



February 26, 2014

**ENGROSSED
HOUSE BILL No. 1307**

DIGEST OF HB 1307 (Updated February 24, 2014 1:42 pm - DI 109)

Citations Affected: IC 6-1.1; IC 6-6; IC 6-7; IC 14-8; IC 14-22; IC 14-24; IC 14-28; IC 25-21.5; IC 36-7.

Synopsis: Various natural resource matters. Defines "geo-referenced". Allows a professional surveyor to use a geo-referenced aerial photograph in order to prepare a description of a parcel. Provides that any natural resources commission rules concerning other means to describe classified lands may not result in a real property description. Exempts from the boat excise tax a motorboat registered outside Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than 180 consecutive days. Amends certain definitions. Allows the department of natural resources to issue a dog training ground permit. Provides that certain duties imposed on the Lake Michigan marina and shoreline development commission under current law are discretionary powers rather than duties. Provides that, instead of being required to report on its activities to the governor and the legislative council at least once every two years, the commission
(Continued next page)

Effective: July 1, 2014.

Eberhart, Kersey

(SENATE SPONSORS — YODER, YOUNG R)

January 15, 2014, read first time and referred to Committee on Natural Resources.
January 28, 2014, amended, reported — Do Pass.
January 30, 2014, read second time, amended, ordered engrossed.
January 31, 2014, engrossed.
February 3, 2014, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 10, 2014, read first time and referred to Committee on Agriculture and Natural Resources.
February 25, 2014, amended, reported favorably — Do Pass.

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Digest Continued

may report to the governor and the legislative council. Allows the director of the department of natural resources (DNR) to adopt rules that would authorize the taking of a wild animal in a state park under certain circumstances. Allows the director of DNR to consider certain factors when determining damages caused by a person releasing certain substances that kill wild animals. Changes procedures to settle a claim for damages that resulted in a kill to wild animals. Makes certain changes to the program to contain and reduce invasive animal species in the Wabash River. Allows the director of the DNR to issue a permit to take a wild animal 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. Allows for the permit to take a wild animal to be denied to a person, after an investigation of a complaint, if the complaint is unfounded or the applicant has not complied with certain requirements. Provides for a project permit under the flood control act to be issued for two years for most projects and five years for the department of transportation, federally funded county highway projects, and power generation facilities. Allows for a project permit issued under the flood control act to be renewed one time for a period of two years. Exempts from the definition of the practice of surveying classified parcels developed according to certain natural resources commission rules. Provides penalties for a person who provides fishing or hunting guide services to take wild animals that are protected by law. Establishes a controlled substance distribution license. Requires the department of revenue to establish a local grant program from which local communities and law enforcement can seek reimbursement for expenses incurred in remediation of property that has been impacted by the manufacture of a controlled substance. Changes the procedures for unsettled matters concerning claims for damages that resulted in a kill to wild animals to allow matters to be initiated under administrative proceedings with the natural resources commission. (Current law provides for the attorney general to bring a civil action for damages when a claim for damages is unsettled between the responsible party and the department of natural resources.) Repeals the pest control compact. Makes conforming changes. Makes a technical correction.

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February 26, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1307

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 6-1.1-6-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: **Sec. 0.5. As used in this chapter, "geo-referenced" means**
4 **a photo with a minimum horizontal accuracy of plus or minus six**
5 **(6) meters at one (1) meter resolution.**
6 SECTION 2. IC 6-1.1-6-9, AS AMENDED BY P.L.57-2013,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2014]: Sec. 9. (a) Except as provided in subsections (b) and
9 (c), a person who:
10 (1) wishes to have a parcel of land classified as native forest land,
11 a forest plantation, or wildlands; or
12 (2) submits a revised application due to:
13 (A) the partial withdrawal of existing classified land;
14 (B) division of the parcel related to a conveyance; or

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1 (C) the combination of contiguous lands;
 2 must have the parcel described by a professional surveyor. The parcel
 3 must be described by metes and bounds or other professionally
 4 accepted practices and must locate the parcel with reference to an
 5 established corner. In addition, the description must identify the parcel
 6 by section, township, range, and county references. The professional
 7 surveyor shall prepare plats of the parcel in ink, and the professional
 8 surveyor shall prepare the plats on the scale, and in the number,
 9 prescribed by the department of natural resources.

10 (b) The professional surveyor may use ~~an~~ **a geo-referenced** aerial
 11 photograph in order to prepare a description of the parcel. However, the
 12 professional surveyor's description must be accurate, and it must meet
 13 the requirements specified in subsection (a). If ~~an~~ **a geo-referenced**
 14 aerial photograph is used, that fact shall be noted on the application
 15 referred to in section 11 of this chapter.

16 (c) The natural resources commission may adopt rules to allow other
 17 means ~~to describe and plat a parcel of depicting and identifying~~
 18 **parcels classified as native forest land, forest plantation, or**
 19 **wildlands** under this section **provided that the means do not result**
 20 **in a real property description of the parcel.**

21 SECTION 3. IC 6-6-11-9, AS AMENDED BY P.L.146-2008,
 22 SECTION 356, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2014]: Sec. 9. A boat is exempt from the boat
 24 excise tax imposed for a year if the boat is:

- 25 (1) owned by the United States;
- 26 (2) owned by the state or one (1) of its political subdivisions (as
 27 defined in IC 36-1-2-13);
- 28 (3) owned by an organization exempt from federal income
 29 taxation under 501(c)(3) of the Internal Revenue Code;
- 30 (4) a human powered vessel, as determined by the department of
 31 natural resources;
- 32 (5) held by a boat manufacturer, distributor, or dealer for sale in
 33 the ordinary course of business;
- 34 (6) used by a person for the production of income and subject to
 35 assessment under IC 6-1.1;
- 36 (7) stored in Indiana for less than twenty-two (22) consecutive
 37 days and not operated, used, or docked in Indiana;
- 38 (8) **except as provided in subdivision (9)**, registered outside
 39 Indiana and operated, used, or docked in Indiana for a combined
 40 total of less than twenty-two (22) consecutive days during the
 41 boating year;
- 42 (9) **a motorboat (as defined by IC 9-13-2-103.5) and is**



1 **registered outside Indiana and docked on the Indiana part of**
 2 **Lake Michigan for a combined total of not more than one**
 3 **hundred eighty (180) consecutive days; or**

4 ~~(9)~~ **(10)** subject to the commercial vessel tonnage tax under
 5 IC 6-6-6.

6 SECTION 4. IC 6-6-11-14 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) For a boat which
 8 has been acquired, or brought into Indiana, or for any other reason
 9 becomes subject to the excise tax after the regular annual tax payment
 10 date in the boating year on or before which the owner is required to pay
 11 the tax on boats under this chapter, the tax imposed by this chapter
 12 shall become due and payable no later than:

13 (1) the thirty-second day after the boat is operated in Indiana, if
 14 the boat is registered in Indiana; ~~or~~

15 (2) **except as provided in subdivision (3)**, the twenty-second
 16 consecutive day during the boating year that the boat is:

17 (A) stored in Indiana; or

18 (B) operated, used, or docked in Indiana waters if the boat is
 19 registered outside Indiana; ~~or~~

20 **(3) the one hundred eighty-first day that the motorboat (as**
 21 **defined by IC 9-13-2-103.5) is docked on the Indiana part of**
 22 **Lake Michigan if the motorboat is registered outside Indiana.**

23 (b) The amount of excise tax to be paid by the owner for the
 24 remainder of the year shall be reduced by ten percent (10%) for each
 25 full calendar month which has elapsed since the regular annual tax
 26 payment date in the year fixed by the bureau of motor vehicles for tax
 27 payment by the owner.

28 SECTION 5. IC 6-7-3-3.3 IS ADDED TO THE INDIANA CODE
 29 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 30 **1, 2014]: Sec. 3.3. As used in this chapter, "distribute" has the**
 31 **meaning set forth in IC 35-48-1-14.**

32 SECTION 6. IC 6-7-3-5.5 IS ADDED TO THE INDIANA CODE
 33 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 34 **1, 2014]: Sec. 5.5. (a) As used in this section, "license" means a**
 35 **controlled substance distribution license.**

36 **(b) As used in this section, "licensee" means a person or entity**
 37 **who is licensed under this section to distribute a controlled**
 38 **substance.**

39 **(c) A person or entity is prohibited from distributing a**
 40 **controlled substance that is prohibited under IC 35-48-4 or 21**
 41 **U.S.C. 841 through 21 U.S.C. 852 as of July 1, 2014.**
 42 **Notwithstanding whether the prohibitions listed in this subsection**



1 are subsequently repealed, a person or entity must hold a current
2 valid license under this section.

3 (d) The department shall issue a license for distribution of each
4 controlled substance. Each license shall be specific to the controlled
5 substance and may not be combined to include multiple types of
6 controlled substances.

7 (e) The initial fee for the license shall be twenty-five thousand
8 dollars (\$25,000) with a yearly renewal fee amount to be set by the
9 department, but not to exceed two thousand five hundred dollars
10 (\$2,500).

11 (f) A licensee is entitled to renew a license if the renewal fee is
12 submitted to the department before the anniversary date of the
13 issuance of the license. If the renewal fee is not paid before the
14 anniversary date of the issuance of the license, the fee for issuance
15 of a new license will be twenty-five thousand dollars (\$25,000).

16 (g) A license may be obtained for distribution of a controlled
17 substance whether or not the licensee is currently engaged in the
18 actual distribution of a controlled substance.

19 (h) The department shall adopt rules for determination of
20 eligibility to receive a license under this section not later than
21 January 1, 2015. Licenses may be issued under this section after
22 the adoption of rules by the department.

23 SECTION 7. IC 6-7-3-11.5 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2014]: Sec. 11.5. (a) A person who distributes a controlled
26 substance without a controlled substance distribution license issued
27 under section 5.5 of this chapter is subject to a one hundred
28 thousand dollar (\$100,000) penalty for each act of distribution
29 without a license issued under section 5.5 of this chapter.

30 (b) In the interest of justice, the department may reduce the
31 penalty imposed under subsection (a), subject to judicial approval.

32 (c) The penalty described in subsection (a) does not apply to a
33 controlled substance that is distributed, manufactured, or
34 dispensed by a person registered under IC 35-48-3.

35 SECTION 8. IC 6-7-3-16 IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) The department may award
37 up to ten percent (10%) of the total amount collected from an
38 assessment under this chapter to any person who provides information
39 leading to the collection of a tax liability imposed under this chapter.
40 An award made under this subsection must be made before any other
41 distributions under this section.

42 (b) Whenever a law enforcement agency provides information



1 leading to the collection of a tax liability imposed under this chapter,
 2 the department shall award ~~thirty percent (30%)~~ **thirty-five percent**
 3 **(35%)** of the total amount collected from an assessment to the law
 4 enforcement agency that provided the information that resulted in the
 5 assessment. The law enforcement agency shall use the money the
 6 agency receives under this chapter to conduct criminal investigations.
 7 A law enforcement agency may not receive an award under more than
 8 one (1) subsection.

9 (c) The department shall award ten percent (10%) of the amount
 10 deposited in the fund during each month to the law enforcement
 11 training board to train law enforcement personnel.

12 **(d) The department shall adopt rules that establish a local grant**
 13 **program from which local communities and law enforcement can**
 14 **seek reimbursement for expenses incurred in remediation of**
 15 **property that has been impacted by the manufacture of a**
 16 **controlled substance.**

17 ~~(d)~~ (e) The department may use twenty percent (20%) of the amount
 18 deposited in the fund during a state fiscal year to pay the costs of
 19 administration and enforcement of this chapter.

20 ~~(e)~~ (f) Awards may not be made under this chapter to the following:

- 21 (1) A law enforcement officer.
- 22 (2) An employee of the department.
- 23 (3) An employee of the Internal Revenue Service.
- 24 (4) An employee of the federal Drug Enforcement Agency.

25 ~~(f)~~ (g) All the money deposited in the fund that is not needed for
 26 awards or to cover the costs of administration under this chapter shall
 27 be transferred to the state drug free communities fund established
 28 under IC 5-2-10.

29 ~~(g)~~ (h) An award made under subsection (a) or (b) shall be made on
 30 the basis of collections from each individual assessment that resulted
 31 from information supplied to the department by a person or law
 32 enforcement agency.

33 ~~(h)~~ (i) Money shall be considered collected under this section only
 34 after all protest periods have expired or all appeals have been
 35 adjudicated.

36 SECTION 9. IC 14-8-2-5.7, AS ADDED BY P.L.86-2010,
 37 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 5.7. "All-terrain vehicle", for purposes of
 39 IC 14-8-2-185, means a motorized, off-highway vehicle that:

- 40 (1) is fifty (50) inches or less in width;
- 41 (2) has a dry weight of twelve hundred (1,200) pounds or less;
- 42 (3) is designed for travel on at least three (3) nonhighway or



- 1 off-highway tires; **and**
 2 (4) is designed for recreational use by one (1) or more individuals.
 3 ~~(5) has a seat or saddle designed to be straddled by the operator;~~
 4 **and**
 5 ~~(6) has handlebars for steering control.~~
 6 The term includes parts, equipment, or attachments sold with the
 7 vehicle.
 8 SECTION 10. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008,
 9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 49.2. (a) "Compact", for purposes of ~~IC 14-24-4.5;~~
 11 ~~has the meaning set forth in IC 14-24-4.5-2(8).~~
 12 (b) ~~"Compact"~~, for purposes of IC 14-25-15, has the meaning set
 13 forth in IC 14-25-15-1.
 14 SECTION 11. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY
 15 1, 2014]. ~~Sec. 86.5: "Executive committee", for purposes of~~
 16 ~~IC 14-24-4.5; has the meaning set forth in IC 14-24-4.5-2(7).~~
 17 SECTION 12. IC 14-8-2-107, AS AMENDED BY P.L.133-2012,
 18 SECTION 164, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following
 20 meaning:
 21 (1) For purposes of IC 14-9-5, the meaning set forth in
 22 IC 14-9-5-1.
 23 (2) For purposes of IC 14-9-8-21, the meaning set forth in
 24 IC 14-9-8-21.
 25 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in
 26 IC 14-9-8-21.5.
 27 (4) For purposes of IC 14-9-9, the meaning set forth in
 28 IC 14-9-9-3.
 29 (5) For purposes of IC 14-12-1, the meaning set forth in
 30 IC 14-12-1-1.
 31 (6) For purposes of IC 14-12-2, the meaning set forth in
 32 IC 14-12-2-2.
 33 (7) For purposes of IC 14-12-3, the meaning set forth in
 34 IC 14-12-3-2.
 35 (8) For purposes of IC 14-13-1, the meaning set forth in
 36 IC 14-13-1-2.
 37 (9) For purposes of IC 14-13-2, the meaning set forth in
 38 IC 14-13-2-3.
 39 (10) For purposes of IC 14-16-1, the meaning set forth in
 40 IC 14-16-1-30.
 41 (11) For purposes of IC 14-19-8, the meaning set forth in
 42 IC 14-19-8-1.



- 1 (12) For purposes of IC 14-20-11, the meaning set forth in
 2 IC 14-20-11-2.
- 3 (13) For purposes of IC 14-22-3, the meaning set forth in
 4 IC 14-22-3-1.
- 5 (14) For purposes of IC 14-22-4, the meaning set forth in
 6 IC 14-22-4-1.
- 7 (15) For purposes of IC 14-22-5, the meaning set forth in
 8 IC 14-22-5-1.
- 9 (16) For purposes of IC 14-22-8, the meaning set forth in
 10 IC 14-22-8-1.
- 11 (17) For purposes of IC 14-22-34, the meaning set forth in
 12 IC 14-22-34-2.
- 13 (18) For purposes of IC 14-23-3, the meaning set forth in
 14 IC 14-23-3-1.
- 15 ~~(19) For purposes of IC 14-24-4.5, the meaning set forth in~~
 16 ~~IC 14-24-4.5-2(5).~~
- 17 ~~(20)~~ (19) For purposes of IC 14-25-2-4, the meaning set forth in
 18 IC 14-25-2-4.
- 19 ~~(21)~~ (20) For purposes of IC 14-25-10, the meaning set forth in
 20 IC 14-25-10-1.
- 21 ~~(22)~~ (21) For purposes of IC 14-25.5, the meaning set forth in
 22 IC 14-25.5-1-3.
- 23 ~~(23)~~ (22) For purposes of IC 14-28-5, the meaning set forth in
 24 IC 14-28-5-2.
- 25 ~~(24)~~ (23) For purposes of IC 14-31-2, the meaning set forth in
 26 IC 14-31-2-5.
- 27 ~~(25)~~ (24) For purposes of IC 14-25-12, the meaning set forth in
 28 IC 14-25-12-1.
- 29 ~~(26)~~ (25) For purposes of IC 14-32-8, the meaning set forth in
 30 IC 14-32-8-1.
- 31 ~~(27)~~ (26) For purposes of IC 14-33-14, the meaning set forth in
 32 IC 14-33-14-3.
- 33 ~~(28)~~ (27) For purposes of IC 14-33-21, the meaning set forth in
 34 IC 14-33-21-1.
- 35 ~~(29)~~ (28) For purposes of IC 14-34-6-15, the meaning set forth in
 36 IC 14-34-6-15.
- 37 ~~(30)~~ (29) For purposes of IC 14-34-14, the meaning set forth in
 38 IC 14-34-14-1.
- 39 ~~(31)~~ (30) For purposes of IC 14-34-19-1.3, the meaning set forth
 40 in IC 14-34-19-1.3(a).
- 41 ~~(32)~~ (31) For purposes of IC 14-34-19-1.5, the meaning set forth
 42 in IC 14-34-19-1.5(a).



- 1 ~~(33)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in
2 IC 14-37-10-1.
- 3 SECTION 13. IC 14-8-2-117, AS AMENDED BY P.L.225-2005,
4 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 117. "Governing board", ~~has the following~~
6 ~~meaning:~~
- 7 ~~(1) For purposes of IC 14-24-4.5, the meaning set forth in~~
8 ~~IC 14-24-4.5-2(6):~~
- 9 ~~(2)~~ for purposes of IC 14-28-5, ~~has~~ the meaning set forth in
10 IC 14-28-5-3.
- 11 SECTION 14. IC 14-8-2-118.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2014]: **Sec. 118.5. "Guide services", for**
14 **purposes of IC 14-22-38-6, has the meaning set forth in**
15 **IC 14-22-38-6.**
- 16 SECTION 15. IC 14-8-2-203, AS AMENDED BY P.L.17-2009,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2014]: Sec. 203. "Pest or pathogen", ~~has the following~~
19 ~~meaning:~~
- 20 ~~(1) Except as provided in IC 14-24-4.5, for purposes of IC 14-24,~~
21 ~~means:~~
- 22 ~~(A) (1) an arthropod;~~
23 ~~(B) (2) a nematode;~~
24 ~~(C) (3) a microorganism;~~
25 ~~(D) (4) a fungus;~~
26 ~~(E) (5) a parasitic plant;~~
27 ~~(F) (6) a mollusk;~~
28 ~~(G) (7) a plant disease; or~~
29 ~~(H) (8) an exotic weed;~~
30 that may be injurious to nursery stock, agricultural crops, other
31 vegetation, natural resources, or bees.
- 32 ~~(2) For purposes of IC 14-24-4.5, the meaning set forth in~~
33 ~~IC 14-24-4.5-2(4):~~
- 34 SECTION 16. IC 14-8-2-233.5, AS ADDED BY P.L.86-2010,
35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2014]: Sec. 233.5. "Recreational off-road vehicle", for
37 purposes of IC 14-8-2-185, means a motorized, off-highway vehicle
38 that:
- 39 (1) is ~~sixty-four (64)~~ **sixty-five (65)** inches or less in width;
40 (2) has a dry weight of two thousand (2,000) pounds or less;
41 (3) is designed for travel on at least four (4) nonhighway or
42 off-highway tires; **and**



- 1 (4) is designed for recreational use by one (1) or more individuals.
 2 (5) has a nonstraddle seat or saddle; and
 3 (6) has a steering wheel for steering control.
- 4 SECTION 17. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY
 5 1, 2014]. Sec. 239.5: "Requesting state"; for purposes of IC 14-24-4.5;
 6 has the meaning set forth in IC 14-24-4.5-2(2).
- 7 SECTION 18. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY
 8 1, 2014]. Sec. 242.5: "Responding state"; for purposes of IC 14-24-4.5;
 9 has the meaning set forth in IC 14-24-4.5-2(3).
- 10 SECTION 19. IC 14-8-2-265, AS AMENDED BY P.L.225-2005,
 11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2014]: Sec. 265. "State", has the following meaning:
- 13 (1) For purposes of IC 14-24-4.5, the meaning set forth in
 14 IC 14-24-4.5-2(1).
 15 (2) for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means
 16 the following:
 17 (A) (1) The Indiana state government.
 18 (B) (2) An agency, a subdivision, an officer, a board, a bureau, a
 19 commission, a department, a division, or an instrumentality of the
 20 state.
- 21 SECTION 20. IC 14-22-6-13, AS AMENDED BY P.L.140-2013,
 22 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2014]: Sec. 13. (a) If the director:
 24 (1) determines that a species of wild animal present within a state
 25 park poses an unusual hazard to the health or safety of one (1) or
 26 more individuals;
 27 (2) determines, based upon the opinion of a professional biologist,
 28 that it is likely that:
 29 (A) a species of wild animal present within a state park will
 30 cause obvious and measurable damage to the ecological
 31 balance within the state park; and
 32 (B) the ecological balance within the state park will not be
 33 maintained unless action is taken to control the population of
 34 the species within the state park; or
 35 (3) is required under a condition of a lease from the federal
 36 government to manage a particular wild animal species;
 37 the director shall **establish a controlled hunt for the authorize the**
 38 **taking of a species within the state park under rules adopted under**
 39 **IC 4-22-2.**
 40 (b) An order issued by the director under this section must set forth
 41 the conditions of the hunt.
 42 (c) The director may issue an order under this section under



1 ~~IC 4-21.5-4.~~

2 SECTION 21. IC 14-22-9-11, AS AMENDED BY P.L.151-2012,
3 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2014]: Sec. 11. (a) As used in this section, "motorboat" means
5 a watercraft propelled by:

- 6 (1) an internal combustion, steam, or electrical inboard or
7 outboard motor or engine; or
8 (2) any mechanical means.

9 The term does not include a personal watercraft.

10 (b) The ~~department~~ **director** shall establish and implement a
11 **demonstration** program for the purpose of containing and reducing
12 invasive animal species in the Wabash River. In administering this
13 program, the ~~department~~ **director** may **do any of the following**:

- 14 (1) Allow the taking of a specific invasive animal species by a
15 means described in section 1(a)(2) of this chapter.
16 (2) ~~may~~ Require the use of ammunition described in 50 CFR
17 20.21(j). ~~or~~
18 (3) Require a hunting or fishing license under IC 14-22-12-1.
19 **(4) Allow the taking of a specific invasive animal species to be**
20 **taken from a motorboat.**
21 **(5) Establish any other limitations concerning the time, place,**
22 **or participants of a demonstration program.**

23 (c) 312 IAC 9-2-2(d), as in effect July 1, 2011, does not apply to this
24 section.

25 SECTION 22. IC 14-22-10-6 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who,
27 whether or not the person has been issued a certificate of approval,
28 license, permit, or other document of approval authorized by this article
29 or any other Indiana law, discharges, sprays, or releases waste
30 materials, chemicals, or other substances:

- 31 (1) either accidentally, negligently, or willfully;
32 (2) in any quantity, concentration, or manner onto or in any water
33 of Indiana, the boundary waters of the state, or onto or in public
34 or private land; and
35 (3) so that wild animals are killed as a result;

36 is responsible for the kill.

37 (b) The director shall, in the name of the state, recover damages,
38 **including the cost of restoration**, from the person. Upon receipt of the
39 estimates of the damages caused, the director shall notify the ~~attorney~~
40 ~~general~~ **person responsible within ninety (90) days of the kill to the**
41 **wild animals, and the director may enter into a proper and**
42 **reasonable settlement with the person. In determining the damages**



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caused, the director may consider the following:

- (1) The direct value of the wild animals killed.
- (2) The direct value of law enforcement costs, including wages of investigating officers, cost of any materials used, and travel expenses.
- (3) The value of damage to habitat, including injured vegetation, contaminated sediment, and dead invertebrate prey species.

(c) If the total sum of the values under subsection (b)(1), (b)(2), and (b)(3) exceeds five thousand dollars (\$5,000) in damages, the director may consider the following in addition to the damages calculated under subsection (b):

- (1) The decreased value of the habitat for the number of years necessary for the habitat to recover to predamaged conditions.
- (2) The value of lost recreational fishing and hunting time, including future decreased value for the number of years necessary for the recreational use to recover to predamaged conditions.

(e) The attorney general shall notify the persons responsible for the destruction of wild animals in question and may effect a settlement that the attorney general and the director consider proper and reasonable.

(d) If a settlement is not reached within a reasonable time, the attorney general department shall bring a civil action to recover the damage in an appropriate court in the county in which the discharge of material responsible for the death of wild animals took place: **initiate a proceeding under IC 4-21.5 and IC 14-10-2 to recover damages.**

(e) The proceeds of a recovery shall be used to replace, as far as and as promptly as possible, in whatever manner the director considers proper, the wild animal population or habitat in the waters or lands in question. If the improvement of the wild animal population or habitat in question is not practicable, the proceeds shall be deposited into the fish and wildlife fund.

SECTION 23. IC 14-22-24.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 24.5. Dog Training Ground Permit

Sec. 1. The department may issue a dog training ground permit without charge to a person to train dogs at any time of year inside or outside of an enclosure under rules adopted under IC 4-22-2 for the protection of wild animals.

Sec. 2. An enclosure used under this chapter does not constitute



1 **possession of the wild animal if the enclosure does not meet the**
 2 **requirements for an enclosure for that species under:**

- 3 **(1) a game breeder's license issued under IC 14-22-20; or**
 4 **(2) a wild animal permit issued under IC 14-22-26.**

5 SECTION 24. IC 14-22-28-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The director may
 7 issue to a person that owns or has an interest in property:

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

12 by a wild animal protected by this article a free permit to take ~~kill~~, or
 13 ~~capture~~ the wild animal.

14 SECTION 25. IC 14-22-28-4 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The director may
 16 have an investigation made of a complaint that wild animals are
 17 causing damage **or posing a health or safety threat to persons or**
 18 **domestic animals.** If it is found that:

- 19 (1) the damage has not been caused by wild animals; or
 20 (2) the person ~~would abuse the privileges;~~ **has not complied with**
 21 **the requirements under this chapter or a rule adopted under**
 22 **this chapter;**

23 a permit shall be denied **according to the procedures in IC 4-21.5.**

24 SECTION 26. IC 14-22-38-6, AS AMENDED BY P.L.158-2013,
 25 SECTION 204, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) As used in this section,**
 27 **"guide services" means fishing or hunting guide or outfitter**
 28 **services that are offered or provided for money or other**
 29 **consideration.**

30 ~~(a)~~ **(b)** As used in this section, "sell" includes barter, purchases,
 31 and offers to sell, barter, or purchase.

32 ~~(b)~~ **(c)** As used in this section, "ship" includes transporting,
 33 delivering for shipment or transport, and causing to be shipped or
 34 transported.

35 ~~(c)~~ **(d)** As used in this section, "wild animal" includes the following:

- 36 (1) A living or dead wild animal.
 37 (2) A part of a living or dead wild animal.

38 ~~(d)~~ **(e)** A person who knowingly or intentionally:

- 39 **(1) sells or ships wild animals, nests, or eggs; or**
 40 **(2) provides guide services to take, acquire, receive, transport,**
 41 **or possess wild animals;**

42 that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of



1 less than five hundred dollars (\$500) commits a Class C misdemeanor.

2 ~~(e)~~ **(f)** A person who knowingly or intentionally:

3 **(1)** sells or ships wild animals, nests, or eggs; **or**

4 **(2) provides guide services to take, acquire, receive, transport,**
5 **or possess wild animals;**

6 that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of
7 at least five hundred dollars (\$500) but less than five thousand dollars
8 (\$5,000) commits a Level 6 felony.

9 ~~(f)~~ **(g)** A person who knowingly or intentionally:

10 **(1)** sells or ships wild animals, nests, or eggs; **or**

11 **(2) provides guide services to take, acquire, receive, transport,**
12 **or possess wild animals;**

13 that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of
14 at least five thousand dollars (\$5,000) commits a Level 5 felony.

15 SECTION 27. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1,
16 2014]. (Pest Control Compact).

17 SECTION 28. IC 14-28-1-22, AS AMENDED BY P.L.76-2010,
18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2014]: Sec. 22. (a) As used in subsection (b)(1) with respect
20 to a stream, "total length" means the length of the stream, expressed in
21 miles, from the confluence of the stream with the receiving stream to
22 the upstream or headward extremity of the stream, as indicated by the
23 solid or dashed, blue or purple line depicting the stream on the most
24 current edition of the seven and one-half (7 1/2) minute topographic
25 quadrangle map published by the United States Geological Survey,
26 measured along the meanders of the stream as depicted on the map.

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

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

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

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

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



1 a minimal threat to floodway areas.

2 (5) An activity in a boundary river floodway to which section 26.5
3 of this chapter applies.

4 (6) The removal of a logjam or mass of wood debris that has
5 accumulated in a river or stream, subject to the following
6 conditions:

7 (A) Work must not be within a salmonid stream designated
8 under 327 IAC 2-1.5-5 without the prior written approval of
9 the department's division of fish and wildlife.

10 (B) Work must not be within a natural, scenic, or recreational
11 river or stream designated under 312 IAC 7-2.

12 (C) Except as otherwise provided in Indiana law, free logs or
13 affixed logs that are crossways in the channel must be cut,
14 relocated, and removed from the floodplain. Logs may be
15 maintained in the floodplain if properly anchored or otherwise
16 secured so as to resist flotation or dislodging by the flow of
17 water and placement in an area that is not a wetland. Logs
18 must be removed and secured with a minimum of damage to
19 vegetation.

20 (D) Isolated or single logs that are embedded, lodged, or
21 rooted in the channel, and that do not span the channel or
22 cause flow problems, must not be removed unless the logs are
23 either of the following:

24 (i) Associated with or in close proximity to larger
25 obstructions.

26 (ii) Posing a hazard to navigation.

27 (E) A leaning or severely damaged tree that is in immediate
28 danger of falling into the waterway may be cut and removed if
29 the tree is associated with or in close proximity to an
30 obstruction. The root system and stump of the tree must be left
31 in place.

32 (F) To the extent practicable, the construction of access roads
33 must be minimized, and should not result in the elevation of
34 the floodplain.

35 (G) To the extent practicable, work should be performed
36 exclusively from one (1) side of a waterway. Crossing the bed
37 of a waterway is prohibited.

38 (H) To prevent the flow of sediment laden water back into the
39 waterway, appropriate sediment control measures must be
40 installed.

41 (I) Within fifteen (15) days, all bare and disturbed areas must
42 be revegetated with a mixture of grasses and legumes. Tall



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



1 **A permit that is active and was issued under subdivision (1) before**
 2 **July 1, 2014, is valid for two (2) years beginning July 2014, and a**
 3 **permit that is active and was issued under subdivision (2) before**
 4 **July 1, 2014, is valid for five (5) years beginning July 2014.**

5 **(h) A permit issued under this section may be renewed one (1)**
 6 **time for a period not to exceed two (2) additional years.**

7 ~~(h)~~ **(i)** The director shall send a copy of each permit issued under
 8 this section to each river basin commission organized under:

9 (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or

10 (2) IC 14-30-1 or IC 36-7-6 (before its repeal);

11 that is affected.

12 ~~(i)~~ **(j)** The permit holder shall post and maintain a permit issued
 13 under this section at the authorized site.

14 ~~(j)~~ **(k)** For the purposes of this chapter, the lowest floor of a
 15 building, including a residence or abode, that is to be constructed or
 16 reconstructed in the one hundred (100) year floodplain of an area
 17 protected by a levee that is:

18 (1) inspected; and

19 (2) found to be in good or excellent condition;

20 by the United States Army Corps of Engineers shall not be lower than
 21 the one hundred (100) year frequency flood elevation plus one (1) foot.

22 SECTION 29. IC 14-28-1-34 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. A person who
 24 knowingly fails to comply with section ~~22(i)~~ **22(j)** of this chapter
 25 commits a Class B infraction. Each day a person violates section ~~22(i)~~
 26 **22(j)** of this chapter constitutes a separate infraction.

27 SECTION 30. IC 25-21.5-1-7, AS AMENDED BY SEA 24-2014,
 28 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) "Practice of surveying" means
 30 providing, or offering to provide, professional services involving:

31 (1) the making of geometric measurements of, and gathering
 32 related information pertaining to, the physical or legal features of
 33 the earth, improvements on the earth, the space above the earth,
 34 or any part of the earth; and

35 (2) the use and development of the measurements and information
 36 gathered under subdivision (1) into survey products, including
 37 graphics, digital data, maps, plats, plans, reports, and descriptions
 38 and projects.

39 (b) Professional services provided under the practice of surveying
 40 include consultation, investigation, testimony evaluation, expert
 41 technical testimony, planning, mapping, assembling, and interpreting
 42 gathered measurements and information related to any of the following:



- 1 (1) Determining the configuration or contour of the earth's surface
 2 or the position of fixed objects thereon by measuring lines and
 3 angles and applying the principles of mathematics or
 4 photogrammetry.
- 5 (2) Determining the size and shape of the earth, or any point on
 6 the earth, by performing geodetic surveys using angular and linear
 7 measurements through spatially oriented spherical geometry.
- 8 (3) Determining, by the use of principles of surveying, the
 9 position for any nonboundary related survey control monument or
 10 reference point, or setting, resetting, or replacing any
 11 nonboundary related monument or reference point.
- 12 (4) Locating, relocating, establishing, reestablishing, laying out,
 13 retracing, or marking any property or boundary line or corner of
 14 any tract of land or of any right-of-way or easement.
- 15 (5) Making any survey or preparing any plat for the subdivision
 16 of any tract of land.
- 17 (6) Determining, by the use of principles of surveying, the
 18 position for any boundary related survey monument or reference
 19 point, or setting, resetting, or replacing any monument or
 20 reference point.
- 21 (7) Preparing a description for any parcel or boundary of land, or
 22 for any right-of-way or easement, except when prepared by an
 23 attorney who is licensed to practice law in Indiana.
- 24 (8) Determining the amount of acreage contained in any parcel of
 25 land, except when determined by an attorney who is licensed to
 26 practice law in Indiana.
- 27 (9) Performing construction staking or layout of the control for
 28 any elements of an engineering, building, or construction project,
 29 if the position of an element is:
- 30 (A) dependent on;
 31 (B) in specific relation to; or
 32 (C) in close proximity to;
 33 a boundary, or property line, or corner, including easements and
 34 rights-of-way.
- 35 (10) For and within subdivisions being designed by a professional
 36 surveyor, the preparation and furnishing of plats, plans, and
 37 profiles for roads, storm drainage, sanitary sewer extensions, and
 38 the location of residences or dwellings where the work involves
 39 the use and application of standards prescribed by local, state, or
 40 federal authorities.
- 41 (11) All work incidental to cleaning out, reconstructing, or
 42 maintaining existing open and tile drains.



- 1 (12) Creating, preparing, or modifying electronic or computerized
 2 data relative to the performance of the activities described in this
 3 subsection.
- 4 (c) Activities included within the practice of surveying that must be
 5 accomplished under the responsible charge of a professional surveyor,
 6 unless specifically exempted under subsection (d), include the
 7 following:
- 8 (1) The creation of maps and geo-referenced data bases
 9 representing authoritative locations for boundaries, fixed works,
 10 or topography, either by terrestrial surveying methods or by
 11 photogrammetric or GNSS locations. This includes maps and
 12 geo-referenced data bases prepared by any person, firm, or
 13 government agency if that data is provided to the public as a
 14 survey product.
- 15 (2) Original data acquisition, or the resolution of conflicts
 16 between multiple data sources, when used for the authoritative
 17 location of features within the following data themes:
- 18 (A) Geodetic control.
 19 (B) Orthoimagery.
 20 (C) Elevation and bathymetry.
 21 (D) Fixed works.
 22 (E) Government boundaries.
 23 (F) Cadastral information.
- 24 (3) Certification of positional accuracy of maps or measured
 25 survey data.
- 26 (4) Measurement, adjustment, and authoritative interpretation of
 27 raw survey data.
- 28 (5) GIS-based parcel or cadastral mapping used for authoritative
 29 boundary definition purposes wherein land title or development
 30 rights for individual parcels are, or may be, affected.
- 31 (6) Interpretation of maps, deeds, or other land title documents to
 32 resolve conflicting data elements within cadastral documents of
 33 record.
- 34 (7) Acquisition of field data required to authoritatively position
 35 fixed works or cadastral data to geodetic control.
- 36 (8) Adjustment or transformation of cadastral data to improve the
 37 positional accuracy of the parcel layer or layers with respect to the
 38 geodetic control layer within a GIS for purposes of affirming
 39 positional accuracy.
- 40 (d) A distinction is made in this subsection, in the use of electronic
 41 systems, between making or documenting original measurements in the
 42 creation of survey products and the copying, interpretation, or



1 representation of those measurements in systems. Further, a distinction
 2 is made according to the intent, use, or purpose of measurement
 3 products in electronic systems, between the determination of
 4 authoritative locations and the use of those products as a locational
 5 reference for planning, infrastructure management, and general
 6 information. The following items are not included as activities within
 7 the definition of the practice of surveying:

8 (1) The creation of general maps:

9 (A) prepared by private firms or government agencies for use
 10 as guides to motorists, boaters, aviators, or pedestrians;

11 (B) prepared for publication in a gazetteer or atlas as an
 12 educational tool or reference publication;

13 (C) prepared for or by educational institutions for use in the
 14 curriculum of any course of study;

15 (D) produced by any electronic or print media firm as an
 16 illustrative guide to the geographic location of any event; or

17 (E) prepared by lay persons for conversational or illustrative
 18 purposes, including advertising material and users' guides.

19 (2) The transcription of previously geo-referenced data into a
 20 geographic information system by manual or electronic means,
 21 and the maintenance thereof, if the data are clearly not intended
 22 to indicate the authoritative location of property boundaries, the
 23 precise definition of the shape or contour of the earth, and the
 24 precise location of fixed works of humans.

25 (3) The transcription of public record data, without modification
 26 except for graphical purposes, into geographic information
 27 systems-based cadastres, including tax maps, zoning maps, and
 28 associated records by manual or electronic means, and the
 29 maintenance of that cadastre, if the data are clearly not intended
 30 to authoritatively represent property boundaries.

31 (4) The preparation of any document by any agency of the federal
 32 government that does not define real property boundaries,
 33 including civilian and military versions of quadrangle topographic
 34 maps, military maps, satellite imagery, and other similar
 35 documents.

36 (5) The incorporation or use of documents or data bases prepared
 37 by any federal agency into a geographic information system,
 38 including federal census and demographic data, quadrangle
 39 topographic maps, and military maps.

40 (6) Inventory maps and data bases created by any organization, in
 41 either hard copy or electronic form, of physical features, facilities,
 42 or infrastructure that are wholly contained within properties to



1 which the organization has rights or for which the organization
 2 has management responsibility. The distribution of these maps
 3 and data bases outside the organization must contain appropriate
 4 metadata describing, at a minimum, the accuracy, method of
 5 compilation, data source or sources, and date or dates, and
 6 disclaimers of use clearly indicating that the data are not intended
 7 to be used as a survey product.

8 (7) Maps, cross-sections, graphics, and data bases depicting the
 9 distribution of natural resources or phenomena prepared by
 10 foresters, geologists, soil scientists, geophysicists, biologists,
 11 archeologists, historians, or other persons qualified to document
 12 and interpret the data in the context of their respective practices.

13 (8) Maps and geo-referenced data bases depicting physical
 14 features and events prepared by any government agency if the
 15 access to that data is restricted by statute, including
 16 geo-referenced data generated by law enforcement agencies
 17 involving crime statistics and criminal activities.

18 **(9) Classified parcels developed in accordance with**
 19 **IC 6-1.1-6-9(c).**

20 (e) The use of photogrammetric methods or similar remote sensing
 21 technology to perform any part of the practice of surveying as defined
 22 in this section may be performed only under the direct control and
 23 supervision of a professional surveyor or professional
 24 photogrammetrists who maintain a current title of "Certified
 25 Photogrammetrist" from a national scientific organization having a
 26 process for certifying photogrammetrists.

27 (f) The practice of surveying encompasses a number of disciplines,
 28 including geodetic surveying, hydrographic surveying, cadastral
 29 surveying, construction staking, route surveying, photogrammetric
 30 surveying, and topographic surveying. A professional surveyor may
 31 practice only within the surveyor's area of expertise.

32 SECTION 31. IC 36-7-13.5-11, AS AMENDED BY P.L.197-2011,
 33 SECTION 132, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The commission ~~shall~~ **may**
 35 do the following:

36 (1) Identify qualifying properties.

37 (2) Prepare a comprehensive environmental master plan for
 38 development and redevelopment within the corridor that:

39 (A) plans for remediation of environmental contamination;

40 (B) accounts for economic development and transportation
 41 issues relating to environmental contamination; and

42 (C) establishes priorities for development or redevelopment of



- 1 qualifying properties.
- 2 (3) Establish guidelines for the evaluation of applications for
- 3 environmental grants from the environmental fund.
- 4 (4) After reviewing a report from the department of
- 5 environmental management under section 22 of this chapter,
- 6 make decisions on applications for environmental grants from the
- 7 environmental fund under section 21 of this chapter.
- 8 (5) Prepare and provide information to political subdivisions on
- 9 the availability of financial assistance from the environmental
- 10 fund.
- 11 (6) Coordinate the implementation of the comprehensive
- 12 environmental master plan.
- 13 (7) Monitor the progress of implementation of the comprehensive
- 14 environmental master plan.
- 15 (8) Report ~~at least once every two (2) years~~ to the governor, the
- 16 lieutenant governor, the Indiana economic development
- 17 corporation, the legislative council, the budget committee, and all
- 18 political subdivisions that have territory within the corridor on:
- 19 (A) the activities of the commission; and
- 20 (B) the progress of implementation of the comprehensive
- 21 environmental master plan.
- 22 ~~An annual~~ **A report provided** under this subdivision to the
- 23 legislative council must be in an electronic format under
- 24 IC 5-14-6.
- 25 (9) Study various plans and recommendations that are proposed
- 26 concerning marina development along the corridor. Based on
- 27 these studies, the commission shall do the following:
- 28 (A) Prepare a comprehensive marina plan.
- 29 (B) Recommend state and local legislation for the
- 30 development of marinas along the corridor.
- 31 (C) Coordinate the implementation of the marina plan and
- 32 legislation.
- 33 (10) Make marina grants of money to units of local government
- 34 for the construction or improvement of a marina in the corridor if
- 35 the grants are consistent with the marina plans, standards, and
- 36 criteria established by the commission.
- 37 (b) It is the goal of marina projects under this chapter to create
- 38 employment in the private sector.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1307, 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 8, line 28, strike "attorney".

Page 8, line 29, strike "general." and insert "**person responsible within ninety (90) days of the kill to the wild animals, and the director may enter into a proper and reasonable settlement with the person.**".

Page 8, line 37, delete "for the number of years necessary for the habitat" and insert ".".

Page 8, delete line 38, begin a new paragraph and insert:

"(c) If the total sum of the values under subsection (b)(1), (b)(2), and (b)(3) exceeds five thousand dollars (\$5,000) in damages, the director may consider the following in addition to the damages calculated under subsection (b):"

Page 8, line 39, delete "(4)" and insert "**(1)**".

Page 8, line 42, delete "(5)" and insert "**(2)**".

Page 9, strike lines 4 through 6.

Page 9, line 7, delete "If" begin a new paragraph and insert:

"(d) if".

Page 9, line 7, strike "attorney".

Page 9, line 8, strike "general" and insert "**department**".

Page 9, line 8, strike "a civil" and insert "**an administrative**".

Page 9, line 8, after "action" insert "**under IC 4-21.5**".

Page 9, line 8, strike "damage in an".

Page 9, strike line 9.

Page 9, line 10, strike "responsible for the death of wild animals took place." and insert "**damages.**".

Page 9, line 11, strike "(d)" and insert "**(e)**".

and when so amended that said bill do pass.

(Reference is to HB 1307 as introduced.)

EBERHART, Chair

Committee Vote: yeas 7, nays 0.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1307 be amended to read as follows:

Page 2, line 17, strike "to describe and plat a parcel" and insert "**of depicting and identifying parcels classified as native forest land, forest plantation, or wildlands**".

Page 2, line 17, delete "." and insert "**provided that the means do not result in a real property description of the parcel.**".

Page 17, line 36, delete "parcel descriptions" and insert "**parcels**".

(Reference is to HB 1307 as printed January 28, 2014.)

EBERHART

 COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred House Bill No. 1307, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 27 and 28, begin a new paragraph and insert: "SECTION 5. IC 6-7-3-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 3.3. As used in this chapter, "distribute" has the meaning set forth in IC 35-48-1-14.**

SECTION 6. IC 6-7-3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 5.5. (a) As used in this section, "license" means a controlled substance distribution license.**

(b) As used in this section, "licensee" means a person or entity who is licensed under this section to distribute a controlled substance.

(c) A person or entity is prohibited from distributing a controlled substance that is prohibited under IC 35-48-4 or 21 U.S.C. 841 through 21 U.S.C. 852 as of July 1, 2014. Notwithstanding whether the prohibitions listed in this subsection are subsequently repealed, a person or entity must hold a current valid license under this section.

(d) The department shall issue a license for distribution of each controlled substance. Each license shall be specific to the controlled

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substance and may not be combined to include multiple types of controlled substances.

(e) The initial fee for the license shall be twenty-five thousand dollars (\$25,000) with a yearly renewal fee amount to be set by the department, but not to exceed two thousand five hundred dollars (\$2,500).

(f) A licensee is entitled to renew a license if the renewal fee is submitted to the department before the anniversary date of the issuance of the license. If the renewal fee is not paid before the anniversary date of the issuance of the license, the fee for issuance of a new license will be twenty-five thousand dollars (\$25,000).

(g) A license may be obtained for distribution of a controlled substance whether or not the licensee is currently engaged in the actual distribution of a controlled substance.

(h) The department shall adopt rules for determination of eligibility to receive a license under this section not later than January 1, 2015. Licenses may be issued under this section after the adoption of rules by the department.

SECTION 7. IC 6-7-3-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11.5. (a) A person who distributes a controlled substance without a controlled substance distribution license issued under section 5.5 of this chapter is subject to a one hundred thousand dollar (\$100,000) penalty for each act of distribution without a license issued under section 5.5 of this chapter.

(b) In the interest of justice, the department may reduce the penalty imposed under subsection (a), subject to judicial approval.

(c) The penalty described in subsection (a) does not apply to a controlled substance that is distributed, manufactured, or dispensed by a person registered under IC 35-48-3.

SECTION 8. IC 6-7-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) The department may award up to ten percent (10%) of the total amount collected from an assessment under this chapter to any person who provides information leading to the collection of a tax liability imposed under this chapter. An award made under this subsection must be made before any other distributions under this section.

(b) Whenever a law enforcement agency provides information leading to the collection of a tax liability imposed under this chapter, the department shall award ~~thirty percent (30%)~~ **thirty-five percent (35%)** of the total amount collected from an assessment to the law enforcement agency that provided the information that resulted in the



assessment. The law enforcement agency shall use the money the agency receives under this chapter to conduct criminal investigations. A law enforcement agency may not receive an award under more than one (1) subsection.

(c) The department shall award ten percent (10%) of the amount deposited in the fund during each month to the law enforcement training board to train law enforcement personnel.

(d) The department shall adopt rules that establish a local grant program from which local communities and law enforcement can seek reimbursement for expenses incurred in remediation of property that has been impacted by the manufacture of a controlled substance.

~~(d)~~ (e) The department may use twenty percent (20%) of the amount deposited in the fund during a state fiscal year to pay the costs of administration and enforcement of this chapter.

~~(e)~~ (f) Awards may not be made under this chapter to the following:

- (1) A law enforcement officer.
- (2) An employee of the department.
- (3) An employee of the Internal Revenue Service.
- (4) An employee of the federal Drug Enforcement Agency.

~~(f)~~ (g) All the money deposited in the fund that is not needed for awards or to cover the costs of administration under this chapter shall be transferred to the state drug free communities fund established under IC 5-2-10.

~~(g)~~ (h) An award made under subsection (a) or (b) shall be made on the basis of collections from each individual assessment that resulted from information supplied to the department by a person or law enforcement agency.

~~(h)~~ (i) Money shall be considered collected under this section only after all protest periods have expired or all appeals have been adjudicated."

Page 9, line 16, strike "bring".

Page 9, line 16, delete "an administrative".

Page 9, line 17, strike "action".

Page 9, line 17, delete "under IC 4-21.5".

Page 9, line 17, strike "to recover the".

Page 9, line 19, delete "damages." and insert **"initiate a proceeding under IC 4-21.5 and IC 14-10-2 to recover damages."**

Page 9, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 19. IC 14-22-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:



Chapter 24.5. Dog Training Ground Permit

Sec. 1. The department may issue a dog training ground permit without charge to a person to train dogs at any time of year inside or outside of an enclosure under rules adopted under IC 4-22-2 for the protection of wild animals.

Sec. 2. An enclosure used under this chapter does not constitute possession of the wild animal if the enclosure does not meet the requirements for an enclosure for that species under:

- (1) a game breeder's license issued under IC 14-22-20; or**
- (2) a wild animal permit issued under IC 14-22-26."**

Page 14, line 6, delete "AS AMENDED BY P.L.57-2013," and insert "AS AMENDED BY SEA 24-2014, SECTION 106,".

Page 14, line 7, delete "SECTION 38,".

Page 18, after line 10, begin a new paragraph and insert:

"SECTION 26. IC 36-7-13.5-11, AS AMENDED BY P.L.197-2011, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The commission ~~shall~~ **may** do the following:

- (1) Identify qualifying properties.
- (2) Prepare a comprehensive environmental master plan for development and redevelopment within the corridor that:
 - (A) plans for remediation of environmental contamination;
 - (B) accounts for economic development and transportation issues relating to environmental contamination; and
 - (C) establishes priorities for development or redevelopment of qualifying properties.
- (3) Establish guidelines for the evaluation of applications for environmental grants from the environmental fund.
- (4) After reviewing a report from the department of environmental management under section 22 of this chapter, make decisions on applications for environmental grants from the environmental fund under section 21 of this chapter.
- (5) Prepare and provide information to political subdivisions on the availability of financial assistance from the environmental fund.
- (6) Coordinate the implementation of the comprehensive environmental master plan.
- (7) Monitor the progress of implementation of the comprehensive environmental master plan.
- (8) Report ~~at least once every two~~ **(2)** years to the governor, the lieutenant governor, the Indiana economic development corporation, the legislative council, the budget committee, and all



political subdivisions that have territory within the corridor on:

- (A) the activities of the commission; and
- (B) the progress of implementation of the comprehensive environmental master plan.

~~An annual~~ **A** report **provided** under this subdivision to the legislative council must be in an electronic format under IC 5-14-6.

(9) Study various plans and recommendations that are proposed concerning marina development along the corridor. Based on these studies, the commission shall do the following:

- (A) Prepare a comprehensive marina plan.
- (B) Recommend state and local legislation for the development of marinas along the corridor.
- (C) Coordinate the implementation of the marina plan and legislation.

(10) Make marina grants of money to units of local government for the construction or improvement of a marina in the corridor if the grants are consistent with the marina plans, standards, and criteria established by the commission.

(b) It is the goal of marina projects under this chapter to create employment in the private sector."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1307 as reprinted January 31, 2014.)

YODER, Chairperson

Committee Vote: Yeas 7, Nays 0.

