



February 22, 2022

ENGROSSED HOUSE BILL No. 1103

DIGEST OF HB 1103 (Updated February 21, 2022 2:40 pm - DI 129)

Citations Affected: IC 14-8; IC 14-10; IC 14-11; IC 14-22; IC 14-28;
IC 14-34; IC 25-36.5; IC 31-25; IC 35-52.

Synopsis: Department of natural resources. Repeals code provisions regarding commercial fishing on Lake Michigan. Provides that the natural resources commission (commission) may adopt rules to allow for electronic notification of new rules being considered for adoption instead of publishing notice in a newspaper of general circulation. Removes the requirement that the director of the department of natural resources (department) send, to a person who has a license that is placed on probationary status, notice that includes a description of the amount of child support in arrears and an explanation of the procedures to pay child support arrearage. Repeals the mussels license issued by
(Continued next page)

Effective: July 1, 2022.

Eberhart, Boy, Abbott, May

(SENATE SPONSOR — GLICK)

January 4, 2022, read first time and referred to Committee on Natural Resources.
January 24, 2022, amended, reported — Do Pass.
January 26, 2022, read second time, ordered engrossed. Engrossed.
January 27, 2022, read third time, passed. Yeas 90, nays 0.

SENATE ACTION

February 7, 2022, read first time and referred to Committee on Natural Resources.
February 21, 2022, reported favorably — Do Pass.

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Digest Continued

the department. Provides that a law enforcement officer or an employee of the department is not liable for the destruction of a permitted animal that escapes an enclosure and poses a threat to public safety. Provides instances when a construction permit for a floodway is not required to remove a logjam or mass of wood debris that has accumulated in a river or stream. Provides that, beginning January 1, 2022, the director of the department shall not exercise authority to remove or eliminate an abode or residence from a floodway if the abode or residence was constructed before January 1, 2022. (Current law provides that the director of the department shall not exercise the authority if the residence or abode was constructed before January 1, 2020.) Provides that before July 1, 2023, the department shall adopt a license for the removal of trees; channel maintenance; and bank reconstruction, repair, and stabilization in a floodway. Provides that a local floodplain administrator shall utilize the best floodplain mapping data available as provided by the department and located on the Indiana Floodplain Information Portal when reviewing a permit application for a structure or a construction activity in, or near, a floodplain. Provides that a contract to purchase timber must be in writing. Allows the collection of damages for costs associated with a claim or action, including attorney's fees, or damages specified in a contract with a timber buyer or a person who cuts timber but is not a timber buyer. Requires a timber buyer to keep complete and accurate records for at least five years after a transaction. Allows the director of the department to suspend a timber buyer's license for not more than 90 days before a final adjudication if the director of the department finds that the holder of the timber buyer's license poses a clear and immediate danger to public health, safety, or property if allowed to continue to operate. Provides that the director of the department may renew the suspension for periods of not more than 90 days. Makes technical and conforming changes.

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February 22, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1103

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 14-8-2-44 IS REPEALED [EFFECTIVE JULY 1,
2 2022]. ~~Sec. 44: "Commercial fishing", for purposes of IC 14-22-14, has~~
3 ~~the meaning set forth in IC 14-22-14-1.~~
- 4 SECTION 2. IC 14-8-2-45 IS REPEALED [EFFECTIVE JULY 1,
5 2022]. ~~Sec. 45: "Commercial fishing gear", for purposes of~~
6 ~~IC 14-22-14, has the meaning set forth in IC 14-22-14-2.~~
- 7 SECTION 3. IC 14-8-2-46 IS REPEALED [EFFECTIVE JULY 1,
8 2022]. ~~Sec. 46: "Commercial fishing license", for purposes of~~
9 ~~IC 14-22-14, has the meaning set forth in IC 14-22-14-3.~~
- 10 SECTION 4. IC 14-8-2-138 IS REPEALED [EFFECTIVE JULY 1,
11 2022]. ~~Sec. 138: "Lake Michigan", for purposes of IC 14-22-14, has the~~
12 ~~meaning set forth in IC 14-22-14-4.~~
- 13 SECTION 5. IC 14-8-2-242, AS AMENDED BY P.L.148-2020,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2022]: Sec. 242. (a) "Resident", for purposes of IC 14-22,

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1 except as provided in subsection (b), means a person who:

2 (1) is domiciled in Indiana for sixty (60) consecutive days
3 immediately preceding the date of the purchase of a license or
4 permit; and

5 (2) does not claim residency for hunting, fishing, or trapping in
6 any state other than Indiana or any country other than the United
7 States.

8 ~~(b) "Resident", for purposes of IC 14-22-17, has the meaning set~~
9 ~~forth in IC 14-22-17-1.~~

10 ~~(c)~~ (b) "Resident", for purposes of IC 14-33-24-9, has the meaning
11 set forth in IC 14-33-24-9(a).

12 SECTION 6. IC 14-10-2-4, AS AMENDED BY P.L.164-2020,
13 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2022]: Sec. 4. (a) The commission shall adopt rules under
15 IC 4-22-2 to carry out the commission's duties under this title.

16 (b) The commission may adopt rules to exempt an activity from
17 licensing under this title, except:

- 18 (1) IC 14-34;
19 (2) IC 14-36-1; and
20 (3) IC 14-38-2;

21 if the activity poses not more than a minimal potential for harm.

22 (c) Except as provided in subsection (d), whenever the department
23 or the director has the authority to adopt rules under IC 4-22-2, the
24 commission shall exclusively exercise the authority.

25 (d) Emergency rules adopted under section 5 of this chapter shall be
26 adopted by the director.

27 **(e) Notwithstanding IC 4-22-2-24, the commission may adopt**
28 **rules under IC 4-22-2 for electronic notification of rules under**
29 **consideration for adoption rather than publishing notice in a**
30 **newspaper of general circulation.**

31 ~~(e)~~ (f) A person who violates a rule adopted by the commission
32 commits a Class C infraction, unless otherwise specified under state
33 law.

34 SECTION 7. IC 14-11-3-4, AS AMENDED BY P.L.150-2018,
35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2022]: Sec. 4. (a) Upon receiving an order from the bureau
37 under IC 31-25-4-32(j) or IC 31-25-4-34(e), the director shall place on
38 probationary status any license issued under IC 14-22-12, ~~IC 14-22-14;~~
39 ~~IC 14-22-16, IC 14-22-17;~~ IC 14-22-19, IC 14-24-7, or IC 14-31-3 and
40 held by the person who is the subject of the order. The director shall
41 send the person a notice that does the following:

- 42 (1) States that the person's license has been placed on



- 1 probationary status.
- 2 (2) States that the person's license will be suspended if the
- 3 director has not received notice from the bureau under
- 4 IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days
- 5 after the date of the notice.
- 6 ~~(3) Describes the amount of child support that the person is in~~
- 7 ~~arrears.~~
- 8 ~~(4) Explains the procedures to:~~
- 9 ~~(A) pay the person's child support arrearage in full; and~~
- 10 ~~(B) establish a payment plan with the bureau to pay the~~
- 11 ~~arrearage, which must include an income withholding order~~
- 12 ~~under IC 31-16-15-2 or IC 31-16-15-2.5.~~
- 13 (b) If the director has not received notice from the bureau under
- 14 IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the
- 15 date of the notice in subsection (a), the director shall suspend the
- 16 license issued to the person under IC 14-22-12, ~~IC 14-22-14,~~
- 17 ~~IC 14-22-16, IC 14-22-17,~~ IC 14-22-19, IC 14-24-7, or IC 14-31-3.
- 18 (c) The director may not reinstate a license placed on probationary
- 19 status or suspended under this section until the director receives a
- 20 notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g)
- 21 that the person has addressed the delinquency.
- 22 SECTION 8. IC 14-22-2-10, AS AMENDED BY P.L.154-2019,
- 23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2022]: Sec. 10. (a) Notwithstanding any law in this article, the
- 25 commission may adjust a license and permit fee, including an
- 26 application fee, in an amount that is above the minimum fee
- 27 established under the following:
- 28 (1) Section 4 of this chapter (Licenses and permits written by the
- 29 director).
- 30 (2) IC 14-22-9-10 (Aquatic vegetation control).
- 31 (3) IC 14-22-13-1 (Commercial fishing).
- 32 (4) IC 14-22-13-2 (Commercial fishing on the Ohio River).
- 33 (5) IC 14-22-13-2.5 (Roe harvester or dealer).
- 34 ~~(6) IC 14-22-14-9 (Commercial fishing on Lake Michigan).~~
- 35 ~~(7) IC 14-22-14-10 (Commercial fishing on Lake Michigan).~~
- 36 ~~(8) (6) IC 14-22-15-2 (Fishing guide).~~
- 37 ~~(9) (7) IC 14-22-15.5-3 (Hunting guide).~~
- 38 ~~(10) (8) IC 14-22-16-1 (Bait dealer).~~
- 39 ~~(11) (9) IC 14-22-19-2 (Fur buyer).~~
- 40 ~~(12) (10) IC 14-22-20-1 (Game breeder).~~
- 41 ~~(13) (11) IC 14-22-21-2 (Taxidermist).~~
- 42 ~~(14) (12) IC 14-22-22-2 (Scientific purposes).~~



- 1 ~~(+5)~~ **(13)** IC 14-22-23-3 (Falconry).
 2 ~~(+6)~~ **(14)** IC 14-22-24-2 (Field trials).
 3 ~~(+7)~~ **(15)** IC 14-22-25-3 (Fish and wild animal importation).
 4 ~~(+8)~~ **(16)** IC 14-22-26-4 (Wild animal possession).
 5 ~~(+9)~~ **(17)** IC 14-22-27-2 (Fish stocking).
 6 ~~(+20)~~ **(18)** IC 14-22-31-2 (Private shooting preserve).

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

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

13 SECTION 9. IC 14-22-14-1 IS REPEALED [EFFECTIVE JULY 1,
 14 2022]. ~~Sec. 1: As used in this chapter, "commercial fishing" means the~~
 15 ~~taking of fish by means of commercial fishing gear.~~

16 SECTION 10. IC 14-22-14-2 IS REPEALED [EFFECTIVE JULY
 17 1, 2022]. ~~Sec. 2: As used in this chapter, "commercial fishing gear"~~
 18 ~~means fishing equipment, including boats, nets, and other equipment,~~
 19 ~~used to take fish from Lake Michigan to sell at wholesale or retail.~~

20 SECTION 11. IC 14-22-14-3 IS REPEALED [EFFECTIVE JULY
 21 1, 2022]. ~~Sec. 3: As used in this chapter, "commercial fishing license"~~
 22 ~~refers to a commercial fishing license issued under this chapter.~~

23 SECTION 12. IC 14-22-14-4 IS REPEALED [EFFECTIVE JULY
 24 1, 2022]. ~~Sec. 4: As used in this chapter, "Lake Michigan" refers to the~~
 25 ~~waters of Lake Michigan that are within Indiana.~~

26 SECTION 13. IC 14-22-14-5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2022]: ~~Sec. 5. A person must have~~
 28 ~~a commercial fishing license to~~ **may not** ~~take fish from the~~ **Indiana**
 29 **waters of** Lake Michigan with commercial fishing gear.

30 SECTION 14. IC 14-22-14-6 IS REPEALED [EFFECTIVE JULY
 31 1, 2022]. ~~Sec. 6: To be eligible to hold a commercial fishing license,~~
 32 ~~the following conditions must be met:~~

33 ~~(1) If the person is not a corporation, all individuals comprising~~
 34 ~~the person must be residents of Indiana.~~

35 ~~(2) If the person is a corporation, the corporation must be an~~
 36 ~~Indiana corporation and all shareholders in the corporation must~~
 37 ~~be residents of Indiana.~~

38 SECTION 15. IC 14-22-14-7 IS REPEALED [EFFECTIVE JULY
 39 1, 2022]. ~~Sec. 7: The department may renew a commercial fishing~~
 40 ~~license, but may not issue an original commercial fishing license.~~

41 SECTION 16. IC 14-22-14-8 IS REPEALED [EFFECTIVE JULY
 42 1, 2022]. ~~Sec. 8: Commercial fishing licenses are designated as~~



1 follows:

2 (1) Class 1;

3 (2) Class 2;

4 (3) Class 3;

5 SECTION 17. IC 14-22-14-9 IS REPEALED [EFFECTIVE JULY
6 1, 2022]. Sec. 9: (a) A commercial fishing license:

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

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

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

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

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

22 SECTION 18. IC 14-22-14-10 IS REPEALED [EFFECTIVE JULY
23 1, 2022]. Sec. 10: Subject to IC 14-22-2-10, the minimum renewal fees
24 for commercial fishing licenses are as follows:

25 (1) Class 1, three thousand dollars (\$3,000);

26 (2) Class 2, six thousand dollars (\$6,000);

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

28 SECTION 19. IC 14-22-14-11 IS REPEALED [EFFECTIVE JULY
29 1, 2022]. Sec. 11: Except as provided under section 9 of this chapter,
30 and subject to section 12 of this chapter, a commercial fishing license
31 may be transferred from one (1) person to another.

32 SECTION 20. IC 14-22-14-12 IS REPEALED [EFFECTIVE JULY
33 1, 2022]. Sec. 12: (a) Except as provided in sections 13 and 14 of this
34 chapter, a person may not hold or have an interest in more than one (1)
35 commercial fishing license.

36 (b) If a person having an interest in one (1) commercial fishing
37 license acquires an interest in a second commercial fishing license:

38 (1) the second license is valid; and

39 (2) the person is considered to have surrendered the first license.

40 The first license may not be reinstated.

41 SECTION 21. IC 14-22-14-13 IS REPEALED [EFFECTIVE JULY
42 1, 2022]. Sec. 13: A person holding a Class 1 or Class 2 license may



1 acquire another license for the purpose of merging the licenses to form
 2 a Class 2 or Class 3 license as follows:

3 (1) At the time a person holding a Class 1 license acquires
 4 another Class 1 license, the two (2) licenses merge and become a
 5 Class 2 license.

6 (2) At the time a person holding:

7 (A) a Class 1 license acquires a Class 2 license; or

8 (B) a Class 2 license acquires a Class 1 license;

9 the two (2) licenses merge and become a Class 3 license.

10 SECTION 22. IC 14-22-14-14 IS REPEALED [EFFECTIVE JULY
 11 1, 2022]. Sec. 14: A person holding a Class 1 license and a person
 12 holding a Class 3 license may convert the licenses to two (2) Class 2
 13 licenses:

14 SECTION 23. IC 14-22-14-15 IS REPEALED [EFFECTIVE JULY
 15 1, 2022]. Sec. 15: (a) The commission may adopt rules to establish
 16 procedures for the:

17 (1) transfer;

18 (2) merger; or

19 (3) exchange;

20 of commercial fishing licenses:

21 (b) The fee for processing:

22 (1) a transfer;

23 (2) a merger; or

24 (3) an exchange;

25 of a commercial fishing license under this chapter is one hundred
 26 dollars (\$100):

27 SECTION 24. IC 14-22-14-16 IS REPEALED [EFFECTIVE JULY
 28 1, 2022]. Sec. 16: A Class 2 or Class 3 commercial fishing license may
 29 be surrendered to the department in exchange for a Class 1 or Class 2
 30 license. This is not considered to be the issuance of an original license:

31 SECTION 25. IC 14-22-14-17 IS REPEALED [EFFECTIVE JULY
 32 1, 2022]. Sec. 17: Each boat engaged in commercial fishing must carry
 33 documentation specified by rules adopted by the commission that the
 34 boat is operating under the authority of a commercial fishing license:

35 SECTION 26. IC 14-22-14-18 IS REPEALED [EFFECTIVE JULY
 36 1, 2022]. Sec. 18: (a) The holder of a commercial fishing license must,
 37 in the manner established by rules adopted by the commission,
 38 designate an individual as captain of a boat operated by the holder of
 39 a commercial fishing license. A designated captain must meet the
 40 following conditions:

41 (1) Be a resident of Indiana.

42 (2) Have experience as a commercial fisherman.

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- 1 (3) Possess other qualifications established by rules adopted by
 2 the commission.
- 3 (b) Except in an emergency, as defined under rules adopted by the
 4 commission, an individual who is designated as a captain by the holder
 5 of one (1) commercial fishing license may not:
 6 (1) be designated as a captain by; or
 7 (2) work for;
 8 the holder of another commercial fishing license. Notice to the
 9 department of the emergency designation of a captain must be provided
 10 under rules adopted by the commission.
- 11 SECTION 27. IC 14-22-14-19 IS REPEALED [EFFECTIVE JULY
 12 1, 2022]. Sec. 19: An individual designated as captain under section 18
 13 of this chapter must be aboard each commercial fishing boat of the
 14 holder of the commercial fishing license while the boat is engaged in
 15 an activity related to commercial fishing.
- 16 SECTION 28. IC 14-22-14-20 IS REPEALED [EFFECTIVE JULY
 17 1, 2022]. Sec. 20: (a) The department shall regulate commercial fishing
 18 in Lake Michigan to protect the resource of fish for commercial and
 19 sport fishing.
- 20 (b) To protect the resource of fish in Lake Michigan, the department
 21 shall regulate the number of nets that may be used by persons who have
 22 been issued a commercial fishing license as follows:
 23 (1) Persons who have a Class 2 license are entitled to use two (2)
 24 times the number of nets as persons who have a Class 1 license.
 25 (2) Persons who have a Class 3 license are entitled to use three (3)
 26 times the number of nets as persons who have a Class 1 license.
- 27 SECTION 29. IC 14-22-14-21 IS REPEALED [EFFECTIVE JULY
 28 1, 2022]. Sec. 21: The commission may adopt rules to establish
 29 restrictions on the following:
 30 (1) Localities that may be fished;
 31 (2) The kind, mesh size, and quantity of fishing gear that may be
 32 used;
 33 (3) The quantity of fish that may be taken;
 34 (4) Other restrictions the commission considers necessary to
 35 protect the fishing resource in Lake Michigan.
- 36 SECTION 30. IC 14-22-14-22 IS REPEALED [EFFECTIVE JULY
 37 1, 2022]. Sec. 22: (a) Fish may not be taken from Lake Michigan by
 38 means of a gill net.
 39 (b) The commercial fishing license of a person who takes fish from
 40 Lake Michigan by means of a gill net:
 41 (1) terminates at the time of the violation; and
 42 (2) may not be reinstated.



1 SECTION 31. IC 14-22-14-23 IS REPEALED [EFFECTIVE JULY
2 1, 2022]. Sec. 23: (a) A person who has a commercial fishing license
3 must keep accurate records of each day's catch showing the following:

- 4 (1) The number of pounds of each kind of fish taken.
5 (2) The locality fished.
6 (3) The kind and amount of fishing gear employed.
7 (4) The length of time each unit of gear was fished without being
8 lifted.
9 (5) Other information the commission considers to be relevant
10 under this chapter.

11 (b) Before the sixteenth day of each month, each person holding a
12 commercial fishing license shall report, under oath when requested to
13 do so, all the data for the preceding month required under subsection
14 (a) to the director upon forms furnished by the director. The reports
15 required by this section shall be made each month whether or not any
16 fish were taken during the preceding month. If no fish were taken, that
17 fact shall be noted.

18 SECTION 32. IC 14-22-14-24 IS REPEALED [EFFECTIVE JULY
19 1, 2022]. Sec. 24: A commercial fishing license is issued upon the
20 condition that the licensee agrees to make all reports to the director
21 required by the following:

- 22 (1) This chapter.
23 (2) Rules adopted under this chapter.

24 SECTION 33. IC 14-22-14-25 IS REPEALED [EFFECTIVE JULY
25 1, 2022]. Sec. 25: Inadvertent failure to comply with the terms of:

- 26 (1) a license;
27 (2) this chapter or IC 14-2-12 (before its repeal); or
28 (3) rules adopted or orders issued under:
29 (A) IC 14-2-12 (before its repeal); or
30 (B) this chapter;

31 is grounds for suspension of the license for not more than one (1) year.

32 SECTION 34. IC 14-22-14-26 IS REPEALED [EFFECTIVE JULY
33 1, 2022]. Sec. 26: (a) Knowing or intentional failure to comply with the
34 terms of:

- 35 (1) a license;
36 (2) this chapter or IC 14-2-12 (before its repeal); or
37 (3) rules adopted or orders issued under:
38 (A) IC 14-2-12 (before its repeal); or
39 (B) this chapter;

40 is grounds for revocation of the license.

41 (b) A license revoked under this section may not be reinstated.

42 SECTION 35. IC 14-22-14-27 IS REPEALED [EFFECTIVE JULY



1 1, 2022]. Sec. 27. (a) The director may do all things necessary to carry
2 out this chapter:

3 (b) The commission shall adopt rules under IC 4-22-2 to implement
4 this chapter:

5 SECTION 36. IC 14-22-17 IS REPEALED [EFFECTIVE JULY 1,
6 2022]. (Mussels License).

7 SECTION 37. IC 14-22-18-4 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. Section 2 of this
9 chapter does not authorize a resident to fish during a free sport fishing
10 day in violation of the license requirements set forth in the following:

11 (1) IC 14-22-13.

12 ~~(2) IC 14-22-14.~~

13 ~~(3) (2) IC 14-22-15.~~

14 ~~(4) (3) IC 14-22-16.~~

15 ~~(5) IC 14-22-17.~~

16 SECTION 38. IC 14-22-20-1, AS AMENDED BY P.L.195-2017,
17 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2022]: Sec. 1. (a) The owner of a hunting preserve licensed
19 under IC 15-17-14.7 is not required to obtain a game breeder's license
20 under this section.

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

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

26 (1) propagate in captivity; and

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

28 ~~game birds game mammals, or furbearing mammals or wild animals~~
29 ~~protected by Indiana law.~~

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

31 SECTION 39. IC 14-22-20-2, AS AMENDED BY P.L.151-2012,
32 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2022]: Sec. 2. (a) A license issued under this chapter
34 authorizes the **possession or** sale of nonmigratory game birds ~~game~~
35 ~~mammals, or furbearing mammals for breeding purposes, for release,~~
36 ~~or for food purposes or wild animals.~~ An individual who:

37 (1) acquires a ~~furbearing mammal~~ **wild animal** alive, legally in
38 open season; or

39 (2) purchases the ~~game bird or mammal~~ **wild animal** from a
40 licensed game breeder;

41 may apply for a breeder's license within five (5) days after acquiring
42 the animal from the licensed game breeder or within five (5) days after



1 the last day of the open season for the animal. ~~Otherwise, the animal~~
 2 ~~shall be released.~~

3 **(b) The commission shall adopt rules under IC 4-22-2 to**
 4 **implement this section.**

5 SECTION 40. IC 14-22-20-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. An animal raised
 7 domestically by an out-of-state breeder may be imported into Indiana.
 8 ~~and sold for food purposes.~~ A purchaser of such an animal raised
 9 domestically by an out-of-state breeder must be able to show legal
 10 proof of out-of-state origin for all animals possessed.

11 SECTION 41. IC 14-22-26-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. This chapter does not
 13 apply to ~~licensed the following licenses:~~

14 **(1) Commercial animal dealers, breeders, or exhibitors licensed**
 15 **by the United States Department of Agriculture for species of**
 16 **wild and exotic animals that can be possessed without a**
 17 **permit or license from the department under this article.**

18 **(2) Zoological parks.**

19 **(3) Circuses or carnivals.**

20 **(4) Research facilities and universities licensed or registered**
 21 **with the United States Department of Agriculture.**

22 **(5) An organization or a person temporarily housing a wild**
 23 **animal at the request of the department.**

24 SECTION 42. IC 14-22-26-2 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. As used in this
 26 chapter, "zoological park" means

27 ~~(1) a permanent establishment that is a member of accredited by~~
 28 ~~the American Association of Zoological Parks Zoos and~~
 29 ~~Aquariums. or~~

30 ~~(2) an agency of local government, open to and administered for~~
 31 ~~the public, to provide education, conservation, and preservation~~
 32 ~~of the earth's fauna.~~

33 SECTION 43. IC 14-22-26-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. The director may
 35 adopt rules under IC 4-22-2 to require and issue the following:

36 **(1) A permit to possess a wild animal protected by statute or rule.**

37 **(2) A permit to possess a wild animal that may be harmful or**
 38 **dangerous to plants people, or domestic animals, or wild**
 39 **animals. A separate permit is required for each wild animal**
 40 **described in this subdivision.**

41 SECTION 44. IC 14-22-26-5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) If an emergency



1 exists, the director may summarily suspend a permit issued under this
2 chapter. The director may summarily seize and hold an animal for
3 which a permit is required under this chapter, pending the outcome of
4 the proceedings under this section, if either of the following conditions
5 exist:

- 6 (1) A permit has not been issued to possess the animal.
- 7 (2) A permit has been issued to possess the animal, but the
8 director believes that an emergency exists because at least one (1)
9 of the following conditions exists:

- 10 (A) The animal is in a position to harm another animal.
- 11 (B) The life or health of the animal is in peril.

12 (b) After suspending a permit or seizing and holding an animal
13 under subsection (a), the department shall proceed as quickly as
14 feasible to provide the opportunity for completed adjudicative
15 proceedings under IC 4-21.5. The proceedings may result in the
16 revocation, temporary suspension, or modification of the permit.
17 Provision may be made for a final disposition with respect to the wild
18 animal, including confiscation of the animal. IC 4-21.5 provides the
19 exclusive remedy available to a person aggrieved by a determination
20 of the department under this section.

21 (c) The director may contract with experts in the handling of
22 animals for which a permit is required under this chapter to assist the
23 director in seizing and holding an animal under this section. A person
24 who seizes and holds an animal under a contract with the director is not
25 subject to legal action arising from the seizure or holding to the same
26 extent as if the person was an employee of the department.

27 (d) The owner of an animal seized under this section is liable for the
28 costs of seizing and holding the animal and of the proceedings under
29 this section, including a trial, if any.

30 **(e) A law enforcement officer or an employee of the department**
31 **is not liable for the destruction of a permitted animal that escapes**
32 **an enclosure and poses a threat to public safety.**

33 SECTION 45. IC 14-28-1-22, AS AMENDED BY P.L.21-2021,
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2022]: Sec. 22. (a) As used in subsection (b)(1) with respect
36 to a stream, "total length" means the length of the stream, expressed in
37 miles, from the confluence of the stream with the receiving stream to
38 the upstream or headward extremity of the stream, as indicated by the
39 solid or dashed, blue or purple line depicting the stream on the most
40 current edition of the seven and one-half (7 1/2) minute topographic
41 quadrangle map published by the United States Geological Survey,
42 measured along the meanders of the stream as depicted on the map.



- 1 (b) This section does not apply to the following:
- 2 (1) A reconstruction or maintenance project (as defined in
- 3 IC 36-9-27) on a stream or an open regulated drain if the total
- 4 length of the stream or open drain is not more than ten (10) miles.
- 5 (2) A construction or reconstruction project on a state or county
- 6 highway bridge in a rural area that crosses a stream having an
- 7 upstream drainage area of not more than fifty (50) square miles
- 8 and the relocation of utility lines associated with the construction
- 9 or reconstruction project if confined to an area not more than one
- 10 hundred (100) feet from the limits of the highway construction
- 11 right-of-way.
- 12 (3) The performance of an activity described in subsection (c)(1)
- 13 or (c)(2) by a surface coal mining operation that is operated under
- 14 a permit issued under IC 14-34.
- 15 (4) Any other activity that is determined by the commission,
- 16 according to rules adopted under IC 4-22-2, to pose not more than
- 17 a minimal threat to floodway areas.
- 18 (5) An activity in a boundary river floodway to which section 26.5
- 19 of this chapter applies.
- 20 (6) The removal of a logjam or mass of wood debris that has
- 21 accumulated in a river or stream, subject to the following
- 22 conditions:
- 23 (A) Work must not be within a salmonid stream designated
- 24 under 327 IAC 2-1.5-5 without the prior written approval of
- 25 the department's division of fish and wildlife.
- 26 (B) Work must not be within a natural, scenic, or recreational
- 27 river or stream designated under 312 IAC 7-2.
- 28 (C) Except as otherwise provided in Indiana law, free logs or
- 29 affixed logs that are crossways in the channel must be cut,
- 30 relocated, and removed from the floodplain. Logs may be
- 31 maintained in the floodplain if properly anchored or otherwise
- 32 secured so as to resist flotation or dislodging by the flow of
- 33 water and placement in an area that is not a wetland. Logs
- 34 must be removed and secured with a minimum of damage to
- 35 vegetation.
- 36 (D) Isolated or single logs that are embedded, lodged, or
- 37 rooted in the channel, and that do not span the channel or
- 38 cause flow problems, must not be removed unless the logs are
- 39 either of the following:
- 40 (i) Associated with or in close proximity to larger
- 41 obstructions.
- 42 (ii) Posing a hazard to **agriculture, business, navigation, or**



- 1 **property.**
- 2 (E) A leaning or severely damaged tree that is in immediate
- 3 danger of falling into the waterway may be cut and removed.
- 4 if the tree is associated with or in close proximity to an
- 5 obstruction. The root system and stump of the tree must be left
- 6 in place.
- 7 (F) To the extent practicable, the construction of access roads
- 8 must be minimized, and should not result in the elevation of
- 9 the floodplain.
- 10 (G) To the extent practicable, work should be performed
- 11 exclusively from one (1) side of a waterway. Crossing the bed
- 12 of a waterway is prohibited.
- 13 (H) To prevent the flow of sediment laden water back into the
- 14 waterway, appropriate sediment control measures must be
- 15 installed.
- 16 (I) Within fifteen (15) days, all bare and disturbed areas must
- 17 be revegetated with a mixture of grasses and legumes. Tall
- 18 fescue must not be used under this subdivision, except that low
- 19 endophyte tall fescue may be used in the bottom of the
- 20 waterway and on side slopes.
- 21 (c) A person who desires to:
- 22 (1) erect, make, use, or maintain a structure, an obstruction, a
- 23 deposit, or an excavation; or
- 24 (2) suffer or permit a structure, an obstruction, a deposit, or an
- 25 excavation to be erected, made, used, or maintained;
- 26 in or on a floodway must file with the director a verified written
- 27 application for a permit accompanied by a nonrefundable minimum fee
- 28 of two hundred dollars (\$200).
- 29 (d) The application for a permit must set forth the material facts
- 30 together with plans and specifications for the structure, obstruction,
- 31 deposit, or excavation.
- 32 (e) An applicant must receive a permit from the director for the
- 33 work before beginning construction. The director shall issue a permit
- 34 only if in the opinion of the director the applicant has clearly proven
- 35 that the structure, obstruction, deposit, or excavation will not do any of
- 36 the following:
- 37 (1) Adversely affect the efficiency of or unduly restrict the
- 38 capacity of the floodway.
- 39 (2) Constitute an unreasonable hazard to the safety of life or
- 40 property.
- 41 (3) Result in unreasonably detrimental effects upon fish, wildlife,
- 42 or botanical resources.



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

6 (g) A permit issued under this section:

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

8 (2) to:

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

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

14 is valid for five (5) years from the date of issuance; and

15 (3) is valid for the duration of a permitted project subject to
 16 periodic compliance evaluations for a quarrying or aggregate
 17 company for the excavation of industrial materials, including:

18 (A) clay and shale;

19 (B) crushed limestone and dolostone;

20 (C) dimension limestone;

21 (D) dimension sandstone;

22 (E) gypsum;

23 (F) peat;

24 (G) construction sand and gravel; and

25 (H) industrial sand.

26 However, a permit issued under this section expires if construction is
 27 not commenced within two (2) years after the permit is issued. Except
 28 as provided under section 22.1 of this chapter, a permit that is active
 29 and was issued under subdivision (1) before July 1, 2014, is valid for
 30 two (2) years beginning July 2014, and a permit that is active and was
 31 issued under subdivision (2) before July 1, 2014, is valid for five (5)
 32 years beginning July 2014.

33 (h) The holder of a permit issued under subsection (g)(3) shall
 34 notify the commission within six (6) months of completing the
 35 permitted project.

36 (i) A permit issued under:

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

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

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



1 (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or
 2 (2) IC 14-13-9, IC 14-30-1 (before its repeal), or IC 36-7-6
 3 (before its repeal);
 4 that is affected.
 5 (k) The permit holder shall post and maintain a permit issued under
 6 this section at the authorized site.
 7 (l) 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 46. IC 14-28-1-23, AS AMENDED BY P.L.90-2020,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2022]: Sec. 23. (a) The director may remove or eliminate a
 18 structure, an obstruction, a deposit, or an excavation in a floodway that:
 19 (1) adversely affects the efficiency of or unduly restricts the
 20 capacity of the floodway;
 21 (2) constitutes an unreasonable hazard to the safety of life or
 22 property; or
 23 (3) is unreasonably detrimental to fish, wildlife, or botanical
 24 resources;
 25 by an action in condemnation.
 26 (b) In assessing the damages in the proceedings, the appraisers and
 27 the court shall take into consideration whether the structure,
 28 obstruction, deposit, or excavation is legally in or on the floodway.
 29 (c) Beginning ~~January 1, 2020~~, **January 1, 2022**, the director shall
 30 not exercise the authority under subsection (a) to remove or eliminate
 31 an abode or residence from a floodway if:
 32 (1) the abode or residence was constructed before ~~January 1,~~
 33 **January 1, 2022**;
 34 (2) the owner of the abode or residence has taken necessary
 35 measures to elevate the lowest floor of the abode or residence, as
 36 reconstructed, including the basement, to at least two (2) feet
 37 above the one hundred (100) year flood elevation within two (2)
 38 years after receiving notification from the department concerning
 39 the abode or residence; and
 40 (3) the owner of the abode or residence has taken necessary
 41 measures to comply with all applicable local, state, and federal
 42 floodway regulations.



1 SECTION 47. IC 14-28-1-39 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2022]: **Sec. 39. (a) Before July 1, 2023, the**
 4 **department shall adopt a license for the following activities in a**
 5 **floodway:**

6 (1) **Removal of trees.**

7 (2) **Channel maintenance.**

8 (3) **Bank reconstruction, repair, and stabilization.**

9 (b) **This section expires July 1, 2024.**

10 SECTION 48. IC 14-28-1-40 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2022]: **Sec. 40. A local floodplain**
 13 **administrator shall utilize the best floodplain mapping data**
 14 **available as provided by the department and located on the**
 15 **Indiana Floodplain Information Portal when reviewing a permit**
 16 **application for a structure or a construction activity in, or near, a**
 17 **floodplain.**

18 SECTION 49. IC 14-34-4-5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) If written
 20 objections are filed and an informal conference or a public hearing is
 21 requested, the director shall hold the conference or public hearing in
 22 the locality of the proposed surface coal mining operation within a
 23 reasonable time of receipt of the objections or request. The director
 24 shall advertise in a newspaper of general circulation in the county in
 25 which the proposed surface coal mining operation is located at least
 26 two (2) weeks before the scheduled conference or public hearing the
 27 date, time, and location of the conference or public hearing.

28 (b) The director may arrange with the applicant, upon request by
 29 any party to the administrative proceeding, access to the proposed
 30 mining area for the purpose of gathering information relevant to the
 31 proceeding.

32 (c) An electronic or a stenographic record shall be made of the
 33 conference or public hearing. ~~unless waived by all parties.~~ The director
 34 shall maintain the record and have the record accessible to the parties
 35 until final release of the applicant's performance bond.

36 (d) The director may not hold the conference or public hearing if
 37 any of the following conditions exist:

38 (1) All parties requesting the conference or public hearing
 39 stipulate agreement before the conference or public hearing and
 40 withdraw their request.

41 (2) The request fails to comply with the requirements of section
 42 4 of this chapter.



- 1 (3) The objections do not concern a matter within the scope of
 2 this article or the commission's rules.
- 3 SECTION 50. IC 25-36.5-1-2.1 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 5 [EFFECTIVE JULY 1, 2022]: **Sec. 2.1. (a) A contract to purchase**
 6 **timber must be in writing pursuant to:**
- 7 (1) **the Uniform Commercial Code (IC 26-1); and**
 8 (2) **the rules adopted by the department.**
- 9 (b) **No person shall engage in the purchase of timber with a**
 10 **timber grower without a written contract as described in**
 11 **subsection (a).**
- 12 (c) **Each timber purchase without a written contract constitutes**
 13 **a separate and distinct violation under this chapter.**
- 14 (d) **Failure to have a written contract to purchase timber does**
 15 **not limit the remedies available to a timber grower under this**
 16 **chapter.**
- 17 SECTION 51. IC 25-36.5-1-3.2, AS AMENDED BY P.L.57-2013,
 18 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2022]: **Sec. 3.2. (a) This section refers to an adjudicative**
 20 **proceeding against:**
- 21 (1) a timber buyer; or
 22 (2) a person who cuts timber but is not a timber buyer (referred to
 23 as a "timber cutter" in this section).
- 24 (b) The department may under IC 4-21.5-3-8 commence a
 25 proceeding against a timber buyer or a timber cutter if there is reason
 26 to believe that:
- 27 (1) the timber buyer or timber cutter has acquired timber from a
 28 timber grower under a written contract for the sale of the timber
 29 without payment having been made to the timber grower as
 30 specified in the contract; or
 31 (2) if:
- 32 (A) there is no written contract for the sale of the timber; or
 33 (B) there is a written contract for the sale of the timber but the
 34 contract does not set forth the purchase price for the timber;
 35 the timber buyer or timber cutter has cut timber or acquired
 36 timber from the timber grower without payment having been
 37 made to the timber grower equal to the value of the timber as
 38 determined under IC 26-1-2.
- 39 (c) A proceeding may be commenced under this section at the
 40 request of a timber grower.
- 41 (d) The necessary parties to a proceeding initiated under this section
 42 are:



- 1 (1) the timber grower; and
- 2 (2) the timber buyer or timber cutter.
- 3 (e) After the commencement of a proceeding under this section
- 4 through the service of a complaint under IC 4-21.5-3-8, a party to the
- 5 proceeding may move for the joinder of any of the following persons
- 6 having a relationship to the site or subject of the complaint:
- 7 (1) The surety of the timber buyer.
- 8 (2) A timber buyer.
- 9 (3) A timber cutter.
- 10 (4) A landowner.
- 11 (5) An owner of land adjacent to the land from which the timber
- 12 was cut.
- 13 (6) A consultant receiving a fee for services related to the timber.
- 14 (7) A professional surveyor performing an American Land Title
- 15 Association and American Congress on Surveying and Mapping
- 16 (ALTA/ACSM) land title survey.
- 17 (8) The department of natural resources, if the department has a
- 18 relationship to the site or subject of the complaint as a landowner
- 19 or owner of adjacent land.
- 20 (f) The complaint served under IC 4-21.5-3-8 to commence a
- 21 proceeding under this section may seek the following:
- 22 (1) Damages in compensation for damage actually resulting from
- 23 the wrongful activities of a timber buyer or timber cutter.
- 24 (2) Damages equal to three (3) times the stumpage value of any
- 25 timber that is wrongfully cut or appropriated without payment.
- 26 **(3) Damages for costs associated with a claim or action,**
- 27 **including attorney's fees.**
- 28 **(4) Damages specified by a contract between a timber grower**
- 29 **and a timber buyer.**
- 30 (g) Notwithstanding subsection (f), the liability on the surety bond
- 31 of a timber cutter is limited to the value of any timber wrongfully cut
- 32 or appropriated.
- 33 (h) A proceeding under this section is governed by IC 4-21.5.
- 34 Before a hearing is convened in the proceeding, a prehearing
- 35 conference shall be conducted to provide the parties with an
- 36 opportunity for settlement, including an opportunity for mediation.
- 37 (i) In determining the site for a hearing in a proceeding under this
- 38 section, the administrative law judge shall consider the convenience of
- 39 the parties.
- 40 (j) A final agency action in a proceeding under this section must
- 41 address all issues of damage and responsibility and, after the
- 42 completion of the opportunity for judicial review, may be enforced in



1 a civil proceeding as a judgment.

2 SECTION 52. IC 25-36.5-1-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. ~~It~~ **The following**
4 shall be unlawful and a violation of this chapter:

5 (a) For any timber buyer to fail to pay, as agreed, for any timber
6 purchased.

7 (b) For any timber buyer to cut or cause to be cut or appropriate any
8 timber not purchased.

9 (c) For a timber buyer to willfully make any false statement in
10 connection with the application, bond or other information required to
11 be given to the department or a timber grower.

12 (d) **For a timber buyer** to fail to honestly account to the timber
13 grower or the department for timber purchased or cut if the buyer is
14 under a duty to do so. ~~and~~

15 (e) For a timber buyer to commit any fraudulent act in connection
16 with the purchase or cutting of timber.

17 **(f) For a timber buyer to violate a provision of this chapter or**
18 **a rule of the department adopted under this chapter.**

19 SECTION 53. IC 25-36.5-1-4.9 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4.9. The director may
21 refuse to issue a timber buyer registration certificate to an applicant
22 that has:

23 (1) been convicted of a felony;

24 (2) violated a provision of this chapter; ~~or~~

25 (3) violated a rule adopted by the department under this chapter;

26 **or**

27 **(4) an active or pending suspension of a timber buyer license**
28 **under section 16 of this chapter.**

29 SECTION 54. IC 25-36.5-1-8 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8. **(a)** The department
31 may inspect the premises used by any timber buyer in the conduct of
32 ~~his~~ **the timber buyer's** business at any reasonable time and the books,
33 accounts, records and papers of every such timber buyer shall at all
34 times during business hours be subject to inspection by the department.

35 **(b) A timber buyer shall keep complete and accurate records**
36 **and accounts for each transaction. The timber buyer shall retain**
37 **records and accounts for not less than five (5) years after a**
38 **transaction.**

39 **(c) The information obtained under this section is exempt under**
40 **IC 5-14-3-4(a)(1). Unless otherwise required by judicial order, the**
41 **information obtained under this section may be disclosed only to**
42 **the director, the director's designee, or a timber grower.**



1 SECTION 55. IC 25-36.5-1-16 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. **(a)** The director
 3 may revoke, ~~or~~ suspend, **deny**, or refuse to issue any license or agent's
 4 registration under that license if the applicant or holder of that license
 5 has:

- 6 (1) been convicted of a felony;
 7 (2) violated any provision of this chapter; or
 8 (3) violated any rule or regulation of the department promulgated
 9 under this chapter.

10 Revocation or suspension of a license or an agent's registration shall be
 11 determined by the director after an administrative hearing as provided
 12 in ~~section 12 of this chapter~~: **subsection (d)**.

13 **(b) The director may suspend a license for not more than ninety**
 14 **(90) days before a final adjudication if the director finds that the**
 15 **holder of a timber buyer's license poses a clear and immediate**
 16 **danger to public health, safety, or property if allowed to continue**
 17 **to operate.**

18 **(c) The director may renew a suspension under subsection (b)**
 19 **for a period of not more than ninety (90) days. There is no limit to**
 20 **the number of times the director may renew a suspension.**

21 **(d) A proceeding under this chapter to revoke, suspend, deny,**
 22 **or refuse to issue a license shall be conducted in the manner**
 23 **prescribed by IC 4-21.5-3.**

24 SECTION 56. IC 31-25-4-32, AS AMENDED BY P.L.150-2018,
 25 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 32. (a) When the Title IV-D agency finds that an
 27 obligor is delinquent, the Title IV-D agency shall send, to a verified
 28 address, a notice to the obligor that does the following:

- 29 (1) Specifies that the obligor is delinquent.
 30 (2) Describes the amount of child support that the obligor is in
 31 arrears.
 32 (3) States that unless the obligor:
 33 (A) pays the obligor's child support arrearage in full;
 34 (B) establishes a payment plan with the Title IV-D agency to
 35 pay the arrearage, which includes an income withholding
 36 order; or
 37 (C) requests a hearing under section 33 of this chapter;
 38 within twenty (20) days after the date the notice is mailed, the
 39 Title IV-D agency shall issue an order to the bureau of motor
 40 vehicles stating that the obligor is delinquent and that the
 41 obligor's driving privileges shall be suspended.
 42 (4) Explains that the obligor has twenty (20) days after the notice



1 is mailed to do one (1) of the following:

- 2 (A) Pay the obligor's child support arrearage in full.
 3 (B) Establish a payment plan with the Title IV-D agency to
 4 pay the arrearage, which includes an income withholding order
 5 under IC 31-16-15-2 or IC 31-16-15-2.5.

6 (C) Request a hearing under section 33 of this chapter.
 7 (5) Explains that if the obligor has not satisfied any of the
 8 requirements of subdivision (4) not later than twenty (20) days
 9 after the notice is mailed, that the Title IV-D agency shall issue a
 10 notice to:

- 11 (A) the board or department that regulates the obligor's
 12 profession or occupation, if any, that the obligor is delinquent
 13 and that the obligor may be subject to sanctions under
 14 IC 25-1-1.2, including suspension or revocation of the
 15 obligor's professional or occupational license;
 16 (B) the supreme court disciplinary commission if the obligor
 17 is licensed to practice law;
 18 (C) the department of education established by IC 20-19-3-1
 19 if the obligor is a licensed teacher;
 20 (D) the Indiana horse racing commission if the obligor holds
 21 or applies for a license issued under IC 4-31-6;
 22 (E) the Indiana gaming commission if the obligor holds or
 23 applies for a license issued under IC 4-33 and IC 4-35;
 24 (F) the commissioner of the department of insurance if the
 25 obligor holds or is an applicant for a license issued under
 26 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3;
 27 (G) the director of the department of natural resources if the
 28 obligor holds or is an applicant for a license issued by the
 29 department of natural resources under:
 30 (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
 31 ~~(ii) IC 14-22-14 (Lake Michigan commercial fishing~~
 32 ~~license);~~
 33 ~~(iii) (ii) IC 14-22-16 (bait dealer's license);~~
 34 ~~(iv) IC 14-22-17 (mussel license);~~
 35 ~~(v) (iii) IC 14-22-19 (fur buyer's license);~~
 36 ~~(vi) (iv) IC 14-24-7 (nursery dealer's license); or~~
 37 ~~(vii) (v) IC 14-31-3 (ginseng dealer's license); or~~
 38 (H) the alcohol and tobacco commission if the obligor holds or
 39 applies for an employee's permit under IC 7.1-3-18-9(a)(3).
 40 (6) Explains that the only basis for contesting the issuance of an
 41 order under subdivision (3) or (5) is a mistake of fact.
 42 (7) Explains that an obligor may contest the Title IV-D agency's



1 determination to issue an order under subdivision (3) or (5) by
 2 making written application to the Title IV-D agency not later than
 3 twenty (20) days after the date the notice is mailed.

4 (8) Explains the procedures to:

5 (A) pay the obligor's child support arrearage in full; and

6 (B) establish a payment plan with the Title IV-D agency to pay
 7 the arrearage, which must include an income withholding
 8 order under IC 31-16-15-2 or IC 31-16-15-2.5.

9 (b) Whenever the Title IV-D agency finds that an obligor is
 10 delinquent and has failed to:

11 (1) pay the obligor's child support arrearage in full;

12 (2) establish a payment plan with the Title IV-D agency to pay the
 13 arrearage, which includes an income withholding order under
 14 IC 31-16-15-2 or IC 31-16-15-2.5; or

15 (3) request a hearing under section 33 of this chapter not later
 16 than twenty (20) days after the date the notice described in
 17 subsection (a) is mailed;

18 the Title IV-D agency shall issue an order to the bureau of motor
 19 vehicles stating that the obligor is delinquent.

20 (c) An order issued under subsection (b) must require the following:

21 (1) If the obligor who is the subject of the order holds a driving
 22 license or permit on the date the order is issued, that the driving
 23 privileges of the obligor be suspended until further order of the
 24 Title IV-D agency.

25 (2) If the obligor who is the subject of the order does not hold a
 26 driving license or permit on the date the order is issued, that the
 27 bureau of motor vehicles may not issue a driving license or permit
 28 to the obligor until the bureau of motor vehicles receives a further
 29 order from the Title IV-D agency.

30 (d) The Title IV-D agency shall provide the:

31 (1) full name;

32 (2) date of birth;

33 (3) verified address; and

34 (4) Social Security number or driving license number;

35 of the obligor to the bureau of motor vehicles.

36 (e) Whenever the Title IV-D agency finds that an obligor who is an
 37 applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in
 38 IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed
 39 to:

40 (1) pay the obligor's child support arrearage in full;

41 (2) establish a payment plan with the Title IV-D agency to pay the
 42 arrearage, which includes an income withholding order under



- 1 IC 31-16-15-2 or IC 31-16-15-2.5; or
 2 (3) request a hearing under section 33 of this chapter;
 3 the Title IV-D agency shall issue an order to the board regulating the
 4 practice of the obligor's profession or occupation stating that the
 5 obligor is delinquent.
- 6 (f) An order issued under subsection (e) must direct the board or
 7 department regulating the obligor's profession or occupation to impose
 8 the appropriate sanctions described under IC 25-1-1.2.
- 9 (g) Whenever the Title IV-D agency finds that an obligor who is an
 10 attorney or a licensed teacher is delinquent and the attorney or licensed
 11 teacher has failed to:
 12 (1) pay the obligor's child support arrearage in full;
 13 (2) establish a payment plan with the Title IV-D agency to pay the
 14 arrearage, which includes an income withholding order under
 15 IC 31-16-15-2 or IC 31-16-15-2.5; or
 16 (3) request a hearing under section 33 of this chapter;
 17 the Title IV-D agency shall notify the supreme court disciplinary
 18 commission if the obligor is an attorney, or the department of education
 19 if the obligor is a licensed teacher, that the obligor is delinquent.
- 20 (h) Whenever the Title IV-D agency finds that an obligor who holds
 21 a license issued under IC 4-31-6, IC 4-33, or IC 4-35 has failed to:
 22 (1) pay the obligor's child support arrearage in full;
 23 (2) establish a payment plan with the Title IV-D agency to pay the
 24 arrearage, which includes an income withholding order under
 25 IC 31-16-15-2 or IC 31-16-15-2.5; or
 26 (3) request a hearing under section 33 of this chapter;
 27 the Title IV-D agency shall issue an order to the Indiana horse racing
 28 commission if the obligor holds a license issued under IC 4-31-6, or to
 29 the Indiana gaming commission if the obligor holds a license issued
 30 under IC 4-33 or IC 4-35, stating that the obligor is delinquent and
 31 directing the commission to impose the appropriate sanctions described
 32 in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.
- 33 (i) Whenever the Title IV-D agency finds that an obligor who holds
 34 a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
 35 failed to:
 36 (1) pay the obligor's child support arrearage in full;
 37 (2) establish a payment plan with the Title IV-D agency to pay the
 38 arrearage, which includes an income withholding order under
 39 IC 31-16-15-2 or IC 31-16-15-2.5; or
 40 (3) request a hearing under section 33 of this chapter;
 41 the Title IV-D agency shall issue an order to the commissioner of the
 42 department of insurance stating that the obligor is delinquent and



1 directing the commissioner to impose the appropriate sanctions
2 described in IC 27-1-15.6-29 or IC 27-10-3-20.

3 (j) Whenever the Title IV-D agency finds that an obligor who holds
4 a license issued by the department of natural resources under
5 IC 14-22-12, ~~IC 14-22-14~~, IC 14-22-16, ~~IC 14-22-17~~, IC 14-22-19,
6 IC 14-24-7, or IC 14-31-3 has failed to:

7 (1) pay the obligor's child support arrearage in full;

8 (2) establish a payment plan with the Title IV-D agency to pay the
9 arrearage, which includes an income withholding order under
10 IC 31-16-15-2 or IC 31-16-15-2.5; or

11 (3) request a hearing under section 33 of this chapter;

12 the Title IV-D agency shall issue an order to the director of the
13 department of natural resources stating that the obligor is delinquent
14 and directing the director to suspend or revoke a license issued to the
15 obligor by the department of natural resources as provided in
16 IC 14-11-3.

17 (k) If the Title IV-D agency finds that an obligor who holds an
18 employee's permit issued under IC 7.1-3-18-9(a)(3) has failed to:

19 (1) pay the obligor's child support arrearage in full;

20 (2) establish a payment plan with the Title IV-D agency to pay the
21 arrearage, which includes an income withholding order under
22 IC 31-16-15-2 or IC 31-16-15-2.5; or

23 (3) request a hearing under section 33 of this chapter;

24 the Title IV-D agency shall issue an order to the alcohol and tobacco
25 commission stating that the obligor is delinquent and directing the
26 alcohol and tobacco commission to impose the appropriate sanctions
27 under IC 7.1-3-23-44.

28 (l) A person's most recent address on file with the bureau constitutes
29 a verified address for purposes of this section.

30 (m) When an obligor who was the subject of an order issued by the
31 Title IV-D agency under subsection (b), (e), (g), (h), (i), (j), or (k) has:

32 (1) paid the obligor's child support arrearage in full; or

33 (2) established a payment plan with the Title IV-D agency to pay
34 the arrearage, which includes an income withholding order under
35 IC 31-16-15-2 or IC 31-16-15-2.5;

36 the Title IV-D agency shall provide notice to the appropriate entity
37 under subsection (b), (e), (g), (h), (i), (j), or (k) that the obligor has
38 addressed the delinquency.

39 SECTION 57. IC 31-25-4-34, AS AMENDED BY P.L.150-2018,
40 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2022]: Sec. 34. (a) As used in this section, "board" has the
42 meaning set forth in IC 25-1-1.2-2.



1 (b) If an obligor holds a license issued by a board and requests a
 2 hearing under section 33 of this chapter but fails to appear or appears
 3 and is found to be delinquent, the Title IV-D agency shall issue an
 4 order to the board that issued the obligor's license:

- 5 (1) stating that the obligor is delinquent; and
 6 (2) requiring the board to comply with the actions required under
 7 IC 25-1-1.2-8.

8 (c) If an obligor holds a license issued under IC 4-31-6, IC 4-33, or
 9 IC 4-35 and requests a hearing under section 33 of this chapter but fails
 10 to appear or appears and is found to be delinquent, the Title IV-D
 11 agency shall issue an order to the:

- 12 (1) Indiana horse racing commission, if the obligor holds a license
 13 issued under IC 4-31-6; or
 14 (2) Indiana gaming commission, if the obligor holds a license
 15 issued under IC 4-33 or IC 4-35;

16 stating that the obligor is delinquent and requiring the commission to
 17 comply with the actions required under IC 4-31-6-11, IC 4-33-8.5-3, or
 18 IC 4-35-6.7-2.

19 (d) If an obligor holds a license issued under IC 27-1-15.6,
 20 IC 27-1-15.8, or IC 27-10-3 and requests a hearing under section 33 of
 21 this chapter but fails to appear or appears and is found to be delinquent,
 22 the Title IV-D agency shall issue an order to the commissioner of the
 23 department of insurance:

- 24 (1) stating that the obligor is delinquent; and
 25 (2) requiring the commissioner to comply with the actions
 26 required under IC 27-1-15.6-29 or IC 27-10-3-20.

27 (e) If an obligor holds a license issued by the department of natural
 28 resources under IC 14-22-12, ~~IC 14-22-14~~, IC 14-22-16, ~~IC 14-22-17~~,
 29 IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under
 30 section 33 of this chapter but fails to appear, or appears and is found to
 31 be delinquent, the Title IV-D agency shall issue an order to the director
 32 of the department of natural resources:

- 33 (1) stating that the obligor is delinquent; and
 34 (2) requiring the director to suspend or revoke a license issued by
 35 the department as provided in IC 14-11-3.

36 (f) If an obligor:

- 37 (1) holds an employee's permit issued under IC 7.1-3-18-9(a)(3);
 38 and
 39 (2) requests a hearing under section 33 of this chapter but fails to
 40 appear or appears and is found to be delinquent;

41 the Title IV-D agency shall issue an order to the alcohol and tobacco
 42 commission stating that the obligor is delinquent and requiring the



1 commission to impose the appropriate sanctions under IC 7.1-3-23-44.
2 (g) When an obligor who was the subject of an order issued by the
3 Title IV-D agency under subsection (b), (c), (d), (e), or (f) has:
4 (1) paid the obligor's child support arrearage in full; or
5 (2) established a payment plan with the Title IV-D agency to pay
6 the arrearage, which includes an income withholding order under
7 IC 31-16-15-2 or IC 31-16-15-2.5;
8 the Title IV-D agency shall provide notice to the appropriate entity
9 under subsection (b), (c), (d), (e), or (f) that the obligor has addressed
10 the delinquency.
11 SECTION 58. IC 35-52-14-25 IS REPEALED [EFFECTIVE JULY
12 1, 2022]. ~~Sec. 25: IC 14-22-14-22 defines a crime concerning fishing~~
13 ~~licenses:~~
14 SECTION 59. IC 35-52-14-26.5 IS REPEALED [EFFECTIVE
15 JULY 1, 2022]. ~~Sec. 26.5: IC 14-22-17-2 defines a crime concerning~~
16 ~~mussel licenses:~~



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1103, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 4.

Page 12, between lines 9 and 10, begin a new paragraph and insert:

"SECTION. 46. IC 14-28-1-22, AS AMENDED BY P.L.21-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: 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 **agriculture, business, navigation, or property.**

(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 minimum 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 valid for two (2) years after the issuance of the permit;
- (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

- (3) is valid for the duration of a permitted project subject to periodic compliance evaluations for a quarrying or aggregate company for the excavation of industrial materials, including:
 - (A) clay and shale;
 - (B) crushed limestone and dolostone;
 - (C) dimension limestone;
 - (D) dimension sandstone;
 - (E) gypsum;
 - (F) peat;



(G) construction sand and gravel; and

(H) industrial sand.

However, a permit issued under this section expires if construction is not commenced within two (2) years after the permit is issued. Except as provided under section 22.1 of this chapter, 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) The holder of a permit issued under subsection (g)(3) shall notify the commission within six (6) months of completing the permitted project.

(i) A permit issued under:

- (1) subsection (g)(1) may be renewed one (1) time for a period not to exceed two (2) additional years; and
- (2) subsection (g)(2) may be renewed one (1) time for a period not to exceed five (5) additional years.

(j) 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 14-13-9, IC 14-30-1 (before its repeal), or IC 36-7-6 (before its repeal);

that is affected.

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

(l) 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 47. IC 14-28-1-23, AS AMENDED BY P.L.90-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 23. (a) The director may remove or eliminate a structure, an obstruction, a deposit, or an excavation in a floodway that:

- (1) adversely affects the efficiency of or unduly restricts the capacity of the floodway;
- (2) constitutes an unreasonable hazard to the safety of life or property; or
- (3) is unreasonably detrimental to fish, wildlife, or botanical



resources;
by an action in condemnation.

(b) In assessing the damages in the proceedings, the appraisers and the court shall take into consideration whether the structure, obstruction, deposit, or excavation is legally in or on the floodway.

(c) Beginning ~~January 1, 2020~~, **January 1, 2022**, the director shall not exercise the authority under subsection (a) to remove or eliminate an abode or residence from a floodway if:

- (1) the abode or residence was constructed before ~~January 1, 2020~~; **January 1, 2022**;
- (2) the owner of the abode or residence has taken necessary measures to elevate the lowest floor of the abode or residence, as reconstructed, including the basement, to at least two (2) feet above the one hundred (100) year flood elevation within two (2) years after receiving notification from the department concerning the abode or residence; and
- (3) the owner of the abode or residence has taken necessary measures to comply with all applicable local, state, and federal floodway regulations.

SECTION 48. IC 14-28-1-39 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 39. (a) Before July 1, 2023, the department shall adopt a license for the following activities in a floodway:**

- (1) Removal of trees.**
- (2) Channel maintenance.**
- (3) Bank reconstruction, repair, and stabilization.**

(b) This section expires July 1, 2024.

SECTION 49. IC 14-28-1-40 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 40. A local floodplain administrator shall utilize the best floodplain mapping data available as provided by the department and located on the Indiana Floodplain Information Portal when reviewing a permit application for a structure or a construction activity in, or near, a floodplain."**

Page 12, delete lines 37 through 42.

Page 13, delete lines 1 through 3.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.



(Reference is to HB 1103 as introduced.)

EBERHART

Committee Vote: yeas 11, nays 1.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1103, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1103 as printed January 24, 2022.)

GLICK, Chairperson

Committee Vote: Yeas 9, Nays 0

