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## SENATE BILL No. 375

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-8-2; IC 14-9-6; IC 14-10; IC 14-21-1; IC 14-22; IC 14-25; IC 14-26-2-24.

**Synopsis:** Fish and wildlife rulemaking. Establishes the hunting, fishing, and trapping commission (commission). Provides the commission with authority over fish and wildlife laws. Provides that before a final fish or wildlife rule is adopted, the proposed rule must be approved by the commission and receive final approval from the director of the department of natural resources. Provides that the natural resources commission (NRC) does not have responsibility for duties given to the commission. Repeals provisions establishing the advisory council to the bureau of water and resource regulation and the bureau of lands and cultural resources. Makes conforming changes.

**Effective:** July 1, 2012.

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## Waterman, Steele

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January 9, 2012, read first time and referred to Committee on Agriculture and Natural Resources.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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# SENATE BILL No. 375



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 14-8-2-48, AS AMENDED BY P.L.197-2011,
- 2 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 48. (a) "Commission", except as provided in
- 4 subsections (b) through ~~(r)~~; **(q)**, refers to the natural resources
- 5 commission.
- 6 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
- 7 forth in IC 14-13-1-1.
- 8 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
- 9 forth in IC 14-13-2-2.
- 10 (d) "Commission", for purposes of IC 14-13-4, has the meaning set
- 11 forth in IC 14-13-4-1.
- 12 (e) "Commission", for purposes of IC 14-13-5, has the meaning set
- 13 forth in IC 14-13-5-1.
- 14 (f) "Commission", for purposes of IC 14-13-6, has the meaning set
- 15 forth in IC 14-13-6-2.
- 16 (g) "Commission", for purposes of IC 14-14-1, has the meaning set
- 17 forth in IC 14-14-1-3.



1 (h) "Commission", for purposes of IC 14-20-11, has the meaning set  
2 forth in IC 14-20-11-1.

3 (i) "Commission", for purposes of IC 14-21-4, has the meaning set  
4 forth in IC 14-21-4-1.

5 **(j) "Commission" for purposes IC 14-22, has the meaning set**  
6 **forth IC 14-22-1.5-1.**

7 ~~(k)~~ **(k)** "Commission", for purposes of IC 14-25-11, has the meaning  
8 set forth in IC 14-25-11-1.

9 ~~(l)~~ **(l)** "Commission", for purposes of IC 14-28-4, has the meaning  
10 set forth in IC 14-28-4-1.

11 ~~(m)~~ **(m)** "Commission", for purposes of IC 14-30-1, has the meaning  
12 set forth in IC 14-30-1-2.

13 ~~(n)~~ **(n)** "Commission", for purposes of IC 14-30-2, has the meaning  
14 set forth in IC 14-30-2-2.

15 ~~(o)~~ **(o)** "Commission", for purposes of IC 14-30-3, has the meaning  
16 set forth in IC 14-30-3-2.

17 ~~(p)~~ **(p)** "Commission", for purposes of IC 14-30-4, has the meaning  
18 set forth in IC 14-30-4-2.

19 ~~(q)~~ **(q)** "Commission", for purposes of IC 14-33-20, has the meaning  
20 set forth in IC 14-33-20-2.

21 SECTION 2. IC 14-8-2-61, AS AMENDED BY P.L.197-2011,  
22 SECTION 48, IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 61.~~  
23 ~~"Council", for purposes of IC 14-21-1, has the meaning set forth in~~  
24 ~~IC 14-21-1-5.~~

25 SECTION 3. IC 14-9-6 IS REPEALED [EFFECTIVE JULY 1,  
26 2012]. (Advisory Council for the Bureau of Water and Resource  
27 Regulation and the Bureau of Lands and Cultural Resources).

28 SECTION 4. IC 14-10-1-1, AS AMENDED BY P.L.95-2006,  
29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JULY 1, 2012]: Sec. 1. The natural resources commission is  
31 established. The commission consists of twelve (12) members as  
32 follows:

33 (1) The commissioner of the Indiana department of transportation  
34 or the commissioner's designee.

35 (2) The commissioner of the department of environmental  
36 management or the commissioner's designated deputy.

37 (3) The director of the office of tourism development or the  
38 director's designee.

39 (4) The director of the department.

40 (5) The chairperson of the ~~advisory council established by~~  
41 ~~IC 14-9-6-1. hunting, fishing, and trapping commission~~  
42 **established by IC 14-22-1.5.**

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1 (6) The president of the Indiana academy of science or the  
 2 president's designee.  
 3 (7) Six (6) citizen members appointed by the governor, at least  
 4 two (2) of whom must have knowledge, experience, or education  
 5 in the environment or in natural resource conservation. Not more  
 6 than three (3) citizen members may be of the same political party.  
 7 SECTION 5. IC 14-10-2-1, AS AMENDED BY P.L.246-2005,  
 8 SECTION 115, IS AMENDED TO READ AS FOLLOWS  
 9 [EFFECTIVE JULY 1, 2012]: Sec. 1. **Except as provided in**  
 10 **IC 14-22-1.5**, the commission may do the following:  
 11 (1) Take the action that is necessary to enable the state to  
 12 participate in the programs set forth in 16 U.S.C. 470 et seq.  
 13 (2) Promulgate and maintain a state register of districts, sites,  
 14 buildings, structures, and objects significant in American or  
 15 Indiana history, architecture, archeology, and culture and expend  
 16 money for the purpose of preparing comprehensive statewide  
 17 historic surveys and plans, in accordance with criteria established  
 18 by the commission, that comply with the standards and  
 19 regulations promulgated by the United States Secretary of the  
 20 Interior for the preservation, acquisition, and development of the  
 21 properties.  
 22 (3) Establish in accordance with criteria established by the United  
 23 States Secretary of the Interior a program of matching  
 24 grants-in-aid to public agencies for projects having as their  
 25 purpose the preservation for public benefit of properties that are  
 26 significant in American or Indiana history, architecture,  
 27 archeology, and culture.  
 28 (4) Accept grants from public and private sources, including those  
 29 provided under 16 U.S.C. 470 et seq.  
 30 (5) Establish fees for the following:  
 31 (A) Programs of the department or the commission.  
 32 (B) Facilities owned or operated by the department or the  
 33 commission or a lessee of the department or commission.  
 34 (C) Licenses issued by the commission, the department, or the  
 35 director.  
 36 (D) Inspections or other similar services under this title  
 37 performed by the department or an assistant or employee of  
 38 the department.  
 39 (6) Adopt rules under IC 4-22-2 for the establishment of fees  
 40 under subdivision (5).  
 41 SECTION 6. IC 14-21-1-5 IS REPEALED [EFFECTIVE JULY 1,  
 42 2012]. Sec. 5. As used in this chapter, "council" refers to the advisory

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1 ~~council established by IC 14-9-6-1.~~

2 SECTION 7. IC 14-21-1-12 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The division shall  
4 do the following:

5 (1) Develop a program of historical, architectural, and  
6 archeological research and development, including continuing  
7 surveys, excavations, scientific recording, interpretation, and  
8 publication of the state's historical, architectural, and  
9 archeological resources.

10 (2) Prepare a preservation plan for the state that establishes  
11 planning guidelines to encourage the continuous maintenance and  
12 integrity of historic sites and historic structures. However, the  
13 plan is not effective until the plan has been:

14 (A) presented to the ~~council~~ **review board** for review and  
15 comment; and

16 (B) approved by the review board after public hearing.

17 (3) Undertake the action necessary to qualify the state for  
18 participation in sources of federal aid to further the purposes  
19 stated in subdivisions (1) and (2).

20 (4) Provide information on historic sites and structures within  
21 Indiana to federal, state, and local governmental agencies, private  
22 individuals, and organizations.

23 (5) Advise and coordinate the activities of local historical  
24 associations, historic district commissions, historic commissions,  
25 and other interested groups or persons.

26 (6) Provide technical and financial assistance to local historical  
27 associations, historic district commissions, historic commissions,  
28 and other interested groups or persons.

29 (7) Review environmental impact statements as required by  
30 federal and state law for actions significantly affecting historic  
31 properties.

32 SECTION 8. IC 14-21-1-13, AS AMENDED BY P.L.2-2007,  
33 SECTION 169, IS AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2012]: Sec. 13. The division may do the  
35 following:

36 (1) Recommend the purchase, lease, or gift of historic property of  
37 archeological importance and make recommendations to the  
38 director ~~council~~; and ~~the~~ commission regarding policies affecting  
39 the operation and administration of these sites and structures by  
40 the section of historic sites of the division of state museums and  
41 historic sites.

42 (2) Prepare and review planning and research studies relating to

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1 archeology.

2 (3) Conduct a program of education in archeology, either within  
3 the division or in conjunction with a postsecondary educational  
4 institution.

5 (4) Inspect and supervise an archeological field investigation  
6 authorized by this chapter.

7 SECTION 9. IC 14-22-1.5 IS ADDED TO THE INDIANA CODE  
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2012]:

10 **Chapter 1.5. Hunting, Fishing, and Trapping Commission**

11 **Sec. 1. As used in this chapter, "commission" refers to the**  
12 **hunting, fishing, and trapping commission established by section**  
13 **4 of this chapter.**

14 **Sec. 2. As used in this chapter, "sportsman" means a resident**  
15 **of:**

- 16 (1) Indiana; and  
17 (2) a wildlife district;

18 **who has held a license under IC 14-22 to hunt, fish, or trap for at**  
19 **least two (2) consecutive years.**

20 **Sec. 3. As used in this chapter, "wildlife district" refers to a**  
21 **district described below:**

22 (1) **Wildlife district 1 consists of the following counties: Adam,**  
23 **Allen, Dekalb, Elkhart, Fulton, Huntington, Kosciusko,**  
24 **Lagrange, Marshall, Miami, Noble, Steuben, Wabash, Wells,**  
25 **Whitley.**

26 (2) **Wildlife district 2 consists of the following counties:**  
27 **Benton, Carroll, Cass, Jasper, Lake, LaPorte, Newton, Porter,**  
28 **Pulaski, St. Joseph, Starke, Tippecanoe, White, Warren,**  
29 **Clinton.**

30 (3) **Wildlife district 3 consists of the following counties:**  
31 **Blackford, Boone, Delaware, Grant, Hamilton, Howard, Jay,**  
32 **Madison, Marion, Randolph, Tipton, Hancock, Henry,**  
33 **Wayne, Union.**

34 (4) **Wildlife district 4 consists of the following counties: Clay,**  
35 **Dubois, Gibson, Green, Knox, Morgan, Owen, Parke, Pike,**  
36 **Posey, Spencer, Sullivan, Vanderburg, Vermillion, Vigo,**  
37 **Warrick, Martin, Daviess, Putnam, Montgomery, Hendricks,**  
38 **Perry, Fountain.**

39 (5) **Wildlife district 5 consists of the following counties:**  
40 **Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette,**  
41 **Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings,**  
42 **Johnson, Ohio, Ripley, Rush, Scott, Shelby, Switzerland,**

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1 Washington, Orange, Crawford, Lawrence, Monroe.

2 Sec. 4. The hunting, fishing, and trapping commission is  
3 established.

4 Sec. 5. The commission consists of the following seven (7)  
5 members:

6 (1) A wildlife biologist of the department, as appointed by the  
7 director.

8 (2) The state veterinarian.

9 (3) Five (5) members who are sportsmen, one (1) from each of  
10 the following districts:

11 (A) One (1) member who is a resident of wildlife district 1.

12 (B) One (1) member who is a resident of wildlife district 2.

13 (C) One (1) member who is a resident of wildlife district 3.

14 (D) One (1) member who is a resident of wildlife district 4.

15 (E) One (1) member who is a resident of wildlife district 5.

16 The governor shall make the appointments under subdivision (3).

17 Sec. 6. The term of a member of the commission is four (4)  
18 years. A member may serve an additional term after the expiration  
19 of the member's initial term if selected for an additional term  
20 through the procedure set forth in section 7 of this chapter. An  
21 individual who has been convicted of or pleaded guilty or nolo  
22 contendere to a felony under the laws of Indiana or any other  
23 jurisdiction may not serve as a member of the commission.

24 Sec. 7. (a) When a vacancy occurs on the commission, the  
25 director shall call a meeting of the sportsmen within the affected  
26 wildlife district within ten (10) days after the vacancy occurs for  
27 the purpose of voting to select, among the sportsmen present at the  
28 meeting, a list of three (3) nominees to submit to the governor to fill  
29 the vacancy. The names of the three (3) individuals who receive the  
30 highest number of votes shall be submitted to the governor as the  
31 nominees to fill the vacancy. The governor shall select one (1) of  
32 the individuals from the list of nominees submitted to fill the  
33 vacancy.

34 (b) Notice of the meeting must be given in accordance with  
35 IC 5-14-1.5.

36 (c) The director or the director's designee shall serve as  
37 chairperson of the meeting, and the chairperson shall be the final  
38 arbiter of any disputes or procedural questions that arise during  
39 the course of the meeting. The chairperson shall submit the  
40 nominations of three (3) candidates for the vacancy and certify  
41 them to the governor not later than forty (40) days after the  
42 vacancy occurs.



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1 (d) If it is known that a vacancy will occur at a definite future  
 2 date, but the vacancy has not yet occurred, the governor shall  
 3 notify the director immediately of the forthcoming vacancy, and  
 4 the sportsmen within the affected wildlife district may, not later  
 5 than sixty (60) days after the director receives the notification  
 6 under this subsection, meet in accordance with IC 5-14-1.5 for the  
 7 purpose of voting to select, among the sportsmen present at the  
 8 meeting, a list of three (3) nominees to submit to the governor to fill  
 9 the forthcoming vacancy. The names of the three (3) sportsmen  
 10 who receive the highest number of votes shall be submitted to the  
 11 governor for purposes of filling the forthcoming vacancy. The  
 12 governor shall select one (1) of the individuals from the list of  
 13 nominees submitted to fill the forthcoming vacancy.

14 Sec. 8. The members of the commission are entitled to receive  
 15 travel expenses that are necessarily incident to the performance of  
 16 the members' official functions.

17 Sec. 9. The commission:

18 (1) shall hold at least one (1) regular meeting every calendar  
 19 year; and

20 (2) may hold special meetings that the chairperson of the  
 21 commission considers necessary and expedient.

22 Sec. 10. During the first meeting in each calendar year, the  
 23 commission shall elect a chairperson and a vice chairperson.

24 Sec. 11. (a) The commission has the following duties:

25 (1) Review and approve, amend, or reject a rule proposed by  
 26 the director under IC 14-22-2-6 when the commission  
 27 considers it necessary to approve, amend, or reject the rule.

28 (2) Establish fees for the following:

29 (A) Licenses issued under this article.

30 (B) Inspections and other similar services performed by  
 31 the department under this article.

32 (3) Discharge any other duty or responsibility specifically  
 33 assigned to the commission under this article.

34 (b) Before a final rule is adopted under this chapter, the  
 35 proposed rule must be approved by the commission and receive  
 36 final approval from the director. If a rule is vetoed by the director,  
 37 the rule may be adopted over the veto of the director by a  
 38 two-thirds (2/3) vote of all of the members of the commission.

39 (c) All rules adopted under this chapter must be adopted in  
 40 compliance with IC 4-22-2.

41 SECTION 10. IC 14-22-2-6 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The director shall

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- 1 adopt rules under IC 4-22-2 to do the following:
- 2 (1) Establish, open, close, lengthen, suspend, or shorten seasons.
- 3 (2) Establish bag, sex, and size limits.
- 4 (3) Establish limitations on the numbers of hunters and fishermen.
- 5 (4) Establish the methods, means, and time of:
- 6 (A) taking, chasing, transporting, and selling; or
- 7 (B) attempting to take, transport, or sell;
- 8 wild animals or exotic mammals, with or without dogs, in Indiana
- 9 or in a designated part of Indiana.
- 10 (5) Establish other necessary rules to do the following:
- 11 (A) Administer this chapter.
- 12 (B) Properly manage wild animals or exotic mammals in a
- 13 designated water or land area of Indiana.
- 14 (6) Set aside and designate land or water or parts of the land or
- 15 water owned, controlled, or under contract or acquired by the
- 16 state for conservation purposes as a public hunting and fishing
- 17 ground under the restrictions, conditions, and limitations that are
- 18 determined to be appropriate.
- 19 (b) **The rules described in subsection (a) must comply with the**
- 20 **following:**
- 21 (1) **A rule** may be adopted only after thorough investigation. ~~and~~
- 22 (2) **A rule** must be based upon data relative to the following:
- 23 (A) The welfare of the wild animal.
- 24 (B) The relationship of the wild animal to other animals.
- 25 (C) The welfare of the people.
- 26 (3) **A rule must be approved by the hunting, fishing, and**
- 27 **trapping commission under IC 14-22-1.5-11.**
- 28 (c) Whenever the director determines that it is necessary to adopt
- 29 rules, the director shall comply with the following:
- 30 (1) Rules must clearly describe and set forth any applicable
- 31 changes.
- 32 (2) The director shall make or cause to be made a periodic review
- 33 of the rules.
- 34 (3) A copy of each rule, as long as the rule remains in force and
- 35 effect, shall be included and printed in each official compilation
- 36 of the Indiana fish and wildlife law.
- 37 (d) The director may modify or suspend a rule for a time not to
- 38 exceed one (1) year under IC 4-22-2-37.1.
- 39 SECTION 11. IC 14-22-12-16 IS ADDED TO THE INDIANA
- 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2012]: **Sec. 16. (a) The rules adopted by the**
- 42 **department of natural resources or the natural resources**

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1 **commission before July 1, 2012, concerning the establishment of**  
 2 **fees for:**

3 **(1) licenses issued; and**

4 **(2) inspections and other similar services performed;**

5 **by the department of natural resources under this article continue**  
 6 **to be in effect as rules of the department of natural resources after**  
 7 **June 30, 2012.**

8 **(b) The hunting, fishing, and trapping commission established**  
 9 **by IC 14-22-1.5-4 has the authority to amend the rules of the**  
 10 **department of natural resources or the natural resources**  
 11 **commission adopted under this article.**

12 SECTION 12. IC 14-22-32-5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. If a person violates  
 14 section 2(1) of this chapter, the department shall enter a recommended  
 15 order to dispose of any game bird or exotic mammal the person owns,  
 16 keeps, harbors, or otherwise possesses. Before the order becomes a  
 17 final determination of the department, a hearing must be held under  
 18 IC 4-21.5-3. The hearing shall be conducted by an administrative law  
 19 judge for the **natural resources** commission. The determination of the  
 20 administrative law judge is a final agency action under IC 4-21.5-1-6.

21 SECTION 13. IC 14-25-2-2.5, AS AMENDED BY P.L.3-2008,  
 22 SECTION 102, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) As used in this chapter,  
 24 "water utility" means:

25 (1) a public utility (as defined in IC 8-1-2-1(a));

26 (2) a municipally owned utility (as defined in IC 8-1-2-1(h));

27 (3) a not-for-profit utility (as defined in IC 8-1-2-125(a));

28 (4) a cooperatively owned corporation;

29 (5) a conservancy district established under IC 14-33; or

30 (6) a regional water district established under IC 13-26;

31 that provides water service to the public.

32 (b) A person that seeks to contract with the commission for the  
 33 provision of certain minimum quantities of stream flow or the sale of  
 34 water on a unit pricing basis under section 2 of this chapter must  
 35 submit a request to the commission and the department. The  
 36 commission shall not make a determination as to whether to enter into  
 37 a contract with the person making the request until:

38 (1) the procedures set forth in this section have been followed;  
 39 and

40 (2) the commission has reviewed and considered each report  
 41 submitted to the commission under subsection (i).

42 (c) Not later than thirty (30) days after receiving a request under

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1 subsection (b), the department shall provide, by certified mail, written  
 2 notice of the request to the following:  
 3 (1) Each person with whom the commission holds a contract for:  
 4 (A) the provision of certain minimum quantities of stream  
 5 flow; or  
 6 (B) the sale of water on a unit pricing basis;  
 7 as of the date of the request.  
 8 (2) The executive and legislative body of each:  
 9 (A) county;  
 10 (B) municipality, if any; and  
 11 (C) conservancy district established under IC 14-33, if any;  
 12 in which the water sought in the request would be used.  
 13 (3) The executive and legislative body of each:  
 14 (A) county;  
 15 (B) municipality, if any; and  
 16 (C) conservancy district established under IC 14-33, if any;  
 17 in which the affected reservoir is located.  
 18 (d) Not later than seven (7) days after receiving a notice from the  
 19 department under subsection (c), each person described in subsection  
 20 (c)(1) shall, by certified mail, provide written notice of the request to  
 21 each:  
 22 (1) water utility; or  
 23 (2) other person;  
 24 that contracts with the person described in subsection (c)(1) for the  
 25 purchase of water for resale. Each person to whom notice is mailed  
 26 under this subsection is in turn responsible for providing written notice  
 27 by certified mail to each water utility or other person that purchases  
 28 water from that person for resale. A water utility or another person  
 29 required to provide notice under this subsection shall mail the required  
 30 notice not later than seven (7) days after it receives notice of the  
 31 request from the water utility or other person from whom it purchases  
 32 water for resale.  
 33 (e) At the same time that:  
 34 (1) a person described in subsection (c)(1); or  
 35 (2) a water utility or another person described in subsection (d);  
 36 mails any notice required under subsection (d), it shall also mail to the  
 37 department, by certified mail, a list of the names and addresses of each  
 38 water utility or other person to whom it has mailed the notice under  
 39 subsection (d).  
 40 (f) In addition to the mailed notice required under subsection (c), the  
 41 department shall publish notice of the request, in accordance with  
 42 IC 5-3-1, in each county:

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- 1 (1) in which a person described in section (c)(1) is located;
- 2 (2) in which the affected reservoir is located;
- 3 (3) in which the water sought in the request would be used; and
- 4 (4) in which a water utility or other person included in a list
- 5 received by the department under subsection (e) is located.

6 Notwithstanding IC 5-3-1-6, in each county in which publication is  
 7 required under this subsection, notice shall be published in at least one  
 8 (1) general circulation newspaper in the county. The department may,  
 9 in its discretion, publish public notices in a qualified publication (as  
 10 defined in IC 5-3-1-0.7) or additional newspapers to provide  
 11 supplementary notification to the public. The cost of publishing  
 12 supplementary notification is a proper expenditure of the department.

13 (g) A notice required to be mailed or published under this section  
 14 must:

- 15 (1) identify the person making the request;
- 16 (2) include a brief description of:
  - 17 (A) the nature of the pending request; and
  - 18 (B) the process by which the commission will determine
  - 19 whether to enter into a contract with the person making the
  - 20 request;
- 21 (3) set forth the date, time, and location of the public meeting
- 22 required under subsection (h); and
- 23 (4) in the case of a notice that is required to be mailed under
- 24 subsection (c)(1) or (d), a statement of the recipient's duty to in
- 25 turn provide notice to any:
  - 26 (A) water utility; or
  - 27 (B) other person;
- 28 that purchases water for resale from the recipient, in accordance
- 29 with subsection (d).

30 (h) ~~The advisory council established by IC 14-9-6-1~~ **A hearing**  
 31 **officer appointed by the commission** shall hold a public meeting in  
 32 each county in which notice is published under subsection (f). A public  
 33 meeting required under this subsection must include the following:

- 34 (1) A presentation by the department describing:
  - 35 (A) the nature of the pending request; and
  - 36 (B) the process by which the commission will determine
  - 37 whether to enter into a contract with the person making the
  - 38 request.
- 39 (2) An opportunity for public comment on the pending request.

40 ~~The advisory council may appoint a hearing officer to assist with a~~  
 41 ~~public meeting held under this subsection.~~

- 42 (i) Not later than thirty (30) days after a public meeting is held

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1 under subsection (h), the ~~advisory council~~ **hearing officer** shall submit  
2 to the commission a report summarizing the public meeting.

3 SECTION 14. IC 14-25-7-10, AS AMENDED BY P.L.95-2006,  
4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2012]: Sec. 10. (a) The commission shall administer this  
6 chapter.

7 (b) The deputy director for water and resource regulation shall serve  
8 as technical secretary to the commission. The deputy director shall  
9 perform the duties that are required by this chapter or that the  
10 commission directs.

11 (c) ~~The advisory council established by IC 14-9-6-1 shall serve in~~  
12 ~~an advisory capacity to the commission with respect to the~~  
13 ~~implementation of the commission's powers and duties; including the~~  
14 ~~drafting of rules and development of inventories; assessments; and~~  
15 ~~plans:~~

16 (d) For the time that the advisory council is involved in the drafting  
17 of rules, the membership of the council shall be augmented as follows:

18 (1) ~~Two (2) members of the senate, not more than one (1) of~~  
19 ~~whom may be of the same political party, shall be appointed for~~  
20 ~~a term of two (2) years by the president pro tempore of the senate:~~

21 (2) ~~Two (2) members of the house of representatives, not more~~  
22 ~~than one (1) of whom may be of the same political party, shall be~~  
23 ~~appointed for a term of two (2) years by the speaker of the house~~  
24 ~~of representatives.~~

25 ~~These members are entitled to travel expenses and a per diem~~  
26 ~~allowance as determined by the budget agency for members of boards~~  
27 ~~and commissions generally.~~

28 (e) (c) The department shall provide professional, technical, and  
29 clerical personnel, equipment, supplies, and support services  
30 reasonably required to assist the commission in the exercise of the  
31 commission's powers and duties under this chapter. The department  
32 shall include money for this purpose in the regular operating budget  
33 requests of the department.

34 SECTION 15. IC 14-26-2-24, AS ADDED BY P.L.6-2008,  
35 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2012]: Sec. 24. (a) Relying on recommendations of the  
37 department, ~~and the advisory council established by IC 14-9-6-1,~~ the  
38 commission shall adopt, under IC 4-22-7-7(a)(5)(A), and maintain a  
39 nonrule policy statement that lists the public freshwater lakes in  
40 Indiana. For each public freshwater lake, the statement must include  
41 the following information:

42 (1) The name of the lake.

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1           (2) The county and specific location within the county where the  
2           lake is located.

3           (b) A person may obtain administrative review from the commission  
4           for the listing or nonlisting of a lake as a public freshwater lake through  
5           a licensure action, status determination, or enforcement action under  
6           IC 4-21.5.

7           SECTION 16. [EFFECTIVE JULY 1, 2012] (a) **The initial terms  
8           of office of the appointed members of the hunting, fishing, and  
9           trapping commission established by IC 14-22-1.5-4, as added by  
10          this act, are as follows:**

11          (1) **The member appointed under IC 14-22-1.5-5(3)(A), as  
12          added by this act, and the member appointed under  
13          IC 14-22-1.5-5(3)(B), as added by this act, serve for three (3)  
14          years.**

15          (2) **The member appointed under IC 14-22-1.5-5(3)(C), as  
16          added by this act, serves for two (2) years.**

17          (3) **The member appointed under IC 14-22-1.5-5(3)(D), as  
18          added by this act, serves for one (1) year.**

19          **The governor shall specify the term of each member described in  
20          subdivisions (1), (2), and (3) when making the initial appointments.**

21          (b) **The initial terms of the appointed members begin July 1,  
22          2012.**

23          (c) **This SECTION expires December 31, 2013.**

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