



February 26, 2018

ENGROSSED SENATE BILL No. 178

DIGEST OF SB 178 (Updated February 26, 2018 11:38 am - DI 84)

Citations Affected: IC 14-29.

Synopsis: Taking of sand from bed of Lake Michigan. Provides that sand taken from the bed or from under the bed of Lake Michigan pursuant to a permit from the department of natural resources (DNR) may only be deposited on the beach of Lake Michigan and may not be removed to any other place or used for any other purpose. Provides, however, that: (1) if a permittee dredges not more than ten cubic yards of sand from the bed or from under the bed of Lake Michigan within a 30 day period, the permittee is not required to deposit the sand on the beach and may removed it to another place and use it for another purpose; and (2) instead of being deposited on the beach, dredged sand shall be disposed of in a manner consistent with the hazardous waste management law if the director of the DNR determines that the sand contains a toxic material or a substance that is potentially harmful to human health or to the environment.

Effective: July 1, 2018.

**Tallian, Charbonneau,
Randolph Lonnie M, Bohacek, Doriot,
Melton**

(HOUSE SPONSORS — PELATH, SLAGER, MOSELEY, EBERHART)

January 8, 2018, read first time and referred to Committee on Natural Resources.
January 22, 2018, reported favorably — Do Pass.
January 30, 2018, read second time, amended, ordered engrossed.
January 31, 2018, engrossed.
February 1, 2018, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 12, 2018, read first time and referred to Committee on Natural Resources.
February 26, 2018, reported — Do Pass.

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February 26, 2018

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 178

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 14-29-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A permit issued
3 under this chapter must include the following conditions:
4 (1) The permittee shall give bond in the amount and with surety
5 approved by the department for full and prompt compliance with
6 the terms and conditions of the permit.
7 (2) The permittee shall, monthly or quarterly as the department
8 stipulates, make to the department a verified report and full
9 account and payment for all mineral or substance taken during the
10 preceding month or quarter.
11 (3) The department may, at any time in reasonable hours, inspect
12 the following:
13 (A) All books, papers, and records of the permittee relating to
14 the account.
15 (B) The works and workings of the permittee.
16 (4) The department may revoke or suspend the permit for the
17 failure of the permittee to comply with this chapter or with the

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- 1 terms and conditions of the permit.
- 2 (5) Subject to suspension or revocation, the permit will remain in
- 3 force for the period that the department determines, not to exceed
- 4 five (5) years from the date of issuance. However, the permit may
- 5 be renewed by the permittee by written application filed with the
- 6 department six (6) months before expiration of the permit.
- 7 (6) The works, workings, and operations under the permit must
- 8 not do any of the following:
- 9 (A) Impede the navigation of the water.
- 10 (B) Damage or endanger a bridge, highway, railroad, public
- 11 work, utility, or the property of a riparian owner or adjoining
- 12 proprietor or adjacent permittee.
- 13 (C) Endanger the lives of individuals.
- 14 (7) The permittee shall take the measures, to be determined by the
- 15 department and stipulated in the permit, that are reasonable to
- 16 avoid the damage and danger.
- 17 **(8) Except as provided in subsections (c) and (d), if the**
- 18 **permittee takes sand from the bed or from under the bed of**
- 19 **Lake Michigan, the sand may only be deposited on the beach**
- 20 **of Lake Michigan and may not be removed to any other place**
- 21 **or used for any other purpose.**
- 22 (b) The department may also prescribe other reasonable conditions
- 23 in the permit that are in the best interests of the state.
- 24 (c) **A permittee that, in accordance with permit conditions,**
- 25 **dredges not more than ten (10) cubic yards of sand from the bed or**
- 26 **from under the bed of Lake Michigan within a period of thirty (30)**
- 27 **days is exempt from subsection (a)(8) with respect to that quantity**
- 28 **of sand.**
- 29 (d) **Notwithstanding subsection (a)(8), if the director determines**
- 30 **that sand taken from the bed or from under the bed of Lake**
- 31 **Michigan contains a toxic material (as defined in IC 13-11-2-233)**
- 32 **or a substance that is potentially harmful to human health or to the**
- 33 **environment, the sand shall be disposed of in a manner consistent**
- 34 **with IC 13-22.**



COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 178, 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 to SB 178 as introduced.)

GLICK, Chairperson

Committee Vote: Yeas 7, Nays 0

 SENATE MOTION

Madam President: I move that Senate Bill 178 be amended to read as follows:

Page 2, line 17, delete "subsection (c)," and insert "**subsections (c) and (d),**".

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"(c) A permittee that, in accordance with permit conditions, dredges not more than ten (10) cubic yards of sand from the bed or from under the bed of Lake Michigan within a period of thirty (30) days is exempt from subsection (a)(8) with respect to that quantity of sand."

Page 2, line 24, delete "(c)" and insert "**(d)**".

(Reference is to SB 178 as printed January 23, 2018.)

TALLIAN

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 178, 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.

(Reference is to SB 178 as reprinted January 31, 2018.)

EBERHART

Committee Vote: Yeas 10, Nays 0

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