



Reprinted
April 8, 2011

ENGROSSED
SENATE BILL No. 306

DIGEST OF SB 306 (Updated April 7, 2011 11:41 am - DI 116)

Citations Affected: IC 14-9.

Synopsis: Boat patrol grants. Changes the name of the counties with special boat patrol needs fund to the county or municipality with special boat patrol needs fund (fund). Provides that, for purposes of applying for a grant from the fund, a fiscal body of a county may submit an estimated budget request to the department of natural resources (department) if the county sheriff does not request a grant. Provides that a fiscal body of a municipality may submit an estimated budget request to the department of natural resources (department) if the county fiscal body does not request a grant. Provides that itemized receipts of expenditures of granted money must be submitted for inspection by the department upon request. Provides that the department shall not award a grant to more than one municipality in the same county. Provides that upon request of the department, the county or municipal fiscal officer shall conduct an audit of an account in which the grant money was deposited. Provides that all individuals providing law enforcement services funded by a grant, whether under the authority of the county sheriff or contracted by the fiscal body, must meet certain minimum law enforcement training requirements.

Effective: July 1, 2011.

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Buck, Charbonneau, Steele,
Young R, Landske
(HOUSE SPONSOR — DODGE)

January 10, 2011, read first time and referred to Committee on Agriculture and Natural Resources.

January 25, 2011, reported favorably — Do Pass.

January 27, 2011, read second time, ordered engrossed. Engrossed.

January 31, 2011, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 28, 2011, read first time and referred to Committee on Veterans Affairs and Public Safety.

April 5, 2011, reported — Do Pass.

April 7, 2011, read second time, amended, ordered engrossed.

ES 306—LS 6951/DI 116+



Reprinted
April 8, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 306

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 14-9-9-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this chapter, "fiscal
3 body" has the meaning set forth in IC 36-1-2-6(1), ~~or~~ IC 36-1-2-6(2),
4 **IC 36-1-2-6(3), or IC 36-1-2-6(4)**, whichever applies.
- 5 SECTION 2. IC 14-9-9-2.5 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2011]: **Sec. 2.5. As used in this chapter, "fiscal officer" has the**
8 **meaning set forth in IC 36-1-2-7.**
- 9 SECTION 3. IC 14-9-9-3 IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2011]: Sec. 3. As used in this chapter, "fund"
11 refers to the ~~counties~~ **county or municipality** with special boat patrol
12 needs fund established by section 5 of this chapter.
- 13 SECTION 4. IC 14-9-9-4.5 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2011]: **Sec. 4.5. As used in this chapter, "municipality" has the**
16 **meaning set forth in IC 36-1-2-11.**
- 17 SECTION 5. IC 14-9-9-5 IS AMENDED TO READ AS FOLLOWS

ES 306—LS 6951/DI 116+



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1 [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The ~~counties~~ **county or**
2 **municipality** with special boat patrol needs fund is established
3 exclusively to provide grants to certain counties **or a municipality**
4 **located in the county** to provide law enforcement services on lakes
5 located within the counties.

6 (b) The department shall administer the fund. Money in the fund
7 includes money transferred from the conservation officers marine
8 enforcement fund (IC 14-9-8-21.5). Money in the fund is annually
9 appropriated to the department and shall be used exclusively for the
10 enforcement of laws pertaining to watercraft on lakes located in
11 counties with special boat patrol needs as described in this chapter.

12 (c) The expenses of administering the fund shall be paid from
13 money in the fund.

14 (d) The treasurer of state shall invest the money in the fund not
15 currently needed to meet the obligations of the fund in the same
16 manner as other public funds may be invested.

17 (e) Money in the fund at the end of a fiscal year does not revert to
18 the state general fund.

19 SECTION 6. IC 14-9-9-6 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2011]: Sec. 6. The department shall develop a
21 formula for the distribution of grants from the fund. The formula must
22 take into account at least the following factors:

- 23 (1) The number of lakes located within the county.
- 24 (2) The extent of boat usage for each lake in the county.
- 25 (3) The total number of acres of lake surface within the county+.
- 26 (4) The extent to which law enforcement services on the lakes
27 located within the county are provided by the county **or the**
28 **municipality.**
- 29 (5) Any other pertinent factor that affects the extent to which law
30 enforcement services are provided on lakes located within the
31 county.

32 SECTION 7. IC 14-9-9-7 IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) For a county **or municipality**
34 to be eligible to receive a grant from the fund, each year in which a
35 grant is sought the following must occur:

- 36 (1) The county sheriff must submit to the fiscal body an estimated
37 budget request to provide special needs boat patrol on lakes
38 located within the county. **If the county sheriff does not request**
39 **a grant from the fund, the fiscal body of the county may**
40 **complete an estimated budget. If the county fiscal body does**
41 **not request a grant from the fund, a municipal fiscal body**
42 **located in that county may complete an estimated budget.**

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- 1 (2) If the budget request is approved, the fiscal body must timely
- 2 apply to the department, on forms provided by the department, for
- 3 a grant under this chapter.
- 4 (3) The department must certify the information on the
- 5 application and, based on the formula developed under section 6
- 6 of this chapter, determine:
- 7 (A) whether the county **or municipality** may receive a grant;
- 8 and
- 9 (B) the amount of the grant the county **or municipality** may
- 10 receive;
- 11 under this chapter.

12 **(b) The department shall not award a grant under subsection (a)**
 13 **to more than one (1) municipality located in the same county.**

14 SECTION 8. IC 14-9-9-8 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) If a county **or municipality**
 16 is awarded a grant under this chapter, the county **or municipality** must
 17 establish a special account within the county's **or municipality's**
 18 general fund. The grant must be deposited in the special account for the
 19 county sheriff's **or fiscal body's** exclusive use in providing law
 20 enforcement services on lakes located within the county.

21 (b) The county sheriff **or fiscal body** may use grant money as
 22 authorized under this chapter without appropriation. However, ~~the~~
 23 ~~county sheriff must provide~~ itemized receipts for expenditures of
 24 money granted from the fund **must be submitted** for inspection and
 25 review upon request of the ~~county fiscal body: department.~~ **At the**
 26 **request of the department, the fiscal officer of the participating**
 27 **county or municipality shall conduct an audit of the account.**

28 (c) The receipt of a grant under this chapter may not be used as a
 29 basis for lowering the county's **or municipality's** maximum
 30 permissible ad valorem property tax levy.

31 **(d) All individuals providing law enforcement services using a**
 32 **grant under this chapter, whether under the authority of the**
 33 **county sheriff or contracted by the fiscal body, must meet the**
 34 **minimum training requirement set forth in IC 5-2-1-9.**

35 SECTION 9. IC 14-9-9-9 IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2011]: Sec. 9. The department shall make the
 37 grant distributions to ~~the a recipient counties~~ **county or municipality**
 38 in May and November.

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COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 306, 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 306 as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 9, Nays 0.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 306, 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.

BORDERS, Chair

Committee Vote: yeas 11, nays 1.



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 306 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 1. IC 14-9-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. As used in this chapter, "fiscal body" has the meaning set forth in IC 36-1-2-6(1), or IC 36-1-2-6(2), **IC 36-1-2-6(3), or IC 36-1-2-6(4)**, whichever applies.

SECTION 2. IC 14-9-9-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2.5. As used in this chapter, "fiscal officer" has the meaning set forth in IC 36-1-2-7.**

SECTION 3. IC 14-9-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. As used in this chapter, "fund" refers to the ~~counties~~ **county or municipality** with special boat patrol needs fund established by section 5 of this chapter.

SECTION 4. IC 14-9-9-4.5 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 4.5. As used in this chapter, "municipality" has the meaning set forth in IC 36-1-2-11.**

SECTION 5. IC 14-9-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. (a) The ~~counties~~ **county or municipality** with special boat patrol needs fund is established exclusively to provide grants to certain counties **or a municipality located in the county** to provide law enforcement services on lakes located within the counties.

(b) The department shall administer the fund. Money in the fund includes money transferred from the conservation officers marine enforcement fund (IC 14-9-8-21.5). Money in the fund is annually appropriated to the department and shall be used exclusively for the enforcement of laws pertaining to watercraft on lakes located in counties with special boat patrol needs as described in this chapter.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 6. IC 14-9-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. The department shall develop a formula for the distribution of grants from the fund. The formula must take into account at least the following factors:

- (1) The number of lakes located within the county.
- (2) The extent of boat usage for each lake in the county.
- (3) The total number of acres of lake surface within the county+.
- (4) The extent to which law enforcement services on the lakes located within the county are provided by the county **or the municipality.**
- (5) Any other pertinent factor that affects the extent to which law enforcement services are provided on lakes located within the county.

SECTION 7. IC 14-9-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) For a county **or municipality** to be eligible to receive a grant from the fund, each year in which a grant is sought the following must occur:

- (1) The county sheriff must submit to the fiscal body an estimated budget request to provide special needs boat patrol on lakes located within the county. **If the county sheriff does not request**

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a grant from the fund, the fiscal body of the county may complete an estimated budget. If the county fiscal body does not request a grant from the fund, a municipal fiscal body located in that county may complete an estimated budget.

(2) If the budget request is approved, the fiscal body must timely apply to the department, on forms provided by the department, for a grant under this chapter.

(3) The department must certify the information on the application and, based on the formula developed under section 6 of this chapter, determine:

(A) whether the county **or municipality** may receive a grant; and

(B) the amount of the grant the county **or municipality** may receive;

under this chapter.

(b) The department shall not award a grant under subsection (a) to more than one (1) municipality located in the same county."

Page 2, delete line 1.

Page 2, line 3, after "county" insert "**or municipality**".

Page 2, line 4, after "county" insert "**or municipality**".

Page 2, line 5, after "county's" insert "**or municipality's**".

Page 2, line 13, delete "county auditor" and insert "**fiscal officer**".

Page 2, line 14, after "county" insert "**or municipality**".

Page 2, line 16, after "county's" insert "**or municipality's**".

Page 2, after line 21, begin a new paragraph and insert:

"SECTION 9. IC 14-9-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. The department shall make the grant distributions to ~~the a recipient counties~~ **county or municipality** in May and November."

Renumber all SECTIONS consecutively.

(Reference is to ESB 306 as printed April 5, 2011.)

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