

SENATE BILL No. 610

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-23.

Synopsis: State forest commission and management plan. Establishes a state forest commission. Specifies the membership of the commission. Requires the commission to meet in 2019, 2020, and 2021 and to issue a written report establishing a plan for the management of the state forests for the 100 year period beginning in 2022. Provides that the commission's plan must contain certain recommendations and must embody certain principles. Requires the state forest commission to set forth in its report the subjects discussed and issues raised concerning which the general assembly may choose to pass legislation. Requires the natural resources commission to adopt rules incorporating the state forest commission's determination about the percentage of state forest land falling within each of the three "priority use" categories. Requires the natural resources commission, every seven years, to conduct a review of the implementation of the state forest commission's plan and to adopt rules to revise the plan, as appropriate.

Effective: July 1, 2019.

Ruckelshaus

January 15, 2019, read first time and referred to Committee on Natural Resources.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 610

A BILL FOR AN ACT to amend the Indiana Code concerning natural 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.189-2018,
2 SECTION 129, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: 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 14-20-11, has the meaning set
16 forth in IC 14-20-11-1.
17 **(h) "Commission", for purposes of IC 14-23-10, has the meaning**



1 **set forth in IC 14-23-10-1.**

2 ~~(h)~~ **(i)** "Commission", for purposes of IC 14-28-4, has the meaning
3 set forth in IC 14-28-4-1.

4 ~~(i)~~ **(j)** "Commission", for purposes of IC 14-30-1, has the meaning
5 set forth in IC 14-30-1-2.

6 ~~(j)~~ **(k)** "Commission", for purposes of IC 14-30-2, has the meaning
7 set forth in IC 14-30-2-2.

8 ~~(k)~~ **(l)** "Commission", for purposes of IC 14-30-3, has the meaning
9 set forth in IC 14-30-3-2.

10 ~~(l)~~ **(m)** "Commission", for purposes of IC 14-30-4, has the meaning
11 set forth in IC 14-30-4-2.

12 ~~(m)~~ **(n)** "Commission", for purposes of IC 14-33-20, has the
13 meaning set forth in IC 14-33-20-2.

14 SECTION 2. IC 14-8-2-178.8 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2019]: **Sec. 178.8. "Nonconsumptive outdoor
17 recreation", for purposes of IC 14-23-10, has the meaning set forth
18 in IC 14-23-10-2.**

19 SECTION 3. IC 14-23-4-7 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2019]: **Sec. 7. (a) After the Indiana state forest commission issues
22 its report under IC 14-23-10 establishing a plan for the
23 management of the state forests for the period of one hundred
24 (100) years beginning in 2022, the natural resources commission
25 shall adopt rules under IC 4-22-2 adopting the determination in the
26 report concerning the percentage of state forest land falling within
27 each of the three (3) categories set forth in IC 14-23-10-10(2)
28 according to the priority uses assigned to the land.**

29 **(b) Every three (3) years, the natural resources commission
30 shall consider adopting or amending rules under IC 4-22-2 to
31 revise the percentages of state forest land falling within each of the
32 three (3) categories referred to in subsection (a).**

33 **(c) The natural resources commission and the department shall
34 ensure that all state forest lands are maintained in a condition:**

35 **(1) appropriate to the priority uses assigned to them; and**

36 **(2) in accordance with proper forest management practices.**

37 SECTION 4. IC 14-23-4-8 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2019]: **Sec. 8. Every seven (7) years, beginning seven (7) years
40 after the adoption of the rules implementing the state forest
41 commission's plan for the management of the state forests under
42 section 7(a) of this chapter, the natural resources commission shall:**



- 1 (1) conduct a review of the implementation of the plan; and
 2 (2) adopt rules under IC 4-22-2 to revise the plan, as
 3 appropriate.
- 4 SECTION 5. IC 14-23-4-9 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2019]: **Sec. 9. The natural resources commission shall ensure that
 7 the adoption of rules under section 7 or 8(2) of this chapter is
 8 conducted with a broad opportunity for comment from:**
- 9 (1) members of the public;
 10 (2) the owners and occupants of property neighboring the
 11 state forests; and
 12 (3) individuals with expertise in wildlife and natural habitat.
- 13 SECTION 6. IC 14-23-10 IS ADDED TO THE INDIANA CODE
 14 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]:
- 16 **Chapter 10. Indiana State Forest Commission**
- 17 **Sec. 1. As used in this chapter, "commission" refers to the**
 18 **Indiana state forest commission established by this chapter.**
- 19 **Sec. 2. (a) As used in this chapter, "nonconsumptive outdoor**
 20 **recreation" means outdoor recreational activity in which the**
 21 **participants do not remove resources from the natural**
 22 **environment.**
- 23 (b) The term includes the following:
- 24 (1) Bicycle riding.
 25 (2) Birdwatching and other wildlife viewing.
 26 (3) Camping.
 27 (4) Canoeing and kayaking.
 28 (5) Hiking.
 29 (6) Outdoor photography.
 30 (7) Skiing.
- 31 **Sec. 3. The Indiana state forest commission is established.**
- 32 **Sec. 4. (a) The commission consists of the following:**
- 33 (1) Two (2) members of the general public, who shall be
 34 appointed by the governor and shall serve as co-chairs of the
 35 commission.
 36 (2) Two (2) members of the senate, of whom:
 37 (A) one (1) shall be appointed by the president pro tempore
 38 of the senate; and
 39 (B) one (1) shall be appointed by the minority leader of the
 40 senate.
 41 (3) Two (2) members of the house of representatives, of
 42 whom:



- 1 (A) one (1) shall be appointed by the speaker of the house
 2 of representatives; and
 3 (B) one (1) shall be appointed by the minority leader of the
 4 house of representatives.
 5 (4) One (1) representative of the commercial logging industry,
 6 who shall be appointed by the governor.
 7 (5) One (1) individual who favors, or represents an
 8 organization that favors, the preservation of forests for
 9 aesthetic, recreational, environmental, or scientific reasons,
 10 or for a combination of these reasons, who shall be appointed
 11 by the governor.
 12 (6) One (1) individual who:
 13 (A) participates in; or
 14 (B) represents an organization that is interested in;
 15 hunting, fishing, or both hunting and fishing, who shall be
 16 appointed by the governor.
 17 (7) One (1) individual who:
 18 (A) participates in; or
 19 (B) represents an organization that is interested in;
 20 nonconsumptive outdoor recreation, who shall be appointed
 21 by the governor.
 22 (8) One (1) individual employed as a forester in the division of
 23 forestry of the department, who shall be appointed by the
 24 governor.
 25 (9) One (1) representative of the forest products industry, who
 26 shall be appointed by the governor.
 27 (10) The director or the director's designee.
 28 (b) A vacancy in a position established by subsection (a)(1)
 29 through (a)(9) shall be filled by the appointment of an individual
 30 to the position by the appointing authority that is indicated in
 31 subsection (a) for the position.
 32 Sec. 5. (a) Each member of the commission who is not a state
 33 employee is entitled to the minimum salary per diem provided by
 34 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
 35 for traveling expenses as provided under IC 4-13-1-4 and other
 36 expenses actually incurred in connection with the member's duties
 37 as provided in the state policies and procedures established by the
 38 Indiana department of administration and approved by the budget
 39 agency.
 40 (b) Each member of the commission who is a member of the
 41 general assembly is entitled to receive the same per diem, mileage,
 42 and travel allowances paid to legislative members of interim study



1 committees established by the legislative council. Per diem,
2 mileage, and travel allowances paid under this section shall be paid
3 from appropriations made to the legislative council or the
4 legislative services agency.

5 (c) A member of the commission who is a state employee is
6 entitled to reimbursement for traveling expenses as provided under
7 IC 4-13-1-4 and other expenses actually incurred in connection
8 with the member's duties as provided in the state policies and
9 procedures established by the Indiana department of
10 administration and approved by the budget agency.

11 Sec. 6. (a) A majority of the members of the commission
12 constitutes a quorum.

13 (b) The members of the commission appointed under section
14 4(a)(1) through 4(a)(9) of this chapter are voting members of the
15 commission. The member of the commission referred to in section
16 4(a)(10) is a nonvoting member of the commission.

17 (c) The affirmative vote of at least a majority of the voting
18 members at a meeting at which a quorum is present is necessary
19 for the commission to take official action other than to meet and
20 take testimony.

21 (d) The commission shall meet at the call of the co-chairs.

22 Sec. 7. All meetings of the commission must be open to the
23 public in accordance with and subject to IC 5-14-1.5. All records
24 of the commission are subject to the requirements of IC 5-14-3.

25 Sec. 8. The commission shall do the following:

26 (1) Hold:

27 (A) at least two (2) public meetings in 2019;

28 (B) at least three (3) public meetings in 2020; and

29 (C) at least two (2) public meetings in 2021;

30 to receive testimony and other information from experts in
31 forest policy, hear public comments, and deliberate.

32 (2) Recognize reports issued by other entities concerning state
33 forest matters.

34 (3) Study the multiple uses of the state forest land that are
35 possible over the one hundred (100) year period beginning in
36 2022.

37 (4) Issue a report to the legislative council created by
38 IC 2-5-1.1 before July 1, 2020, on the activities of the
39 commission preceding that date.

40 (5) Determine the management options that constitute a
41 balanced strategy allowing stakeholders to share the state
42 forest system as a whole in a way that best satisfies the needs



1 of all.

2 (6) Before October 1, 2021:

3 (A) issue a written report establishing a plan for the
4 management of the state forests, as described in section 9
5 of this chapter; and

6 (B) submit the report:

7 (i) in an electronic format under IC 5-14-6 to the
8 executive director of the legislative services agency for
9 distribution to the members of the general assembly; and

10 (ii) to the governor.

11 **Sec. 9. The plan for the management of the state forests
12 established by the commission under this chapter must:**

13 (1) apply to the period of one hundred (100) years beginning
14 in 2022; and

15 (2) incorporate management options determined by the
16 commission to constitute a balanced strategy that will allow
17 stakeholders to share the state forest system as a whole in a
18 way that best satisfies the needs of all.

19 **Sec. 10. The plan for the management of state forests established
20 under this chapter must embody the following principles:**

21 (1) The state forests must be managed according to several
22 different long term management practices, and the
23 management practices used in managing a state forest or a
24 part of a state forest must be determined according to the
25 priority use of the state forest or part of a state forest.

26 (2) All land within the state forests must be assigned a priority
27 use. According to the priority use assigned to it, a state forest
28 or a part of a state forest will be within one (1) of the
29 following categories:

30 (A) Property optimized for game and nongame
31 recreational use, including the hunting of different game
32 species and the support of habitat for nesting and
33 migration of a diversity of nongame species.

34 (B) Property optimized for high quality commercial
35 lumber production.

36 (C) Property set aside to allow unmanaged natural
37 succession for species native to the indigenous climate
38 zone.

39 (3) A determination must be made as to what percentage of all
40 state forest property will be assigned to each of the categories
41 set forth in subdivision (2).

42 (4) Priority uses must be assigned to state forest land through



1 the adoption of rules under IC 4-22-2, and the procedure for
 2 the adoption of the rules must include the consideration of the
 3 comments of all interested persons, including:

- 4 (A) members of the general public;
 5 (B) owners and occupants of property neighboring the
 6 state forests; and
 7 (C) wildlife scientists.

8 **(5) A state forest or a part of a state forest that is assigned the**
 9 **primary use of recreation under subdivision (2)(A) must also**
 10 **be assigned the secondary uses of logging and habitat**
 11 **protection.**

12 **(6) A state forest or a part of a state forest that is assigned the**
 13 **primary use of producing high quality commercial lumber**
 14 **under subdivision (2)(B) must also be assigned the secondary**
 15 **uses of recreation and habitat protection.**

16 (7) If a state forest or a part of a state forest is assigned the
 17 primary use of maintaining native flora and fauna with
 18 unmanaged natural succession under subdivision (2)(C):

- 19 (A) the state forest or part of a state forest must have an
 20 adequate buffer of appropriate recreational forests; and
 21 (B) minimal management, such as for trail maintenance
 22 for safety, must be allowed in the state forest or part of a
 23 state forest.

24 (8) The management of state forests:

- 25 (A) must make allowance for the effects of anticipated
 26 climate change on vegetation; and
 27 (B) must include provisions for the maintenance of native
 28 wildlife and vegetation.

29 **Sec. 11. The report issued by the commission under section 8(4)**
 30 **of this chapter must set forth the following:**

31 (1) A determination as to the percentages of all state forest
 32 land that should fall within each of the three categories set
 33 forth in section 10(2) of this chapter according to the priority
 34 use assigned to the state forest lands.

35 (2) **Recommendations for a practical process for the**
 36 **assignment of priority uses to state forest lands under which**
 37 **each part of a state forest assigned a particular priority use**
 38 **would have its own forest management master plan prepared**
 39 **with public engagement.**

40 (3) Recommendations about reasonable time periods for the
 41 implementation of the plan for the management of the state
 42 forests established by the commission under this chapter.



- 1 (4) Recommendations concerning state resources needed to
 2 manage the state forests and options for effective funding
 3 sources not dependent on logging.
 4 (5) Recommendations about:
 5 (A) department staff needed to implement; and
 6 (B) procedures for effective citizen oversight of;
 7 the plan for the management of the state forests established
 8 by the commission under this chapter.
 9 (6) Recommendations for appropriate procedures for wildlife
 10 inventory on all state forest lands to be logged.
 11 (7) Recommendations for the seven (7) year reviews to be
 12 conducted under IC 14-23-4-8.
 13 (8) Recommendations about:
 14 (A) whether a standing independent state forest
 15 commission to oversee implementation of the plan for the
 16 management of the state forests established by the
 17 commission under this chapter would be of significant
 18 benefit; and
 19 (B) if so, how the state forest commission should be
 20 organized.
 21 (9) A list of state forest management issues that are raised by
 22 stakeholders during the commission study under this chapter
 23 but not resolved by the report issued by the commission under
 24 section 8(4) of this chapter.
 25 (10) The subjects discussed and issues raised during the
 26 commission's study and deliberations concerning which the
 27 general assembly may choose to pass legislation.
 28 **Sec. 12. The report issued by the commission under section 8(4)**
 29 **of this chapter must include the following:**
 30 (1) A description of the condition of the state forest lands at
 31 the time of the report.
 32 (2) An assessment of:
 33 (A) the management policy for state forest lands; and
 34 (B) procedures for decision making concerning state forest
 35 lands;
 36 at the time of the report.
 37 (3) A summary of the different established forest management
 38 practices that are appropriate for the achievement of different
 39 forest management objectives.
 40 (4) A summary of the state forest policies of adjacent states.
 41 (5) A summary of United States Forest Service management
 42 policies.



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(6) A summary of the:
(A) location;
(B) forest types; and
(C) policies employed in managing;
the private forest lands in Indiana.

(7) A summary of the advice received by the commission from:

- (A) government, academic, and private sector forest professionals and stakeholders; and**
- (B) private citizens;**

as to how best to achieve the statutory principles and objectives.

(8) A summary of the financial and environmental benefit of forest land for its ability to absorb carbon dioxide from the atmosphere.

(9) A summary of:
(A) what is working well; and
(B) what could be improved;
in the management of the state forests.

Sec. 13. The Indiana finance authority shall provide staff support to the commission.

Sec. 14. This chapter expires June 30, 2022.

