

ENGROSSED SENATE BILL No. 254

DIGEST OF SB 254 (Updated February 19, 1998 5:27 pm - DI 78)

Citations Affected: IC 14-13; IC 14-15; noncode.

Synopsis: Natural resources water issues. Provides that personal watercraft must be at least nine rather than ten feet long in order to tow a waterskier or aquaplane. Adds the following members to the Lake Michigan marina development commission: (1) a member of the general assembly who resides in Lake County; (2) a member of the general assembly who resides in LaPorte County; and (3) a member of the general assembly who resides in Porter County. Provides that the legislative members serve one year terms. Prohibits more than two members from the same political party or from the same chamber of the general assembly. Provides that the members are to be appointed by the governor.

Effective: July 1, 1998.

Meeks

(HOUSE SPONSOR — BISCHOFF)

January 8, 1998, read first time and referred to Committee on Natural Resources.
January 13, 1998, reported favorably — Do Pass.
January 20, 1998, read second time, ordered engrossed.
January 21, 1998, engrossed.
January 27, 1998, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

January 29, 1998, read first time and referred to Committee on Natural Resources.
February 16, 1998, amended, reported — Do Pass.
February 19, 1998, read second time, amended, ordered engrossed.

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Reprinted
February 20, 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. 254

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 14-13-3-4, AS ADDED BY P.L.1-1995, SECTION
2 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 1998]: Sec. 4. (a) The commission consists of the following members:
4 (1) The executive of Gary.
5 (2) The executive of Hammond.
6 (3) The executive of East Chicago.
7 (4) The executive of Portage.
8 (5) The executive of Michigan City.
9 (6) The executive of Whiting.
10 (7) The director of the department of commerce, who is a
11 nonvoting member.
12 (8) The director of the department, who is a nonvoting member.
13 (9) **Three (3) members of the general assembly, who are**
14 **nonvoting members appointed under section 5.5 of this**
15 **chapter.**
16 (b) A member of the commission may designate an individual to

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1 serve on the commission in the member's place.

2 SECTION 2. IC 14-13-3-5.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 1998]: **Sec. 5.5. (a) The members appointed from the general
5 assembly under section 4(a)(9) of this chapter are as follows:**

6 (1) A member who resides in Lake County.

7 (2) A member who resides in LaPorte County.

8 (3) A member who resides in Porter County.

9 (b) **Not more than two (2) members appointed under section
10 4(a)(9) of this chapter may be of:**

11 (1) the same political party; or

12 (2) the same chamber of the general assembly.

13 (c) **The governor shall annually make the appointments
14 required under section 4(a)(9) of this chapter.**

15 (d) **If a member of the general assembly appointed under section
16 4(a)(9) of this chapter ceases to be a member of the general
17 assembly, the member also ceases to be a member of the
18 commission, creating a vacancy for the duration of the member's
19 term.**

20 (e) **If a vacancy exists under subsection (d), the governor shall
21 appoint a member of the general assembly to fill the vacancy for
22 the duration of the former member's term. A member appointed
23 under this subsection must have the same qualifications as the
24 former member whose position has become vacant.**

25 SECTION 3. IC 14-13-3-6, AS ADDED BY P.L.1-1995, SECTION
26 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
27 1998]: **Sec. 6. (a) Except as provided in subsection (c), members of
28 the commission are not entitled to receive from the commission a per
29 diem. However, the members are entitled to receive an amount for
30 mileage or travel.**

31 (b) **Designees:**

32 (1) of members of the commission; and

33 (2) who are not holders of public office;

34 are entitled to receive from the commission an amount for per diem,
35 mileage, and travel allowance equal to that fixed by the budget agency
36 as payment to all persons entitled to receive those payments from the
37 state.

38 (c) **A member appointed under section 4(a)(9) of this chapter is
39 entitled to receive the same per diem, mileage, and travel
40 allowances paid to members of the general assembly serving on
41 interim study committees established by the legislative council.**

42 SECTION 4. IC 14-15-12-7, AS ADDED BY P.L.57-1995,



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1 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 1998]: Sec. 7. A personal watercraft shall not be used on
3 public waters to tow individuals engaged in waterskiing, aquaplaning,
4 or similar activities, unless:
5 (1) the personal watercraft is at least ~~ten (10)~~ **nine (9)** feet long;
6 (2) the personal watercraft is designed to seat at least three (3)
7 individuals; and
8 (3) an individual other than the operator of the personal watercraft
9 is aboard the personal watercraft, acting as an observer.
10 SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) The**
11 **appointments made by the governor under IC 14-13-3-4(a)(9), as**
12 **amended by this act, must be made not later than June 30, 1998.**
13 **(b) This SECTION expires July 1, 1998.**
14 SECTION 6. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred Senate Bill 254, 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 254 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 254, 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:

Page 1, line 6, reset in roman "(1) the personal watercraft is at least".

Page 1, line 6, after "(10)" insert " **nine (9)**".

Page 1, line 6, reset in roman "feet long;".

Page 1, line 7, reset in roman "(2)".

Page 1, line 7, delete "(1)".

Page 1, line 9, reset in roman "(3)".

Page 1, line 9, delete "(2)".

and when so amended that said bill do pass.

(Reference is to Senate Bill 254 as printed January 14, 1998.)

LYTLE, Chair

Committee Vote: yeas 14, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 254 be amended to read as follows:

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

"SECTION 1. IC 14-13-3-4, AS ADDED BY P.L.1-1995, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. (a) The commission consists of the following members:

- (1) The executive of Gary.
- (2) The executive of Hammond.
- (3) The executive of East Chicago.
- (4) The executive of Portage.
- (5) The executive of Michigan City.
- (6) The executive of Whiting.
- (7) The director of the department of commerce, who is a nonvoting member.
- (8) The director of the department, who is a nonvoting member.
- (9) Three (3) members of the general assembly, who are nonvoting members appointed under section 5.5 of this chapter.**

(b) A member of the commission may designate an individual to serve on the commission in the member's place.

SECTION 2. IC 14-13-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: **Sec. 5.5. (a) The members appointed from the general assembly under section 4(a)(9) of this chapter are as follows:**

- (1) A member who resides in Lake County.**
- (2) A member who resides in LaPorte County.**
- (3) A member who resides in Porter County.**

(b) Not more than two (2) members appointed under section 4(a)(9) of this chapter may be of:

- (1) the same political party; or**
- (2) the same chamber of the general assembly.**

(c) The governor shall annually make the appointments required under section 4(a)(9) of this chapter.

(d) If a member of the general assembly appointed under section 4(a)(9) of this chapter ceases to be a member of the general assembly, the member also ceases to be a member of the commission, creating a vacancy for the duration of the member's term.

(e) If a vacancy exists under subsection (d), the governor shall appoint a member of the general assembly to fill the vacancy for



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the duration of the former member's term. A member appointed under this subsection must have the same qualifications as the former member whose position has become vacant.

SECTION 3. IC 14-13-3-6, AS ADDED BY P.L.1-1995, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 6. (a) **Except as provided in subsection (c)**, members of the commission are not entitled to receive from the commission a per diem. However, the members are entitled to receive an amount for mileage or travel.

(b) Designees:

(1) of members of the commission; and

(2) who are not holders of public office;

are entitled to receive from the commission an amount for per diem, mileage, and travel allowance equal to that fixed by the budget agency as payment to all persons entitled to receive those payments from the state.

(c) A member appointed under section 4(a)(9) of this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council. "

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **The appointments made by the governor under IC 14-13-3-4(a)(9), as amended by this act, must be made not later than June 30, 1998.**

(b) This SECTION expires July 1, 1998.

SECTION 6. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to Engrossed Senate Bill 254 as printed February 17, 1998.)

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