

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1353

AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 9-18-29-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The annual fee described in section ~~(4)(a)(2)~~ **4(a)(2)** of this chapter shall be deposited with the treasurer of state in a special fund.

(b) The auditor of state shall monthly distribute the money in the special fund established under subsection (a) to the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust fund established by IC 14-12-2-25.

SECTION 2. IC 14-8-2-83 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 83: "~~Eligible cost~~", for purposes of IC ~~14-12-2-31~~, has the meaning set forth in IC ~~14-12-2-31~~.

SECTION 3. IC 14-8-2-282 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 282: "~~Trust committee~~", for purposes of IC ~~14-12-2~~, has the meaning set forth in IC ~~14-12-2-7~~.

SECTION 4. IC 14-12-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 13. Expenditures from the fund shall be coordinated with expenditures under the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust program established by IC 14-12-2.

SECTION 5. IC 14-12-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The purpose of

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the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust program and this chapter is to ~~acquire~~ **ensure that Indiana's rich natural heritage is preserved or enhanced for succeeding generations by acquiring** real property or ~~interests an interest~~ in real property that:

- (1) is an example of outstanding natural features and habitats;
- (2) has historical and archeological significance; ~~and or~~
- (3) provides areas for conservation, recreation, and the restoration of native biological diversity.

(b) The ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust program, **on behalf of the state or in collaboration with partners and local communities across Indiana**, shall acquire real property for new and existing state **and local** parks, **archeological and historic sites**, state forests, **state and local** nature preserves, **state** fish and wildlife areas, wetlands, **local conservation areas**, trails, and river corridors. ~~The program shall ensure that Indiana's rich natural heritage is preserved or enhanced for succeeding generations:~~

(c) ~~It is not the purpose of the Indiana heritage trust program to acquire property for resale to the federal government. However, the sale of property acquired under this chapter to the federal government is not prohibited.~~

SECTION 6. IC 14-12-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. As used in this chapter, "fund" refers to the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust fund established by **section 25** of this chapter.

SECTION 7. IC 14-12-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. As used in this chapter, "project" means an undertaking that:

- (1) furthers the purposes of this chapter;
- (2) involves the acquisition of property for new and existing state **and local** parks, state historic or archeological sites, state forests, **state and local** nature preserves, fish and wildlife areas, wetlands, **local conservation areas**, trails, or river corridors; and
- (3) is eligible to receive an expenditure from the fund.

SECTION 8. IC 14-12-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. As used in this chapter, "project committee" refers to the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust project committee established by this chapter.

SECTION 9. IC 14-12-2-7 IS REPEALED [EFFECTIVE JULY 1, 2016]. ~~Sec. 7. As used in this chapter, "trust committee" refers to the~~



Indiana heritage trust committee established by this chapter.

SECTION 10. IC 14-12-2-8 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 8: (a) The Indiana heritage trust committee is established:

(b) The trust committee consists of the following ~~seventeen (17)~~ members:

(1) The ~~twelve (12)~~ members of the natural resources foundation under IC ~~14-12-1-5~~:

(2) Two (2) members of the senate appointed by the president pro tempore of the senate with advice from the minority leader of the senate:

(3) Two (2) members of the house of representatives appointed by the speaker of the house of representatives with advice from the minority leader of the house of representatives:

(4) The treasurer of state or the treasurer's designee.

SECTION 11. IC 14-12-2-9 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 9: The chairman of the foundation is the chairman of the trust committee:

SECTION 12. IC 14-12-2-10 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~10~~: The trust committee shall meet at least annually and at the call of the chairman:

SECTION 13. IC 14-12-2-11 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~11~~: (a) Nine (9) voting members of the trust committee constitute a quorum:

(b) The affirmative vote of nine (9) of the members of the trust committee is necessary for the trust committee to take any action:

SECTION 14. IC 14-12-2-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~12~~: The purpose of the trust committee is to determine whether proposed projects under this chapter should be approved and to perform other duties given to the trust committee by this chapter:

SECTION 15. IC 14-12-2-13 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~13~~: Based upon recommendations from the project committee, the trust committee shall, before the end of each state fiscal year, prepare a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures from the fund to accomplish the projects that have been approved by the governor under this chapter. The budget shall be submitted to the governor:

SECTION 16. IC 14-12-2-14, AS AMENDED BY P.L.167-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. (a) The ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust project committee is established.

(b) The project committee consists of the following ~~sixteen (16)~~



twenty-one (21) members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) The chief executive officer of the Indiana state museum and historic sites corporation established by IC 4-37-2-1.

(7) The chairperson of the board of directors of the natural resources foundation.

~~(7)~~ **(8)** Ten (10) individuals appointed by the governor. The governor shall appoint individuals so that all the following are satisfied:

- (A) The individuals must be residents of Indiana.
- (B) The individuals must have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property.

(C) ~~Each Indiana congressional district must be represented by at least one (1) individual who is a resident of that congressional district. There must be two (2) committee members from each of the following regions of Indiana:~~

- (i) Northwest.
- (ii) Northeast.
- (iii) Southwest.
- (iv) Southeast.
- (v) Central.

(9) The following four (4) nonvoting members:

- (A) **One (1) member of the house of representatives appointed by the speaker of the house of representatives.**
- (B) **One (1) member of the house of representatives appointed by the minority leader of the house of representatives.**
- (C) **One (1) member of the senate appointed by the president pro tempore of the senate.**
- (D) **One (1) member of the senate appointed by the minority leader of the senate.**

~~(D)~~ **(c)** The individuals **appointed by the governor under subsection (b)(8)** must represent **one (1) or more of** the following:

- ~~(i)~~ **(1)** The environmentalist community.
- ~~(ii)~~ **(2)** The ~~academic~~ **land trust** community.
- ~~(iii)~~ **(3)** Organized hunting and fishing groups.



~~(iv)~~ (4) The forest products community.

~~(v)~~ (5) The parks and recreation community.

Each group and community listed in subdivisions (1) through (5) must be represented on the project committee.

SECTION 17. IC 14-12-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. (a) **As used in this section, "appointing authority" refers to:**

(1) **the governor in the case of a member appointed under section 14(b)(8) of this chapter; or**

(2) **the speaker of the house of representatives, the minority leader of the house of representatives, the president pro tempore of the senate, or the minority leader of the senate in the case of a member appointed under section 14(b)(9) of this chapter, whichever is applicable.**

~~(b)~~ **As used in this section, "member" refers to a member of the project committee appointed under section 14(b)(7) 14(b)(8) through 14(b)(9) of this chapter.**

~~(b)~~ (c) **Except as provided in subsection (e), the term of a member begins on the later of the following:**

(1) The day the term of the member who the individual is appointed to succeed expires.

(2) The day the individual is appointed by the ~~governor~~ **appointing authority.**

~~(e)~~ (d) **Except as provided in subsection (e), the term of a member expires July 1 of the second year after the member is appointed or until a successor is appointed. However, a member serves at the pleasure of the ~~governor~~ appointing authority.**

(e) **This subsection applies to a member appointed under section 14(b)(9) of this chapter. The member's term begins on the date of the appointment and ends on the last day of the member's term as a member of the general assembly. However, the member serves at the pleasure of the appointing authority.**

~~(d)~~ (f) **The ~~governor~~ appointing authority may reappoint a member for a new term.**

~~(e)~~ (g) **The ~~governor~~ appointing authority shall appoint an individual to fill a vacancy among the members.**

SECTION 18. IC 14-12-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. The governor shall appoint the ~~chairman~~ **chair and vice chair** of the project committee from among the members of the committee.

SECTION 19. IC 14-12-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. (a) Nine (9)



members of the project committee constitute a quorum.

(b) The affirmative vote of ~~nine (9)~~ **a majority of the voting members of the project committee present and voting** is necessary for the project committee to take any action.

(c) A member of the project committee ~~who is a division director described in section 14(b)(1) through 14(b)(6) of this chapter~~ may designate in writing a representative from the respective division ~~of the department~~ to serve as a member of the project committee when the member of the project committee is unable to attend a meeting.

SECTION 20. IC 14-12-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. The purpose of the project committee is to do the following:

- ~~(1) Propose projects to the trust committee under this chapter.~~
- ~~(2) Provide technical advice and assistance to the trust committee.~~
- ~~(3) Before the end of each state fiscal year, propose a budget for expenditures from the fund for the following state fiscal year. The budget must contain priorities for expenditures to accomplish projects that have been approved by the governor under this chapter. The proposed budget shall be submitted to the trust committee.~~
- (1) Provide technical review of proposed projects under this chapter.**
- (2) Determine whether a proposed project under this chapter should be approved.**
- (3) Develop and periodically review guidelines for the review process.**
- (4) Perform other duties imposed upon the project committee by this chapter.**

SECTION 21. IC 14-12-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 20. (a) As used in this section, "member" refers to a member of the ~~following~~:

- ~~(1) The trust committee.~~
- ~~(2) The project committee.~~

(b) Each member who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4



and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

SECTION 22. IC 14-12-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 21. (a) The following procedure must be followed before ~~the department~~ **money from the fund may be used to** acquire property **for a project** under this chapter:

(1) The project committee must ~~propose a project to the trust committee review and approve a project requiring the acquisition of the property.~~

(2) The ~~trust project~~ committee must ~~approve the project proposed by the project committee, with or without modifications, and~~ recommend the project to the governor for approval.

(3) The governor must approve the project as recommended by the ~~trust project~~ committee and inform the director of the department of the governor's approval.

(b) When the procedure under subsection (a) is completed, the department shall acquire the property subject to the project according to Indiana law.

SECTION 23. IC 14-12-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 24. The ~~trust project~~ committee shall, with the assistance of ~~the project committee and the~~ department, adopt and make available to the public a strategic plan to implement the purposes of this chapter.

SECTION 24. IC 14-12-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 25. (a) The ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust fund is established for the purpose of purchasing property as provided in this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (e).

(3) Fees from environmental license plates issued under IC 9-18-29.

(4) Money donated to the fund.

(5) Money transferred to the fund from other funds.

(c) The department shall administer the fund. **The director must**

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approve any purchase of property using money from the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund.

(e) 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 trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter.

SECTION 25. IC 14-12-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 26. (a) The following accounts are established within the fund:

(1) The state parks account. Money in this account may be used only to purchase property for state park, **historic site, or archeological site** purposes.

(2) The state forests account. Money in this account may be used only to purchase property for state forest purposes.

(3) The nature preserves account. Money in this account may be used only to purchase property for nature preserve purposes.

(4) The fish and wildlife account. Money in this account may be used only to purchase property for fish or wildlife management purposes.

(5) The outdoor recreation **and trails** account. Money in this account may be used only to purchase property for outdoor recreation ~~historic site, or archeological site~~ purposes.

(6) The stewardship account. Money in this account may be used only for the following purposes:

(A) Maintenance of property acquired under this chapter.

(B) Costs of removal of structures, debris, and other property that is unsuitable for the intended use of the property to be acquired.

(C) Costs of site preparation related to any of the following:

(i) The public use of the property, such as fences, rest rooms, public ways, trails, and signs.

(ii) Protecting or preserving the property's natural environment.

(iii) Returning the property to the property's natural state.



(D) Not more than ten percent (10%) of the money in the account for the promotion of the purposes of the ~~Indiana heritage~~ **President Benjamin Harrison conservation** trust program.

(E) To monitor conservation easements acquired under this chapter.

(7) The discretionary account. Subject to section ~~31~~ **31.5** of this chapter, money in this account may be used for any purpose for which the accounts listed in subdivisions (1) through (6) may be used.

(b) Money in the accounts of the trust fund may be used as described in subsection (a) and section 31.5 of this chapter for a state or local project approved by the project committee.

SECTION 26. IC 14-12-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 27. ~~Five percent (5%)~~ **Nine percent (9%)** of the money appropriated to the fund ~~shall~~ **must** be allotted to the stewardship account established by section ~~26(6)~~ **26(a)(6)** of this chapter.

SECTION 27. IC 14-12-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 28. After the allotment required under section 27 of this chapter has been made, the following allotments shall be made:

(1) Ten percent (10%) of the balance shall be allotted to each account listed in section ~~26(1)~~ **26(a)(1)** through ~~26(5)~~ **26(a)(5)** of this chapter.

(2) Fifty percent (50%) of the balance shall be allotted to the account listed in section ~~26(7)~~ **26(a)(7)** of this chapter.

SECTION 28. IC 14-12-2-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 30. (a) Money in the accounts of the fund, other than the stewardship account, may be used for the following:

(1) Acquisition costs, such as costs of surveying, title insurance, and other activities associated with the transfer of title to property.

(2) Costs of services and expenses related to acquisition, such as engineering, appraisal, environmental, accounting, project development, and legal services and expenses.

(b) Money in the fund may not be used for the following:

(1) The costs of construction of structures other than those authorized under section ~~26(6)~~ **26(a)(6)** of this chapter.

(2) The costs of removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98).



(3) The costs of wastewater treatment.

SECTION 29. IC 14-12-2-31 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 31. (a) As used in this section, "eligible cost" refers to a cost listed in section 30(a) of this chapter.

(b) Expenditures from the discretionary account may only be made to the extent that, for every three dollars (\$3) to be expended from that account for an approved project, at least one dollar (\$1) in matching money or value is provided for an approved project from nonstate sources or from the foundation.

(c) In determining whether sufficient matching money or value has been provided, the trust committee shall consider the following to be matching value:

(1) The value, as determined by the trust committee, of property and eligible costs related to the acquisition donated to the department for an approved project.

(2) The value, as determined by the trust committee, of improvements to property in an approved project, such as reforestation, reclamation, and other efforts that, in a manner satisfactory to the trust committee, preserve the property or restore the property to a more natural state.

(3) The value, as determined by the trust committee, of the dedication of, other restriction on, or improvements to property adjoining an approved project for conservation purposes, in a manner satisfactory to the trust committee.

(4) The value, as determined by the trust committee, of other real property:

(A) held by a nonprofit corporation, the federal government, or local government; and

(B) used for the benefit of property in an approved project, with restrictions on the use of the property, such as dedication as a nature preserve, in a manner satisfactory to the trust committee.

(5) Distributions of federal revenues directly to the fund or through the state that are used for an approved project.

SECTION 30. IC 14-12-2-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 31.5. (a) Money from the discretionary account may not be used to acquire property for an approved project unless the approved project receives endorsement and participation from:

(1) a department division associated with the accounts listed in section 26(a)(1) through 26(a)(5) of this chapter; and



(2) nonstate sources or the foundation.

(b) Expenditures from the discretionary account may not exceed one-half (1/2) of the value of a property acquired under this chapter unless:

(1) the approved project advances multiple conservation objectives; and

(2) at least two (2) of the department divisions associated with the accounts listed in section 26(a)(1) through 26(a)(5) of this chapter have endorsed and are participating in the approved project.

(c) If an approved project satisfies the requirements of subsection (b)(1) and (b)(2), the applicant may request that up to two-thirds (2/3) of the value of the acquired property be paid from the discretionary account.

SECTION 31. IC 14-12-2-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 33. Before October 1 of each year, the ~~trust~~ **project** committee shall prepare a report concerning the program established by this chapter for the public and the general assembly. A report prepared for the general assembly must be in an electronic format under IC 5-14-6.

SECTION 32. IC 14-12-2-35 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 35: (a) ~~The department shall produce and make available for sale a voluntary fish and wildlife land acquisition stamp.~~

~~(b) The department shall determine the form and design of the stamp. A new design shall be adopted for the stamp each year.~~

~~(c) The stamp shall be:~~

~~(1) offered for sale by the department; and~~

~~(2) distributed to license agents authorized to sell licenses under IC 14-22 for sale by those agents.~~

~~(d) The price of each stamp is five dollars (\$5). A license agent who sells a stamp may charge and retain an additional fifty cents (\$0.50) as a fee for selling the stamp.~~

~~(e) A license agent selling stamps under this section shall, not later than five (5) days after the close of each quarter:~~

~~(1) report to the director of the department:~~

~~(A) the number of stamps sold by the agent during the preceding quarter; and~~

~~(B) the number of unsold stamps remaining in the possession of the agent; and~~

~~(2) remit all money collected for the stamps, minus the fees provided for in subsection (d); to the department.~~

~~(f) The money collected by the department from the sale of the~~



stamps shall be deposited in the fish and wildlife account established within the Indiana heritage trust fund by section 26(4) of this chapter.

SECTION 33. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee the following topics:

(1) An accounting of all properties maintained by the department of natural resources, including needs for maintenance, improvements, and upgrades to those properties.

(2) Anticipated future needs for acquisition of new properties.

(3) Identifying additional long term funding sources for the President Benjamin Harrison conservation trust fund.

(b) This SECTION expires January 1, 2017.

SECTION 34. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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