

# HOUSE BILL No. 1415

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 8-23-5-6; IC 14-10-2-1; IC 14-22; IC 14-24-10-1; IC 14-25-2-3; IC 14-25.5-3-4; IC 14-26; IC 14-27-7.5-10; IC 14-28-1; IC 14-29; IC 25-39-3-2.

**Synopsis:** Various natural resources matters. Adds certain structures that are eligible for institutional road fund money on department of natural resources (DNR) properties. Provides that certain fees concerning fish and wildlife, entomology and plants, water resources, lakes and reservoirs, dams, flood control, mineral extraction, channels, and well drillers and pump installers are considered to be minimum fees. Allows the natural resources commission to set certain license and permit fees above the specific minimum fee. Requires that a hunter or trapper must make a reasonable effort to remove a crippled or killed animal from a hunting area. Removes authority of the director of DNR (director) to furnish point of sale equipment to clerks and agents. Repeals distinctive hunting and fishing license provisions. Repeals bonding requirements for agents who sell fishing and hunting licenses. Provides that an importation permit is not required for game birds brought into the state under a game breeder's license. Requires the director to amend the state list of endangered species through rules. Removes the requirement that the director prepare a summary report of the date used to amend the state endangered species list. Allows DNR to use money in the water environmental fund to cover the costs of public awareness activities and certain litigation expenses. Removes expired language. Makes conforming changes.

**Effective:** July 1, 2017.

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## Eberhart, Kersey

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January 17, 2017, read first time and referred to Committee on Natural Resources.

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1415

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

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

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



1 roads to preserve scenic values; and

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

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

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

9 (2) Promulgate and maintain a state register of districts, sites,  
10 buildings, structures, and objects significant in American or  
11 Indiana history, architecture, archeology, and culture and expend  
12 money for the purpose of preparing comprehensive statewide  
13 historic surveys and plans, in accordance with criteria established  
14 by the commission, that comply with the standards and  
15 regulations promulgated by the United States Secretary of the  
16 Interior for the preservation, acquisition, and development of the  
17 properties.

18 (3) Establish in accordance with criteria established by the United  
19 States Secretary of the Interior a program of matching  
20 grants-in-aid to public agencies for projects having as their  
21 purpose the preservation for public benefit of properties that are  
22 significant in American or Indiana history, architecture,  
23 archeology, and culture.

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

26 (5) Establish fees for the following:

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

28 (B) Facilities owned or operated by the department or the  
29 commission or a lessee of the department or commission.

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

32 (D) Inspections or other similar services under this title  
33 performed by the department or an assistant or employee of  
34 the department.

35 (6) Adopt rules under IC 4-22-2 for the establishment of fees  
36 under subdivision (5), **including increasing a minimum fee**  
37 **specified in a statute.**

38 SECTION 3. IC 14-22-2-4 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) The director shall  
40 write and issue licenses and permits required by this article.

41 (b) **Subject to section 10 of this chapter, the director may charge**  
42 **a fee for a license or permit issued under subsection (a).**



1 SECTION 4. IC 14-22-2-10 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2017]: **Sec. 10. (a) Notwithstanding any law in this article, the**  
 4 **commission may set a license and permit fee, including an**  
 5 **application fee, in an amount that is above the minimum fee**  
 6 **established under the following:**

7 (1) Section 4 of this chapter (Licenses and permits written by  
 8 the director).

9 (2) IC 14-22-9-10 (Aquatic vegetation control).

10 (3) IC 14-22-13-1 (Commercial fishing).

11 (4) IC 14-22-13-2 (Commercial fishing on the Ohio River).

12 (5) IC 14-22-13-2.5 (Roe harvester or dealer).

13 (6) IC 14-22-14-9 (Commercial fishing on Lake Michigan).

14 (7) IC 14-22-14-10 (Commercial fishing on Lake Michigan).

15 (8) IC 14-22-15-2 (Fishing guide).

16 (9) IC 14-22-16-1 (Bait dealer).

17 (10) IC 14-22-19-2 (Fur buyer).

18 (11) IC 14-22-20-1 (Game breeder).

19 (12) IC 14-22-21-2 (Taxidermist).

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

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

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

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

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

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

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

27 (b) Before adopting rules under this section, the commission  
 28 shall consider the amount that is reasonably necessary to generate  
 29 revenue sufficient to offset the costs incurred in carrying out the  
 30 department's responsibilities and operating any related programs.

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

33 SECTION 5. IC 14-22-9-10 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 10. (a) This section**  
 35 **does not apply to the following:**

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

38 (2) A landowner or tenant adjacent to public waters or boundary  
 39 waters of the state, who chemically, mechanically, or physically  
 40 controls aquatic vegetation in the immediate vicinity of a boat  
 41 landing or bathing beach on or adjacent to the real property of the  
 42 landowner or tenant if the following conditions exist:



- 1 (A) The area where vegetation is to be controlled does not  
 2 exceed:  
 3 (i) twenty-five (25) feet along the legally established,  
 4 average, or normal shoreline;  
 5 (ii) a water depth of six (6) feet; and  
 6 (iii) a total surface area of six hundred twenty-five (625)  
 7 square feet.  
 8 (B) Control of vegetation does not occur in a public waterway  
 9 of the state.
- 10 (b) A person may not chemically, mechanically, physically, or  
 11 biologically control aquatic vegetation in the public waters or boundary  
 12 waters of the state without a permit issued by the department. All  
 13 procedures to control aquatic vegetation under this section shall be  
 14 conducted in accordance with rules adopted by the department under  
 15 IC 4-22-2.
- 16 (c) **Subject to IC 14-22-2-10**, upon receipt of an application for a  
 17 permit to control aquatic vegetation and the payment of a fee of five  
 18 dollars (\$5), the department may issue a permit to the applicant.  
 19 However, if the aquatic vegetation proposed to be controlled is present  
 20 in a public water supply, the department may not, without prior written  
 21 approval from the department of environmental management, approve  
 22 a permit for chemical control of the aquatic vegetation.
- 23 (d) This section does not do any of the following:  
 24 (1) Act as a bar to a suit or cause of action by a person or  
 25 governmental agency.  
 26 (2) Relieve the permittee from liability, rules, restrictions, or  
 27 permits that may be required of the permittee by any other  
 28 governmental agency.  
 29 (3) Affect water pollution control laws (as defined in  
 30 IC 13-11-2-261) and the rules adopted under water pollution  
 31 control laws (as defined in IC 13-11-2-261).
- 32 SECTION 6. IC 14-22-10-7 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. A person may not  
 34 kill or cripple a wild animal without making a reasonable effort to  
 35 ~~retrieve~~ **remove** the animal **from the hunting area** and, **if there is a**  
 36 **bag limit for the animal**, include the animal in the person's daily bag  
 37 limit.
- 38 SECTION 7. IC 14-22-11-3, AS AMENDED BY P.L.155-2015,  
 39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2017]: Sec. 3. (a) An applicant for a hunting, trapping, or  
 41 fishing license must provide the applicant's Social Security number in  
 42 order to obtain the license. Social Security numbers acquired under this



1 subsection shall be kept confidential and used only to carry out the  
2 purposes of the Title IV-D program.

3 (b) The director and agents appointed by the director as authorized  
4 representatives of the department shall issue hunting, trapping, and  
5 fishing licenses.

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

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

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

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

18 SECTION 8. IC 14-22-12-4 IS REPEALED [EFFECTIVE JULY 1,  
19 2017]. ~~Sec. 4: (a) To encourage donations to the fish and wildlife fund;  
20 the department may issue on a distinctive form a limited number of any  
21 license authorized under section 4 of this chapter.~~

22 ~~(b) The charge for a license issued under this section, which  
23 includes the license fee plus a donation to the fish and wildlife fund;  
24 may not be less than fifty dollars (\$50). The money collected for a  
25 license under this section that exceeds the license fee under section 4  
26 of this chapter shall be placed in the fish and wildlife fund.~~

27 ~~(c) The holder of a license issued under this section is not entitled  
28 to any privileges in addition to those provided by a license issued under  
29 section 4 of this chapter.~~

30 SECTION 9. IC 14-22-12-5, AS AMENDED BY P.L.155-2015,  
31 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2017]: Sec. 5. (a) The department may issue a duplicate  
33 license to replace a lost license issued to an individual under ~~sections  
34 section 1 and 4~~ of this chapter.

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

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

40 SECTION 10. IC 14-22-12-6 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. **Subject to  
42 IC 14-22-2-10**, the department may issue a special permit for the



1 taking of wildlife by a person with a disability of such a nature that it  
 2 is difficult or impossible for the individual to be in a position to take  
 3 wildlife unless the individual is given special consideration. Statutes  
 4 and rules may be waived only as necessary to give effect to this section.

5 SECTION 11. IC 14-22-12-7.5 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7.5. (a) As used in this  
 7 section, "automated point of sale licensing system" means a system  
 8 designed to dispense hunting, fishing, and trapping licenses.

9 (b) ~~Before July 1, 2005,~~ The department shall develop and  
 10 implement an automated point of sale licensing system for use in  
 11 Indiana for the sale of hunting, fishing, and trapping licenses to  
 12 residents and nonresidents of Indiana.

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

15 SECTION 12. IC 14-22-12-11 IS REPEALED [EFFECTIVE JULY  
 16 1, 2017]. ~~Sec. 11. (a) Agents designated by the director and serving~~  
 17 ~~directly under the director's supervision must execute a bond meeting~~  
 18 ~~the following requirements:~~

19 (1) ~~The bond is payable to the state in an amount:~~

20 (A) ~~not less than five thousand dollars (\$5,000); but~~

21 (B) ~~sufficient to cover the value of licenses distributed to the~~  
 22 ~~agent.~~

23 (2) ~~The surety is approved by the director.~~

24 (3) ~~The bond is conditioned on the proper selling of the licenses~~  
 25 ~~and proper accounting for all money due to the state.~~

26 (b) ~~An agent's obligations under this section expire on the earlier of:~~

27 (1) ~~the date on which the agent begins offering hunting, fishing,~~  
 28 ~~and trapping licenses for sale under an automated point of sale~~  
 29 ~~licensing system implemented under section 7.5 of this chapter;~~

30 ~~or~~

31 (2) ~~July 1, 2005.~~

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

35 (1) The waters of the state.

36 (2) The boundary waters of the state, except Lake Michigan and  
 37 the Ohio River.

38 (b) The department may issue to an individual who is a resident of  
 39 Indiana a license to use in and to possess for use in the water seines,  
 40 hoop nets, fyke nets, basket traps, basket nets, or trap nets under rules  
 41 adopted under IC 4-22-2 upon payment of the following **minimum** fee:

42 (1) For seines, except legal minnow seines, twenty dollars (\$20)



1 for each one hundred (100) yards and fraction thereof.

2 (2) For each dip-net, hoop-net, basket trap, basket net, trap-net, or  
3 fyke-net, four dollars (\$4).

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

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

9 (1) Shovelnose sturgeon.

10 (2) Paddlefish.

11 (3) Bowfin.

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

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

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

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

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

30 (1) Resident and nonresident roe harvester's license for harvesting  
31 on the Ohio River, one thousand dollars (\$1,000).

32 (2) Resident roe harvester's license for harvesting on inland water  
33 of Indiana, one thousand dollars (\$1,000).

34 (3) Roe dealer's license, one thousand dollars (\$1,000).

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

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

42 SECTION 15. IC 14-22-14-9 IS AMENDED TO READ AS





1 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) A commercial  
2 fishing license:

3 (1) expires December 31 of the year for which the license was  
4 issued or reserved;

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

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

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

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

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

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

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

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

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

30 SECTION 18. IC 14-22-16-1, AS AMENDED BY P.L.151-2012,  
31 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32 JULY 1, 2017]: Sec. 1. (a) A person engaging in or continuing to  
33 engage in the business of selling or bartering live minnows or crayfish  
34 for bait shall file an application with the division for a bait dealer's  
35 license. The application and the license must be on forms prescribed by  
36 the director.

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

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

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

41 SECTION 19. IC 14-22-19-2 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) The department



1 may issue the following licenses to engage in the business of buying  
 2 furbearing mammals or the untanned hides, skins, and furs of  
 3 furbearing mammals in Indiana upon payment of the following  
 4 **minimum** license fees:

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

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

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

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

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

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

22 (1) propagate in captivity; and

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

24 game birds, game mammals, or furbearing mammals protected by  
 25 Indiana law.

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

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

33 (1) protected by Indiana law; and

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

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

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

39 (1) bear the signature of two (2) relevant scientists as references  
 40 to:

41 (A) the character;

42 (B) academic and scientific accomplishments; and



- 1 (C) fitness;  
 2 of the applicant; and  
 3 (2) be accompanied by a **minimum** fee of ten dollars (\$10).  
 4 **(b) The fee in subsection (a)(2) is subject to IC 14-22-2-10.**  
 5 SECTION 23. IC 14-22-23-3 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. **Subject to**  
 7 **IC 14-22-2-10**, the **minimum** fee for a falconry license is sixty dollars  
 8 (\$60).  
 9 SECTION 24. IC 14-22-24-2 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. **(a)** The department  
 11 may issue a permit for a **minimum** fee of ten dollars (\$10) to a person  
 12 to conduct a field trial under rules adopted under IC 4-22-2 for the  
 13 protection of wild animals. The rules shall be incorporated in or  
 14 attached to the permit when issued.  
 15 **(b) The fee in subsection (a) is subject to IC 14-22-2-10.**  
 16 SECTION 25. IC 14-22-25-1, AS AMENDED BY P.L.289-2013,  
 17 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2017]: Sec. 1. This chapter does not apply to the following:  
 19 (1) Animals imported into Indiana for the purpose of being  
 20 confined and exhibited in a zoo or other public display of animals.  
 21 (2) Other animals that the department designates.  
 22 (3) Animals regulated under IC 14-22-31-7.  
 23 **(4) Game birds under a game breeder's license issued under**  
 24 **IC 14-22-20.**  
 25 SECTION 26. IC 14-22-25-3 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. An application for  
 27 a permit must be filed with the director not less than ten (10) days  
 28 before the proposed date of importation. **Subject to IC 14-22-2-10**, a  
 29 **minimum** fee of five dollars (\$5) must accompany the application.  
 30 SECTION 27. IC 14-22-26-4 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. A permit issued  
 32 under this chapter:  
 33 (1) must be in the form prescribed by the director;  
 34 (2) may not be issued unless the director is satisfied that the  
 35 permit should be issued;  
 36 (3) has an expiration date fixed by the director; and  
 37 (4) **subject to IC 14-22-2-10**, has a **minimum** fee of ten dollars  
 38 (\$10).  
 39 SECTION 28. IC 14-22-27-2 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. **Subject to**  
 41 **IC 14-22-2-10**, the **minimum** fee for a permit under this chapter is  
 42 three dollars (\$3).



1 SECTION 29. IC 14-22-30-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. The director may  
 3 issue to a person, upon application, a **free** permit to use or discharge  
 4 dynamite or other explosives in the waters of this state under the rules  
 5 that the director prescribes for the protection of fish in the waters of the  
 6 state.

7 SECTION 30. IC 14-22-31-2 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. **Subject to**  
 9 **IC 14-22-2-10**, an application for a license under section 1 of this  
 10 chapter must be accompanied by a **minimum** fee of one hundred  
 11 dollars (\$100) with the application.

12 SECTION 31. IC 14-22-34-11 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. ~~(a)~~ The director:

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

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

21 SECTION 32. IC 14-24-10-1 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) The department  
 23 shall collect the following **minimum** fees:

- 24 (1) For each license issued to a dealer, fifty dollars (\$50).  
 25 However, a certified nurseryman who has paid an inspection fee  
 26 may obtain a dealer's license for twenty dollars (\$20).  
 27 (2) For the inspection of a nursery, fifty dollars (\$50) plus an  
 28 additional fee of three dollars (\$3) for each acre of land  
 29 containing nursery stock.

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

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

36 SECTION 33. IC 14-25-2-3 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. A contract for the  
 38 sale of water on a unit pricing basis that is entered into under this  
 39 chapter or under IC 13-2-1-7 (before its repeal) after June 30, 1991,  
 40 must provide for compensation to the state at the rate of **not less than**  
 41 thirty-three dollars (\$33) per one million (1,000,000) gallons of water.

42 SECTION 34. IC 14-25.5-3-4 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) Money paid into  
2 the fund may be appropriated for the following purposes:

3 (1) To cover the costs of mitigating a violation of an article to  
4 which this article applies or rules adopted under an article to  
5 which this article applies.

6 (2) To cover the costs of:

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

8 (B) protecting the public from harm;

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

10 **(D) litigation expenses directly related to the enforcement**  
11 **process, including the cost of transcripts, depositions, and**  
12 **expert witnesses;**

13 caused by a violation of an article to which this article applies or  
14 a violation of rules adopted under an article to which this article  
15 applies.

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

20 SECTION 35. IC 14-26-2-23, AS AMENDED BY P.L.25-2009,  
21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2017]: Sec. 23. (a) Unless a person obtains a permit from the  
23 department under this section and conducts the activities according to  
24 the terms of the permit, a person may not conduct the following  
25 activities:

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

28 (A) excavate;

29 (B) place fill; or

30 (C) place, modify, or repair a temporary or permanent  
31 structure.

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

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

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

36 of a public freshwater lake.

37 (3) Change the water level, area, or depth of a public freshwater  
38 lake or the location of the shoreline or water line.

39 (b) An application for a permit for an activity described in  
40 subsection (a) must be accompanied by the following:

41 (1) A nonrefundable **minimum** fee of one hundred dollars (\$100).

42 (2) A project plan that provides the department with sufficient



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



1           may seek administrative review by the commission.

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

4           (f) After:

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

8           (2) the completion of judicial review or the expiration of the  
 9           opportunity for judicial review;

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

13          SECTION 36. IC 14-26-5-4 IS AMENDED TO READ AS  
 14          FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. **(a)** A request for a  
 15          permit may be made by any person interested in the proposed work by  
 16          filing with the department the following:

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

18           (2) Plans and specifications for the work.

19           (3) An investigation fee of a **minimum of** twenty-five dollars  
 20           (\$25).

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

24          SECTION 37. IC 14-27-7.5-10 IS AMENDED TO READ AS  
 25          FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 10. (a) The department  
 26          shall make an engineering inspection of:

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

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

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

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

34          (c) The department shall charge the following for engineering  
 35          inspections:

36           (1) For a significant hazard structure under subsection (a)(1), a  
 37           **minimum** fee of two hundred dollars (\$200).

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

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



1 SECTION 38. IC 14-28-1-5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. The commission  
 3 shall adopt rules under IC 4-22-2 for the following:

- 4 (1) The transaction of commission business.  
 5 (2) The administration and exercise of the commission's powers  
 6 and duties.  
 7 **(3) Subject to IC 14-10-2-1, set the permit fees not less than**  
 8 **the minimum fee established in sections 22, 24, and 26.5 of this**  
 9 **chapter.**

10 SECTION 39. IC 14-28-1-22, AS AMENDED BY P.L.155-2015,  
 11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2017]: Sec. 22. (a) As used in subsection (b)(1) with respect  
 13 to a stream, "total length" means the length of the stream, expressed in  
 14 miles, from the confluence of the stream with the receiving stream to  
 15 the upstream or headward extremity of the stream, as indicated by the  
 16 solid or dashed, blue or purple line depicting the stream on the most  
 17 current edition of the seven and one-half (7 1/2) minute topographic  
 18 quadrangle map published by the United States Geological Survey,  
 19 measured along the meanders of the stream as depicted on the map.

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

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





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



1 excavation to be erected, made, used, or maintained;  
 2 in or on a floodway must file with the director a verified written  
 3 application for a permit accompanied by a nonrefundable **minimum**  
 4 fee of two hundred dollars (\$200).

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

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

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

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

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

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

24 (g) A permit issued under this section:

25 (1) is valid for two (2) years after the issuance of the permit; and

26 (2) to:

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

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

32 is valid for five (5) years from the date of issuance.

33 A permit that is active and was issued under subdivision (1) before July  
 34 1, 2014, is valid for two (2) years beginning July 2014, and a permit  
 35 that is active and was issued under subdivision (2) before July 1, 2014,  
 36 is valid for five (5) years beginning July 2014.

37 (h) A permit issued under:

38 (1) subsection (g)(1) may be renewed one (1) time for a period not  
 39 to exceed two (2) additional years; and

40 (2) subsection (g)(2) may be renewed one (1) time for a period not  
 41 to exceed five (5) additional years.

42 (i) The director shall send a copy of each permit issued under this



1 section to each river basin commission organized under:

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

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

4 that is affected.

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

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

11 (1) inspected; and

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

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

15 SECTION 40. IC 14-28-1-24, AS AMENDED BY P.L.53-2008,  
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2017]: Sec. 24. (a) This section does not apply to the  
18 reconstruction of a residence located in a boundary river floodway.

19 (b) A person may not begin the reconstruction of an abode or a  
20 residence that is located in a floodway and is substantially damaged (as  
21 defined in 44 CFR 59.1, as in effect on January 1, 1993) unless the  
22 person has:

23 (1) obtained a permit under this section or section 26.5 of this  
24 chapter; or

25 (2) demonstrated to the department through the submission of  
26 material facts, plans, and specifications that the material used to  
27 elevate the reconstructed abode or residence:

28 (A) does not extend beyond the original foundation of the  
29 abode or residence; and

30 (B) meets the criteria set forth in subsection (d)(2) through  
31 (d)(7).

32 (c) A person who desires to reconstruct an abode or a residence that  
33 does not meet the requirements under subsection (b)(2) must file with  
34 the director a verified written application for a permit accompanied by  
35 a nonrefundable **minimum** fee of fifty dollars (\$50). An application  
36 submitted under this section must do the following:

37 (1) Set forth the material facts concerning the proposed  
38 reconstruction.

39 (2) Include the plans and specifications for the reconstruction.

40 (d) The director may issue a permit to an applicant under this  
41 section only if the applicant has clearly proven all of the following:

42 (1) The abode or residence will be reconstructed:



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



- 1 section; or  
 2 (3) fails to post and maintain a permit at a reconstruction site in  
 3 violation of subsection (h);  
 4 commits a Class B infraction. Each day that the person is in violation  
 5 of subsection (b), the permit, or subsection (h) constitutes a separate  
 6 infraction.
- 7 SECTION 41. IC 14-28-1-26.5, AS AMENDED BY P.L.57-2013,  
 8 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2017]: Sec. 26.5. (a) This section applies to the following  
 10 activities:
- 11 (1) The placement or replacement of a mobile home within a  
 12 boundary river floodway.  
 13 (2) The repair of a residence that:  
 14 (A) is located in a boundary river floodway; and  
 15 (B) has been damaged by floodwaters or another means;  
 16 except for the reconstruction of a residence to which section 25 of  
 17 this chapter applies.  
 18 (3) The construction of an:  
 19 (A) addition to; or  
 20 (B) improvement of;  
 21 a residential structure within a boundary river floodway.  
 22 (4) The construction of a new residence within a boundary river  
 23 floodway.
- 24 (b) The federal regulations that:  
 25 (1) were adopted by the director of the Federal Emergency  
 26 Management Agency to implement the National Flood Insurance  
 27 Act (42 U.S.C. 4001 et seq.);  
 28 (2) are published in 44 CFR Parts 59 through 60; and  
 29 (3) are in effect on January 1, 1997;  
 30 are adopted as the criteria for determining whether an activity referred  
 31 to in subsection (a) is allowed in Indiana. However, the lowest floor of  
 32 a new residence constructed within a boundary river floodway referred  
 33 to in subsection (a)(4) must be at least two (2) feet above the one  
 34 hundred (100) year frequency flood elevation.
- 35 (c) A person who wishes to perform an activity referred to in  
 36 subsection (a) is authorized to perform the activity if:  
 37 (1) the federal regulations described in subsection (b) as the  
 38 governing criteria allow the activity; and  
 39 (2) the person obtains a permit for the activity under this section.
- 40 (d) To obtain a permit for an activity referred to in subsection (a),  
 41 a person must:  
 42 (1) file with the director a verified written application for a permit



- 1 on a form provided by the department; and  
 2 (2) pay to the department a nonrefundable **minimum** fee of ten  
 3 dollars (\$10).  
 4 (e) An application filed under this section must:  
 5 (1) set forth the material facts concerning the proposed activity;  
 6 and  
 7 (2) in the case of an activity described in subsection (a)(1), (a)(3),  
 8 or (a)(4), include plans and specifications for the construction,  
 9 reconstruction, or repair.  
 10 (f) If an application submitted under this section meets the  
 11 requirements set forth in subsections (d) and (e), the director may not  
 12 reject the application unless the regulations adopted as the governing  
 13 criteria under subsection (b) do not allow the activity.  
 14 (g) If the federal regulations adopted as the governing criteria under  
 15 subsection (b) authorize a type of activity only when certain conditions  
 16 are met, a permit that the director issues for that type of activity may  
 17 require the applicant, in carrying out the activity, to meet the same  
 18 conditions.  
 19 (h) If:  
 20 (1) there is a dispute under this section about the elevation of a  
 21 site; and  
 22 (2) the elevation of the site has been determined by a professional  
 23 surveyor;  
 24 the elevation determined by the professional surveyor must be used as  
 25 the accepted elevation.  
 26 SECTION 42. IC 14-29-3-2 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. In issuing a permit  
 28 under this chapter, the department shall do the following:  
 29 (1) Fix by the permit the area within which it is lawful and in the  
 30 best interests of the state to permit the taking by the permittee of  
 31 the mineral or substance.  
 32 (2) Fix by the permit and collect from the permittee when due the  
 33 amount of the reasonable value of the mineral or substance to be  
 34 taken, measured by weight, cubic dimensions, or other common  
 35 and usual measurement.  
 36 (3) **Subject to IC 14-10-2-1**, collect a **minimum** fee of fifty  
 37 dollars (\$50) for each permit issued.  
 38 SECTION 43. IC 14-29-4-4 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. A person who  
 40 desires to construct a channel must do the following:  
 41 (1) File a verified written application for a permit with the  
 42 commission that does the following:



- 1 (A) States the material facts.  
 2 (B) Includes the plans and specifications for the construction  
 3 of the channel.  
 4 (C) Identifies each facility to which the channel will provide  
 5 access.  
 6 (2) **Subject to IC 14-10-2-1**, include with the application a  
 7 nonrefundable **minimum** fee of one hundred dollars (\$100).  
 8 SECTION 44. IC 25-39-3-2, AS AMENDED BY P.L.84-2010,  
 9 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2017]: Sec. 2. (a) An application for a license must be made  
 11 on a form prescribed by the commission in rules adopted under  
 12 IC 4-22-2. The purpose of the form is to identify the applicant and  
 13 obtain information to determine if the applicant is qualified to be  
 14 licensed.  
 15 (b) An application for an original license or a license renewal must  
 16 be accompanied by a **minimum** license fee of one hundred dollars  
 17 (\$100).  
 18 (c) Unless an applicant has held an original license for less than one  
 19 (1) year, a license renewal application must be accompanied by:  
 20 (1) a copy of the continuing education verification of attendance  
 21 forms; and  
 22 (2) a statement by the applicant attesting that the applicant has  
 23 complied with the continuing education requirements under  
 24 IC 25-39-6.  
 25 **(d) The commission may set a license fee above the minimum fee**  
 26 **established under subsection (b).**

