



March 23, 1999

ENGROSSED SENATE BILL No. 533

DIGEST OF SB0533 (Updated March 16, 1999 9:00 am - DI 2)

Citations Affected: IC 14-34; IC 25-17.6; IC 34-30.

Synopsis: Licensure of professional geologists. Changes the certification program for professional geologists to a licensure program. Makes conforming amendments. Revises qualifications for licensure as a professional geologist so that equal credit is given for geological work experience, whether performed in the private sector or for a governmental entity. Exempts from the requirements of licensure a soil scientist or soil classifier who is certified by the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) and the Indiana Association of Professional Soil Classifiers (IAPSC) and who applies geology in the practice of soil science. Makes it a Class B misdemeanor for a person to publicly practice geology or offer to publicly practice geology in Indiana without being licensed as a professional geologist.

Effective: July 1, 1999.

Server, Craycraft

(HOUSE SPONSORS — LYTLE, MANGUS)

January 19, 1999, read first time and referred to Committee on Natural Resources.
February 15, 1999, amended, reported favorably — Do Pass.
February 18, 1999, read second time, ordered engrossed.
February 19, 1999, engrossed.
February 25, 1999, read third time, passed. Yeas 47, nays 3.

HOUSE ACTION

March 8, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
March 22, 1999, reported — Do Pass.

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March 23, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED SENATE BILL No. 533

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

- 1 SECTION 1. IC 14-34-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. An application for
3 a surface coal mining and reclamation permit must include the
4 following:
5 (1) The names and addresses of the following:
6 (A) The permit applicant.
7 (B) Every legal owner of record of the property (surface and
8 mineral) to be mined.
9 (C) The holders of record of any leasehold interest in the
10 property.
11 (D) Any purchaser of record of the property under a real estate
12 contract.
13 (E) The operator if the operator is a person different from the
14 applicant.
15 (F) If a person in clauses (A) through (E) is a business entity

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- 1 other than a single proprietor, the names and addresses of the
 2 principals, officers, and resident agent.
- 3 (2) The names and addresses of the owners of record of all
 4 surface and subsurface areas adjacent to any part of the permit
 5 area.
- 6 (3) A statement of each current or previous surface coal mining
 7 permit in the United States held by the applicant, including each
 8 pending application, the permit identification, and the state that
 9 issued that permit or holds the pending application.
- 10 (4) If the applicant is a partnership, a corporation, an association,
 11 or other business entity, the following where applicable:
- 12 (A) The names and addresses of every officer, partner, or
 13 director or person performing a function similar to a director
 14 of the applicant.
- 15 (B) The name and address of each person owning, of record,
 16 at least ten percent (10%) of any class of voting stock of the
 17 applicant.
- 18 (C) A list of all names under which the applicant, partner, or
 19 principal shareholder previously operated a surface coal
 20 mining operation within the United States within:
- 21 (i) the five (5) years preceding the date of submission of the
 22 application; or
- 23 (ii) any additional period that the director establishes.
- 24 (5) A statement of whether the applicant or a subsidiary, an
 25 affiliate, or a person controlled by or under common control with
 26 the applicant has:
- 27 (A) ever held a federal or state coal mining permit that in:
- 28 (i) the five (5) years preceding the date of submission of the
 29 application; or
- 30 (ii) any additional period that the director establishes;
 31 was suspended or revoked or is in the process of revocation;
 32 or
- 33 (B) had a mining bond or similar security deposited in lieu of
 34 bond forfeited;
- 35 and if so, a brief explanation of the facts involved and
 36 identification of the state in which this action occurred.
- 37 (6) A copy of the applicant's advertisement to be published under
 38 IC 14-34-4-1. The advertisement must include the following:
- 39 (A) The names of the property owners involved.
- 40 (B) A description of the exact location and boundaries of the
 41 proposed site sufficient so that the proposed surface coal
 42 mining operation is readily locatable by local residents.

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- 1 (C) The location where the application is available for public
 2 inspection.
- 3 (7) A description of the following:
- 4 (A) The type and method of surface coal mining operation that
 5 exists or is proposed.
- 6 (B) The engineering techniques proposed or used.
- 7 (C) The equipment used or proposed to be used.
- 8 (8) The anticipated or actual starting and termination dates of
 9 each phase of the surface coal mining operation and the number
 10 of acres of land to be affected.
- 11 (9) An accurate map or plan, to an appropriate scale, clearly
 12 showing the following:
- 13 (A) The land to be affected as of the date of the application.
- 14 (B) The area of land within the permit area upon which the
 15 applicant has the legal right to enter and commence surface
 16 coal mining operations, including the following:
- 17 (i) A statement of those documents upon which the applicant
 18 bases the applicant's legal right to enter and commence
 19 surface coal mining operations on the area affected.
- 20 (ii) Whether that right is the subject of pending court
 21 litigation.
- 22 (10) The name of the watershed and location of the surface stream
 23 or tributary into which surface and pit drainage will be
 24 discharged.
- 25 (11) A determination of the probable hydrologic consequences of
 26 surface coal mining and reclamation operations, both on and off
 27 the mine site, with respect to the following:
- 28 (A) The hydrologic regime.
- 29 (B) The quantity and quality of water in surface and ground
 30 water systems, including the dissolved and suspended solids
 31 under seasonal flow conditions.
- 32 (C) The collection of sufficient data for the mine site and
 33 surrounding areas so that an assessment can be made of the
 34 probable cumulative impacts of all anticipated mining in the
 35 area upon the hydrology of the area and particularly upon
 36 water availability.
- 37 However, this determination is not required until the time that
 38 hydrologic information on the general area before mining is made
 39 available from an appropriate federal or state agency. The permit
 40 may not be approved until the information is available and is
 41 incorporated into the application.
- 42 (12) When requested by the director, the climatological factors



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1 that are peculiar to the locality of the land to be affected,
2 including the following:

3 (A) The average seasonal precipitation.

4 (B) The average direction and velocity of prevailing winds.

5 (C) The seasonal temperature ranges.

6 (13) Accurate maps to an appropriate scale clearly showing the
7 land affected on the date of application and the same information
8 that is set forth on topographical maps of the United States
9 Geological Survey of a scale of 1:24,000 or 1:25,000 or larger,
10 including all manmade features and archeological and historical
11 sites known by the division of historic preservation and
12 archeology. The map or plan must show the following:

13 (A) All boundaries of the land to be affected.

14 (B) The boundary lines and names of present owners of record
15 of all surface areas abutting the permit area.

16 (C) The location of all buildings within one thousand (1,000)
17 feet of the permit area.

18 (14) Cross section maps or plans of the land to be affected,
19 including the actual area to be mined, prepared by or under the
20 direction of and certified by an engineer licensed under IC 25-31
21 or a geologist ~~certified~~ **licensed** under IC 25-17.6 with assistance
22 from experts in related fields such as land surveying and
23 landscape architecture. The maps or plans must show pertinent
24 elevation and location of test borings or core samplings and depict
25 the following:

26 (A) The nature and depth of the various strata of overburden
27 as required by the commission in the commission's rules.

28 (B) The location and quality of subsurface water if
29 encountered.

30 (C) The nature and thickness of each coal or rider seam above
31 the coal seam to be mined.

32 (D) The nature of the stratum immediately beneath the coal
33 seam to be mined.

34 (E) All mineral crop lines and the strike and dip of the coal to
35 be mined within the area of land to be affected.

36 (F) Existing or previous surface coal mining limits.

37 (G) The location and extent of known workings of each
38 underground coal mine, including mine openings to the
39 surface.

40 (H) The location of aquifers as required by the commission in
41 the commission's rules.

42 (I) The estimated elevation of the water table.



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- 1 (J) The location of spoil, waste, or refuse areas and topsoil
 2 preservation areas.
- 3 (K) The location of all impoundments for waste or erosion
 4 control.
- 5 (L) Each settling or water treatment facility.
- 6 (M) Constructed or natural drainageways and the location of
 7 each discharge to a surface body of water on the area of land
 8 to be affected or adjacent to the land to be affected.
- 9 (N) Profiles at appropriate cross sections of the anticipated
 10 final surface configuration that will be achieved under the
 11 operator's proposed reclamation plan.
- 12 (15) A statement of the result of test borings or core samplings
 13 from the permit area, including the following:
- 14 (A) Logs of the drill holes.
- 15 (B) The thickness of the coal seam found and an analysis of
 16 the chemical properties of that coal.
- 17 (C) The sulfur content of each coal seam.
- 18 (D) Chemical analysis of potentially acid or toxic forming
 19 sections of the overburden.
- 20 (E) A chemical analysis down to and including the deeper of
 21 the following:
- 22 (i) The stratum lying immediately underneath the lowest
 23 coal seam to be mined.
- 24 (ii) An aquifer below the lowest coal seam to be mined that
 25 may be adversely impacted by mining.
- 26 The director may waive the requirement as to the specific
 27 application of this clause if the director determines in writing
 28 the requirements are unnecessary.
- 29 (16) For the land in the permit application that a reconnaissance
 30 inspection suggests may be prime farmland and to confirm the
 31 exact location of the prime farmland, a soil survey in accordance
 32 with the standards established by the United States Secretary of
 33 Agriculture.
- 34 (17) A reclamation plan that meets the requirements of section 12
 35 of this chapter.
- 36 (18) Proof that the applicant is self-insured or has a public
 37 liability insurance policy issued by an insurance company
 38 authorized to do business in Indiana in force for the surface coal
 39 mining and reclamation operations for which the permit is sought.
 40 The policy must provide for personal injury and property damage
 41 protection in an amount adequate to compensate each person
 42 injured as a result of the surface coal mining and reclamation

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- 1 operation. If a permit is granted, the permittee shall maintain the
 2 policy in full force and effect for the duration of the permit or a
 3 renewal.
- 4 (19) A blasting plan that outlines the procedures the operator will
 5 use to comply with IC 14-34-12.
- 6 (20) A listing of all notices of violations, and their final
 7 resolution, of:
- 8 (A) IC 13-4.1 (before its repeal);
 9 (B) this article; and
 10 (C) a:
- 11 (i) federal statute or regulation; or
 12 (ii) state statute or rule enacted or adopted in response to a
 13 federal statute or regulation;
 14 pertaining to air or water environmental protection;
 15 incurred by the applicant or a subsidiary, an affiliate, or a person
 16 controlled by or under common control with the applicant in
 17 connection with any surface coal mining operation during the
 18 three (3) year period before the date of application.
- 19 SECTION 2. IC 25-17.6-1-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. "Board" refers to the
 21 Indiana board of ~~certification licensure~~ **licensure** for professional geologists
 22 established in IC 25-17.6-2.
- 23 SECTION 3. IC 25-17.6-1-6.3 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 1999]: **Sec. 6.3. "License" means a document**
 26 **issued by the board to permit a person to engage in an activity**
 27 **regulated under this article.**
- 28 SECTION 4. IC 25-17.6-1-6.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 1999]: **Sec. 6.5. "Licensed professional**
 31 **geologist" means a person who is licensed as a geologist under this**
 32 **article.**
- 33 SECTION 5. IC 25-17.6-2-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The **Indiana**
 35 board of ~~certification licensure~~ **licensure** for professional geologists is
 36 established.
- 37 (b) The board shall administer this article.
- 38 SECTION 6. IC 25-17.6-2-3 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The board shall
 40 consist of the following members:
- 41 (1) The state geologist.
 42 (2) Three (3) members who are ~~certified~~ **licensed** professional

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- 1 geologists.
- 2 (3) One (1) member who represents the public at large.
- 3 SECTION 7. IC 25-17.6-3-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The board shall
- 5 meet:
- 6 (1) at least one (1) time each calendar year; and
- 7 (2) at other times considered necessary by:
- 8 (A) the chairman; or
- 9 (B) a quorum of the board;
- 10 upon being given at least ten (10) days notice.
- 11 (b) Each year the board shall:
- 12 (1) determine the cost incurred by the survey in administering the
- 13 program for the ~~certification~~ **licensure** of professional geologists
- 14 under this article; and
- 15 (2) if necessary, adjust the amount of the:
- 16 (A) ~~certification~~ **licensure** fee charged under IC 25-17.6-4-7;
- 17 and
- 18 (B) renewal fee charged under IC 25-17.6-5-2;
- 19 to ensure that the program is self-supporting.
- 20 SECTION 8. IC 25-17.6-3-2 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The board shall
- 22 pass upon the qualifications of applicants for ~~certification~~ **licensure**.
- 23 (b) The board shall:
- 24 (1) require from an applicant for ~~certification~~ **licensure** evidence
- 25 of the applicant's qualifications; and
- 26 (2) judge an applicant on evidence of the applicant's professional
- 27 competency and integrity under rules adopted by the board.
- 28 SECTION 9. IC 25-17.6-3-3 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The board may
- 30 by rule adopt or amend a code of professional conduct for ~~certified~~
- 31 **licensed** professional geologists.
- 32 (b) If the board adopts or amends a code of professional conduct
- 33 under subsection (a), the board shall mail a copy of the code and any
- 34 amendments to the code to all persons listed on the roster described in
- 35 section 10 of this chapter.
- 36 (c) A mailing under this section constitutes service for the purposes
- 37 of this article.
- 38 SECTION 10. IC 25-17.6-3-4 IS AMENDED TO READ AS
- 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. The board may
- 40 investigate:
- 41 (1) a suspected violation by a ~~certified~~ **licensed** professional
- 42 geologist of:



- 1 (A) the code of conduct adopted under section 3 of this
 2 chapter; or
 3 (B) other rules of the board concerning professional
 4 competency and integrity of **certified licensed** professional
 5 geologists; or
 6 (2) other grounds for action against a **certified licensed**
 7 professional geologist under IC 25-17.6-8.
- 8 SECTION 11. IC 25-17.6-3-5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The board may
 10 file a proposed complaint to condition, suspend, or revoke the
 11 **registration license** of a **certified licensed** professional geologist.
 12 (b) The recipient of a proposed complaint may either:
 13 (1) agree to the terms of the proposed complaint; or
 14 (2) request, within twenty (20) days of receiving the proposed
 15 complaint, an informal review of the proposed complaint before
 16 the board.
 17 (c) Failure by a **certified licensed** professional geologist to request
 18 an informal review constitutes an agreement to the terms of the
 19 proposed complaint.
- 20 SECTION 12. IC 25-17.6-3-6 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) Any person or
 22 organization may present charges of fraud, deceit, gross negligence, or
 23 misconduct against a **certified licensed** professional geologist.
 24 (b) A charge under subsection (a) shall be:
 25 (1) in writing;
 26 (2) sworn to by the person or the officer of the organization
 27 making the charges; and
 28 (3) filed with the board.
- 29 SECTION 13. IC 25-17.6-3-7 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The board shall
 31 consider:
 32 (1) a request for review under section 5; or
 33 (2) charges under section 6;
 34 of this chapter during a meeting.
 35 (b) The board may compel a **certified licensed** professional
 36 geologist to respond to any matters about a proposed complaint or
 37 charges.
 38 (c) The board may by rule establish procedures for the conduct of
 39 its review under this section, including the subpoena of witnesses and
 40 documents.
 41 (d) A review under this section shall be conducted in an informal
 42 manner. However, the board shall keep a record of the proceeding.



1 (e) As soon as possible following the meeting, the board shall render
2 a determination and either:

- 3 (1) terminate its review; or
4 (2) issue a determination under IC 4-21.5-3-6 to condition,
5 suspend, or revoke the ~~certification license~~ of the ~~certified~~
6 **licensed** professional geologist.

7 SECTION 14. IC 25-17.6-3-8 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. A ~~certified licensed~~
9 professional geologist who receives a determination under section 7 of
10 this chapter shall either:

- 11 (1) comply with its terms; or
12 (2) request administrative review under IC 25-17.6-9.

13 SECTION 15. IC 25-17.6-3-10 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The survey shall
15 publish each year a roster showing the names and places of business of
16 all ~~certified licensed~~ professional geologists.

17 (b) Copies of the roster described in subsection (a) shall be:

- 18 (1) made available to each person ~~certified; licensed;~~
19 (2) placed on file at the survey; and
20 (3) furnished to the public upon request.

21 SECTION 16. IC 25-17.6-4-1 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. To qualify for
23 ~~certification; licensure~~, an applicant must meet all of the following
24 requirements:

- 25 (1) Successful completion of at least thirty (30) semester hours or
26 forty-five (45) quarter hours of course work in geology,
27 culminating in a baccalaureate or advanced degree in geology,
28 geophysics, geochemistry, geological engineering, or geotechnical
29 engineering from an accredited college or university. At the
30 discretion of the board, courses dealing with applied geological
31 science that are given under the auspices of an academic
32 department other than geology may be considered toward the
33 fulfillment of this requirement.
34 (2) Experience in professional geological work consisting of one
35 (1) of the following:
36 (A) Five (5) years of teaching geology as a faculty member at
37 the college or university level.
38 (B) Five (5) years of geological research by an applicant at the
39 college or university level.
40 (C) Five (5) years of geological work that is acceptable to the
41 board and is performed while in the employment of the United
42 States government; state government; or local government.



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- 1 ~~(D)~~ (C) Five (5) years of geological work performed under the
- 2 supervision of, or in collaboration with, a **certified licensed**
- 3 professional geologist.
- 4 ~~(E)~~ (D) Seven (7) years of geological work that is acceptable
- 5 to the board.
- 6 (3) A passing score on an examination required by the board that
- 7 has been designed to demonstrate that the applicant has the
- 8 necessary knowledge and skill to exercise the responsibilities of
- 9 the public practice of geology.

10 SECTION 17. IC 25-17.6-4-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Upon application,
 12 ~~certification licensure~~ may be provided to a person who is **licensed or**
 13 certified as a geologist in a state that has standards for **licensure or**
 14 certification at least equal to those ~~provided in for licensure under~~ this
 15 chapter, as determined by the board.

16 SECTION 18. IC 25-17.6-4-6 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. A person seeking
 18 ~~certification licensure~~ as a **certified licensed** professional geologist
 19 who is aggrieved by a determination of the board under this chapter
 20 may request administrative review under IC 25-17.6-9.

21 SECTION 19. IC 25-17.6-4-7 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An applicant for
 23 ~~certification licensure~~ shall pay a nonrefundable fee established by
 24 regulation of the board.

25 (b) All fees paid to and collected by the board under this section and
 26 IC 25-17.6-5 shall be deposited in a fund under the jurisdiction of the
 27 board.

- 28 (c) The survey shall be:
- 29 (1) designated to collect and disburse funds represented by the
- 30 fees described in subsection (b); and
- 31 (2) required to execute a bond, with corporate surety, in an
- 32 amount to be determined by the board.

33 SECTION 20. IC 25-17.6-5-1 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. A ~~certificate license~~
 35 issued under IC 25-17.6-4 expires three (3) years after it is issued, at a
 36 time and date designated by the board.

37 SECTION 21. IC 25-17.6-5-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The board shall
 39 notify each person ~~certified licensed~~ under this article of the:

- 40 (1) date of expiration of the person's ~~certificate;~~ **license;** and
- 41 (2) amount of the renewal fee established by the board.

42 SECTION 22. IC 25-17.6-5-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. If a person fails to
 2 pay the renewal fee within ninety (90) days after the expiration date
 3 established by the board under this chapter, the person's:

- 4 (1) ~~certificate license~~ shall be suspended; and
 5 (2) name shall be deleted from the roster described in
 6 IC 25-17.6-3-10;

7 until the renewal fee is paid.

8 SECTION 23. IC 25-17.6-5-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) If a person fails to
 10 pay the renewal fee for two (2) ~~consecutive~~ years, that person's
 11 ~~certificate license~~ shall be revoked and may not be renewed.

12 (b) If a person whose ~~certificate license~~ has been revoked under
 13 subsection (a) desires to be ~~recertified~~, **relicensed**, the person:

- 14 (1) must submit an application to the board; and
 15 (2) shall be considered as a new applicant.

16 SECTION 24. IC 25-17.6-6-1 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The board shall,
 18 upon payment of the ~~certification licensure~~ fee, issue a ~~certificate~~
 19 **license** to an applicant who in the opinion of the board has
 20 satisfactorily met all the requirements for ~~certification licensure~~ under
 21 IC 25-17.6-4.

22 (b) Each ~~certificate license~~ shall show the full name of the board.

23 SECTION 25. IC 25-17.6-6-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The issuance of a
 25 ~~certificate license~~ by the board is prima facie evidence that the person
 26 named on the ~~certificate license~~ is entitled to all the rights and
 27 privileges of a ~~certified licensed~~ professional geologist while the
 28 ~~certificate license~~ remains in force.

29 SECTION 26. IC 25-17.6-6-3 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Each geologist may,
 31 upon ~~certification~~, ~~licensure~~, obtain and use a seal or stamp of
 32 ~~certification licensure~~ of a design authorized by the board, containing
 33 the geologist's name and ~~registration license~~ number and the legend
 34 "Certified "Professional Geologist".

35 SECTION 27. IC 25-17.6-6-4 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. A replacement
 37 ~~certificate license~~ may be issued to replace a ~~certificate license~~ that has
 38 been lost, destroyed, or mutilated, subject to the rules of the board.

39 SECTION 28. IC 25-17.6-6-5 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. A geologist may not
 41 affix the geologist's signature, stamp, or seal, or certify any report or
 42 other **geological** document after the geologist's ~~certificate license~~ has



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1 been suspended or revoked, unless the ~~certificate~~ **license** has been
2 renewed or reissued.

3 SECTION 29. IC 25-17.6-7-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The following
5 persons are exempt from the requirements of ~~certification~~ **licensure**
6 under this article:

7 (1) An officer or employee of the United States government, state
8 government, or local government while engaged in providing
9 geological services for the officer's or employee's employers.

10 (2) A person engaged solely in geological research or the
11 instruction of geology.

12 (3) A person not engaged in the public practice of geology.

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

15 **(5) A soil scientist who is certified as a soil classifier or soil**
16 **scientist by the American Registry of Certified Professionals**
17 **in Agronomy, Crops and Soils (ARCPACS) and the Indiana**
18 **Association of Professional Soil Classifiers (IAPSC) and who**
19 **applies geology in the practice of soil science.**

20 SECTION 30. IC 25-17.6-7-2 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. Except for:

22 (1) a person exempted under section 1 of this chapter; and

23 (2) a person who, in addition to a ~~certified~~ **licensed** professional
24 geologist, is authorized by statute or administrative rule to prepare
25 the report or document;

26 it is unlawful for a person other than a ~~certified~~ **licensed** professional
27 geologist or a subordinate under the direction of a ~~certified~~ **licensed**
28 professional geologist to prepare any geological report or document
29 that is required by a statute or an administrative rule to be prepared by
30 a ~~certified~~ **licensed** professional geologist.

31 SECTION 31. IC 25-17.6-7-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. A person may not
33 ~~use~~ **engage in the public practice of geology or offer to publicly**
34 **practice geology in Indiana** or otherwise assume or advertise in any
35 way a title or description tending to convey the impression that the
36 person is a ~~certified~~ **licensed** professional geologist unless the person
37 has been ~~certified~~ **licensed** under this article.

38 SECTION 32. IC 25-17.6-8-1 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The board may
40 suspend, refuse to renew the ~~certificate~~ **license** of, revoke the ~~certificate~~
41 **license** of, reprimand, or place on probation a ~~certified~~ **licensed**
42 professional geologist when the ~~certified~~ **licensed** professional



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- 1 geologist is found responsible by the board for any of the following:
- 2 (1) Fraud or deceit in obtaining ~~certification~~: **licensure**.
- 3 (2) Gross negligence, incompetence, or misconduct in the practice
- 4 of geology.
- 5 (3) Conviction by a court of law of a felony or a crime involving
- 6 moral turpitude.
- 7 (4) Violation of a code of ethics adopted by the board.
- 8 (5) The commission of an unlawful act set forth in section 2 of
- 9 this chapter.

10 SECTION 33. IC 25-17.6-8-2 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. A person who does
 12 any of the following commits a Class B misdemeanor:

- 13 (1) Falsely representing oneself as a ~~certified~~ **licensed**
- 14 professional geologist in violation of IC 25-17.6-7-3.
- 15 (2) Presenting or attempting to use as the person's own a
- 16 ~~certificate~~ **license** or seal of another.
- 17 (3) Giving false or forged evidence to the board or to a member
- 18 of the board in order to obtain a ~~certificate~~: **license**.
- 19 (4) Falsely impersonating another geologist.
- 20 (5) Using or attempting to use an expired or a revoked ~~certificate~~
- 21 **license** to practice geology at any time during a period the board
- 22 has suspended or revoked the ~~certificate~~: **license**.
- 23 **(6) Publicly practicing geology in Indiana or offering to**
- 24 **publicly practice geology in Indiana without being licensed**
- 25 **under this article in violation of IC 25-17.6-7-3.**

26 SECTION 34. IC 34-30-2-98.7 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 98.7. IC 25-17.6-2-7
 28 (Concerning actions of members of **the Indiana** board of ~~certification~~
 29 **licensure** for professional geologists).

30 SECTION 35. THE FOLLOWING ARE REPEALED [EFFECTIVE
 31 JULY 1, 1999]: IC 25-17.6-1-3; IC 25-17.6-1-4.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 533, 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 11, line 34, delete "Licensed".

and when so amended that said bill do pass.

(Reference is to SB 533 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Senate Bill 533, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BISCHOFF, Chair

Committee Vote: yeas 11, nays 0.

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