

HOUSE BILL No. 1132

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-29-6.

Synopsis: Natural, scenic, or recreational river designation. Changes the procedure for the inclusion of rivers in the system of natural, scenic, and recreational rivers. Provides that a river section recommended by the director of the department of natural resources for inclusion in the system may not be included in the system unless at least 500 residents of the county in which the river section is located sign a petition in support of the inclusion of the river. Requires the legislative body of the county in which the river section is located to hold a public hearing on the proposed inclusion of the river section in the system. Precludes the county legislative body from taking further action concerning the proposed inclusion of the river section unless it
(Continued next page)

Effective: July 1, 1998.

T. Brown

January 8, 1998, read first time and referred to Committee on Natural Resources.

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Digest Continued

holds the public hearing. Requires the county legislative body, not more than 60 days after the public hearing, to vote on whether to support or oppose the inclusion of the river section in the system. Provides that no further action may be taken toward the inclusion of the river section in the system if the county legislative body votes to oppose the inclusion unless, not more than 60 days after the vote, a second petition in support of the inclusion of the river section in the system is signed by at least 10% of the residents of the county and presented to the county legislative body and the natural resources commission.

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Introduced

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.

HOUSE BILL No. 1132

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 14-29-6-8, AS ADDED BY P.L.1-1995, SECTION
2 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 1998]: Sec. 8. (a) As used in this section, "natural river" means a river
4 that, free of impoundments, is generally unpolluted, undeveloped, and
5 inaccessible.

6 (b) The director may study and periodically ~~submit to the~~
7 ~~commission proposals for propose~~ the inclusion of a ~~section of a river~~
8 ~~into in~~ the system of a ~~section of a river~~ that, in the director's
9 judgment, falls within at least one (1) of the following categories:

- 10 (1) Natural river.
11 (2) Scenic river.
12 (3) Recreational river.

13 (c) In recommending a river or section for inclusion in the system,
14 the director shall prepare a detailed report on the factors that, in the
15 director's judgment, make the river worthy of designation for inclusion

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1 in the system. This report shall evaluate among other categories the
2 following:

- 3 (1) Length of segment.
- 4 (2) Condition of naturally occurring vegetation.
- 5 (3) Stream scenic view.
- 6 (4) Physical modification of stream course.
- 7 (5) Human developments along stream.
- 8 (6) Unique or special features of area.
- 9 (7) Water quality.
- 10 (8) Paralleling roads.
- 11 (9) Number of stream crossings.

12 (d) Specific criteria for each of these natural river, scenic river, and
13 recreational river categories shall be selected after having given due
14 consideration to the categories specified in subsection (c) and any other
15 categories that are considered to be important.

16 SECTION 2. IC 14-29-6-8.1 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 1998]: **Sec. 8.1. (a) If a river section recommended for inclusion
19 in the system is located in two (2) or more counties, the segment
20 located within each county shall be treated, for purposes of sections
21 8.3 through 8.9 of this chapter, as a separate river section
22 recommended for inclusion in the system.**

23 **(b) The requirements set forth in sections 8.3 through 8.9 of this
24 chapter may be met with respect to a section of a river only after
25 the river section is recommended for inclusion in the system under
26 section 8 of this chapter.**

27 SECTION 3. IC 14-29-6-8.3 IS ADDED TO THE INDIANA CODE
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 1998]: **Sec. 8.3. The commission may not adopt rules under
30 section 9 of this chapter designating a river section for inclusion in
31 the system unless:**

- 32 **(1) at least five hundred (500) residents of the county in which
33 the river section is located sign a petition in support of the
34 inclusion of the river section in the system;**
- 35 **(2) the original petition is presented to the legislative body (as
36 defined in IC 36-1-2-9) of the county; and**
- 37 **(3) a copy of the petition is presented to the commission.**

38 SECTION 4. IC 14-29-6-8.5 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 1998]: **Sec. 8.5. (a) Not more than sixty (60) days after the
41 legislative body of the county receives a petition described in
42 section 8.3 of this chapter, the legislative body must hold a public**



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1 hearing within the county on the proposed inclusion of the river
2 section in the system.

3 (b) If the legislative body of the county does not hold a public
4 hearing in compliance with subsection (a) within sixty (60) days
5 after receiving a petition:

6 (1) the legislative body is precluded from taking further action
7 concerning the proposed inclusion of the river section in the
8 system; and

9 (2) the commission may then consider the adoption of rules to
10 designate the river section for inclusion in the system under
11 section 9 of this chapter.

12 SECTION 5. IC 14-29-6-8.7 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 1998]: **Sec. 8.7. (a) At a public hearing held in compliance with
15 section 8.5 (a) of this chapter:**

16 (1) residents of the county;

17 (2) representatives of the department; and

18 (3) other individuals;

19 may address the legislative body concerning the proposed inclusion
20 of the river section in the system.

21 (b) Not more than sixty (60) days after holding a public hearing
22 in compliance with subsection (a), the legislative body of the county
23 shall vote on whether to support or oppose the proposed inclusion
24 of the river section in the system.

25 (c) If the legislative body votes to support the proposed inclusion
26 of the river section in the system, the commission may then
27 consider the adoption of rules to designate the river section for
28 inclusion in the system under section 9 of this chapter.

29 (d) If the legislative body votes to oppose the inclusion of the
30 river section in the system, no further action may be taken toward
31 the inclusion of the river section in the system unless the
32 requirement set forth in section 8.9 of this chapter is met.

33 SECTION 6. IC 14-29-6-8.9 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 1998]: **Sec. 8.9. The commission may consider the adoption of
36 rules to designate the river section for inclusion in the system
37 under section 9 of this chapter despite a vote by the legislative body
38 under section 8.7 of this chapter to oppose the inclusion of the river
39 section in the system if, not more than sixty (60) days after the vote
40 by the legislative body:**

41 (1) a second petition in support of the inclusion of the river
42 section in the system is signed by at least ten percent (10%) of

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1 **the residents of the county, according to the most recent**
2 **federal special or decennial census, special tabulation, or**
3 **corrected population count effective under IC 1-1-3.5; and**
4 **(2) the petition referred to in subdivision (1) is presented to**
5 **the legislative body of the county and a copy of the petition is**
6 **presented to the commission.**

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