

HOUSE BILL No. 1376

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2-202; IC 14-12-4.

Synopsis: Conservation funding. Establishes the Indiana outdoor stewardship program to: (1) protect land, water, and wildlife resources; (2) acquire land, or an interest in land, for the protection of land, water, and wildlife resources; and (3) maintain Indiana department of natural resources (DNR) owned or managed facilities in good condition. Appropriates to the DNR from the state general fund the total amount of state gross retail and use taxes collected under IC 6-2.5 in each state fiscal year that are attributable to establishments classified under the North American Industry Classification Code 451110 (sporting goods stores). Specifies the permitted uses of the appropriated money. Provides for reductions in the amount of money allotted to the DNR from the appropriated amounts if state gross and retail use tax collections decline. Requires annual reports on the program.

Effective: July 1, 2019.

Errington

January 14, 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.

HOUSE BILL No. 1376

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

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

1 SECTION 1. IC 14-8-2-202, AS AMENDED BY P.L.39-2018,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 202. (a) "Person" means, except as provided in
4 subsections (b) through ~~(i)~~ **(j)**, an individual, a partnership, an
5 association, a fiduciary, an executor or administrator, a limited liability
6 company, or a corporation.
7 (b) "Person", for purposes of IC 14-12-2, has the meaning set forth
8 in IC 14-12-2-3.
9 **(c) "Person", for purposes of IC 14-12-4, has the meaning set**
10 **forth in IC 14-12-4-1.**
11 ~~(e)~~ **(d)** "Person", for purposes of IC 14-16, IC 14-22-28, IC 14-24,
12 IC 14-26-2, IC 14-28-1, and IC 14-38-2, means an individual, a
13 partnership, an association, a fiduciary, an executor or administrator,
14 a limited liability company, a corporation, other legal entity, the state,
15 or an agency, a political subdivision, or another instrumentality of the
16 state.
17 ~~(d)~~ **(e)** "Person", for purposes of IC 14-12-1, IC 14-12-2, IC 14-21,



1 IC 14-25 through IC 14-29, except as otherwise provided in this
 2 section, IC 14-33, IC 14-34, and IC 14-37, means an individual, a
 3 partnership, an association, a fiduciary, an executor or administrator,
 4 a limited liability company, a corporation, or a governmental entity.

5 ~~(e)~~ (f) "Person", for purposes of IC 14-22-31.5, has the meaning set
 6 forth in IC 14-22-31.5-2.

7 ~~(f)~~ (g) "Person", for purposes of IC 14-25-3, has the meaning set
 8 forth in IC 14-25-3-1.

9 ~~(g)~~ (h) "Person", for the purposes of IC 14-25-7, has the meaning set
 10 forth in IC 14-25-7-5.

11 ~~(h)~~ (i) "Person", for purposes of IC 14-34, means an individual, a
 12 partnership, a limited liability company, an association, a society, a
 13 joint stock company, a firm, a company, a corporation, or other
 14 business organization.

15 ~~(i)~~ (j) "Person", for purposes of IC 14-38-1, has the meaning set
 16 forth in IC 14-38-1-2.

17 SECTION 2. IC 14-12-4 IS ADDED TO THE INDIANA CODE AS
 18 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2019]:

20 **Chapter 4. Indiana Outdoor Stewardship Program**

21 **Sec. 1. As used in this chapter, "person" means an individual, a**
 22 **corporation, a partnership, an association, a limited liability**
 23 **company, an estate, a trust, or a governmental entity.**

24 **Sec. 2. As used in this chapter, "program" refers to the Indiana**
 25 **outdoor stewardship program established by section 4 of this**
 26 **chapter.**

27 **Sec. 3. As used in this chapter, "property" means an interest in**
 28 **real property. The term includes the following:**

- 29 (1) Ownership in fee simple.
- 30 (2) Conservation easements.
- 31 (3) Leaseholds.
- 32 (4) Management rights.

33 **Sec. 4. (a) The Indiana outdoor stewardship program is**
 34 **established. The department shall administer the program.**

35 **(b) The purposes of the program are to:**

- 36 (1) protect land, water, and wildlife resources;
- 37 (2) acquire land, or an interest in land, for the protection of
- 38 land, water, and wildlife resources; and
- 39 (3) maintain department owned or managed facilities in good
- 40 condition.

41 **Sec. 5. (a) This section applies to a state fiscal year beginning**
 42 **after June 30, 2019.**



1 (b) There is annually appropriated to the department from the
2 state general fund the total amount of state gross retail and use
3 taxes collected under IC 6-2.5 in each state fiscal year that are
4 attributable to establishments classified under the North American
5 Industry Classification Code 451110 (sporting goods stores).

6 Sec. 6. The department may use money appropriated under
7 section 5 of this chapter as follows:

8 (1) Twenty percent (20%) for deposit in the President
9 Benjamin Harrison conservation trust fund.

10 (2) Eighty percent (80%) for the following purposes:

11 (A) Acquiring land and other actions identified in the state
12 wildlife action plan.

13 (B) The nongame fund.

14 (C) The department's capital account for construction and
15 maintenance at properties owned or operated by the
16 department.

17 Sec. 7. (a) If the budget agency determines that the total amount
18 of state gross retail and use taxes collected under IC 6-2.5 in a
19 particular state fiscal year declines by at least one percent (1%)
20 from the total amount collected in the immediately preceding state
21 fiscal year, the budget agency shall reduce by twenty percent
22 (20%) the amount allotted to the department from the
23 appropriation under section 5 of this chapter in the state fiscal year
24 following the state fiscal year of the determination.

25 (b) If the budget agency determines in a state fiscal year in
26 which the amount allotted to the department is reduced under
27 subsection (a) that the total amount of state gross retail and use
28 taxes collected under IC 6-2.5 in that particular state fiscal year
29 declines by at least one percent (1%) from the total amount
30 collected in the immediately preceding state fiscal year, the budget
31 agency shall reduce by fifty percent (50%) the amount allotted to
32 the department from the appropriation under section 5 of this
33 chapter in the state fiscal year following the state fiscal year of the
34 determination.

35 Sec. 8. (a) This section applies to a state fiscal year beginning
36 after June 30 of a state fiscal year in which the budget agency
37 reduces the amount allotted to the department under section 7(b)
38 of this chapter.

39 (b) Except as provided in subsection (c), the budget agency may
40 not allot to the department more than fifty percent (50%) of the
41 amount appropriated to the department under section 5 of this
42 chapter in a particular state fiscal year.



1 (c) If the budget agency determines in a particular state fiscal
2 year that the total amount of state gross retail and use taxes
3 collected under IC 6-2.5 in the immediately preceding state fiscal
4 year exceeded the amount collected in the state fiscal year ending
5 June 30, 2020, the budget agency shall allot from the amount
6 appropriated under section 5 of this chapter an amount equal to
7 the amount allotted to the department in the state fiscal year
8 ending June 30, 2020.

9 Sec. 9. Property acquired by the state under this chapter may be
10 managed by any of the following:

11 (1) The department.

12 (2) A person with whom the department enters into a
13 management agreement under rules adopted under section 13
14 of this chapter.

15 Sec. 10. Acquisitions of property under this chapter may not be
16 made through condemnation.

17 Sec. 11. Money appropriated to the department under section 5
18 of this chapter is intended to supplement amounts appropriated to
19 the department under a state budget act and may not be used to
20 replace the appropriations for operating expenses made to the
21 department.

22 Sec. 12. Before October 1 of each year, the department shall
23 prepare a report on the program for the public and the general
24 assembly. A report prepared for the general assembly must be in
25 an electronic format under IC 5-14-6.

26 Sec. 13. The department may establish rules under IC 4-22-2 to
27 administer this chapter.

