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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #00-270(F)

**DIGEST**

Adds 312 IAC 20 to govern the activities of the historic preservation review board. Repeals 310 IAC 10. Effective 30 days after filing with the secretary of state.

**310 IAC 10**

**312 IAC 20**

SECTION 1. 312 IAC 20 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 20. HISTORIC PRESERVATION REVIEW BOARD**

**Rule 1. Application and Administration**

**312 IAC 20-1-1 Applicability of review board article**

**Authority:** IC 14-21-1-31

**Affected:** IC 14-9; IC 14-21-1

**Sec. 1. This article governs the functions of the review board.** (*Natural Resources Commission; 312 IAC 20-1-1; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3399*)

**312 IAC 20-1-2 Agency determinations and administrative review**

**Authority:** IC 14-21-1-31

**Affected:** IC 4-21.5; IC 14-9; IC 14-21-1

**Sec. 2. (a) Unless otherwise specified in this title, the review board (or a delegate of the review board) makes the initial determination for any license, sanction, or other order that is subject to IC 4-21.5.**

**(b) The mailing address for the review board is the division of historic preservation and archaeology. The address for the division is as follows:**

**Division of Historic Preservation and Archaeology**

**Department of Natural Resources**

**Indiana Government Center-South**

**402 West Washington Street, Room W274**

**Indianapolis, Indiana 46204.**

**(c) The commission is the ultimate authority under this article. A request to the commission for administrative review of an initial determination under subsection (b) must be addressed as follows:**

**Division of Hearings**

**Natural Resources Commission**

**Indiana Government Center-South**

**402 West Washington Street, Room W272**

**Indianapolis, Indiana 46204.**

(*Natural Resources Commission; 312 IAC 20-1-2; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3399*)

**Rule 2. Definitions**

**312 IAC 20-2-1 Applicability**

**Authority:** IC 14-21-1-31

**Affected:** IC 14-9; IC 14-21-1

**Sec. 1. The definitions in this rule are in addition to those in IC 14 and 312 IAC 1 and apply throughout this article.** *(Natural Resources Commission; 312 IAC 20-2-1; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3399)*

**312 IAC 20-2-2 “Chair” defined**

**Authority:** IC 14-21-1-31

**Affected:** IC 14-9-1-1; IC 14-9-4-1; IC 14-21-1

**Sec. 2. “Chair” means the chair of the review board.** *(Natural Resources Commission; 312 IAC 20-2-2; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3399)*

**312 IAC 20-2-3 “Division” defined**

**Authority:** IC 14-21-1-31

**Affected:** IC 14-9-1-1; IC 14-9-4-1; IC 14-21-1-6

**Sec. 3. “Division” refers to the division of historic preservation and archaeology established by IC 14-21-1-6.** *(Natural Resources Commission; 312 IAC 20-2-3; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3399)*

**312 IAC 20-2-4 “Division director” defined**

**Authority:** IC 14-21-1-31

**Affected:** IC 14-9-1-1; IC 14-9-4-1; IC 14-21-1

**Sec. 4. “Division director” means the director of the division.** *(Natural Resources Commission; 312 IAC 20-2-4; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3399)*

**312 IAC 20-2-5 “Review board” defined**

**Authority:** IC 14-21-1-31

**Affected:** IC 14-9-1-1; IC 14-9-4-1; IC 14-21-1

**Sec. 5. “Review board” means the historic preservation review board as established by IC 14-21-1.** *(Natural Resources Commission; 312 IAC 20-2-5; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3399)*

**312 IAC 20-2-6 “State historic preservation officer” or “SHPO” defined**

**Authority:** IC 14-21-1-31

**Affected:** IC 14-9-1-1; IC 14-9-4-1; IC 14-21-1

**Sec. 6. “State historic preservation officer” or “SHPO” means the director of the department.** *(Natural Resources Commission; 312 IAC 20-2-6; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3400)*

**Rule 3. Membership and Meetings**

**312 IAC 20-3-1 Membership**

**Authority:** IC 14-21-1-31

**Affected:** IC 14-21-1-20

**Sec. 1. (a) The review board shall be appointed as provided in IC 14-21-1-20.**

**(b) If a vacancy occurs in the review board, the SHPO shall appoint a successor to serve for the remainder of the vacated term.**

**(c) At the end of the term of a member, the SHPO may reappoint the person whose term has expired or appoint a new member of a full three (3) year term.**

**(d) The staggered terms established under 310 IAC 10-1-3, before its repeal, shall continue in the same sequence under this section.** *(Natural Resources Commission; 312 IAC 20-3-1; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3400)*

**312 IAC 20-3-2 Officers**

**Authority: IC 14-21-1-31**

**Affected: IC 14-21-1**

**Sec. 2. (a) The state historic preservation officer is the chair of the review board.**

**(b) The review board shall elect officers, other than the chair, from the membership of the review board during the first meeting of a calendar year. The descriptions and designations of these officers are as determined by the review board.** *(Natural Resources Commission; 312 IAC 20-3-2; filed Jun 21, 2001, 3:06 p.m.: 24 IR 3400)*

SECTION 2. 310 IAC 10 IS REPEALED.

*LSA Document #00-270(F)*

*Notice of Intent Published: 24 IR 1045*

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