14 to the landowner or the community than the premining land use.

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SENATE MOTION

Mr. President: I move that Senators R. Young and Lewis be added as coauthors of Senate Bill 240.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred Senate Bill 240, 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 made to Senate Bill 240 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 7, Nays 1.

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