



February 7, 2017

HOUSE BILL No. 1415

DIGEST OF HB 1415 (Updated February 6, 2017 1:20 pm - DI 109)

Citations Affected: IC 8-23; IC 14-8; IC 14-10; IC 14-15; IC 14-22; IC 14-24; IC 14-25; IC 14-25.5; IC 14-26; IC 14-27; IC 14-28; IC 14-29; IC 25-39.

Synopsis: Various natural resources matters. Adds certain structures that are eligible for institutional road fund money on department of natural resources (DNR) properties. Amends the definition of "operate" for purposes of the operation of a motorboat near a shore line. Provides that certain fees concerning fish and wildlife, entomology and plants, water resources, lakes and reservoirs, dams, flood control, mineral extraction, channels, and well drillers and pump installers are considered to be minimum fees. Allows the natural resources commission to set certain license and permit fees above the specific minimum fee. Specifies the type of rifle that may be used during the deer hunting season beginning after June 30, 2016, and ending before January 1, 2020. Requires that a hunter or trapper must make a reasonable effort to remove a crippled or killed animal from a hunting area. Removes language concerning issuing a free permit to take a wild animal that is damaging or threatening to damage property or is posing a threat to the health or safety of a person or domestic animal. Removes authority of the director of DNR (director) to furnish point of sale equipment to clerks and agents. Repeals distinctive hunting and fishing license provisions. Repeals bonding requirements for agents who sell fishing and hunting licenses. Provides that an importation permit is not required for game birds brought into the state under a
(Continued next page)

Effective: July 1, 2017.

**Eberhart, Kersey, Arnold L,
Errington**

January 17, 2017, read first time and referred to Committee on Natural Resources.
February 6, 2017, amended, reported — Do Pass.

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Digest Continued

game breeder's license. Requires the director to amend the state list of endangered species through rules. Removes the requirement that the director prepare a summary report of the date used to amend the state endangered species list. Allows DNR to use money in the water environmental fund to cover the costs of public awareness activities and certain litigation expenses. Removes expired language. Makes conforming changes.

HB 1415—LS 7301/DI 77



February 7, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1415

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 8-23-5-6 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) The department shall
3 maintain all highways and driveways located on the premises of
4 institutions operated by the state, including the state fairgrounds upon
5 a request for maintenance by the institution. The expense of
6 maintaining a highway or driveway under this subsection shall be paid
7 by the department, subject to the approval of the governor.
8 (b) The department shall:
9 (1) maintain public roads, ~~and~~ parking areas, **trails, and**
10 **appurtenant structures** constructed on properties of the
11 department of natural resources; and
12 (2) construct new roads, **parking areas, trails, and appurtenant**
13 **structures** on properties owned by the department of natural
14 resources:
15 (A) upon the request of the department of natural resources;
16 (B) subject to the approval of the engineers of the department
17 of natural resources as to the design and location of the new

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1 roads to preserve scenic values; and

2 (C) subject to the approval of the governor.

3 SECTION 2. IC 14-8-2-188 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 188. "Operate" has the
5 following meaning:

6 (1) For purposes of IC 14-15, the act of navigating, driving,
7 steering, sailing, rowing, paddling, or otherwise moving or
8 exercising physical control over the movement of a watercraft.

9 **However, the term does not include a watercraft that is**
10 **anchored or moored.**

11 (2) For purposes of IC 14-16-1, the meaning set forth in
12 IC 14-16-1-4.

13 SECTION 3. IC 14-10-2-1, AS AMENDED BY P.L.246-2005,
14 SECTION 115, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2017]: Sec. 1. The commission may do the
16 following:

17 (1) Take the action that is necessary to enable the state to
18 participate in the programs set forth in 16 U.S.C. 470 et seq.

19 (2) Promulgate and maintain a state register of districts, sites,
20 buildings, structures, and objects significant in American or
21 Indiana history, architecture, archeology, and culture and expend
22 money for the purpose of preparing comprehensive statewide
23 historic surveys and plans, in accordance with criteria established
24 by the commission, that comply with the standards and
25 regulations promulgated by the United States Secretary of the
26 Interior for the preservation, acquisition, and development of the
27 properties.

28 (3) Establish in accordance with criteria established by the United
29 States Secretary of the Interior a program of matching
30 grants-in-aid to public agencies for projects having as their
31 purpose the preservation for public benefit of properties that are
32 significant in American or Indiana history, architecture,
33 archeology, and culture.

34 (4) Accept grants from public and private sources, including those
35 provided under 16 U.S.C. 470 et seq.

36 (5) Establish fees for the following:

37 (A) Programs of the department or the commission.

38 (B) Facilities owned or operated by the department or the
39 commission or a lessee of the department or commission.

40 (C) Licenses **and permits** issued by the commission, the
41 department, or the director.

42 (D) Inspections or other similar services under this title



- 1 performed by the department or an assistant or employee of
 2 the department.
- 3 (6) Adopt rules under IC 4-22-2 for the establishment of fees
 4 under subdivision (5).
- 5 **(7) Increase a fee for a license or permit that is specified as a**
 6 **minimum fee in a statute.**
- 7 SECTION 4. IC 14-15-3-17, AS AMENDED BY P.L.119-2012,
 8 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2017]: Sec. 17. (a) ~~A person operating a~~
 10 ~~motorboat may not approach or pass within two hundred (200) feet of~~
 11 ~~the shore line of a lake or channel of the lake at a place or point where~~
 12 ~~the lake or channel is at least five hundred (500) feet in width, except~~
 13 ~~for the purpose of trolling or for the purpose of approaching or leaving~~
 14 ~~a dock, pier, or wharf or the shore of the lake or channel.~~
- 15 (b) ~~(a)~~ Except as provided in subsection (c); ~~(b)~~, a person ~~operating~~
 16 ~~may not operate~~ a motorboat ~~may not approach or pass~~ within two
 17 hundred (200) feet of the shore line of a lake or channel of the lake at
 18 a speed greater than idle speed.
- 19 (c) ~~(b)~~ This subsection applies to lakes formed by hydroelectric
 20 dams in a county having a population of:
- 21 (1) more than twenty-four thousand five hundred (24,500) but less
 22 than twenty-five thousand (25,000); or
- 23 (2) more than twenty thousand (20,000) but less than twenty
 24 thousand five hundred (20,500).
- 25 A person ~~operating may not operate~~ a motorboat ~~may not approach or~~
 26 ~~pass~~ within fifty (50) feet of the shore line at a speed greater than idle
 27 speed. However, on tributaries of lakes described in this subsection that
 28 are formed by hydroelectric dams, a person operating a motor boat may
 29 not approach or pass within two hundred (200) feet of the shore line of
 30 the tributary at a speed greater than idle speed. For the purposes of this
 31 chapter, tributaries on lakes formed by hydroelectric dams do not
 32 include the principal body of water flowing into the lakes.
- 33 SECTION 5. IC 14-22-2-4 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) The director shall
 35 write and issue licenses and permits required by this article.
- 36 **(b) Subject to section 10 of this chapter, the director may charge**
 37 **a fee for a license or permit issued under subsection (a).**
- 38 SECTION 6. IC 14-22-2-8, AS ADDED BY P.L.110-2016,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2017]: Sec. 8. (a) This section applies to a hunting season
 41 beginning after June 30, 2016, and ending before January 1, 2020.
- 42 (b) A hunter may use a rifle during the firearms season to hunt deer



1 subject to the following:

- 2 (1) The use of a rifle is permitted only on privately owned land.
- 3 (2) The rifle must have a barrel length of at least sixteen (16)
- 4 inches.
- 5 (3) The rifle must be chambered for **a cartridge that is two**
- 6 **hundred forty-three thousandths (.243) of an inch in diameter**
- 7 **or larger. ~~one (1) of the following cartridges:~~**
- 8 ~~(A) .243.~~
- 9 ~~(B) .30-30.~~
- 10 ~~(C) .300.~~
- 11 ~~(D) .30-06.~~
- 12 ~~(E) .308.~~
- 13 **(4) The rifle must fire a cartridge that has a minimum case**
- 14 **length of one and sixteen-hundredths (1.16) inches.**
- 15 ~~(4) (5) A hunter may not possess more than ten (10) cartridges for~~
- 16 ~~the rifle while hunting deer under this section.~~
- 17 ~~(5) (6) The rifle must meet any other requirements established by~~
- 18 ~~the department.~~
- 19 (c) The use of a full metal jacketed bullet to hunt deer is unlawful.
- 20 (d) The department shall report on the impact of the use of rifles to
- 21 hunt deer under this section to the governor and, in an electronic format
- 22 under IC 5-14-6, the general assembly before February 15, 2020.
- 23 (e) This section expires June 30, 2020.
- 24 SECTION 7. IC 14-22-2-10 IS ADDED TO THE INDIANA CODE
- 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 26 1, 2017]: **Sec. 10. (a) Notwithstanding any law in this article, the**
- 27 **commission may adjust a license and permit fee, including an**
- 28 **application fee, in an amount that is above the minimum fee**
- 29 **established under the following:**
- 30 **(1) Section 4 of this chapter (Licenses and permits written by**
- 31 **the director).**
- 32 **(2) IC 14-22-9-10 (Aquatic vegetation control).**
- 33 **(3) IC 14-22-13-1 (Commercial fishing).**
- 34 **(4) IC 14-22-13-2 (Commercial fishing on the Ohio River).**
- 35 **(5) IC 14-22-13-2.5 (Roe harvester or dealer).**
- 36 **(6) IC 14-22-14-9 (Commercial fishing on Lake Michigan).**
- 37 **(7) IC 14-22-14-10 (Commercial fishing on Lake Michigan).**
- 38 **(8) IC 14-22-15-2 (Fishing guide).**
- 39 **(9) IC 14-22-16-1 (Bait dealer).**
- 40 **(10) IC 14-22-19-2 (Fur buyer).**
- 41 **(11) IC 14-22-20-1 (Game breeder).**
- 42 **(12) IC 14-22-21-2 (Taxidermist).**



1 (13) IC 14-22-22-2 (Scientific purposes).

2 (14) IC 14-22-23-3 (Falconry).

3 (15) IC 14-22-24-2 (Field trials).

4 (16) IC 14-22-25-3 (Fish and wild animal importation).

5 (17) IC 14-22-26-4 (Wild animal possession).

6 (18) IC 14-22-27-2 (Fish stocking).

7 (19) IC 14-22-31-2 (Private shooting preserve).

8 (b) Before adopting fees under this section, the commission shall
9 consider the amount that is reasonably necessary to generate
10 revenue sufficient to offset the costs incurred in carrying out the
11 department's responsibilities and operating any related programs.

12 (c) A fee that is submitted with an application for a license or
13 permit listed under subsection (a) is not refundable.

14 SECTION 8. IC 14-22-9-10 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) This section
16 does not apply to the following:

17 (1) A privately owned lake, farm pond, or public or private
18 drainage ditch.

19 (2) A landowner or tenant adjacent to public waters or boundary
20 waters of the state, who chemically, mechanically, or physically
21 controls aquatic vegetation in the immediate vicinity of a boat
22 landing or bathing beach on or adjacent to the real property of the
23 landowner or tenant if the following conditions exist:

24 (A) The area where vegetation is to be controlled does not
25 exceed:

26 (i) twenty-five (25) feet along the legally established,
27 average, or normal shoreline;

28 (ii) a water depth of six (6) feet; and

29 (iii) a total surface area of six hundred twenty-five (625)
30 square feet.

31 (B) Control of vegetation does not occur in a public waterway
32 of the state.

33 (b) A person may not chemically, mechanically, physically, or
34 biologically control aquatic vegetation in the public waters or boundary
35 waters of the state without a permit issued by the department. All
36 procedures to control aquatic vegetation under this section shall be
37 conducted in accordance with rules adopted by the department under
38 IC 4-22-2.

39 (c) **Subject to IC 14-22-2-10**, upon receipt of an application for a
40 permit to control aquatic vegetation and the payment of a fee of five
41 dollars (\$5), the department may issue a permit to the applicant.
42 However, if the aquatic vegetation proposed to be controlled is present



1 in a public water supply, the department may not, without prior written
 2 approval from the department of environmental management, approve
 3 a permit for chemical control of the aquatic vegetation.

4 (d) This section does not do any of the following:

5 (1) Act as a bar to a suit or cause of action by a person or
 6 governmental agency.

7 (2) Relieve the permittee from liability, rules, restrictions, or
 8 permits that may be required of the permittee by any other
 9 governmental agency.

10 (3) Affect water pollution control laws (as defined in
 11 IC 13-11-2-261) and the rules adopted under water pollution
 12 control laws (as defined in IC 13-11-2-261).

13 SECTION 9. IC 14-22-10-7 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. A person may not
 15 kill or cripple a wild animal without making a reasonable effort to
 16 retrieve the animal. ~~and include~~ **After the animal is retrieved the**
 17 **animal must be:**

18 **(1) taken into the person's possession; and**

19 **(2) included** in the person's daily bag limit, **if applicable.**

20 SECTION 10. IC 14-22-11-3, AS AMENDED BY P.L.155-2015,
 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2017]: Sec. 3. (a) An applicant for a hunting, trapping, or
 23 fishing license must provide the applicant's Social Security number in
 24 order to obtain the license. Social Security numbers acquired under this
 25 subsection shall be kept confidential and used only to carry out the
 26 purposes of the Title IV-D program.

27 (b) The director and agents appointed by the director as authorized
 28 representatives of the department shall issue hunting, trapping, and
 29 fishing licenses.

30 (c) The clerk of the circuit court in each county may issue hunting,
 31 trapping, and fishing licenses.

32 (d) Each hunting, trapping, or fishing license must be in a form
 33 prescribed by the director. ~~The director may furnish the clerks and~~
 34 ~~agents with all necessary equipment needed to issue a license.~~

35 (e) All licenses, stamps, or permits purchased electronically are
 36 valid only with the original signature or electronic affirmation of the
 37 licensee on the form or device prescribed by the director. The licensee's
 38 signature or electronic affirmation serves as an affidavit that the
 39 license, stamp, or permit information is true and accurate.

40 (f) A person who violates the confidentiality requirement of
 41 subsection (a) commits a Class A infraction.

42 SECTION 11. IC 14-22-12-4 IS REPEALED [EFFECTIVE JULY



1 1, 2017]. Sec. 4: (a) To encourage donations to the fish and wildlife
 2 fund; the department may issue on a distinctive form a limited number
 3 of any license authorized under section † of this chapter.

4 (b) The charge for a license issued under this section; which
 5 includes the license fee plus a donation to the fish and wildlife fund;
 6 may not be less than fifty dollars (\$50). The money collected for a
 7 license under this section that exceeds the license fee under section †
 8 of this chapter shall be placed in the fish and wildlife fund.

9 (c) The holder of a license issued under this section is not entitled
 10 to any privileges in addition to those provided by a license issued under
 11 section † of this chapter.

12 SECTION 12. IC 14-22-12-5, AS AMENDED BY P.L.155-2015,
 13 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2017]: Sec. 5. (a) The department may issue a duplicate
 15 license to replace a lost license issued to an individual under sections
 16 **section 1 and 4** of this chapter.

17 (b) A duplicate license under subsection (a) is valid only with the
 18 signature or electronic affirmation of the licensee on the form or device
 19 prescribed by the director.

20 (c) The department may require a licensee to pay a fee established
 21 by the commission for a duplicate license.

22 SECTION 13. IC 14-22-12-6 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. **Subject to**
 24 **IC 14-22-2-10**, the department may issue a special permit for the
 25 taking of wildlife by a person with a disability of such a nature that it
 26 is difficult or impossible for the individual to be in a position to take
 27 wildlife unless the individual is given special consideration. Statutes
 28 and rules may be waived only as necessary to give effect to this section.

29 SECTION 14. IC 14-22-12-7.5 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7.5. (a) As used in this
 31 section, "automated point of sale licensing system" means a system
 32 designed to dispense hunting, fishing, and trapping licenses.

33 (b) ~~Before July †, 2005~~; The department shall develop and
 34 implement an automated point of sale licensing system for use in
 35 Indiana for the sale of hunting, fishing, and trapping licenses to
 36 residents and nonresidents of Indiana.

37 (c) The department shall adopt rules under IC 4-22-2 to implement
 38 **the automated point of sale licensing system under** this section.

39 SECTION 15. IC 14-22-12-11 IS REPEALED [EFFECTIVE JULY
 40 1, 2017]. Sec. ††: (a) ~~Agents designated by the director and serving~~
 41 ~~directly under the director's supervision must execute a bond meeting~~
 42 ~~the following requirements:~~



- 1 (1) The bond is payable to the state in an amount:
 2 (A) not less than five thousand dollars (\$5,000); but
 3 (B) sufficient to cover the value of licenses distributed to the
 4 agent.
 5 (2) The surety is approved by the director.
 6 (3) The bond is conditioned on the proper selling of the licenses
 7 and proper accounting for all money due to the state.
 8 (b) An agent's obligations under this section expire on the earlier of:
 9 (1) the date on which the agent begins offering hunting, fishing,
 10 and trapping licenses for sale under an automated point of sale
 11 licensing system implemented under section 7.5 of this chapter;
 12 or
 13 (2) July 1, 2005.

14 SECTION 16. IC 14-22-13-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) This section
 16 applies to the following:

- 17 (1) The waters of the state.
 18 (2) The boundary waters of the state, except Lake Michigan and
 19 the Ohio River.
 20 (b) The department may issue to an individual who is a resident of
 21 Indiana a license to use in and to possess for use in the water seines,
 22 hoop nets, fyke nets, basket traps, basket nets, or trap nets under rules
 23 adopted under IC 4-22-2 upon payment of the following **minimum** fee:
 24 (1) For seines, except legal minnow seines, twenty dollars (\$20)
 25 for each one hundred (100) yards and fraction thereof.
 26 (2) For each dip-net, hoop-net, basket trap, basket net, trap-net, or
 27 fyke-net, four dollars (\$4).

28 **(c) The fees in subsection (b) are subject to IC 14-22-2-10.**

29 SECTION 17. IC 14-22-13-2, AS AMENDED BY P.L.151-2012,
 30 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2017]: Sec. 2. (a) This section applies to the Ohio River
 32 waters of Indiana.

- 33 (b) The department may issue to an individual who is a resident or
 34 nonresident of Indiana a license to use in, and to possess for use in, the
 35 water seines, nets, or other commercial fishing gear under rules
 36 adopted under IC 4-22-2 upon payment of the following **minimum** fee:
 37 (1) For an Ohio River commercial fishing license and ten (10)
 38 Ohio River commercial gear tags, one hundred twenty-five dollars
 39 (\$125).
 40 (2) For each block of ten (10) Ohio River commercial fishing gear
 41 tags, fifteen dollars (\$15).
 42 **(c) The fees in subsection (b) are subject to IC 14-22-2-10.**



1 SECTION 18. IC 14-22-13-2.5, AS AMENDED BY P.L.289-2013,
 2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2017]: Sec. 2.5. (a) This section applies to the harvest or sale
 4 of the following roe bearing species:

- 5 (1) Shovelnose sturgeon.
- 6 (2) Paddlefish.
- 7 (3) Bowfin.

8 (b) For the purpose of this subsection, "roe" means the eggs or
 9 gametes of a fish listed in subsection (a).

10 (c) An individual may not harvest, possess, or sell roe without a
 11 license issued under this section.

12 (d) The department may issue to an individual who is a resident or
 13 nonresident of Indiana a license to harvest, possess, and sell the roe
 14 under rules adopted under IC 4-22-2. The individual must leave the roe
 15 intact and inside the body of the fish while on the body of water or
 16 adjacent to the water being fished, and until processing begins in
 17 accordance with 21 CFR 123. The individual must sell the roe only to
 18 a roe dealer licensed by the department. The department shall limit the
 19 number of licenses that are available.

20 (e) The department may issue a person a roe dealer's license to
 21 purchase, process, and sell roe. A person may not transport roe outside
 22 Indiana except according to the terms of a license issued under this
 23 subsection.

24 (f) **Subject to IC 14-22-2-10**, the following are the minimum
 25 application fees for these licenses:

- 26 (1) Resident and nonresident roe harvester's license for harvesting
- 27 on the Ohio River, one thousand dollars (\$1,000).
- 28 (2) Resident roe harvester's license for harvesting on inland water
- 29 of Indiana, one thousand dollars (\$1,000).
- 30 (3) Roe dealer's license, one thousand dollars (\$1,000).

31 ~~(g) The commission may set license fees above the minimum fees~~
 32 ~~established under subsection (f). The amount may not be more than is~~
 33 ~~reasonably necessary to generate revenue sufficient to offset the costs~~
 34 ~~incurred by the department in carrying out its responsibilities under this~~
 35 ~~chapter.~~

36 ~~(h)~~ (g) The department shall give priority in issuing licenses under
 37 this section to applicants who are residents of Indiana.

38 SECTION 19. IC 14-22-14-9 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) A commercial
 40 fishing license:

- 41 (1) expires December 31 of the year for which the license was
- 42 issued or reserved;



1 (2) may be renewed or reserved annually; however, if an
 2 application to renew or reserve a license is not received by the
 3 department before February 1 of the year following the expiration
 4 or reserved period of the license, the license may not be renewed,
 5 reserved, or reinstated;

6 (3) that is reserved is inactive and may not be used, merged,
 7 transferred, or converted during the reserved year; and

8 (4) **subject to IC 14-22-2-10**, may be reserved for one (1) year for
 9 a **minimum** fee of twenty-five dollars (\$25).

10 (b) The department shall report annually to the natural resources
 11 committees of the house of representatives and the senate for the
 12 purpose of updating the status of yellow perch in Lake Michigan as it
 13 affects sport and commercial fishing and fishermen in Indiana.

14 SECTION 20. IC 14-22-14-10 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. **Subject to**
 16 **IC 14-22-2-10**, the **minimum** renewal fees for commercial fishing
 17 licenses are as follows:

18 (1) Class 1, three thousand dollars (\$3,000).

19 (2) Class 2, six thousand dollars (\$6,000).

20 (3) Class 3, nine thousand dollars (\$9,000).

21 SECTION 21. IC 14-22-15-2, AS AMENDED BY P.L.165-2011,
 22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2017]: Sec. 2. **Subject to IC 14-22-2-10**, the **minimum**
 24 annual fee for a fishing guide's license for a resident or a nonresident
 25 is one hundred dollars (\$100).

26 SECTION 22. IC 14-22-16-1, AS AMENDED BY P.L.151-2012,
 27 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2017]: Sec. 1. (a) A person engaging in or continuing to
 29 engage in the business of selling or bartering live minnows or crayfish
 30 for bait shall file an application with the division for a bait dealer's
 31 license. The application and the license must be on forms prescribed by
 32 the director.

33 (b) **Subject to IC 14-22-2-10**, the **minimum** fee for a license is as
 34 follows:

35 (1) Ten dollars (\$10) for residents.

36 (2) Fifty dollars (\$50) for nonresidents.

37 SECTION 23. IC 14-22-19-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The department
 39 may issue the following licenses to engage in the business of buying
 40 furbearing mammals or the untanned hides, skins, and furs of
 41 furbearing mammals in Indiana upon payment of the following
 42 **minimum** license fees:



1 (1) A resident buyer's license, authorizing purchases direct from
2 trappers or from other licensed buyers, seventy-five dollars (\$75).

3 (2) A nonresident buyer's license, authorizing purchases direct
4 from trappers or from other licensed buyers, one hundred
5 twenty-five dollars (\$125).

6 **(b) The license fees in subsection (a) are subject to**
7 **IC 14-22-2-10.**

8 SECTION 24. IC 14-22-20-1, AS AMENDED BY P.L.89-2016,
9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2017]: Sec. 1. (a) The owner of a hunting preserve licensed
11 under IC 15-17-14.7 is not required to obtain a game breeder's license
12 under this section.

13 (b) The owner of a cervidae livestock operation under IC 15-17-14.5
14 is not required to obtain a game breeder's license under this section.

15 (c) The department may, under rules adopted under IC 4-22-2, issue
16 to a resident of Indiana, upon the payment of a **minimum** fee of fifteen
17 dollars (\$15), a license to:

18 (1) propagate in captivity; and

19 (2) possess, buy, or sell for this purpose only;

20 game birds, game mammals, or furbearing mammals protected by
21 Indiana law.

22 **(d) The fee in subsection (c) is subject to IC 14-22-2-10.**

23 SECTION 25. IC 14-22-21-2 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The department
25 may, under rules adopted under IC 4-22-2, issue to a person, upon
26 payment of a **minimum** fee of fifteen dollars (\$15), a license to possess
27 for taxidermy purposes a wild animal or the hide or skin of a wild
28 animal:

29 (1) protected by Indiana law; and

30 (2) during the closed season for the animal.

31 **(b) The fee in subsection (a) is subject to IC 14-22-2-10.**

32 SECTION 26. IC 14-22-22-2 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) An application
34 for a license must:

35 (1) bear the signature of two (2) relevant scientists as references
36 to:

37 (A) the character;

38 (B) academic and scientific accomplishments; and

39 (C) fitness;

40 of the applicant; and

41 (2) be accompanied by a **minimum** fee of ten dollars (\$10).

42 **(b) The fee in subsection (a)(2) is subject to IC 14-22-2-10.**



1 SECTION 27. IC 14-22-23-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. **Subject to**
 3 **IC 14-22-2-10**, the **minimum** fee for a falconry license is sixty dollars
 4 (\$60).

5 SECTION 28. IC 14-22-24-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The department
 7 may issue a permit for a **minimum** fee of ten dollars (\$10) to a person
 8 to conduct a field trial under rules adopted under IC 4-22-2 for the
 9 protection of wild animals. The rules shall be incorporated in or
 10 attached to the permit when issued.

11 **(b) The fee in subsection (a) is subject to IC 14-22-2-10.**

12 SECTION 29. IC 14-22-25-1, AS AMENDED BY P.L.289-2013,
 13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2017]: Sec. 1. This chapter does not apply to the following:

- 15 (1) Animals imported into Indiana for the purpose of being
- 16 confined and exhibited in a zoo or other public display of animals.
- 17 (2) Other animals that the department designates.
- 18 (3) Animals regulated under IC 14-22-31-7.

19 **(4) Game birds under a game breeder's license issued under**
 20 **IC 14-22-20.**

21 SECTION 30. IC 14-22-25-3 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. An application for
 23 a permit must be filed with the director not less than ten (10) days
 24 before the proposed date of importation. **Subject to IC 14-22-2-10**, a
 25 **minimum** fee of five dollars (\$5) must accompany the application.

26 SECTION 31. IC 14-22-26-4 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. A permit issued
 28 under this chapter:

- 29 (1) must be in the form prescribed by the director;
- 30 (2) may not be issued unless the director is satisfied that the
- 31 permit should be issued;
- 32 (3) has an expiration date fixed by the director; and
- 33 (4) **subject to IC 14-22-2-10**, has a **minimum** fee of ten dollars
- 34 (\$10).

35 SECTION 32. IC 14-22-27-2 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. **Subject to**
 37 **IC 14-22-2-10**, the **minimum** fee for a permit under this chapter is
 38 three dollars (\$3).

39 SECTION 33. IC 14-22-28-1, AS AMENDED BY P.L.219-2014,
 40 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2017]: Sec. 1. The director may issue to a person that owns or
 42 has an interest in property:



- 1 (1) being damaged;
 2 (2) threatened with damage; or
 3 (3) on which a health or safety threat to persons or domestic
 4 animals is posed;

5 by a wild animal protected by this article a ~~free~~ permit to take the wild
 6 animal.

7 SECTION 34. IC 14-22-30-2 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. The director may
 9 issue to a person, upon application, a ~~free~~ permit to use or discharge
 10 dynamite or other explosives in the waters of this state under the rules
 11 that the director prescribes for the protection of fish in the waters of the
 12 state.

13 SECTION 35. IC 14-22-31-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. **Subject to**
 15 **IC 14-22-2-10**, an application for a license under section 1 of this
 16 chapter must be accompanied by a **minimum** fee of one hundred
 17 dollars (\$100) with the application.

18 SECTION 36. IC 14-22-34-11 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. ~~(a)~~ The director:

- 20 (1) shall conduct a review of the state list of endangered species
 21 at least every two (2) years; and
 22 (2) may amend the list by the additions or deletions that are
 23 considered appropriate **by adopting rules under IC 4-22-2**.

24 ~~(b) The director shall submit to the governor a summary report of~~
 25 ~~the data used in support of all amendments to the state list during the~~
 26 ~~preceding biennium.~~

27 SECTION 37. IC 14-24-10-1 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The department
 29 shall collect the following **minimum** fees:

- 30 (1) For each license issued to a dealer, fifty dollars (\$50).
 31 However, a certified nurseryman who has paid an inspection fee
 32 may obtain a dealer's license for twenty dollars (\$20).
 33 (2) For the inspection of a nursery, fifty dollars (\$50) plus an
 34 additional fee of three dollars (\$3) for each acre of land
 35 containing nursery stock.

36 **(b) Subject to IC 14-10-2-1, the commission may set the license**
 37 **and inspection fees above the minimum fees established in**
 38 **subsection (a).**

39 ~~(b)~~ **(c)** The fees collected under this section shall be deposited in the
 40 entomology and plant pathology fund established by section 3 of this
 41 chapter.

42 SECTION 38. IC 14-25-2-3 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. A contract for the
 2 sale of water on a unit pricing basis that is entered into under this
 3 chapter or under IC 13-2-1-7 (before its repeal) after June 30, 1991,
 4 must provide for compensation to the state at the rate of **not less than**
 5 thirty-three dollars (\$33) per one million (1,000,000) gallons of water.

6 SECTION 39. IC 14-25.5-3-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) Money paid into
 8 the fund may be appropriated for the following purposes:

9 (1) To cover the costs of mitigating a violation of an article to
 10 which this article applies or rules adopted under an article to
 11 which this article applies.

12 (2) To cover the costs of:

13 (A) mitigating environmental damage; ~~or~~

14 (B) protecting the public from harm;

15 **(C) public awareness activities; or**

16 **(D) litigation expenses directly related to the enforcement**
 17 **process, including the cost of transcripts, depositions, and**
 18 **expert witnesses;**

19 caused by a violation of an article to which this article applies or
 20 a violation of rules adopted under an article to which this article
 21 applies.

22 (b) The division director may make expenditures from the fund for
 23 purposes described in subsection (a) without the prior approval of the
 24 budget agency or the governor. An expenditure under this subsection
 25 may not exceed fifty thousand dollars (\$50,000).

26 SECTION 40. IC 14-26-2-23, AS AMENDED BY P.L.25-2009,
 27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2017]: Sec. 23. (a) Unless a person obtains a permit from the
 29 department under this section and conducts the activities according to
 30 the terms of the permit, a person may not conduct the following
 31 activities:

32 (1) Over, along, or lakeward of the shoreline or water line of a
 33 public freshwater lake:

34 (A) excavate;

35 (B) place fill; or

36 (C) place, modify, or repair a temporary or permanent
 37 structure.

38 (2) Construct a wall whose lowest point would be:

39 (A) below the elevation of the shoreline or water line; and

40 (B) within ten (10) feet landward of the shoreline or water line,
 41 as measured perpendicularly from the shoreline or water line;

42 of a public freshwater lake.



- 1 (3) Change the water level, area, or depth of a public freshwater
 2 lake or the location of the shoreline or water line.
- 3 (b) An application for a permit for an activity described in
 4 subsection (a) must be accompanied by the following:
- 5 (1) A nonrefundable **minimum** fee of one hundred dollars (\$100).
 6 (2) A project plan that provides the department with sufficient
 7 information concerning the proposed excavation, fill, temporary
 8 structure, or permanent structure.
- 9 (3) A written acknowledgment from the landowner that any
 10 additional water area created under the project plan is part of the
 11 public freshwater lake and is dedicated to the general public use
 12 with the public rights described in section 5 of this chapter.
- 13 (c) The department may issue a permit after investigating the merits
 14 of the application. In determining the merits of the application, the
 15 department may consider any factor, including cumulative effects of
 16 the proposed activity upon the following:
- 17 (1) The shoreline, water line, or bed of the public freshwater lake.
 18 (2) The fish, wildlife, or botanical resources.
 19 (3) The public rights described in section 5 of this chapter.
 20 (4) The management of watercraft operations under IC 14-15.
 21 (5) The interests of a landowner having property rights abutting
 22 the public freshwater lake or rights to access the public freshwater
 23 lake.
- 24 (d) A contractor or agent of the landowner who engages in an
 25 activity described in subsection (a)(1), (a)(2), or (a)(3) must comply
 26 with the terms of a permit issued under this section.
- 27 (e) The commission shall adopt rules under IC 4-22-2 to do the
 28 following:
- 29 (1) Assist in the administration of this chapter.
 30 (2) Provide objective standards for issuing permits under this
 31 section, including standards for the configuration of piers, boat
 32 stations, platforms, and similar structures. The standards:
- 33 (A) may provide for a common use if the standard is needed to
 34 accommodate the interests of landowners having property
 35 rights abutting the public freshwater lake or rights to access
 36 the public freshwater lake; and
 37 (B) shall exempt any class of activities from licensing,
 38 including temporary structures, if the commission finds that
 39 the class is unlikely to pose more than a minimal potential for
 40 harm to the public rights described in section 5 of this chapter.
- 41 (3) Establish a process under IC 4-21.5 for the mediation of
 42 disputes among persons with competing interests or between a



1 person and the department. A rule adopted under this subsection
2 must provide that:

3 (A) if good faith mediation under the process fails to achieve
4 a settlement, the department shall make a determination of the
5 dispute; and

6 (B) a person affected by the determination of the department
7 may seek administrative review by the commission.

8 **(4) Subject to IC 14-10-2-1, set the permit application fee at or**
9 **above the minimum fee established in subsection (b).**

10 (f) After:

11 (1) a final agency action in a mediation under subsection (e)(3)
12 that makes a determination of a dispute among persons with
13 competing riparian interests; and

14 (2) the completion of judicial review or the expiration of the
15 opportunity for judicial review;

16 a party to the dispute may seek enforcement of the determination in a
17 civil proceeding. The remedy provided under this subsection is
18 supplemental to any other legal remedy of the party.

19 SECTION 41. IC 14-26-5-4 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) A request for a
21 permit may be made by any person interested in the proposed work by
22 filing with the department the following:

23 (1) A brief statement and description of the work.

24 (2) Plans and specifications for the work.

25 (3) An investigation fee of a **minimum of** twenty-five dollars
26 (\$25).

27 **(b) Subject to IC 14-10-2-1, the commission may set an**
28 **investigation fee above the minimum fee established under**
29 **subsection (a)(3).**

30 SECTION 42. IC 14-27-7.5-10 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) The department
32 shall make an engineering inspection of:

33 (1) a significant hazard structure at least one (1) time every three
34 (3) years; and

35 (2) a low hazard structure at least one (1) time every five (5)
36 years;

37 or at more frequent intervals if the exigencies of the case require.

38 (b) The department shall place in the files of the department a report
39 of each inspection conducted under subsection (a).

40 (c) The department shall charge the following for engineering
41 inspections:

42 (1) For a significant hazard structure under subsection (a)(1), a



1 **minimum** fee of two hundred dollars (\$200).

2 (2) For a low hazard structure under subsection (a)(2), a
3 **minimum** fee of one hundred dollars (\$100).

4 **(d) Subject to IC 14-10-2-1, the commission may set an**
5 **engineering inspection fee above the minimum fee established**
6 **under subsection (c).**

7 SECTION 43. IC 14-28-1-5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. The commission
9 shall adopt rules under IC 4-22-2 for the following:

10 (1) The transaction of commission business.

11 (2) The administration and exercise of the commission's powers
12 and duties.

13 **(3) Subject to IC 14-10-2-1, set the permit fees not less than**
14 **the minimum fee established in sections 22, 24, and 26.5 of this**
15 **chapter.**

16 SECTION 44. IC 14-28-1-22, AS AMENDED BY P.L.155-2015,
17 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2017]: Sec. 22. (a) As used in subsection (b)(1) with respect
19 to a stream, "total length" means the length of the stream, expressed in
20 miles, from the confluence of the stream with the receiving stream to
21 the upstream or headward extremity of the stream, as indicated by the
22 solid or dashed, blue or purple line depicting the stream on the most
23 current edition of the seven and one-half (7 1/2) minute topographic
24 quadrangle map published by the United States Geological Survey,
25 measured along the meanders of the stream as depicted on the map.

26 (b) This section does not apply to the following:

27 (1) A reconstruction or maintenance project (as defined in
28 IC 36-9-27) on a stream or an open regulated drain if the total
29 length of the stream or open drain is not more than ten (10) miles.

30 (2) A construction or reconstruction project on a state or county
31 highway bridge in a rural area that crosses a stream having an
32 upstream drainage area of not more than fifty (50) square miles
33 and the relocation of utility lines associated with the construction
34 or reconstruction project if confined to an area not more than one
35 hundred (100) feet from the limits of the highway construction
36 right-of-way.

37 (3) The performance of an activity described in subsection (c)(1)
38 or (c)(2) by a surface coal mining operation that is operated under
39 a permit issued under IC 14-34.

40 (4) Any other activity that is determined by the commission,
41 according to rules adopted under IC 4-22-2, to pose not more than
42 a minimal threat to floodway areas.



- 1 (5) An activity in a boundary river floodway to which section 26.5
 2 of this chapter applies.
- 3 (6) The removal of a logjam or mass of wood debris that has
 4 accumulated in a river or stream, subject to the following
 5 conditions:
- 6 (A) Work must not be within a salmonid stream designated
 7 under 327 IAC 2-1.5-5 without the prior written approval of
 8 the department's division of fish and wildlife.
- 9 (B) Work must not be within a natural, scenic, or recreational
 10 river or stream designated under 312 IAC 7-2.
- 11 (C) Except as otherwise provided in Indiana law, free logs or
 12 affixed logs that are crossways in the channel must be cut,
 13 relocated, and removed from the floodplain. Logs may be
 14 maintained in the floodplain if properly anchored or otherwise
 15 secured so as to resist flotation or dislodging by the flow of
 16 water and placement in an area that is not a wetland. Logs
 17 must be removed and secured with a minimum of damage to
 18 vegetation.
- 19 (D) Isolated or single logs that are embedded, lodged, or
 20 rooted in the channel, and that do not span the channel or
 21 cause flow problems, must not be removed unless the logs are
 22 either of the following:
- 23 (i) Associated with or in close proximity to larger
 24 obstructions.
- 25 (ii) Posing a hazard to navigation.
- 26 (E) A leaning or severely damaged tree that is in immediate
 27 danger of falling into the waterway may be cut and removed if
 28 the tree is associated with or in close proximity to an
 29 obstruction. The root system and stump of the tree must be left
 30 in place.
- 31 (F) To the extent practicable, the construction of access roads
 32 must be minimized, and should not result in the elevation of
 33 the floodplain.
- 34 (G) To the extent practicable, work should be performed
 35 exclusively from one (1) side of a waterway. Crossing the bed
 36 of a waterway is prohibited.
- 37 (H) To prevent the flow of sediment laden water back into the
 38 waterway, appropriate sediment control measures must be
 39 installed.
- 40 (I) Within fifteen (15) days, all bare and disturbed areas must
 41 be revegetated with a mixture of grasses and legumes. Tall
 42 fescue must not be used under this subdivision, except that low



- 1 endophyte tall fescue may be used in the bottom of the
2 waterway and on side slopes.
- 3 (c) A person who desires to:
- 4 (1) erect, make, use, or maintain a structure, an obstruction, a
5 deposit, or an excavation; or
6 (2) suffer or permit a structure, an obstruction, a deposit, or an
7 excavation to be erected, made, used, or maintained;
- 8 in or on a floodway must file with the director a verified written
9 application for a permit accompanied by a nonrefundable **minimum**
10 fee of two hundred dollars (\$200).
- 11 (d) The application for a permit must set forth the material facts
12 together with plans and specifications for the structure, obstruction,
13 deposit, or excavation.
- 14 (e) An applicant must receive a permit from the director for the
15 work before beginning construction. The director shall issue a permit
16 only if in the opinion of the director the applicant has clearly proven
17 that the structure, obstruction, deposit, or excavation will not do any of
18 the following:
- 19 (1) Adversely affect the efficiency of or unduly restrict the
20 capacity of the floodway.
21 (2) Constitute an unreasonable hazard to the safety of life or
22 property.
23 (3) Result in unreasonably detrimental effects upon fish, wildlife,
24 or botanical resources.
- 25 (f) In deciding whether to issue a permit under this section, the
26 director shall consider the cumulative effects of the structure,
27 obstruction, deposit, or excavation. The director may incorporate in and
28 make a part of an order of authorization conditions and restrictions that
29 the director considers necessary for the purposes of this chapter.
- 30 (g) A permit issued under this section:
- 31 (1) is valid for two (2) years after the issuance of the permit; and
32 (2) to:
- 33 (A) the Indiana department of transportation or a county
34 highway department if there is any federal funding for the
35 project; or
36 (B) an electric utility for the construction of a power
37 generating facility;
- 38 is valid for five (5) years from the date of issuance.
- 39 A permit that is active and was issued under subdivision (1) before July
40 1, 2014, is valid for two (2) years beginning July 2014, and a permit
41 that is active and was issued under subdivision (2) before July 1, 2014,
42 is valid for five (5) years beginning July 2014.



- 1 (h) A permit issued under:
- 2 (1) subsection (g)(1) may be renewed one (1) time for a period not
- 3 to exceed two (2) additional years; and
- 4 (2) subsection (g)(2) may be renewed one (1) time for a period not
- 5 to exceed five (5) additional years.
- 6 (i) The director shall send a copy of each permit issued under this
- 7 section to each river basin commission organized under:
- 8 (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or
- 9 (2) IC 14-30-1 or IC 36-7-6 (before its repeal);
- 10 that is affected.
- 11 (j) The permit holder shall post and maintain a permit issued under
- 12 this section at the authorized site.
- 13 (k) For the purposes of this chapter, the lowest floor of a building,
- 14 including a residence or abode, that is to be constructed or
- 15 reconstructed in the one hundred (100) year floodplain of an area
- 16 protected by a levee that is:
- 17 (1) inspected; and
- 18 (2) found to be in good or excellent condition;
- 19 by the United States Army Corps of Engineers shall not be lower than
- 20 the one hundred (100) year frequency flood elevation plus one (1) foot.
- 21 SECTION 45. IC 14-28-1-24, AS AMENDED BY P.L.53-2008,
- 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2017]: Sec. 24. (a) This section does not apply to the
- 24 reconstruction of a residence located in a boundary river floodway.
- 25 (b) A person may not begin the reconstruction of an abode or a
- 26 residence that is located in a floodway and is substantially damaged (as
- 27 defined in 44 CFR 59.1, as in effect on January 1, 1993) unless the
- 28 person has:
- 29 (1) obtained a permit under this section or section 26.5 of this
- 30 chapter; or
- 31 (2) demonstrated to the department through the submission of
- 32 material facts, plans, and specifications that the material used to
- 33 elevate the reconstructed abode or residence:
- 34 (A) does not extend beyond the original foundation of the
- 35 abode or residence; and
- 36 (B) meets the criteria set forth in subsection (d)(2) through
- 37 (d)(7).
- 38 (c) A person who desires to reconstruct an abode or a residence that
- 39 does not meet the requirements under subsection (b)(2) must file with
- 40 the director a verified written application for a permit accompanied by
- 41 a nonrefundable **minimum** fee of fifty dollars (\$50). An application
- 42 submitted under this section must do the following:



- 1 (1) Set forth the material facts concerning the proposed
 2 reconstruction.
 3 (2) Include the plans and specifications for the reconstruction.
 4 (d) The director may issue a permit to an applicant under this
 5 section only if the applicant has clearly proven all of the following:
 6 (1) The abode or residence will be reconstructed:
 7 (A) in the area of the original foundation and in substantially
 8 the same configuration as the former abode or residence; or
 9 (B) in a location that is, as determined by the director, safer
 10 than the location of the original foundation.
 11 (2) The lowest floor elevation of the abode or residence as
 12 reconstructed, including the basement, will be at least two (2) feet
 13 above the one hundred (100) year flood elevation.
 14 (3) The abode or residence will be designed or modified and
 15 adequately anchored to prevent flotation, collapse, or lateral
 16 movement of the structure resulting from hydrodynamic and
 17 hydrostatic loads, including the effects of buoyancy.
 18 (4) The abode or residence will be reconstructed with materials
 19 resistant to flood damage.
 20 (5) The abode or residence will be reconstructed by methods and
 21 practices that minimize flood damages.
 22 (6) The abode or residence will be reconstructed with electrical,
 23 heating, ventilation, plumbing, and air conditioning equipment
 24 and other service facilities that are designed and located to
 25 prevent water from entering or accumulating within the
 26 components during conditions of flooding.
 27 (7) The abode or residence, as reconstructed, will comply with the
 28 minimum requirements for floodplain management set forth in 44
 29 CFR Part 60, as in effect on January 1, 1993.
 30 (e) When granting a permit under this section, the director may
 31 establish and incorporate into the permit certain conditions and
 32 restrictions that the director considers necessary for the purposes of this
 33 chapter.
 34 (f) A permit issued by the director under this section is void if the
 35 reconstruction authorized by the permit is not commenced within two
 36 (2) years after the permit is issued.
 37 (g) The director shall send a copy of each permit issued under this
 38 section to each river basin commission organized under:
 39 (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or
 40 (2) IC 14-30-1 or IC 36-7-6 (before its repeal);
 41 that is affected by the permit.
 42 (h) The person to whom a permit is issued under this section shall



1 post and maintain the permit at the site of the reconstruction authorized
2 by the permit.

3 (i) A person who knowingly:

4 (1) begins the reconstruction of an abode or a residence in
5 violation of subsection (b);

6 (2) violates a condition or restriction of a permit issued under this
7 section; or

8 (3) fails to post and maintain a permit at a reconstruction site in
9 violation of subsection (h);

10 commits a Class B infraction. Each day that the person is in violation
11 of subsection (b), the permit, or subsection (h) constitutes a separate
12 infraction.

13 SECTION 46. IC 14-28-1-26.5, AS AMENDED BY P.L.57-2013,
14 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2017]: Sec. 26.5. (a) This section applies to the following
16 activities:

17 (1) The placement or replacement of a mobile home within a
18 boundary river floodway.

19 (2) The repair of a residence that:

20 (A) is located in a boundary river floodway; and

21 (B) has been damaged by floodwaters or another means;

22 except for the reconstruction of a residence to which section 25 of
23 this chapter applies.

24 (3) The construction of an:

25 (A) addition to; or

26 (B) improvement of;

27 a residential structure within a boundary river floodway.

28 (4) The construction of a new residence within a boundary river
29 floodway.

30 (b) The federal regulations that:

31 (1) were adopted by the director of the Federal Emergency
32 Management Agency to implement the National Flood Insurance
33 Act (42 U.S.C. 4001 et seq.);

34 (2) are published in 44 CFR Parts 59 through 60; and

35 (3) are in effect on January 1, 1997;

36 are adopted as the criteria for determining whether an activity referred
37 to in subsection (a) is allowed in Indiana. However, the lowest floor of
38 a new residence constructed within a boundary river floodway referred
39 to in subsection (a)(4) must be at least two (2) feet above the one
40 hundred (100) year frequency flood elevation.

41 (c) A person who wishes to perform an activity referred to in
42 subsection (a) is authorized to perform the activity if:

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- 1 (1) the federal regulations described in subsection (b) as the
 2 governing criteria allow the activity; and
 3 (2) the person obtains a permit for the activity under this section.
 4 (d) To obtain a permit for an activity referred to in subsection (a),
 5 a person must:
 6 (1) file with the director a verified written application for a permit
 7 on a form provided by the department; and
 8 (2) pay to the department a nonrefundable **minimum** fee of ten
 9 dollars (\$10).
 10 (e) An application filed under this section must:
 11 (1) set forth the material facts concerning the proposed activity;
 12 and
 13 (2) in the case of an activity described in subsection (a)(1), (a)(3),
 14 or (a)(4), include plans and specifications for the construction,
 15 reconstruction, or repair.
 16 (f) If an application submitted under this section meets the
 17 requirements set forth in subsections (d) and (e), the director may not
 18 reject the application unless the regulations adopted as the governing
 19 criteria under subsection (b) do not allow the activity.
 20 (g) If the federal regulations adopted as the governing criteria under
 21 subsection (b) authorize a type of activity only when certain conditions
 22 are met, a permit that the director issues for that type of activity may
 23 require the applicant, in carrying out the activity, to meet the same
 24 conditions.
 25 (h) If:
 26 (1) there is a dispute under this section about the elevation of a
 27 site; and
 28 (2) the elevation of the site has been determined by a professional
 29 surveyor;
 30 the elevation determined by the professional surveyor must be used as
 31 the accepted elevation.
 32 SECTION 47. IC 14-29-3-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. In issuing a permit
 34 under this chapter, the department shall do the following:
 35 (1) Fix by the permit the area within which it is lawful and in the
 36 best interests of the state to permit the taking by the permittee of
 37 the mineral or substance.
 38 (2) Fix by the permit and collect from the permittee when due the
 39 amount of the reasonable value of the mineral or substance to be
 40 taken, measured by weight, cubic dimensions, or other common
 41 and usual measurement.
 42 (3) **Subject to IC 14-10-2-1**, collect a **minimum** fee of fifty



- 1 dollars (\$50) for each permit issued.
- 2 SECTION 48. IC 14-29-4-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. A person who
- 4 desires to construct a channel must do the following:
- 5 (1) File a verified written application for a permit with the
- 6 commission that does the following:
- 7 (A) States the material facts.
- 8 (B) Includes the plans and specifications for the construction
- 9 of the channel.
- 10 (C) Identifies each facility to which the channel will provide
- 11 access.
- 12 (2) **Subject to IC 14-10-2-1**, include with the application a
- 13 nonrefundable **minimum** fee of one hundred dollars (\$100).
- 14 SECTION 49. IC 25-39-3-2, AS AMENDED BY P.L.84-2010,
- 15 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2017]: Sec. 2. (a) An application for a license must be made
- 17 on a form prescribed by the commission in rules adopted under
- 18 IC 4-22-2. The purpose of the form is to identify the applicant and
- 19 obtain information to determine if the applicant is qualified to be
- 20 licensed.
- 21 (b) An application for an original license or a license renewal must
- 22 be accompanied by a **minimum** license fee of one hundred dollars
- 23 (\$100).
- 24 (c) Unless an applicant has held an original license for less than one
- 25 (1) year, a license renewal application must be accompanied by:
- 26 (1) a copy of the continuing education verification of attendance
- 27 forms; and
- 28 (2) a statement by the applicant attesting that the applicant has
- 29 complied with the continuing education requirements under
- 30 IC 25-39-6.
- 31 (d) **The commission may set a license fee above the minimum fee**
- 32 **established under subsection (b).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1415, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 14-8-2-188 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 188. "Operate" has the following meaning:

(1) For purposes of IC 14-15, the act of navigating, driving, steering, sailing, rowing, paddling, or otherwise moving or exercising physical control over the movement of a watercraft.

However, the term does not include a watercraft that is anchored or moored.

(2) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-4."

Page 2, line 36, delete "(5), including increasing a minimum fee" and insert "(5)."

Page 2, line 37, delete "specified", begin a new line block indented and insert:

"(7) Increase a fee for a license or permit that is specified as a minimum fee".

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 4. IC 14-15-3-17, AS AMENDED BY P.L.119-2012, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 17. ~~(a) A person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a place or point where the lake or channel is at least five hundred (500) feet in width, except for the purpose of trolling or for the purpose of approaching or leaving a dock, pier, or wharf or the shore of the lake or channel.~~

~~(b) (a)~~ Except as provided in subsection ~~(c)~~; **(b)**, a person **operating may not operate** a motorboat ~~may not approach or pass~~ within two hundred (200) feet of the shore line of a lake or channel of the lake at a speed greater than idle speed.

~~(c)~~ **(b)** This subsection applies to lakes formed by hydroelectric dams in a county having a population of:

(1) more than twenty-four thousand five hundred (24,500) but less than twenty-five thousand (25,000); or

(2) more than twenty thousand (20,000) but less than twenty thousand five hundred (20,500).



A person ~~operating~~ **may not operate** a motorboat ~~may not approach or pass~~ within fifty (50) feet of the shore line at a speed greater than idle speed. However, on tributaries of lakes described in this subsection that are formed by hydroelectric dams, a person operating a motor boat may not approach or pass within two hundred (200) feet of the shore line of the tributary at a speed greater than idle speed. For the purposes of this chapter, tributaries on lakes formed by hydroelectric dams do not include the principal body of water flowing into the lakes."

Page 2, after line 42, begin a new paragraph and insert:

"SECTION 3. IC 14-22-2-8, AS ADDED BY P.L.110-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8. (a) This section applies to a hunting season beginning after June 30, 2016, and ending before January 1, 2020.

(b) A hunter may use a rifle during the firearms season to hunt deer subject to the following:

- (1) The use of a rifle is permitted only on privately owned land.
- (2) The rifle must have a barrel length of at least sixteen (16) inches.

(3) The rifle must be chambered for **a cartridge that is two hundred forty-three thousandths (.243) of an inch in diameter or larger. ~~one (1) of the following cartridges:~~**

~~(A).243:~~

~~(B).30-30:~~

~~(C).300:~~

~~(D).30-06:~~

~~(E).308:~~

(4) The rifle must fire a cartridge that has a minimum case length of one and sixteen-hundredths (1.16) inches.

~~(4)~~ **(5)** A hunter may not possess more than ten (10) cartridges for the rifle while hunting deer under this section.

~~(5)~~ **(6)** The rifle must meet any other requirements established by the department.

(c) The use of a full metal jacketed bullet to hunt deer is unlawful.

(d) The department shall report on the impact of the use of rifles to hunt deer under this section to the governor and, in an electronic format under IC 5-14-6, the general assembly before February 15, 2020.

(e) This section expires June 30, 2020."

Page 3, line 4, delete "set" and insert **"adjust"**.

Page 3, line 27, delete "rules" and insert **"fees"**.

Page 4, delete lines 32 through 37, begin a new paragraph and insert:

"SECTION 6. IC 14-22-10-7 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. A person may not kill or cripple a wild animal without making a reasonable effort to retrieve the animal. ~~and include~~ **After the animal is retrieved the animal must be:**

(1) taken into the person's possession; and

(2) included in the person's daily bag limit, **if applicable."**

Page 7, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 14. IC 14-22-13-2, AS AMENDED BY P.L.151-2012, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) This section applies to the Ohio River waters of Indiana.

(b) The department may issue to an individual who is a resident or nonresident of Indiana a license to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear under rules adopted under IC 4-22-2 upon payment of the following **minimum** fee:

(1) For an Ohio River commercial fishing license and ten (10) Ohio River commercial gear tags, one hundred twenty-five dollars (\$125).

(2) For each block of ten (10) Ohio River commercial fishing gear tags, fifteen dollars (\$15).

(c) The fees in subsection (b) are subject to IC 14-22-2-10."

Page 10, after line 42, begin a new paragraph and insert:

"SECTION 32. IC 14-22-28-1, AS AMENDED BY P.L.219-2014, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. The director may issue to a person that owns or has an interest in property:

(1) being damaged;

(2) threatened with damage; or

(3) on which a health or safety threat to persons or domestic animals is posed;

by a wild animal protected by this article a ~~free~~ permit to take the wild animal."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1415 as introduced.)

EBERHART

Committee Vote: yeas 9, nays 0.

HB 1415—LS 7301/DI 77

