



February 17, 2000

ENGROSSED SENATE BILL No. 44

DIGEST OF SB 44 (Updated February 15, 2000 12:12 PM - DI 22)

Citations Affected: IC 14-26.

Synopsis: Public freshwater lakes. Requires the department of natural resources to adopt rules to assist in the administration of the lake preservation law (IC 14-26-2), to provide objective standards for licensing the placement of a structure or material or the extraction of material over, along, or within a shoreline or waterline, and to establish a process for dispute mediation among riparian owners or between owners and the department of natural resources.

Effective: July 1, 2000.

Meeks R, Wolf
(HOUSE SPONSORS — LEUCK, KRUSE)

November 17, 1999, read first time and referred to Committee on Natural Resources.
January 25, 2000, reported favorably — Do Pass.
January 31, 2000, read second time, ordered engrossed. Engrossed.
February 1, 2000, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 7, 2000, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
February 16, 2000, reported — Do Pass.

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February 17, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

ENGROSSED SENATE BILL No. 44

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 14-26-2-23 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
3 **1, 2000]: Sec. 23. The commission shall adopt rules in the manner**
4 **provided in IC 14-10-2-4 to do the following:**
5 (1) **Assist in the administration of this chapter.**
6 (2) **Provide objective standards for licensing:**
7 (A) **the placement of a temporary or permanent structure**
8 **or material; or**
9 (B) **the extraction of material;**
10 **over, along, or within a shoreline or waterline. The standards**
11 **shall exempt any class of activities from licensing if the**
12 **commission finds that the class is unlikely to pose more than**
13 **a minimal potential for harm to the public rights described in**
14 **section 5 of this chapter.**
15 (3) **Establish a process under IC 4-21.5 for the mediation of**
16 **disputes among riparian owners or between a riparian owner**
17 **and the department concerning the usage of an area over,**

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1 **along, or within a shoreline or waterline for a matter within**
2 **the jurisdiction of this chapter. The rule must provide that:**
3 **(A) if good faith mediation under the process fails to**
4 **achieve a settlement, the department shall make a**
5 **determination of the dispute; and**
6 **(B) a person affected by the determination of the**
7 **department may seek administrative review by the**
8 **commission.**

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SENATE MOTION

Mr. President: I move that Senator Wolf be added as coauthor of Senate Bill 44.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 44, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 44 as introduced.)

WHEELER, Acting Chairperson

Committee Vote: Yeas 6, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred Senate Bill 44, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LYTLE, Chair

Committee Vote: yeas 11, nays 0.

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