

## SENATE BILL No. 52

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2-0.9; IC 13-14-14.

**Synopsis:** State response to federal environmental policies. Establishes the federal natural resource policy account for influencing, litigating, or mitigating federal natural resource policy decisions. Specifies the permitted uses of the account. Requires annual reporting on the use of the account. Appropriates \$1,000,000 to the account.

**Effective:** July 1, 2015.

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January 6, 2015, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 52



A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

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

- 1 SECTION 1. IC 13-11-2-0.9 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2015]: **Sec. 0.9. "Account", for purposes of IC 13-14-14, refers**
- 4 **to the federal natural resource policy account created under**
- 5 **IC 13-14-14-2.**
- 6 SECTION 2. IC 13-14-14 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2015]:
- 9 **Chapter 14. Federal Natural Resource Policy Account**
- 10 **Sec. 1. As used in this chapter, "account" refers to the federal**
- 11 **natural resource policy account created under section 2 of this**
- 12 **chapter.**
- 13 **Sec. 2. (a) There is created an account within the state general**
- 14 **fund known as the federal natural resource policy account.**
- 15 **(b) The account consists of:**
- 16 **(1) appropriations made to the account by the general**



- 1 assembly;
- 2 (2) interest deposited into the account under subsection (c);
- 3 and
- 4 (3) grants, gifts, and donations intended for deposit in the
- 5 account.
- 6 (c) The account shall be administered by the budget agency. The
- 7 treasurer of state shall invest the money in the account not
- 8 currently needed to meet the obligations of the account in the same
- 9 manner as other public money may be invested. Interest that
- 10 accrues from these investments shall be deposited in the account.
- 11 (d) Money remaining in the account at the end of a state fiscal
- 12 year, including any recovered court costs and earned interest, does
- 13 not revert to the state general fund, but remains in the account to
- 14 be used for the purposes of this chapter.
- 15 **Sec. 3. Money in the account may be expended by the governor**
- 16 **on behalf of the state and its county governments for any of the**
- 17 **following purposes:**
- 18 (1) To take any of the actions specified in this chapter in
- 19 response to federal land, water, air, mineral, and other
- 20 natural resource policies that may affect the tax base of the
- 21 state, wildlife management, state species, recreation, private
- 22 property rights, water rights, or leasehold rights.
- 23 (2) To prepare for and participate in environmental impact
- 24 statements and environmental assessments, including the
- 25 analysis of economic or social and natural or physical
- 26 environmental effects on the human environment.
- 27 (3) To pay for the participation of the state, a state agency, or
- 28 a county as a joint lead agency in preparing an environmental
- 29 impact statement in accordance with regulations promulgated
- 30 by the federal Council on Environmental Quality.
- 31 (4) To pay for the participation of the state, a state agency, or
- 32 a county as a cooperating agency in accordance with
- 33 regulations promulgated by the federal Council on
- 34 Environmental Quality. Participation may include any of the
- 35 following:
- 36 (A) Involvement in the federal National Environmental
- 37 Policy Act process at the earliest possible time.
- 38 (B) Involvement in the scoping process described in
- 39 regulations promulgated by the federal Council on
- 40 Environmental Quality.
- 41 (C) Development of information and preparation of
- 42 environmental analyses, including portions of the



1 environmental impact statement in which the state has  
2 special expertise.

3 (D) Assisting the state, a state agency, or counties in  
4 collecting, compiling, analyzing, and distributing economic  
5 impact data related to federal natural resource policy  
6 formation and participation in policy development.

7 (E) Making staff support available at the lead agency's  
8 request to enhance Indiana's interdisciplinary capability.

9 (5) To pay for investigating, initiating, intervening, or  
10 otherwise participating in litigation, or taking any other legal  
11 action that furthers the purposes of this chapter.

12 (6) To monitor federal natural resource issues, including the  
13 collection, review, analysis, or dissemination of any material  
14 that may be required for legal action or to support any other  
15 purpose authorized under this chapter.

16 (7) To participate in training seminars educating state and  
17 local government officials and employees on one (1) or more  
18 of the following topics:

19 (A) The provisions and requirements of the federal  
20 National Environmental Policy Act of 1969 and related  
21 federal rules and regulations.

22 (B) The processes used by federal agencies in  
23 administering federal law.

24 (8) To participate in the formulation, preparation, and  
25 implementation of environmental impact statements and  
26 associated records of decision and other federal management  
27 decisions.

28 **Sec. 4.** The attorney general, with approval of the governor, may  
29 retain attorneys to represent the state or counties in any legal  
30 matter described in section 3 of this chapter.

31 **Sec. 5.** The governor shall give priority to expenditures from the  
32 account as follows:

33 (1) To pay for actions taken under this chapter that the  
34 governor determines are necessary or advisable to protect the  
35 state's jurisdictional, economic, or property interests from  
36 actions taken by the United States Environmental Protection  
37 Agency.

38 (2) To enhance the ability of a county to participate in federal  
39 natural resource policy matters.

40 **Sec. 6.** The governor shall annually report to the legislative  
41 council:

42 (1) any actions described in section 5(1) of this chapter in the



- 1           **immediately preceding state fiscal year;**
- 2           **(2) the total amount of all expenditures from the account in**
- 3           **the immediately preceding state fiscal year; and**
- 4           **(3) the purpose of each expenditure made from the account in**
- 5           **the immediately preceding state fiscal year.**

6           **Sec. 7. There is appropriated to the account one million dollars**  
7           **(\$1,000,000) in state fiscal year 2016 for the governor's use in**  
8           **carrying out this chapter. Money appropriated by this section may**  
9           **be expended in any state fiscal year beginning after June 30, 2015.**

