
SENATE BILL No. 463

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 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, 2013.

Waterman

January 10, 2013, read first time and referred to Committee on Agriculture and Natural Resources.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 463



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.133-2012,
- 2 SECTION 162, IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2013]: Sec. 48. (a) "Commission", except as
- 4 provided in this section, refers to the natural resources commission.
- 5 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
- 6 forth in IC 14-13-1-1.
- 7 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
- 8 forth in IC 14-13-2-2.
- 9 (d) "Commission", for purposes of IC 14-13-4, has the meaning set
- 10 forth in IC 14-13-4-1.
- 11 (e) "Commission", for purposes of IC 14-13-5, has the meaning set
- 12 forth in IC 14-13-5-1.
- 13 (f) "Commission", for purposes of IC 14-13-6, has the meaning set
- 14 forth in IC 14-13-6-2.
- 15 (g) "Commission", for purposes of IC 14-14-1, has the meaning set
- 16 forth in IC 14-14-1-3.
- 17 (h) "Commission", for purposes of IC 14-20-11, has the meaning set



1 forth in IC 14-20-11-1.

2 (i) "Commission", for purposes IC 14-22, has the meaning set

3 forth IC 14-22-1.5-1.

4 (†) (j) "Commission", for purposes of IC 14-28-4, has the meaning

5 set forth in IC 14-28-4-1.

6 (†) (k) "Commission", for purposes of IC 14-30-1, has the meaning

7 set forth in IC 14-30-1-2.

8 (†) (l) "Commission", for purposes of IC 14-30-2, has the meaning

9 set forth in IC 14-30-2-2.

10 (†) (m) "Commission", for purposes of IC 14-30-3, has the meaning

11 set forth in IC 14-30-3-2.

12 (†) (n) "Commission", for purposes of IC 14-30-4, has the meaning

13 set forth in IC 14-30-4-2.

14 (†) (o) "Commission", for purposes of IC 14-33-20, has the meaning

15 set forth in IC 14-33-20-2.

16 SECTION 2. IC 14-8-2-61 IS REPEALED [EFFECTIVE JULY 1,

17 2013]. ~~Sec. 61. "Council", for purposes of IC 14-21-1, has the meaning~~

18 ~~set forth in IC 14-21-1-5.~~

19 SECTION 3. IC 14-9-6 IS REPEALED [EFFECTIVE JULY 1,

20 2013]. (Advisory Councils for the Bureau of Water and Resource

21 Regulation and the Bureau of Lands and Cultural Resources).

22 SECTION 4. IC 14-10-1-1, AS AMENDED BY P.L.95-2006,

23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

24 JULY 1, 2013]: Sec. 1. The natural resources commission is

25 established. The commission consists of twelve (12) members as

26 follows:

27 (1) The commissioner of the Indiana department of transportation

28 or the commissioner's designee.

29 (2) The commissioner of the department of environmental

30 management or the commissioner's designated deputy.

31 (3) The director of the office of tourism development or the

32 director's designee.

33 (4) The director of the department.

34 (5) The chairperson of the ~~advisory council established by~~

35 ~~IC 14-9-6-1. hunting, fishing, and trapping commission~~

36 **established by IC 14-22-1.5.**

37 (6) The president of the Indiana academy of science or the

38 president's designee.

39 (7) Six (6) citizen members appointed by the governor, at least

40 two (2) of whom must have knowledge, experience, or education

41 in the environment or in natural resource conservation. Not more

42 than three (3) citizen members may be of the same political party.

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1 SECTION 5. IC 14-10-2-1, AS AMENDED BY P.L.246-2005,
 2 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2013]: Sec. 1. **Except as provided in**
 4 **IC 14-22-1.5**, the commission may do the following:

5 (1) Take the action that is necessary to enable the state to
 6 participate in the programs set forth in 16 U.S.C. 470 et seq.

7 (2) Promulgate and maintain a state register of districts, sites,
 8 buildings, structures, and objects significant in American or
 9 Indiana history, architecture, archeology, and culture and expend
 10 money for the purpose of preparing comprehensive statewide
 11 historic surveys and plans, in accordance with criteria established
 12 by the commission, that comply with the standards and
 13 regulations promulgated by the United States Secretary of the
 14 Interior for the preservation, acquisition, and development of the
 15 properties.

16 (3) Establish in accordance with criteria established by the United
 17 States Secretary of the Interior a program of matching
 18 grants-in-aid to public agencies for projects having as their
 19 purpose the preservation for public benefit of properties that are
 20 significant in American or Indiana history, architecture,
 21 archeology, and culture.

22 (4) Accept grants from public and private sources, including those
 23 provided under 16 U.S.C. 470 et seq.

24 (5) Establish fees for the following:

25 (A) Programs of the department or the commission.

26 (B) Facilities owned or operated by the department or the
 27 commission or a lessee of the department or commission.

28 (C) Licenses issued by the commission, the department, or the
 29 director.

30 (D) Inspections or other similar services under this title
 31 performed by the department or an assistant or employee of
 32 the department.

33 (6) Adopt rules under IC 4-22-2 for the establishment of fees
 34 under subdivision (5).

35 SECTION 6. IC 14-21-1-5 IS REPEALED [EFFECTIVE JULY 1,
 36 2013]. ~~Sec. 5: As used in this chapter, "council" refers to the advisory~~
 37 ~~council established by IC 14-9-6-1.~~

38 SECTION 7. IC 14-21-1-12 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. The division shall
 40 do the following:

41 (1) Develop a program of historical, architectural, and
 42 archeological research and development, including continuing

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1 surveys, excavations, scientific recording, interpretation, and
 2 publication of the state's historical, architectural, and
 3 archeological resources.

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

8 (A) presented to the ~~council~~ **review board** for review and
 9 comment; and

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

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

14 (4) Provide information on historic sites and structures within
 15 Indiana to federal, state, and local governmental agencies, private
 16 individuals, and organizations.

17 (5) Advise and coordinate the activities of local historical
 18 associations, historic district commissions, historic commissions,
 19 and other interested groups or persons.

20 (6) Provide technical and financial assistance to local historical
 21 associations, historic district commissions, historic commissions,
 22 and other interested groups or persons.

23 (7) Review environmental impact statements as required by
 24 federal and state law for actions significantly affecting historic
 25 properties.

26 SECTION 8. IC 14-21-1-13, AS AMENDED BY P.L.2-2007,
 27 SECTION 169, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2013]: Sec. 13. The division may do the
 29 following:

30 (1) Recommend the purchase, lease, or gift of historic property of
 31 archeological importance and make recommendations to the
 32 director ~~council~~; and ~~the~~ commission regarding policies affecting
 33 the operation and administration of these sites and structures by
 34 the section of historic sites of the division of state museums and
 35 historic sites.

36 (2) Prepare and review planning and research studies relating to
 37 archeology.

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

41 (4) Inspect and supervise an archeological field investigation
 42 authorized by this chapter.

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1 SECTION 9. IC 14-22-1.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2013]:

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

5 **Sec. 1. As used in this chapter, "commission" refers to the**
 6 **hunting, fishing, and trapping commission established by section**
 7 **4 of this chapter.**

8 **Sec. 2. As used in this chapter, "sportsman" means a resident of**
 9 **a wildlife district who has held a license under IC 14-22 to hunt,**
 10 **fish, or trap for at least two (2) consecutive years.**

11 **Sec. 3. As used in this chapter, "wildlife district" refers to a**
 12 **district described as follows:**

13 (1) **Wildlife district 1 consists of the following counties:**
 14 **Adams, Allen, Dekalb, Elkhart, Fulton, Huntington,**
 15 **Kosciusko, Lagrange, Marshall, Miami, Noble, Steuben,**
 16 **Wabash, Wells, Whitley.**

17 (2) **Wildlife district 2 consists of the following counties:**
 18 **Benton, Carroll, Cass, Jasper, Lake, LaPorte, Newton, Porter,**
 19 **Pulaski, St. Joseph, Starke, Tippecanoe, White, Warren,**
 20 **Clinton.**

21 (3) **Wildlife district 3 consists of the following counties:**
 22 **Blackford, Boone, Delaware, Grant, Hamilton, Howard, Jay,**
 23 **Madison, Marion, Randolph, Tipton, Hancock, Henry,**
 24 **Wayne, Union.**

25 (4) **Wildlife district 4 consists of the following counties: Clay,**
 26 **Dubois, Gibson, Green, Knox, Morgan, Owen, Parke, Pike,**
 27 **Posey, Spencer, Sullivan, Vanderburgh, Vermillion, Vigo,**
 28 **Warrick, Martin, Daviess, Putnam, Montgomery, Hendricks,**
 29 **Perry, Fountain.**

30 (5) **Wildlife district 5 consists of the following counties:**
 31 **Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette,**
 32 **Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings,**
 33 **Johnson, Ohio, Ripley, Rush, Scott, Shelby, Switzerland,**
 34 **Washington, Orange, Crawford, Lawrence, Monroe.**

35 **Sec. 4. The hunting, fishing, and trapping commission is**
 36 **established.**

37 **Sec. 5. The commission consists of the following seven (7)**
 38 **members:**

39 (1) **A wildlife biologist of the department, appointed by the**
 40 **director.**

41 (2) **The state veterinarian.**

42 (3) **Five (5) members who are sportsmen, one (1) from each of**

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1 the following districts:

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

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

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

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

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

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

8 Sec. 6. The term of a member of the commission appointed
9 under section 5(3) of this chapter is four (4) years. A member
10 appointed under section 5(3) of this chapter may serve an
11 additional term after the expiration of the member's initial term if
12 selected for an additional term through the procedure set forth in
13 section 7 of this chapter. The member appointed under section 5(1)
14 of this chapter serves at the pleasure of the director. An individual
15 who has been convicted of or pleaded guilty or nolo contendere to
16 a felony under the laws of Indiana or any other jurisdiction may
17 not serve as a member of the commission.

18 Sec. 7. (a) When a vacancy in a position described in section 5(3)
19 of this chapter occurs, the director shall call a meeting of the
20 sportsmen within the affected wildlife district within ten (10) days
21 after the vacancy occurs for the purpose of voting to select, among
22 the sportsmen present at the meeting, a list of three (3) nominees
23 to submit to the governor to fill the vacancy. The names of the
24 three (3) individuals who receive the highest number of votes shall
25 be submitted to the governor as the nominees to fill the vacancy.
26 The governor shall select one (1) of the individuals from the list of
27 nominees submitted to fill the vacancy.

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

30 (c) The director or the director's designee shall serve as
31 chairperson of the meeting, and the chairperson is the final arbiter
32 of any disputes or procedural questions that arise during the
33 course of the meeting. The chairperson shall submit the
34 nominations of three (3) candidates for the vacancy and certify
35 them to the governor not later than forty (40) days after the
36 vacancy occurs.

37 (d) If it is known that a vacancy in a position described in
38 section 5(3) of this chapter will occur at a definite future date, but
39 the vacancy has not yet occurred, the governor shall notify the
40 director immediately of the forthcoming vacancy, and the
41 sportsmen within the affected wildlife district may, not later than
42 sixty (60) days after the director receives the notification under this

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1 subsection, meet in accordance with IC 5-14-1.5 for the purpose of
 2 voting to select, among the sportsmen present at the meeting, a list
 3 of three (3) nominees to submit to the governor to fill the
 4 forthcoming vacancy. The names of the three (3) sportsmen who
 5 receive the highest number of votes shall be submitted to the
 6 governor for purposes of filling the forthcoming vacancy. The
 7 governor shall select one (1) of the individuals from the list of
 8 nominees submitted to fill the forthcoming vacancy.

9 **Sec. 8.** The members of the commission are entitled to receive
 10 travel expenses that are necessarily incident to the performance of
 11 the members' official functions.

12 **Sec. 9.** The commission:

13 (1) shall hold at least one (1) regular meeting every calendar
 14 year; and

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

17 **Sec. 10.** During the first meeting in each calendar year, the
 18 commission shall elect a chairperson and a vice chairperson.

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

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

23 (2) Establish fees for the following:

24 (A) Licenses issued under this article.

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

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

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

34 (c) All rules adopted under this chapter must be adopted under
 35 IC 4-22-2.

36 SECTION 10. IC 14-22-2-6 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The director shall
 38 adopt rules under IC 4-22-2 to do the following:

39 (1) Establish, open, close, lengthen, suspend, or shorten seasons.

40 (2) Establish bag, sex, and size limits.

41 (3) Establish limitations on the numbers of hunters and fishermen.

42 (4) Establish the methods, means, and time of:

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- 1 (A) taking, chasing, transporting, and selling; or
 2 (B) attempting to take, transport, or sell;
 3 wild animals or exotic mammals, with or without dogs, in Indiana
 4 or in a designated part of Indiana.
 5 (5) Establish other necessary rules to do the following:
 6 (A) Administer this chapter.
 7 (B) Properly manage wild animals or exotic mammals in a
 8 designated water or land area of Indiana.
 9 (6) Set aside and designate land or water or parts of the land or
 10 water owned, controlled, or under contract or acquired by the
 11 state for conservation purposes as a public hunting and fishing
 12 ground under the restrictions, conditions, and limitations that are
 13 determined to be appropriate.
 14 (b) **The rules described in subsection (a) must comply with the**
 15 **following:**
 16 (1) **A rule** may be adopted only after thorough investigation. ~~and~~
 17 (2) **A rule** must be based upon data relative to the following:
 18 (A) The welfare of the wild animal.
 19 (B) The relationship of the wild animal to other animals.
 20 (C) The welfare of the people.
 21 (3) **A rule must be approved by the hunting, fishing, and**
 22 **trapping commission under IC 14-22-1.5-11.**
 23 (c) Whenever the director determines that it is necessary to adopt
 24 rules, the director shall comply with the following:
 25 (1) Rules must clearly describe and set forth any applicable
 26 changes.
 27 (2) The director shall make or cause to be made a periodic review
 28 of the rules.
 29 (3) A copy of each rule, as long as the rule remains in force and
 30 effect, shall be included and printed in each official compilation
 31 of the Indiana fish and wildlife law.
 32 (d) The director may modify or suspend a rule for a time not to
 33 exceed one (1) year under IC 4-22-2-37.1.
 34 SECTION 11. IC 14-22-12-16 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 36 **[EFFECTIVE JULY 1, 2013]: Sec. 16. (a) The rules adopted by the**
 37 **department of natural resources or the natural resources**
 38 **commission before July 1, 2013, concerning the establishment of**
 39 **fees for:**
 40 (1) **licenses issued; and**
 41 (2) **inspections and other similar services performed;**
 42 **by the department of natural resources under this article continue**

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1 to be in effect as rules of the department of natural resources after
 2 June 30, 2013, until the rules are amended or repealed by the
 3 hunting, fishing, and trapping commission established by
 4 IC 14-22-1.5-4.

5 (b) The hunting, fishing, and trapping commission established
 6 by IC 14-22-1.5-4 may amend or repeal the rules of the department
 7 of natural resources or the natural resources commission adopted
 8 under this article.

9 SECTION 12. IC 14-22-32-5 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. If a person violates
 11 section 2(1) of this chapter, the department shall enter a recommended
 12 order to dispose of any game bird or exotic mammal the person owns,
 13 keeps, harbors, or otherwise possesses. Before the order becomes a
 14 final determination of the department, a hearing must be held under
 15 IC 4-21.5-3. The hearing shall be conducted by an administrative law
 16 judge for the **natural resources** commission. The determination of the
 17 administrative law judge is a final agency action under IC 4-21.5-1-6.

18 SECTION 13. IC 14-25-2-2.5, AS AMENDED BY P.L.3-2008,
 19 SECTION 102, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2013]: Sec. 2.5. (a) As used in this chapter,
 21 "water utility" means:

- 22 (1) a public utility (as defined in IC 8-1-2-1(a));
- 23 (2) a municipally owned utility (as defined in IC 8-1-2-1(h));
- 24 (3) a not-for-profit utility (as defined in IC 8-1-2-125(a));
- 25 (4) a cooperatively owned corporation;
- 26 (5) a conservancy district established under IC 14-33; or
- 27 (6) a regional water district established under IC 13-26;

28 that provides water service to the public.

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

- 35 (1) the procedures set forth in this section have been followed;
 36 and
- 37 (2) the commission has reviewed and considered each report
 38 submitted to the commission under subsection (i).

39 (c) Not later than thirty (30) days after receiving a request under
 40 subsection (b), the department shall provide, by certified mail, written
 41 notice of the request to the following:

- 42 (1) Each person with whom the commission holds a contract for:

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

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1 (4) in which a water utility or other person included in a list
2 received by the department under subsection (e) is located.
3 Notwithstanding IC 5-3-1-6, in each county in which publication is
4 required under this subsection, notice shall be published in at least one
5 (1) general circulation newspaper in the county. The department may,
6 in its discretion, publish public notices in a qualified publication (as
7 defined in IC 5-3-1-0.7) or additional newspapers to provide
8 supplementary notification to the public. The cost of publishing
9 supplementary notification is a proper expenditure of the department.
10 (g) A notice required to be mailed or published under this section
11 must:
12 (1) identify the person making the request;
13 (2) include a brief description of:
14 (A) the nature of the pending request; and
15 (B) the process by which the commission will determine
16 whether to enter into a contract with the person making the
17 request;
18 (3) set forth the date, time, and location of the public meeting
19 required under subsection (h); and
20 (4) in the case of a notice that is required to be mailed under
21 subsection (c)(1) or (d), a statement of the recipient's duty to in
22 turn provide notice to any:
23 (A) water utility; or
24 (B) other person;
25 that purchases water for resale from the recipient, in accordance
26 with subsection (d).
27 (h) ~~The advisory council established by IC 14-9-6-1~~ **A hearing**
28 **officer appointed by the commission** shall hold a public meeting in
29 each county in which notice is published under subsection (f). A public
30 meeting required under this subsection must include the following:
31 (1) A presentation by the department describing:
32 (A) the nature of the pending request; and
33 (B) the process by which the commission will determine
34 whether to enter into a contract with the person making the
35 request.
36 (2) An opportunity for public comment on the pending request.
37 ~~The advisory council may appoint a hearing officer to assist with a~~
38 ~~public meeting held under this subsection.~~
39 (i) Not later than thirty (30) days after a public meeting is held
40 under subsection (h), the ~~advisory council~~ **hearing officer** shall submit
41 to the commission a report summarizing the public meeting.
42 SECTION 14. IC 14-25-7-10, AS AMENDED BY P.L.95-2006,

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1 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2013]: Sec. 10. (a) The commission shall administer this
3 chapter.

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

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

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

15 (1) Two (2) members of the senate, not more than one (1) of
16 whom may be of the same political party, shall be appointed for
17 a term of two (2) years by the president pro tempore of the senate.

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

22 These members are entitled to travel expenses and a per diem
23 allowance as determined by the budget agency for members of boards
24 and commissions generally.

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

31 SECTION 15. IC 14-26-2-24, AS ADDED BY P.L.6-2008,
32 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2013]: Sec. 24. (a) Relying on recommendations of the
34 department, and the advisory council established by IC 14-9-6-1, the
35 commission shall adopt, under IC 4-22-7-7(a)(5)(A), and maintain a
36 nonrule policy statement that lists the public freshwater lakes in
37 Indiana. For each public freshwater lake, the statement must include
38 the following information:

39 (1) The name of the lake.

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

42 (b) A person may obtain administrative review from the commission

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1 for the listing or nonlisting of a lake as a public freshwater lake through
2 a licensure action, status determination, or enforcement action under
3 IC 4-21.5.

4 SECTION 16. [EFFECTIVE JULY 1, 2013] (a) **The initial terms**
5 **of office of the appointed members of the hunting, fishing, and**
6 **trapping commission established by IC 14-22-1.5-4, as added by**
7 **this act, are as follows:**

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

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

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

16 (4) **The member appointed under IC 14-21.5-5(3)(E), as added**
17 **by this act, serves for four (4) years.**

18 **The governor shall specify the term of each member described in**
19 **subdivisions (1), (2), (3), and (4) when making the initial**
20 **appointments.**

21 (b) **The initial terms of the appointed members begin July 1,**
22 **2013.**

23 (c) **This SECTION expires December 31, 2014.**

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