

HOUSE BILL No. 1270

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, 1999.

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January 11, 1999, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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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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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.

HOUSE BILL No. 1270

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 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) As used in this
- 3 section, "natural river" means a river that, free of impoundments, is
- 4 generally unpolluted, undeveloped, and inaccessible.
- 5 (b) The director may study and periodically ~~submit to the~~
- 6 ~~commission proposals for propose~~ the inclusion of a ~~section of a river~~
- 7 ~~into in~~ the system of a ~~section of a river~~ that, in the director's
- 8 judgment, falls within at least one (1) of the following categories:
- 9 (1) Natural river.
- 10 (2) Scenic river.
- 11 (3) Recreational river.
- 12 (c) In recommending a river or section for inclusion in the system,
- 13 the director shall prepare a detailed report on the factors that, in the
- 14 director's judgment, make the river worthy of designation for inclusion
- 15 in the system. This report shall evaluate among other categories the
- 16 following:
- 17 (1) Length of segment.
- 18 (2) Condition of naturally occurring vegetation.



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- 1 (3) Stream scenic view.
 2 (4) Physical modification of stream course.
 3 (5) Human developments along stream.
 4 (6) Unique or special features of area.
 5 (7) Water quality.
 6 (8) Paralleling roads.
 7 (9) Number of stream crossings.
 8 (d) Specific criteria for each of these natural river, scenic river, and
 9 recreational river categories shall be selected after having given due
 10 consideration to the categories specified in subsection (c) and any other
 11 categories that are considered to be important.
 12 SECTION 2. IC 14-29-6-8.1 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 1999]: **Sec. 8.1. (a) If a river section recommended for inclusion**
 15 **in the system is located in two (2) or more counties, the segment**
 16 **located within each county shall be treated, for purposes of sections**
 17 **8.3 through 8.9 of this chapter, as a separate river section**
 18 **recommended for inclusion in the system.**
 19 (b) The requirements set forth in sections 8.3 through 8.9 of this
 20 chapter may be met with respect to a section of a river only after
 21 the river section is recommended for inclusion in the system under
 22 section 8 of this chapter.
 23 SECTION 3. IC 14-29-6-8.3 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 1999]: **Sec. 8.3. The commission may not adopt rules under**
 26 **section 9 of this chapter designating a river section for inclusion in**
 27 **the system unless:**
 28 (1) at least five hundred (500) residents of the county in which
 29 the river section is located sign a petition in support of the
 30 inclusion of the river section in the system;
 31 (2) the original petition is presented to the legislative body (as
 32 defined in IC 36-1-2-9) of the county; and
 33 (3) a copy of the petition is presented to the commission.
 34 SECTION 4. IC 14-29-6-8.5 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 1999]: **Sec. 8.5. (a) Not more than sixty (60) days after the**
 37 **legislative body of a county receives a petition described in section**
 38 **8.3 of this chapter, the legislative body must hold a public hearing**
 39 **within the county on the proposed inclusion of the river section in**
 40 **the system.**
 41 (b) If the legislative body of the county does not hold a public
 42 hearing in compliance with subsection (a) within sixty (60) days



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1 after receiving a petition:

2 (1) the legislative body is precluded from taking further action
3 concerning the proposed inclusion of the river section in the
4 system; and

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

8 SECTION 5. IC 14-29-6-8.7 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 1999]: **Sec. 8.7. (a) At a public hearing held in compliance with
11 section 8.5 (a) of this chapter:**

12 (1) residents of the county;

13 (2) representatives of the department; and

14 (3) other individuals;

15 may address the legislative body concerning the proposed inclusion
16 of the river section in the system.

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

21 (c) If the legislative body votes to support the proposed inclusion
22 of the river section in the system, the commission may then
23 consider the adoption of rules to designate the river section for
24 inclusion in the system under section 9 of this chapter.

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

29 SECTION 6. IC 14-29-6-8.9 IS ADDED TO THE INDIANA CODE
30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
31 1, 1999]: **Sec. 8.9. The commission may consider the adoption of
32 rules to designate the river section for inclusion in the system
33 under section 9 of this chapter despite a vote by the legislative body
34 under section 8.7 of this chapter to oppose the inclusion of the river
35 section in the system if, not more than sixty (60) days after the vote
36 by the legislative body:**

37 (1) a second petition in support of the inclusion of the river
38 section in the system is signed by at least ten percent (10%) of
39 the residents of the county, according to the most recent
40 federal special or decennial census, special tabulation, or
41 corrected population count effective under IC 1-1-3.5; and

42 (2) the petition referred to in subdivision (1) is presented to

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1 **the legislative body of the county and a copy of the petition is**
2 **presented to the commission.**

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