

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.

HOUSE ENROLLED ACT No. 1307

AN ACT to amend the Indiana Code concerning natural and cultural resources.

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

SECTION 1. IC 6-1.1-6-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 0.5. As used in this chapter, "geo-referenced" means a photo with a minimum horizontal accuracy of plus or minus six (6) meters at one (1) meter resolution.**

SECTION 2. IC 6-1.1-6-9, AS AMENDED BY P.L.57-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) Except as provided in subsections (b) and (c), a person who:

- (1) wishes to have a parcel of land classified as native forest land, a forest plantation, or wildlands; or
- (2) submits a revised application due to:
 - (A) the partial withdrawal of existing classified land;
 - (B) division of the parcel related to a conveyance; or
 - (C) the combination of contiguous lands;

must have the parcel described by a professional surveyor. The parcel must be described by metes and bounds or other professionally accepted practices and must locate the parcel with reference to an established corner. In addition, the description must identify the parcel by section, township, range, and county references. The professional surveyor shall prepare plats of the parcel in ink, and the professional surveyor shall prepare the plats on the scale, and in the number, prescribed by the department of natural resources.



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

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

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

- (1) owned by the United States;
- (2) owned by the state or one (1) of its political subdivisions (as defined in IC 36-1-2-13);
- (3) owned by an organization exempt from federal income taxation under 501(c)(3) of the Internal Revenue Code;
- (4) a human powered vessel, as determined by the department of natural resources;
- (5) held by a boat manufacturer, distributor, or dealer for sale in the ordinary course of business;
- (6) used by a person for the production of income and subject to assessment under IC 6-1.1;
- (7) stored in Indiana for less than twenty-two (22) consecutive days and not operated, used, or docked in Indiana;
- (8) **except as provided in subdivision (9)**, registered outside Indiana and operated, used, or docked in Indiana for a combined total of less than twenty-two (22) consecutive days during the boating year;
- (9) **a motorboat (as defined by IC 9-13-2-103.5) and is registered outside Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than one hundred eighty (180) consecutive days; or**
- (10) subject to the commercial vessel tonnage tax under IC 6-6-6.

SECTION 4. IC 6-6-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) For a boat which has been acquired, or brought into Indiana, or for any other reason becomes subject to the excise tax after the regular annual tax payment



date in the boating year on or before which the owner is required to pay the tax on boats under this chapter, the tax imposed by this chapter shall become due and payable no later than:

- (1) the thirty-second day after the boat is operated in Indiana, if the boat is registered in Indiana; ~~or~~
- (2) **except as provided in subdivision (3)**, the twenty-second consecutive day during the boating year that the boat is:
 - (A) stored in Indiana; or
 - (B) operated, used, or docked in Indiana waters if the boat is registered outside Indiana; **or**
- (3) the one hundred eighty-first day that the motorboat (as defined by IC 9-13-2-103.5) is docked on the Indiana part of Lake Michigan if the motorboat is registered outside Indiana.**

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

SECTION 5. IC 14-8-2-5.7, AS ADDED BY P.L.86-2010, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5.7. "All-terrain vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

- (1) is fifty (50) inches or less in width;
- (2) has a dry weight of twelve hundred (1,200) pounds or less;
- (3) is designed for travel on at least three (3) nonhighway or off-highway tires; **and**
- (4) is designed for recreational use by one (1) or more individuals.
- ~~(5) has a seat or saddle designed to be straddled by the operator;~~
- ~~and~~
- ~~(6) has handlebars for steering control.~~

The term includes parts, equipment, or attachments sold with the vehicle.

SECTION 6. IC 14-8-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 27. "Boundary waters", for purposes of **IC 14-9-9 and IC 14-22**, means the following:

- (1) The part of the Wabash River that forms the boundary between Illinois and Indiana.
- (2) The part of the Ohio River that forms the boundary between Kentucky and Indiana.
- (3) The part of the Great Miami River that forms the boundary between Ohio and Indiana.
- (4) The part of Lake Michigan that is under the jurisdiction of



Indiana.

(5) The lakes other than Lake Michigan that are on the boundary between Indiana and bordering states.

SECTION 7. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 49.2. (a) "Compact", for purposes of ~~IC 14-24-4.5~~; has the meaning set forth in ~~IC 14-24-4.5-2(8)~~.

(b) "Compact", for purposes of IC 14-25-15, has the meaning set forth in IC 14-25-15-1.

SECTION 8. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 86.5: "Executive committee", for purposes of ~~IC 14-24-4.5~~; has the meaning set forth in ~~IC 14-24-4.5-2(7)~~.

SECTION 9. IC 14-8-2-107, AS AMENDED BY P.L.133-2012, SECTION 164, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following meaning:

- (1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.
- (2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.
- (3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.
- (4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.
- (5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.
- (6) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.
- (7) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.
- (8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.
- (9) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.
- (10) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.
- (11) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.
- (12) For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.
- (13) For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.



(14) For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.

(15) For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.

(16) For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.

(17) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.

(18) For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.

~~(19) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).~~

~~(20)~~ (19) For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(21)~~ (20) For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(22)~~ (21) For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(23)~~ (22) For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(24)~~ (23) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(25)~~ (24) For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(26)~~ (25) For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.

~~(27)~~ (26) For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(28)~~ (27) For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(29)~~ (28) For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(30)~~ (29) For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(31)~~ (30) For purposes of IC 14-34-19-1.3, the meaning set forth in IC 14-34-19-1.3(a).

~~(32)~~ (31) For purposes of IC 14-34-19-1.5, the meaning set forth in IC 14-34-19-1.5(a).

~~(33)~~ (32) For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 10. IC 14-8-2-117, AS AMENDED BY P.L.225-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2014]: Sec. 117. "Governing board", ~~has the following meaning:~~

(1) ~~For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(6):~~

(2) ~~for purposes of IC 14-28-5, has the meaning set forth in IC 14-28-5-3.~~

SECTION 11. IC 14-8-2-118.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 118.5. "Guide services", for purposes of IC 14-22-38-6, has the meaning set forth in IC 14-22-38-6.**

SECTION 12. IC 14-8-2-203, AS AMENDED BY P.L.17-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 203. "Pest or pathogen", ~~has the following meaning:~~

(1) ~~Except as provided in IC 14-24-4.5, for purposes of IC 14-24,~~ means:

(A) ~~(1)~~ an arthropod;

(B) ~~(2)~~ a nematode;

(C) ~~(3)~~ a microorganism;

(D) ~~(4)~~ a fungus;

(E) ~~(5)~~ a parasitic plant;

(F) ~~(6)~~ a mollusk;

(G) ~~(7)~~ a plant disease; or

(H) ~~(8)~~ an exotic weed;

that may be injurious to nursery stock, agricultural crops, other vegetation, natural resources, or bees.

(2) ~~For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(4):~~

SECTION 13. IC 14-8-2-233.5, AS ADDED BY P.L.86-2010, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 233.5. "Recreational off-road vehicle", for purposes of IC 14-8-2-185, means a motorized, off-highway vehicle that:

(1) is ~~sixty-four (64)~~ **sixty-five (65)** inches or less in width;

(2) has a dry weight of two thousand (2,000) pounds or less;

(3) is designed for travel on at least four (4) nonhighway or off-highway tires; **and**

(4) is designed for recreational use by one (1) or more individuals.

(5) ~~has a nonstraddle seat or saddle; and~~

(6) ~~has a steering wheel for steering control.~~

SECTION 14. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY



1, 2014]. Sec. ~~239.5~~. "Requesting state", for purposes of IC ~~14-24-4.5~~, has the meaning set forth in IC ~~14-24-4.5-2(2)~~.

SECTION 15. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. ~~242.5~~. "Responding state", for purposes of IC ~~14-24-4.5~~, has the meaning set forth in IC ~~14-24-4.5-2(3)~~.

SECTION 16. IC 14-8-2-265, AS AMENDED BY P.L.225-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 265. "State", has the following meaning:

~~(1)~~ For purposes of IC ~~14-24-4.5~~, the meaning set forth in IC ~~14-24-4.5-2(1)~~.

~~(2)~~ for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means the following:

~~(A)~~ **(1)** The Indiana state government.

~~(B)~~ **(2)** An agency, a subdivision, an officer, a board, a bureau, a commission, a department, a division, or an instrumentality of the state.

SECTION 17. IC 14-9-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 5. (a) The counties with special boat patrol needs fund is established exclusively to provide grants to certain counties to provide law enforcement services on lakes **or boundary waters** located within the counties.

(b) The department shall administer the fund. Money in the fund includes money transferred from the conservation officers marine enforcement fund (IC 14-9-8-21.5). Money in the fund is annually appropriated to the department and shall be used exclusively for the enforcement of laws pertaining to watercraft on lakes **or boundary waters** located in counties with special boat patrol needs as described in this chapter.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 18. IC 14-9-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The department shall develop a formula for the distribution of grants from the fund. The formula must take into account at least the following factors:

(1) The number of lakes **or boundary waters** located within the county.

(2) The extent of boat usage for each lake **or boundary waters** in



the county.

(3) The total number of acres of lake **or boundary waters** surface within the county.

(4) The extent to which law enforcement services on the lakes **or boundary waters** located within the county are provided by the county.

(5) Any other pertinent factor that affects the extent to which law enforcement services are provided on lakes **or boundary waters** located within the county.

SECTION 19. IC 14-9-9-7, AS AMENDED BY P.L.217-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. For a county to be eligible to receive a grant from the fund, each year in which a grant is sought the following must occur:

(1) The county sheriff must submit to the fiscal body an estimated budget request to provide special needs boat patrol on lakes **or boundary waters** located within the county. If the county sheriff does not request a grant from the fund, the fiscal body may complete an estimated budget.

(2) If the budget request is approved, the fiscal body must timely apply to the department, on forms provided by the department, for a grant under this chapter.

(3) The department must certify the information on the application and, based on the formula developed under section 6 of this chapter, determine:

(A) whether the county may receive a grant; and

(B) the amount of the grant the county may receive;

under this chapter.

SECTION 20. IC 14-9-9-8, AS AMENDED BY P.L.217-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) If a county is awarded a grant under this chapter, the county must establish a special account within the county's general fund. The grant must be deposited in the special account for the county sheriff's or fiscal body's exclusive use in providing law enforcement services on lakes **or boundary waters** located within the county.

(b) The county sheriff or fiscal body may use grant money as authorized under this chapter without appropriation. However, itemized receipts for expenditures of money granted from the fund must be submitted for inspection and review upon request of the department. At the request of the department, the county auditor of the participating county shall conduct an audit of the account.



(c) The receipt of a grant under this chapter may not be used as a basis for lowering the county's maximum permissible ad valorem property tax levy.

(d) All individuals providing law enforcement services using a grant under this chapter, whether under the authority of the county sheriff or under a contract with the fiscal body, must meet the minimum training requirement set forth in IC 5-2-1-9.

SECTION 21. IC 14-9-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10. The department shall adopt rules under IC 4-22-2 to implement this chapter, including rules governing:

- (1) the deadlines for applying for a grant under this chapter; and
- (2) the types of expenses incurred by a county sheriff's department in providing the law enforcement services on lakes **or boundary waters** in the county for which grant money may be used.

SECTION 22. IC 14-19-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10.3. Recreational Trail Maintenance Fund

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Fund" refers to the recreational trail maintenance fund established by section 2 of this chapter.
- (2) "Recreational trail" has the meaning set forth in IC 8-4.5-1-16.
- (3) "Responsible party" has the meaning set forth in IC 8-4.5-1-17.

Sec. 2. (a) The recreational trail maintenance fund is established for the purpose of receiving money from the sources listed in subsection (b) for ultimate distribution to responsible parties to defray the costs of maintaining recreational trails. The department shall administer the fund.

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.
- (3) Federal grants or other federal appropriations.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.



(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 23. IC 14-22-6-13, AS AMENDED BY P.L.140-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. ~~(a)~~ If the director:

- (1) determines that a species of wild animal present within a state park poses an unusual hazard to the health or safety of one (1) or more individuals;
- (2) determines, based upon the opinion of a professional biologist, that it is likely that:
 - (A) a species of wild animal present within a state park will cause obvious and measurable damage to the ecological balance within the state park; and
 - (B) the ecological balance within the state park will not be maintained unless action is taken to control the population of the species within the state park; or
- (3) is required under a condition of a lease from the federal government to manage a particular wild animal species;

the director shall ~~establish a controlled hunt for the~~ **authorize the taking of** a species within the state park **under rules adopted under IC 4-22-2.**

~~(b) An order issued by the director under this section must set forth the conditions of the hunt.~~

~~(c) The director may issue an order under this section under IC 4-21.5-4.~~

SECTION 24. IC 14-22-9-11, AS AMENDED BY P.L.151-2012, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) As used in this section, "motorboat" means a watercraft propelled by:

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

The term does not include a personal watercraft.

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

- (1) Allow the taking of a specific invasive animal species by a means described in section 1(a)(2) of this chapter.
- (2) ~~may~~ Require the use of ammunition described in 50 CFR 20.21(j). ~~or~~
- (3) Require a hunting or fishing license under IC 14-22-12-1.



(4) Allow the taking of a specific invasive animal species to be taken from a motorboat.

(5) Establish any other limitations concerning the time, place, or participants of a demonstration program.

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

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

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

is responsible for the kill.

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

(c) 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.**

(~~d~~) (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 26. IC 14-22-12-7.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 7.3. (a) Subject to the commission adopting fees under subsection (b), the department may issue to residents of Indiana lifetime licenses to hunt, fish, or trap.**

(b) The commission may adopt rules under IC 4-22-2 and IC 14-10-2-4 to establish fees for lifetime licenses to hunt, fish, or trap.

SECTION 27. 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.**

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

- (1) being damaged; or**
- (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 ~~kill~~; or ~~capture~~ the wild animal.

SECTION 29. IC 14-22-28-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The director may have an investigation made of a complaint that wild animals are causing damage **or posing a health or safety threat to persons or domestic animals.** If it is found that:

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

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

SECTION 30. IC 14-22-31-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6. ~~Upon receipt of a license, the licensee shall post the licensed area at intervals of not more than five hundred (500) feet with signs to be prescribed by rule. The boundaries of the shooting preserve shall be clearly defined by fences of at least one (1) strand of wire.~~

SECTION 31. IC 14-22-38-6, AS AMENDED BY P.L.158-2013, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) As used in this section, "guide services" means fishing or hunting guide or outfitter services that are offered or provided for money or other consideration.**

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

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

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

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

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

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

that ~~(1)~~ are protected by law and ~~(2)~~ have an aggregate market value of less than five hundred dollars (\$500) commits a Class C misdemeanor.

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

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



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

(†) (g) A person who knowingly or intentionally:

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

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

SECTION 32. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Pest Control Compact).

SECTION 33. IC 14-28-1-22, AS AMENDED BY P.L.76-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 22. (a) As used in subsection (b)(1) with respect to a stream, "total length" means the length of the stream, expressed in miles, from the confluence of the stream with the receiving stream to the upstream or headward extremity of the stream, as indicated by the solid or dashed, blue or purple line depicting the stream on the most current edition of the seven and one-half (7 1/2) minute topographic quadrangle map published by the United States Geological Survey, measured along the meanders of the stream as depicted on the map.

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

- (1) A reconstruction or maintenance project (as defined in IC 36-9-27) on a stream or an open regulated drain if the total length of the stream or open drain is not more than ten (10) miles.
- (2) A construction or reconstruction project on a state or county highway bridge in a rural area that crosses a stream having an upstream drainage area of not more than fifty (50) square miles and the relocation of utility lines associated with the construction or reconstruction project if confined to an area not more than one hundred (100) feet from the limits of the highway construction right-of-way.
- (3) The performance of an activity described in subsection (c)(1) or (c)(2) by a surface coal mining operation that is operated under a permit issued under IC 14-34.
- (4) Any other activity that is determined by the commission, according to rules adopted under IC 4-22-2, to pose not more than a minimal threat to floodway areas.
- (5) An activity in a boundary river floodway to which section 26.5 of this chapter applies.
- (6) The removal of a logjam or mass of wood debris that has accumulated in a river or stream, subject to the following



conditions:

- (A) Work must not be within a salmonid stream designated under 327 IAC 2-1.5-5 without the prior written approval of the department's division of fish and wildlife.
 - (B) Work must not be within a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.
 - (C) Except as otherwise provided in Indiana law, free logs or affixed logs that are crossways in the channel must be cut, relocated, and removed from the floodplain. Logs may be maintained in the floodplain if properly anchored or otherwise secured so as to resist flotation or dislodging by the flow of water and placement in an area that is not a wetland. Logs must be removed and secured with a minimum of damage to vegetation.
 - (D) Isolated or single logs that are embedded, lodged, or rooted in the channel, and that do not span the channel or cause flow problems, must not be removed unless the logs are either of the following:
 - (i) Associated with or in close proximity to larger obstructions.
 - (ii) Posing a hazard to navigation.
 - (E) A leaning or severely damaged tree that is in immediate danger of falling into the waterway may be cut and removed if the tree is associated with or in close proximity to an obstruction. The root system and stump of the tree must be left in place.
 - (F) To the extent practicable, the construction of access roads must be minimized, and should not result in the elevation of the floodplain.
 - (G) To the extent practicable, work should be performed exclusively from one (1) side of a waterway. Crossing the bed of a waterway is prohibited.
 - (H) To prevent the flow of sediment laden water back into the waterway, appropriate sediment control measures must be installed.
 - (I) Within fifteen (15) days, all bare and disturbed areas must be revegetated with a mixture of grasses and legumes. Tall fescue must not be used under this subdivision, except that low endophyte tall fescue may be used in the bottom of the waterway and on side slopes.
- (c) A person who desires to:
- (1) erect, make, use, or maintain a structure, an obstruction, a



deposit, or an excavation; or

(2) suffer or permit a structure, an obstruction, a deposit, or an excavation to be erected, made, used, or maintained;

in or on a floodway must file with the director a verified written application for a permit accompanied by a nonrefundable fee of two hundred dollars (\$200).

(d) The application for a permit must set forth the material facts together with plans and specifications for the structure, obstruction, deposit, or excavation.

(e) An applicant must receive a permit from the director for the work before beginning construction. The director shall issue a permit only if in the opinion of the director the applicant has clearly proven that the structure, obstruction, deposit, or excavation will not do any of the following:

(1) Adversely affect the efficiency of or unduly restrict the capacity of the floodway.

(2) Constitute an unreasonable hazard to the safety of life or property.

(3) Result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.

(f) In deciding whether to issue a permit under this section, the director shall consider the cumulative effects of the structure, obstruction, deposit, or excavation. The director may incorporate in and make a part of an order of authorization conditions and restrictions that the director considers necessary for the purposes of this chapter.

(g) A permit issued under this section:

(1) is ~~void if construction is not commenced within valid for~~ two

(2) years after the issuance of the permit; and

(2) to:

(A) the Indiana department of transportation or a county highway department if there is any federal funding for the project; or

(B) an electric utility for the construction of a power generating facility;

is valid for five (5) years from the date of issuance. ~~and remains valid indefinitely if construction is commenced within five (5) years after the permit is issued.~~

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

(h) A permit issued under this section may be renewed one (1)



time for a period not to exceed two (2) additional years.

(†) (i) The director shall send a copy of each permit issued under this section to each river basin commission organized under:

- (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or
- (2) IC 14-30-1 or IC 36-7-6 (before its repeal);

that is affected.

(†) (j) The permit holder shall post and maintain a permit issued under this section at the authorized site.

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

- (1) inspected; and
- (2) found to be in good or excellent condition;

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

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

SECTION 35. IC 25-21.5-1-7, AS AMENDED BY SEA 24-2014, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) "Practice of surveying" means providing, or offering to provide, professional services involving:

- (1) the making of geometric measurements of, and gathering related information pertaining to, the physical or legal features of the earth, improvements on the earth, the space above the earth, or any part of the earth; and
- (2) the use and development of the measurements and information gathered under subdivision (1) into survey products, including graphics, digital data, maps, plats, plans, reports, and descriptions and projects.

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

- (1) Determining the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.
- (2) Determining the size and shape of the earth, or any point on



the earth, by performing geodetic surveys using angular and linear measurements through spatially oriented spherical geometry.

(3) Determining, by the use of principles of surveying, the position for any nonboundary related survey control monument or reference point, or setting, resetting, or replacing any nonboundary related monument or reference point.

(4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.

(5) Making any survey or preparing any plat for the subdivision of any tract of land.

(6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.

(7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an attorney who is licensed to practice law in Indiana.

(8) Determining the amount of acreage contained in any parcel of land, except when determined by an attorney who is licensed to practice law in Indiana.

(9) Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:

- (A) dependent on;
- (B) in specific relation to; or
- (C) in close proximity to;

a boundary, or property line, or corner, including easements and rights-of-way.

(10) For and within subdivisions being designed by a professional surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.

(11) All work incidental to cleaning out, reconstructing, or maintaining existing open and tile drains.

(12) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities described in this subsection.

(c) Activities included within the practice of surveying that must be accomplished under the responsible charge of a professional surveyor,



unless specifically exempted under subsection (d), include the following:

- (1) The creation of maps and geo-referenced data bases representing authoritative locations for boundaries, fixed works, or topography, either by terrestrial surveying methods or by photogrammetric or GNSS locations. This includes maps and geo-referenced data bases prepared by any person, firm, or government agency if that data is provided to the public as a survey product.
- (2) Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes:
 - (A) Geodetic control.
 - (B) Orthoimagery.
 - (C) Elevation and bathymetry.
 - (D) Fixed works.
 - (E) Government boundaries.
 - (F) Cadastral information.
- (3) Certification of positional accuracy of maps or measured survey data.
- (4) Measurement, adjustment, and authoritative interpretation of raw survey data.
- (5) GIS-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.
- (6) Interpretation of maps, deeds, or other land title documents to resolve conflicting data elements within cadastral documents of record.
- (7) Acquisition of field data required to authoritatively position fixed works or cadastral data to geodetic control.
- (8) Adjustment or transformation of cadastral data to improve the positional accuracy of the parcel layer or layers with respect to the geodetic control layer within a GIS for purposes of affirming positional accuracy.

(d) A distinction is made in this subsection, in the use of electronic systems, between making or documenting original measurements in the creation of survey products and the copying, interpretation, or representation of those measurements in systems. Further, a distinction is made according to the intent, use, or purpose of measurement products in electronic systems, between the determination of authoritative locations and the use of those products as a locational reference for planning, infrastructure management, and general



information. The following items are not included as activities within the definition of the practice of surveying:

- (1) The creation of general maps:
 - (A) prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;
 - (B) prepared for publication in a gazetteer or atlas as an educational tool or reference publication;
 - (C) prepared for or by educational institutions for use in the curriculum of any course of study;
 - (D) produced by any electronic or print media firm as an illustrative guide to the geographic location of any event; or
 - (E) prepared by lay persons for conversational or illustrative purposes, including advertising material and users' guides.
- (2) The transcription of previously geo-referenced data into a geographic information system by manual or electronic means, and the maintenance thereof, if the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and the precise location of fixed works of humans.
- (3) The transcription of public record data, without modification except for graphical purposes, into geographic information systems-based cadastres, including tax maps, zoning maps, and associated records by manual or electronic means, and the maintenance of that cadastre, if the data are clearly not intended to authoritatively represent property boundaries.
- (4) The preparation of any document by any agency of the federal government that does not define real property boundaries, including civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other similar documents.
- (5) The incorporation or use of documents or data bases prepared by any federal agency into a geographic information system, including federal census and demographic data, quadrangle topographic maps, and military maps.
- (6) Inventory maps and data bases created by any organization, in either hard copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which the organization has rights or for which the organization has management responsibility. The distribution of these maps and data bases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source or sources, and date or dates, and



disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

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

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

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

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

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

SECTION 36. 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.

SECTION 37. [EFFECTIVE JULY 1, 2014] (a) As used in this SECTION, "committee" refers to the natural resources study committee established by IC 2-5-5-1.

(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(c) The general assembly urges the legislative council to assign to the committee or another appropriate study committee the following topics:

(1) A statewide policy for recreational trails and the



maintenance of recreational trails.

(2) A method to distribute the money deposited into the recreational trail maintenance fund established by IC 14-19-10.3, as added by this act.

(d) If the committee or another appropriate study committee is assigned the topics described in subsection (c), the assigned committee shall issue to the legislative council in an electronic format under IC 5-14-6 a final report, containing the assigned committee's findings and recommendations, including any recommended legislation concerning the topics, not later than September 1, 2014.

(e) This SECTION expires January 1, 2015.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

