

SENATE BILL No. 44

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-26-2-23.

Synopsis: Public freshwater lakes. Requires the department of natural resources to adopt rules to assist in the administration of the lake preservation law (IC 14-26-2), to provide objective standards for licensing the placement of a structure or material or the extraction of material over, along, or within a shoreline or waterline, and to establish a process for dispute mediation among riparian owners or between owners and the department of natural resources.

Effective: July 1, 2000.

Meeks R

November 18, 1999, read first time and referred to Committee on Natural Resources.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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SENATE BILL No. 44



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 14-26-2-23 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2000]: **Sec. 23. The commission shall adopt rules in the manner**
- 4 **provided in IC 14-10-2-4 to do the following:**
- 5 (1) **Assist in the administration of this chapter.**
- 6 (2) **Provide objective standards for licensing:**
- 7 (A) **the placement of a temporary or permanent structure**
- 8 **or material; or**
- 9 (B) **the extraction of material;**
- 10 **over, along, or within a shoreline or waterline. The standards**
- 11 **shall exempt any class of activities from licensing if the**
- 12 **commission finds that the class is unlikely to pose more than**
- 13 **a minimal potential for harm to the public rights described in**
- 14 **section 5 of this chapter.**
- 15 (3) **Establish a process under IC 4-21.5 for the mediation of**
- 16 **disputes among riparian owners or between a riparian owner**
- 17 **and the department concerning the usage of an area over,**



1 **along, or within a shoreline or waterline for a matter within**
2 **the jurisdiction of this chapter. The rule must provide that:**
3 **(A) if good faith mediation under the process fails to**
4 **achieve a settlement, the department shall make a**
5 **determination of the dispute; and**
6 **(B) a person affected by the determination of the**
7 **department may seek administrative review by the**
8 **commission.**

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