

## SENATE BILL No. 63

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### DIGEST OF INTRODUCED BILL

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

**Synopsis:** State forest commission and management plan. Establishes the Indiana state forest commission. Specifies the membership of the state forest commission. Requires the state forest commission to meet in 2020, 2021, and 2022 and to issue a written report establishing a plan for the management of the state forests for the 100 year period beginning in 2023. Provides that the state forest 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, 2020.

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**Ruckelshaus, Bassler, Walker**

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January 6, 2020, read first time and referred to Committee on Natural Resources.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## SENATE BILL No. 63

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 14-8-2-48, AS AMENDED BY P.L.282-2019,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 48. (a) "Commission", except as provided in this  
4 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 14-13-9, has the meaning set  
16 forth in IC 14-13-9-2.  
17 (h) "Commission", for purposes of IC 14-20-11, has the meaning set



1     forth in IC 14-20-11-1.

2     **(i) "Commission", for purposes of IC 14-23-10, has the meaning**  
 3     **set forth in IC 14-23-10-1.**

4     ~~(j)~~ **(j) "Commission", for purposes of IC 14-28-4, has the meaning**  
 5     **set forth in IC 14-28-4-1.**

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

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

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

12    ~~(n)~~ **(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, 2020]: **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, 2020]: **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 2023, the natural resources commission**  
 25    **shall adopt rules under IC 4-22-2 to adopt 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, 2020]: **Sec. 8. Every seven (7) years, beginning seven (7) years**  
 40    **after the adoption of the rules implementing the Indiana state**  
 41    **forest commission's plan for the management of the state forests**  
 42    **under section 7(a) of this chapter, the natural resources**



commission shall:

- (1) conduct a review of the implementation of the plan; and
- (2) adopt rules under IC 4-22-2 to revise the plan, as appropriate.

SECTION 5. IC 14-23-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 9. The natural resources commission shall ensure that the adoption of rules under section 7 or 8(2) of this chapter is conducted with a broad opportunity for comment from:**

- (1) members of the public;
- (2) the owners and occupants of property neighboring the state forests; and
- (3) individuals with expertise in wildlife and natural habitat.

SECTION 6. IC 14-23-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:

**Chapter 10. Indiana State Forest Commission**

**Sec. 1.** As used in this chapter, "commission" refers to the Indiana state forest commission established by this chapter.

**Sec. 2. (a)** As used in this chapter, "nonconsumptive outdoor recreation" means outdoor recreational activity in which the participants do not remove resources from the natural environment.

**(b)** The term includes the following:

- (1) Bicycle riding.
- (2) Birdwatching and other wildlife viewing.
- (3) Camping.
- (4) Canoeing and kayaking.
- (5) Hiking.
- (6) Outdoor photography.
- (7) Skiing.

**Sec. 3.** The Indiana state forest commission is established.

**Sec. 4. (a)** The commission consists of the following:

- (1) Two (2) members of the general public, who shall be appointed by the governor and shall serve as co-chairs of the commission.
- (2) Two (2) members of the senate, of whom:
  - (A) one (1) shall be appointed by the president pro tempore of the senate; and
  - (B) one (1) shall be appointed by the minority leader of the senate.
- (3) Two (2) members of the house of representatives, of



whom:

(A) one (1) shall be appointed by the speaker of the house of representatives; and

(B) one (1) shall be appointed by the minority leader of the house of representatives.

(4) One (1) representative of the commercial logging industry, who shall be appointed by the governor.

(5) One (1) individual who favors, or represents an organization that favors, the preservation of forests for aesthetic, recreational, environmental, or scientific reasons, or for a combination of these reasons, who shall be appointed by the governor.

(6) One (1) individual who:

(A) participates in; or

(B) represents an organization that is interested in; hunting, fishing, or both hunting and fishing, who shall be appointed by the governor.

(7) One (1) individual who:

(A) participates in; or

(B) represents an organization that is interested in; nonconsumptive outdoor recreation, who shall be appointed by the governor.

(8) One (1) individual employed as a forester in the division of forestry of the department, who shall be appointed by the governor.

(9) One (1) representative of the forest products industry, who shall be appointed by the governor.

(10) The director or the director's designee.

(b) A vacancy in a position established by subsection (a)(1) through (a)(9) shall be filled by the appointment of an individual to the position by the appointing authority that is indicated in subsection (a) for the position.

Sec. 5. (a) Each member of the commission 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.

(b) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage,



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

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

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

14 (b) The members of the commission appointed under section  
 15 4(a)(1) through 4(a)(9) of this chapter are voting members of the  
 16 commission. The member of the commission referred to in section  
 17 4(a)(10) of this chapter is a nonvoting member of the commission.

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

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

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

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

27 (1) Hold:

28 (A) at least two (2) public meetings in 2020;

29 (B) at least three (3) public meetings in 2021; and

30 (C) at least two (2) public meetings in 2022;

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

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

35 (3) Study the multiple uses of the state forest land that are  
 36 possible over the one hundred (100) year period beginning in  
 37 2023.

38 (4) Issue a report to the legislative council created by  
 39 IC 2-5-1.1-1 before July 1, 2021, on the activities of the  
 40 commission preceding that date.

41 (5) Determine the management options that constitute a  
 42 balanced strategy allowing stakeholders to share the state



forest system as a whole in a way that best satisfies the needs of all.

**(6) Before October 1, 2022:**

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

(B) submit the report:

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

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

- (1) apply to the one hundred (100) year period beginning in 2023; and
- (2) incorporate management options determined by the commission to constitute a balanced strategy that will allow stakeholders to share the state forest system as a whole in a way that best satisfies the needs of all.

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

- (1) The state forests must be managed according to several different long term management practices, and the management practices used in managing a state forest or a part of a state forest must be determined according to the priority use of the state forest or part of a state forest.
- (2) All land within the state forests must be assigned a priority use. According to the priority use assigned to it, a state forest or a part of a state forest will be within one (1) of the following categories:
  - (A) Property optimized for game and nongame recreational use, including the hunting of different game species and the support of habitat for nesting and migration of a diversity of nongame species.
  - (B) Property optimized for high quality commercial lumber production.
  - (C) Property set aside to allow unmanaged natural succession for species native to the indigenous climate zone.
- (3) A determination must be made as to what percentage of all state forest property will be assigned to each of the categories set forth in subdivision (2).



(4) Priority uses must be assigned to state forest land through the adoption of rules under IC 4-22-2, and the procedure for the adoption of the rules must include the consideration of the comments of all interested persons, including:

(A) members of the general public;

(B) owners and occupants of property neighboring the state forests; and

(C) wildlife scientists.

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

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

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

(A) the state forest or part of the state forest must have an adequate buffer of appropriate recreational forests; and

(B) minimal management, such as for trail maintenance for safety, must be allowed in the state forest or part of a state forest.

(8) The management of state forests:

(A) must make allowance for the effects of anticipated climate change on vegetation; and

(B) must include provisions for the maintenance of native wildlife and vegetation.

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

(1) A determination as to the percentages of all state forest land that should fall within each of the three (3) categories set forth in section 10(2) of this chapter according to the priority use assigned to the state forest lands.

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

(3) Recommendations about reasonable time periods for the implementation of the plan for the management of the state





forests established by the commission under this chapter.

(4) Recommendations concerning state resources needed to manage the state forests and options for effective funding sources not dependent on logging.

(5) Recommendations about:

(A) department staff needed to implement; and

(B) procedures for effective citizen oversight of; the plan for the management of the state forests established by the commission under this chapter.

(6) Recommendations for appropriate procedures for wildlife inventory on all state forest lands to be logged.

(7) Recommendations for the seven (7) year reviews to be conducted under IC 14-23-4-8.

(8) Recommendations about:

(A) whether a standing independent state forest commission to oversee implementation of the plan for the management of the state forests established by the commission under this chapter would be of significant benefit; and

(B) if such a commission would be of significant benefit, how the state forest commission should be organized.

(9) A list of state forest management issues that are raised by stakeholders during the commission study under this chapter but not resolved by the report issued by the commission under section 8(4) of this chapter.

(10) The subjects discussed and issues raised during the commission's study and deliberations concerning which the general assembly may choose to pass legislation.

**Sec. 12. The report issued by the commission under section 8(4) of this chapter must include the following:**

(1) A description of the condition of the state forest lands at the time of the report.

(2) An assessment of:

(A) the management policy for state forest lands; and

(B) procedures for decision making concerning state forest lands; at the time of the report.

(3) A summary of the different established forest management practices that are appropriate for the achievement of different forest management objectives.

(4) A summary of the state forest policies of adjacent states.

(5) A summary of United States Forest Service management



1 policies.

2 (6) A summary of the:

3 (A) location of;

4 (B) forest types of; and

5 (C) policies employed in managing;

6 private forest lands in Indiana.

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

9 (A) government, academic, and private sector forest  
10 professionals and stakeholders; and

11 (B) private citizens;

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

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

17 (9) A summary of:

18 (A) what policies and practices are working well; and

19 (B) what could be improved;

20 in the management of the state forests.

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

23 Sec. 14. This chapter expires June 30, 2023.

