



February 24, 2016

ENGROSSED HOUSE BILL No. 1246

DIGEST OF HB 1246 (Updated February 22, 2016 12:07 pm - DI 92)

Citations Affected: IC 4-4; IC 6-1.1; IC 14-8; IC 14-9; IC 14-15; IC 14-16; IC 14-22; IC 14-28; IC 14-31; IC 14-34; IC 25-36.5; noncode.

Synopsis: Various natural resources matters. Removes from the natural resources commission duties to administer parts of the flood control program and the flood control revolving fund. (Current law provides that the Indiana finance authority (authority) administer the program and fund.) Provides that an application to have land classified as native forest land, a forest plantation, or wildlands must be handled by the county assessor. (Current law requires the county auditor to handle the applications.) Provides that a person who operates certain boats that do not have an aft light commits a Class C infraction. Changes the name of the public information and education division of the department of natural resources (DNR) to the communications division. Specifies the type of flotation device that a person on a boat or personal watercraft must have. Amends the list of law enforcement offices that may be notified of a boating accident. Provides that the violation of certain boating rules is a Class C infraction. Allows the operator of a nonregistered off-road vehicle or a snowmobile from another state or
(Continued next page)

Effective: Upon passage; July 1, 2016.

Eberhart, Arnold L, Kersey

(SENATE SPONSORS — GLICK, LEISING)

January 11, 2016, read first time and referred to Committee on Natural Resources.
January 25, 2016, amended, reported — Do Pass.
January 28, 2016, read second time, ordered engrossed.
January 29, 2016, engrossed.
February 2, 2016, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Natural Resources.
February 23, 2016, amended, reported favorably — Do Pass.

EH 1246—LS 6451/DI 77



Digest Continued

country to purchase a trail use tag to operate on designated trails and properties. Allows the director of DNR to authorize the taking of wild animals on historic site property if certain conditions are met. Removes DNR's authority to issue commemorative migratory waterfowl and game bird habitat restoration stamps. Allows the manager of a public use airport, or the manager's designee, to trap coyotes and migratory birds without a license if the coyotes or birds pose a threat to aircraft. Repeals the dog training ground permit statute. Removes a provision concerning the application of hunter orange requirements during certain hunting seasons. Provides that a ginseng dealer who purchases or sells ginseng for resale or exportation without a license commits a Class B misdemeanor. Amends certain lien procedures on complete projects to restore or prevent adverse effects of past coal mining practices on privately owned land. Adds conservancy districts and certain wastewater treatment systems to the participants that may qualify for loans or other financial assistance. Removes the total loan limit, loan period, and fixed interest rate to a participant. Allows the authority to establish interest rates for each loan. Increases the registration fees for timber buyers and agents of timber buyers. Repeals a provision concerning the transition of rulemaking authority from the natural resources commission to the Indiana finance authority with respect to the administration of the flood control revolving fund.

EH 1246—LS 6451/DI 77



February 24, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1246

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 4-4-11-0.4, AS ADDED BY P.L.220-2011,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 0.4. (a) On May 15, 2005, all powers, duties,
4 agreements, and liabilities of the treasurer of state, the auditor of state,
5 the department of environmental management, and the budget agency
6 with respect to:
7 (1) the wastewater revolving loan program established by
8 IC 13-18-13-1;
9 (2) the drinking water revolving loan program established by
10 IC 13-18-21-1; and
11 (3) the supplemental drinking water and wastewater assistance
12 program established by IC 13-18-21-21;
13 are transferred to the authority, as the successor agency, for the limited
14 purposes described in subdivisions (1) through (3).
15 (b) On May 15, 2005, all records, money, and other property of the
16 treasurer of state, the auditor of state, the department of environmental
17 management, and the budget agency with respect to:

EH 1246—LS 6451/DI 77



1 (1) the wastewater revolving loan program established by
2 IC 13-18-13-1;

3 (2) the drinking water revolving loan program established by
4 IC 13-18-21-1; and

5 (3) the supplemental drinking water and wastewater assistance
6 program established by IC 13-18-21-21;

7 are transferred to the authority as the successor agency for the limited
8 purposes described in subdivisions (1) through (3).

9 (c) On May 15, 2005, all powers, duties, agreements, and liabilities
10 of the Indiana bond bank, the Indiana department of environmental
11 management, and the budget agency with respect to:

12 (1) outstanding bonds issued for:

13 (A) the wastewater revolving loan program established by
14 IC 13-18-13-1; or

15 (B) the drinking water revolving loan program established by
16 IC 13-18-21-1; and

17 (2) any trust agreement or indenture, security agreement, purchase
18 agreement, or other undertaking entered into in connection with
19 the bonds described in subdivision (1);

20 are transferred to the authority, as the successor agency, for the limited
21 purposes described in subdivisions (1) and (2). The rights of the trustee
22 and the bondholders with respect to any bonds or any trust agreement
23 or indenture, security agreement, purchase agreement, or other
24 undertaking described in this subsection remain the same, although the
25 powers, duties, agreements, and liabilities of the Indiana bond bank
26 have been transferred to the authority and the authority shall be
27 considered to have assumed all those powers, duties, agreements, and
28 liabilities as if the authority were the Indiana bond bank for those
29 limited purposes.

30 **(d) On July 1, 2016, all powers, duties, agreements, and**
31 **liabilities of the treasurer of state, the auditor of state, the**
32 **department of natural resources, the natural resources**
33 **commission, and the budget agency with respect to:**

34 **(1) the flood control program established by IC 14-28-5-1;**
35 **and**

36 **(2) the flood control revolving fund created by IC 14-28-5-5;**
37 **are transferred to the authority, as the successor agency, for the**
38 **limited purposes described in subdivisions (1) and (2).**

39 **(e) On July 1, 2016, all records, money, and other property of**
40 **the treasurer of state, the auditor of state, the department of**
41 **natural resources, the natural resources commission, and the**
42 **budget agency with respect to:**



1 **(1) the flood control program established by IC 14-28-5-1;**
 2 **and**
 3 **(2) the flood control revolving fund created by IC 14-28-5-5;**
 4 **are transferred to the authority as the successor agency for the**
 5 **limited purposes described in subdivisions (1) and (2).**

6 SECTION 2. IC 6-1.1-6-12 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. If in the state
 8 forester's opinion an application filed under section 11 of this chapter
 9 and the land to be classified comply with the provisions of this chapter,
 10 the state forester shall approve the application. In addition, the state
 11 forester shall notify the ~~auditor~~ **assessor** of the county in which the land
 12 is located that the application has been approved and return one (1)
 13 approved application form to the applicant.

14 SECTION 3. IC 6-1.1-6-13, AS AMENDED BY P.L.66-2006,
 15 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2016]: Sec. 13. If an application filed under section 11 of this
 17 chapter is approved, the applicant shall record the approved application
 18 in the applicant's name. However, if the applicant is a partnership,
 19 corporation, limited liability company, or association, the applicant
 20 shall record the approved application in the name of the partnership,
 21 corporation, limited liability company, or association. When an
 22 approved application is properly recorded, the county ~~auditor~~ **assessor**
 23 shall enter the land for taxation at an assessed value determined under
 24 section 14 of this chapter.

25 SECTION 4. IC 6-1.1-6-23, AS AMENDED BY P.L.66-2006,
 26 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2016]: Sec. 23. If land classified as native forest land, a forest
 28 plantation, or wildlands is withdrawn from the classification, the state
 29 forester shall immediately notify the ~~auditor~~ **assessor** of the county in
 30 which the land is situated that the land has been withdrawn. In
 31 addition, when land is withdrawn, the owner of the land shall make a
 32 notation of the withdrawal in the records of the county recorder on
 33 forms provided by the state forester.

34 SECTION 5. IC 14-8-2-125, AS AMENDED BY P.L.167-2011,
 35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2016]: Sec. 125. "Historic site" **has the following meanings:**

37 **(1)** For purposes of IC 14-21-1, means a site that is important to
 38 the general, archeological, agricultural, economic, social,
 39 political, architectural, industrial, or cultural history of Indiana.
 40 The term includes adjacent property that is necessary for the
 41 preservation or restoration of the site.

42 **(2)** For purposes of IC 14-22-6, the meaning set forth in



1 **IC 4-37-1-7.**

2 SECTION 6. IC 14-8-2-155 IS REPEALED [EFFECTIVE JULY 1,
3 2016]. ~~Sec. 155: "Local unit", for purposes of IC 14-28-5, has the~~
4 ~~meaning set forth in IC 14-28-5-4.~~

5 SECTION 7. IC 14-9-4-1, AS AMENDED BY P.L.151-2012,
6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2016]: Sec. 1. The following divisions are established within
8 the department:

- 9 (1) Accounting.
10 (2) Administrative support services.
11 (3) Budget.
12 (4) Engineering.
13 (5) Entomology and plant pathology.
14 (6) Fish and wildlife.
15 (7) Forestry.
16 (8) Historic preservation and archeology.
17 (9) Human resources.
18 (10) Internal audit.
19 (11) Land acquisition.
20 (12) Law enforcement.
21 (13) Management information systems.
22 (14) Nature preserves.
23 (15) Oil and gas.
24 (16) Outdoor recreation.
25 (17) ~~Public information and education.~~ **Communications.**
26 (18) Reclamation.
27 (19) Reservoir management.
28 (20) Safety and training.
29 (21) State parks.
30 (22) Water.
31 (23) State land office.

32 SECTION 8. IC 14-15-2-6 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section does
34 not apply to the following:

- 35 (1) A sailboard or windsurfing board.
36 (2) A manually propelled boat, such as a racing shell, rowing
37 scull, or racing kayak:
38 (A) that is recognized by national or international racing
39 associations for use in competitive racing;
40 (B) in which all occupants row, scull, or paddle, with the
41 exception of a coxswain if a coxswain is provided; and
42 (C) that is designed to carry and carries equipment only for



1 competitive racing.
 2 (b) All boats must be equipped with the number and type of
 3 personal flotation devices listed in this subsection. A person may not
 4 operate a boat unless the boat contains:

- 5 (1) for each person on board, one (1) personal flotation device
 6 that meets the requirements for designation by the United States
 7 Coast Guard as a ~~Type I, Type II, Type III, or Type V~~ **wearable**
 8 personal flotation device; and
 9 (2) for a boat, except a canoe or kayak, at least sixteen (16) feet
 10 in length and in addition to the requirements of subdivision (1),
 11 one (1) personal flotation device that meets the requirements for
 12 designation by the United States Coast Guard as a ~~Type IV~~
 13 **throwable** personal flotation device.

14 (c) The director may waive the requirements of this section for a
 15 boat during competition in a boat race for which a permit has been
 16 issued by the department if the following conditions are met:

- 17 (1) The sponsor of the boat race has informed the director of the
 18 precautions the sponsor will take to minimize the safety hazards
 19 that exist due to noncompliance with the requirements of this
 20 section.
 21 (2) The sponsor files with the director a document under which
 22 the sponsor assumes all liability that may result from the use of a
 23 boat under the waiver.

24 SECTION 9. IC 14-15-2-15, AS AMENDED BY P.L.195-2014,
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2016]: Sec. 15. (a) A person who violates section 1, 2, 3, 4, 5,
 27 6, 7(b), 9, 10, **11**, 12, 13, or 14 of this chapter commits a Class C
 28 infraction.

29 (b) A person who violates section 7(c) or 8 of this chapter commits
 30 a Class A infraction. Notwithstanding IC 34-28-5-4(a), a judgment of
 31 at least one thousand dollars (\$1,000) shall be imposed for each Class
 32 A infraction committed in violation of section 7(c) or 8 of this chapter.

33 SECTION 10. IC 14-15-4-2 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The operator of
 35 a boat involved in an accident or a collision resulting in:

- 36 (1) injury to or death of a person; or
 37 (2) damage to a boat or other property to an apparent extent of at
 38 least seven hundred fifty dollars (\$750);

39 shall provide the information required under subsection (b).

40 (b) An operator of a boat subject to subsection (a) shall do the
 41 following:

- 42 (1) Give notice of the accident to:



- 1 (A) the office of the sheriff of the county;
 2 (B) the nearest state police post; or
 3 (C) ~~the nearest conservation office;~~ **central dispatch center**
 4 **for the law enforcement division of the department;**
 5 immediately and by the quickest means of communication.
 6 (2) Mail to the department a written report of the accident or
 7 collision within twenty-four (24) hours of the accident or
 8 collision.
- 9 SECTION 11. IC 14-15-7-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department
 11 may adopt rules under IC 4-22-2 to implement this article concerning
 12 the following:
- 13 (1) Applications for and the issuance of permits and certificates
 14 required by this article.
 15 (2) The conduct of watercraft races.
 16 (3) Standards of safety for boats used to carry passengers for hire,
 17 the determination of the maximum weight that may safely be
 18 carried on boats, and the inspection of boats.
 19 (4) The safe operation of watercraft upon public water where
 20 unusual conditions or hazards exist, such as any of the following:
 21 (A) An obstruction in or along public water.
 22 (B) Watercraft traffic congestion.
 23 (C) A beach, boat launch, marina, dam, spillway, or other
 24 recreational facility on or adjacent to public water.
 25 (5) The placement, location, and maintenance of the following
 26 structures upon public water:
 27 (A) Buoys.
 28 (B) Markers.
 29 (C) Flags.
 30 (D) Devices that are used for the purposes of swimming or
 31 extending the use of water skis, water sleds, or aquaplanes.
 32 (6) The establishment of zones where the use of watercraft may
 33 be limited or prohibited for the following purposes:
 34 (A) Fish, wildlife, or botanical resource management.
 35 (B) The protection of users.
 36 (7) The regulation of watercraft engaged in group or organized
 37 activities or tournaments.
- 38 (b) In a rule adopted under subsection (a)(4) or (a)(6), the
 39 department may establish a zone where:
 40 (1) the operation of all or some types of watercraft is prohibited;
 41 (2) particular activities are restricted or prohibited; or
 42 (3) a limitation is placed on the speed at which a watercraft may



1 be operated.

2 **(c) A person who violates this section commits a Class C**
3 **infraction.**

4 SECTION 12. IC 14-15-12-8 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. A person shall not
6 operate a personal watercraft on public waters unless every individual:

- 7 (1) operating;
8 (2) riding on; or
9 (3) being towed by;

10 the personal watercraft is wearing a personal flotation device that meets
11 the requirements for designation by the United States Coast Guard as
12 a ~~Type I, Type II, Type III, or Type V~~ **wearable** personal flotation
13 device, if applicable.

14 SECTION 13. IC 14-16-1-32 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2016]: **Sec. 32. A vehicle that is:**

17 **(1) from another state or country and is not registered in that**
18 **state or country; and**

19 **(2) owned by a nonresident of Indiana;**
20 **may be operated on designated trails and properties owned or**
21 **managed by the department if the operator of the vehicle pays a fee**
22 **set by the commission for an annual trail use tag.**

23 SECTION 14. IC 14-22-6-13, AS AMENDED BY P.L.219-2014,
24 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2016]: Sec. 13. If the director:

26 (1) determines that a species of wild animal present within a state
27 park **or historic site** poses an unusual hazard to the health or
28 safety of one (1) or more individuals;

29 (2) determines, based upon the opinion of a professional biologist,
30 that it is likely that:

31 (A) a species of wild animal present within a state park **or**
32 **historic site** will cause obvious and measurable damage to the
33 ecological balance within the state park **or historic site**; and

34 (B) the ecological balance within the state park **or historic site**
35 will not be maintained unless action is taken to control the
36 population of the species within the state park **or historic site**;

37 or

38 (3) is required under a condition of a lease from the federal
39 government to manage a particular wild animal species;

40 the director shall authorize the taking of a species within the state park
41 **or historic site** under rules adopted under IC 4-22-2.

42 SECTION 15. IC 14-22-7-3, AS AMENDED BY P.L.151-2012,



1 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2016]: Sec. 3. ~~(a)~~ An individual may not hunt a migratory
3 waterfowl within Indiana without having an electronically generated
4 migratory waterfowl stamp issued by the department. The stamp must
5 be in the possession of each individual hunting a migratory waterfowl.
6 The licensee shall validate the stamp with the signature, in ink, of the
7 licensee on the hunting license on which the electronically generated
8 form of the stamp is attached.

9 ~~(b) The department shall determine the form of the migratory
10 waterfowl stamp and may create and sell commemorative migratory
11 waterfowl stamps.~~

12 SECTION 16. IC 14-22-8-4, AS AMENDED BY P.L.151-2012,
13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2016]: Sec. 4. ~~(a)~~ An individual may not hunt a game bird
15 within Indiana without having an electronically generated game bird
16 habitat restoration stamp issued by the department. The stamp must be
17 in the possession of each individual hunting a game bird. The licensee
18 shall validate the stamp with the signature of the licensee on the
19 hunting license on which the electronically generated form of the stamp
20 is attached.

21 ~~(b) The department shall determine the form of the stamp and may
22 create and sell commemorative game bird habitat restoration stamps.~~

23 SECTION 17. IC 14-22-11-1, AS AMENDED BY P.L.194-2014,
24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2016]: Sec. 1. (a) As used in this section, "farmland" means
26 agricultural land that is:

- 27 (1) devoted or best adaptable for the production of crops, fruits,
28 timber, and the raising of livestock; or
- 29 (2) assessed as agricultural land for property tax purposes.

30 (b) An individual may not take or chase, with or without dogs, a
31 wild animal without having a license, except as follows:

- 32 (1) An individual who is a resident or nonresident of Indiana
33 while participating in a field trial that has been sanctioned by the
34 director is not required to possess a license while participating in
35 the trial.
- 36 (2) Subject to subsection (d), an owner of farmland located in
37 Indiana who is a resident or nonresident of Indiana and the spouse
38 and children living with the owner may hunt, fish, and trap
39 without a license on the land that the owner owns.
- 40 (3) A lessee of farmland who farms that land and is a resident of
41 Indiana and the spouse and children living with the lessee may
42 hunt, fish, and trap without a license on the leased land. This



- 1 subdivision does not apply to land that is:
 2 (A) owned, leased, or controlled by; and
 3 (B) leased from;
 4 the department.
 5 (4) An individual who:
 6 (A) is less than thirteen (13) years of age;
 7 (B) does not possess a bow or firearm; and
 8 (C) is accompanying an individual who:
 9 (i) is at least eighteen (18) years of age; and
 10 (ii) holds a valid license;
 11 may chase a wild animal without having a license.
 12 (5) The manager of a public use airport (as defined by 49 U.S.C.
 13 47102(22)), or the manager's designee, may chase or take ~~except~~
 14 ~~by trapping~~; at any time, without a license, a:
 15 (A) white-tailed deer, **except by trapping**;
 16 (B) coyote;
 17 (C) wild turkey, **except by trapping**; or
 18 (D) migratory bird;
 19 that poses a threat to aircraft within the airport operations area.
 20 (c) The exceptions provided in this section do not apply to a
 21 commercial license issued under this article.
 22 (d) The right of a nonresident who owns farmland in Indiana (and
 23 of the spouse and children who reside with the nonresident) to hunt,
 24 fish, and trap on the farmland without a license under subsection (b)(2)
 25 is subject to the following conditions:
 26 (1) The nonresident may hunt, fish, and trap on the farmland
 27 without a license only if the state in which the nonresident resides
 28 allows residents of Indiana who own land in that state to hunt,
 29 fish, and trap on their land without a license.
 30 (2) While hunting, fishing, or trapping on the farmland, the
 31 nonresident must keep proof that the nonresident owns the
 32 farmland (for example, a tax receipt identifying the nonresident
 33 as owner) in a place where the proof is readily accessible by the
 34 nonresident.
 35 (e) The manager of a public use airport (as defined by 49 U.S.C.
 36 47102(22)), or the manager's designee, shall report annually to the
 37 department the following:
 38 (1) The number of animals killed under subsection (b)(5) by
 39 species.
 40 (2) The date the animal was taken.
 41 (3) The name and address of the person who took the animal,
 42 other than a migratory bird.



1 (4) The disposition of the animal.

2 (5) The name and address of the person to whom the animal was
3 given as a gift or donated (if applicable).

4 A copy of the report must be kept at the public use airport (as defined
5 by 49 U.S.C. 47102(22)) and be available upon request to an employee
6 of the department. White-tailed deer and wild turkeys must be tagged
7 or accompanied by a piece of paper that includes the name and address
8 of the person who took the deer or wild turkey, the date the deer or wild
9 turkey was taken, and the location where the deer or wild turkey was
10 taken before processing of the deer or wild turkey begins. However, it
11 is not a violation of this subsection if the manager of a public use
12 airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee,
13 fails to submit an annual report under this subsection, as long as the
14 manager of a public use airport (as defined by 49 U.S.C. 47102(22)),
15 or the manager's designee, provides the relevant information requested
16 by the department not later than fourteen (14) calendar days after
17 receiving a request from the department. If the manager of a public use
18 airport (as defined by 49 U.S.C. 47102(22)) or the manager's designee
19 does not provide the information requested by the department within
20 the required fourteen (14) day period, the manager of the public use
21 airport (as defined by 49 U.S.C. 47102(22)) and any designee of the
22 manager are required to obtain a permit from the department to chase
23 or take a wild animal during the following calendar year.

24 SECTION 18. IC 14-22-24.5 IS REPEALED [EFFECTIVE JULY
25 1, 2016]. (Dog Training Ground Permit).

26 SECTION 19. IC 14-22-38-7, AS AMENDED BY P.L.289-2013,
27 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2016]: Sec. 7. (a) As used in this section, "hunter orange"
29 means a daylight fluorescent orange with the dominant wavelength
30 595-605 nm, a purity of not less than eighty-five percent (85%), and a
31 luminance factor of not less than forty percent (40%).

32 (b) As used in this section, "wear hunter orange" means to expose
33 on one's person as an outer garment one (1) or more of the following
34 articles of clothing that are solid hunter orange in color:

- 35 (1) A vest.
- 36 (2) A coat.
- 37 (3) A jacket.
- 38 (4) Coveralls.
- 39 (5) A hat.
- 40 (6) A cap.

41 However, articles of clothing specified under this section with logos,
42 patches, insignia, or printing that does not substantially hinder the



1 visibility of the hunter orange material are allowed under this section.

2 (c) This subsection applies only during the season when hunting by
3 firearms (as defined in IC 14-22-40-3) is permitted under 312 IAC. A
4 person who hunts for:

5 (1) deer by firearm or bow and arrow;

6 (2) cottontail rabbit;

7 (3) squirrel, unless from a boat, during the period:

8 (A) beginning on the first Friday that follows November 3; and

9 (B) ending on January 31 of the following year;

10 (4) woodcock;

11 (5) pheasant;

12 (6) quail; or

13 (7) ruffed grouse;

14 must wear hunter orange:

15 (d) (c) A person who violates the requirement to:

16 (1) wear hunter orange; or

17 (2) display hunter orange on an occupied ground blind;

18 as specified in 312 IAC 9 commits a Class D infraction.

19 SECTION 20. IC 14-28-5-1 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this
21 chapter, "flood control program" includes the following:

22 (1) The removal of obstructions and accumulated debris from
23 channels of streams.

24 (2) The clearing and straightening of channels of streams.

25 (3) The creating of new and enlarged channels of streams,
26 wherever required.

27 (4) The building or repairing of dikes, levees, or other flood
28 protective works.

29 (5) The construction of bank protection works for streams.

30 (6) The establishment of floodways.

31 **(7) Conducting all other activities that are permitted by the**
32 **federal Flood Control Act and federal Clean Water Act.**

33 SECTION 21. IC 14-28-5-3 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this
35 chapter, "governing board" means the following:

36 (1) ~~The legislative body of a county, city, or town.~~

37 (2) ~~A board created by law to administer the affairs of a special~~
38 ~~taxing district.~~ **the participant.**

39 SECTION 22. IC 14-28-5-4 IS REPEALED [EFFECTIVE JULY 1,
40 2016]. Sec. 4. As used in this chapter, "local unit" means county, city,
41 town, or special taxing district created by law.

42 SECTION 23. IC 14-28-5-4.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2016]: Sec. 4.5. As used in this chapter,
 3 "participant" means any of the following:

- 4 (1) A political subdivision as defined in IC 36-1-2-13.
 5 (2) A regional water, sewage, or solid waste district organized
 6 under IC 13-26-1.
 7 (3) A conservancy district established for purpose set forth in
 8 IC 14-33-1-1(a)(5).
 9 (4) An owner of a wastewater treatment system that is
 10 authorized by the federal Clean Water Act to borrow from
 11 the wastewater revolving loan program established under
 12 IC 13-18-13.

13 SECTION 24. IC 14-28-5-5, AS AMENDED BY P.L.155-2015,
 14 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2016]: Sec. 5. (a) The flood control revolving fund is created
 16 to provide money for loans and financial assistance to or for the
 17 benefit of participants under this chapter. The authority shall hold
 18 the fund in the name of the authority. The authority shall administer the
 19 fund in the manner provided by IC 4-4-11 and this chapter.

20 (b) Loans and financial assistance may be made from the fund to
 21 local units participants in accordance with the manner provided by
 22 IC 4-4-11 and this chapter. and the rules adopted under this chapter.

23 (c) Money in the fund does not revert to the state general fund. The
 24 fund is a revolving fund to be used exclusively for the purposes of this
 25 chapter.

26 SECTION 25. IC 14-28-5-6 IS REPEALED [EFFECTIVE JULY 1,
 27 2016]. Sec. 6: Except as otherwise provided with respect to the
 28 administration of the fund; the commission shall administer this
 29 chapter. The commission may do the following:

- 30 (1) Adopt rules under IC 4-22-2 that are considered necessary by
 31 the commission for the proper administration of this chapter.
 32 (2) Subject to the approval of the budget committee, employ the
 33 personnel that are necessary for the efficient administration of this
 34 chapter.

35 SECTION 26. IC 14-28-5-7, AS AMENDED BY P.L.155-2015,
 36 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2016]: Sec. 7. (a) The authority may make an approved loan
 38 or provide other financial assistance from the fund to a local unit
 39 participant. The money loaned or provided is to be used by the local
 40 unit participant for the purpose of instituting, accomplishing, and
 41 administering an approved flood control program.

42 (b) The total amount outstanding under loans made under:



1 (1) ~~this chapter; and~~
 2 (2) ~~IC 13-2-23 (before its repeal);~~
 3 to one (1) local unit may not exceed three hundred thousand dollars
 4 (\$300,000).

5 SECTION 27. IC 14-28-5-8, AS AMENDED BY P.L.155-2015,
 6 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2016]: Sec. 8. A ~~local unit~~ **participant** may institute,
 8 accomplish, and administer a flood control program if the following
 9 conditions are met:

10 (1) The program is authorized and approved by ordinance or
 11 resolution enacted by the governing board of the ~~local unit~~
 12 **participant**.

13 (2) The flood control program has been approved by the authority.
 14 ~~and the commission.~~

15 SECTION 28. IC 14-28-5-9, AS AMENDED BY P.L.155-2015,
 16 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2016]: Sec. 9. The authority shall authorize the making of a
 18 loan **or providing other financial assistance** to a ~~local unit~~
 19 **participant** under this chapter only when the following conditions
 20 exist:

21 (1) An application for the loan **or other financial assistance** has
 22 been submitted by the ~~local unit~~ **participant** to the authority in
 23 the manner and form that the authority directs. The application
 24 must state the following:

25 (A) The need for the flood control program and the need for
 26 money for instituting, accomplishing, and administering the
 27 program.

28 (B) A detailed description of the program.

29 (C) An engineering estimate of the cost of the proposed
 30 program acceptable to the authority. ~~and the commission.~~

31 (D) The amount of money considered to be needed.

32 (E) Other information that is requested by the authority. ~~and~~
 33 ~~the commission.~~

34 (2) There is a need, as determined by the ~~commission; authority,~~
 35 for the proposed flood control program for the purpose of
 36 protecting the health, safety, and general welfare of the
 37 inhabitants of the ~~local unit~~ **participant's jurisdiction**.

38 (3) ~~The proposed flood control program has been approved by the~~
 39 ~~commission; if before granting the approval, the commission~~
 40 ~~determines the following:~~

41 (A) ~~That the program:~~

42 (i) is based upon sound engineering principles;



1 (ii) is in the interest of flood control; and
 2 (iii) will accomplish the objectives of flood control:
 3 (B) That for flood control programs involving the
 4 reconstruction or repair of existing flood control works that:
 5 (i) in the judgment of the commission; constitutes an
 6 unreasonable obstruction or impediment to the proper
 7 discharge of flood flows; or
 8 (ii) by virtue of their nature, location, or design, are subject
 9 to frequent damage or destruction;
 10 approval is limited to the work that is necessary to afford
 11 emergency protection against actual or threatened damage to
 12 life and property.
 13 (4) (3) The local unit participant agrees and furnishes assurance,
 14 satisfactory to the commission, authority, that the local unit
 15 participant will operate and maintain the flood control program,
 16 after completion, in a satisfactory manner.
 17 SECTION 29. IC 14-28-5-10, AS AMENDED BY P.L.53-2008,
 18 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2016]: Sec. 10. (a) The local unit participant may:
 20 (1) do work; and
 21 (2) provide labor, equipment, and materials from any source at the
 22 local unit's participant's disposal;
 23 for the flood control program.
 24 (b) The commission authority may do the following:
 25 (1) Evaluate the participation of the local unit participant in the
 26 accomplishment of the project.
 27 (2) Compute the participation as a part or all of the share of cost
 28 that the local unit participant is required to pay toward the total
 29 cost of the project for which the loan or other financial
 30 assistance from the fund is obtained.
 31 (c) Participation authorized under this section must be under the
 32 direction of the governing board.
 33 (d) If cash amounts are included in the local unit's participant's
 34 share of total cost, the amounts shall be provided in the usual and
 35 accepted manner for the financing of the affairs of the local unit
 36 participant.
 37 (e) Costs of engineering and legal services to the borrower may be
 38 regarded as a part of the total cost of the project.
 39 SECTION 30. IC 14-28-5-11, AS AMENDED BY P.L.53-2008,
 40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2016]: Sec. 11. (a) The commission authority shall determine
 42 and ascribe to each applicant for a loan and financial assistance a



1 priority rating. The rating must be based primarily on the need of the
 2 ~~local unit~~ **participant** for the proposed flood control program as the
 3 need is related to the needs of other applicants for loans **and financial**
 4 **assistance**. Except as provided in subsection (b):

5 (1) the ~~local units~~ **participants** having the highest priority rating
 6 shall be given first consideration in making loans **and providing**
 7 **financial assistance** under this chapter; and

8 (2) loans **and financial assistance** shall be made in descending
 9 order as shown by the priority ratings.

10 (b) If an emergency demands immediate relief from actual or
 11 threatened flood damage, the application made by a ~~local unit~~
 12 **participant** for a loan **or financial assistance** may be considered
 13 regardless of a previous priority rating ascribed to the applicant.

14 SECTION 31. IC 14-28-5-12 IS REPEALED [EFFECTIVE JULY
 15 1, 2016]. ~~Sec. 12. (a) A loan made under this chapter or under~~
 16 ~~IC 13-2-23 (before its repeal):~~

17 (1) ~~may be made for a period not to exceed ten (10) years; and~~

18 (2) ~~bears interest at the rate of three percent (3%) a year.~~

19 (b) ~~A local unit receiving a loan under this chapter shall agree to~~
 20 ~~repay the loan in equal annual installments, including interest on the~~
 21 ~~unpaid balance of the loan. The repayments, including interest, become~~
 22 ~~part of the fund and do not revert to the state general fund. However,~~
 23 ~~if a local unit levies a tax as provided in this chapter, the first~~
 24 ~~installment of the loan becomes due and payable out of money first~~
 25 ~~received from the levying and the collection of a tax authorized under~~
 26 ~~this chapter. A borrower may prepay a loan in full or in part without~~
 27 ~~interest penalty.~~

28 SECTION 32. IC 14-28-5-12.1 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2016]: **Sec. 12.1. (a) The authority shall**
 31 **establish the interest rate or parameters for establishing the**
 32 **interest rate on each loan and other financial assistance made**
 33 **under this chapter, including parameters for establishing the**
 34 **amount of interest subsidies.**

35 (b) **The authority, in setting the interest rate or parameters for**
 36 **establishing the interest rate on each loan and other financial**
 37 **assistance, may take into account the following:**

38 (1) **Credit risk.**

39 (2) **Environmental enforcement and protection.**

40 (3) **Affordability.**

41 (4) **Other fiscal factors the authority considers relevant,**
 42 **including the program's cost of funds and whether the**



- 1 **financial assistance provided to a particular participant is**
 2 **taxable or tax exempt under federal law.**
 3 **Based on the factors set forth in subdivisions (1) through (4), more**
 4 **than one (1) interest rate may be established and used for loans and**
 5 **other financial assistance to different participants or for different**
 6 **loans and other financial assistance to the same participants.**
 7 SECTION 33. IC 14-28-5-12.3 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2016]: **Sec. 12.3. A participant receiving a**
 10 **loan or other financial assistance from the fund shall enter into a**
 11 **financial assistance agreement with the authority. A financial**
 12 **assistance agreement is a valid, binding, and enforceable**
 13 **agreement on the participant.**
 14 SECTION 34. IC 14-28-5-13 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. A local unit**
 16 **participant receiving a loan or other financial assistance under:**
 17 (1) this chapter; or
 18 (2) IC 13-2-23 (before its repeal);
 19 may levy an annual tax on personal and real property located within the
 20 geographical limits of the ~~local unit~~ **participant** for flood control
 21 purposes. The tax is in addition to any other tax authorized by law to be
 22 levied for flood control purposes. The tax shall be levied at the rate that
 23 will produce sufficient revenue to pay the annual installment and
 24 interest on a loan **or other financial assistance** made under this
 25 chapter or under IC 13-2-23 (before its repeal). The tax at the rate
 26 authorized in this section is in addition to the maximum annual rates
 27 prescribed by law.
 28 SECTION 35. IC 14-28-5-14, AS AMENDED BY P.L.155-2015,
 29 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2016]: **Sec. 14. If a local unit participant** fails to make a
 31 payment to the fund or any other payment required by this chapter or
 32 under IC 13-2-23 (before its repeal) or is in any way indebted to the
 33 fund for an amount incurred or accrued, the state may recover the
 34 amount through any of the following:
 35 (1) The state may, through the attorney general and on behalf of
 36 the authority, file a suit in the circuit or a superior court with
 37 jurisdiction in the county in which the ~~local unit~~ **participant** is
 38 located to recover the amount that the ~~local unit~~ **participant** owes
 39 the fund.
 40 (2) The auditor of state may, after a sixty (60) day written notice
 41 to the ~~local unit~~, **participant**, withhold the payment and
 42 distribution of state money that the defaulting ~~local unit~~



1 **participant** is entitled to receive under Indiana law.

2 (3) For a special taxing district, upon certification by the auditor
3 of state after a sixty (60) day written notice to the special taxing
4 district, the auditor of each county containing land within the
5 special taxing district shall withhold collected tax money for the
6 special taxing district and remit the withheld tax money to the
7 auditor of state. The auditor of state shall make a payment to the
8 fund in the name of the special taxing district. Upon elimination
9 of the delinquency payment, the auditor of state shall certify the
10 fact to the auditors of the counties involved and any additional
11 withheld tax money shall be released to the special taxing district.

12 SECTION 36. IC 14-28-5-15 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. There is
14 appropriated annually to the ~~commission~~ **authority** from the state
15 general fund from money not otherwise appropriated an amount
16 sufficient to administer this chapter, subject to the approval of the
17 budget committee.

18 SECTION 37. IC 14-31-3-3 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this
20 chapter, "ginseng dealer" means a person who buys **or sells** ginseng
21 roots from ginseng harvesters or other ginseng dealers for resale or
22 exportation.

23 (b) The term does not include a person who sells solely for domestic
24 consumption.

25 SECTION 38. IC 14-31-3-15 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. A ginseng dealer
27 who:

28 (1) purchases **or sells** ginseng **for resale or exportation** without
29 a license; or

30 (2) obtains a license because of a false or an incorrect statement;
31 commits a Class B misdemeanor.

32 SECTION 39. IC 14-34-19-12, AS AMENDED BY P.L.165-2011,
33 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2016]: Sec. 12. (a) Within six (6) months after the completion
35 of projects to restore, reclaim, abate, control, or prevent adverse effects
36 of past coal mining practices on privately owned land, the director:

37 (1) shall itemize the money expended; and

38 (2) **if a lien reveals an increase in the property value of at least**
39 **twenty-five thousand dollars (\$25,000) per landowner per**
40 **project**, may, subject to subsection (b), ~~file~~ **have an independent**
41 **appraisal conducted**. A statement **may be filed** with the county
42 recorder in the county in which the land lies together with a



1 notarized appraisal by an independent appraiser of the value of
 2 the land before the restoration, reclamation, abatement, control,
 3 or prevention of adverse effects of past coal mining practices if
 4 the money expended results in a significant increase in property
 5 value. The statement constitutes a lien upon the land. The lien
 6 may not exceed the amount determined by the appraisal to be the
 7 increase in the market value of the land as a result of the
 8 restoration, reclamation, abatement, control, or prevention of the
 9 adverse effects of past coal mining practices.

10 (b) A lien may not be filed against the property of a person under
 11 subsection (a) who did not:

- 12 (1) consent to;
- 13 (2) participate in; or
- 14 (3) exercise control over;

15 the mining operation that necessitated the reclamation **work** performed
 16 under this chapter.

17 (c) The landowner may petition within sixty (60) days of the filing
 18 of the lien to determine the increase in the market value of the land as
 19 a result of the restoration, reclamation, abatement, control, or
 20 prevention of the adverse effects of past coal mining practices. The
 21 amount reported to be the increase in value of the premises constitutes
 22 the amount of the lien and shall be recorded with the statement filed
 23 under subsection (a). A party aggrieved by the decision may appeal as
 24 provided by law.

25 (d) The director shall record the lien with the county recorder in the
 26 county in which the land is located. The statement:

- 27 (1) constitutes a lien upon the land as of the date of the
- 28 expenditure of the money; and
- 29 (2) has priority as a lien second only to the lien of real estate taxes
- 30 imposed upon the land.

31 SECTION 40. IC 25-36.5-1-7 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The application fee
 33 or renewal fee for a registration certificate to operate as a timber buyer,
 34 is one hundred ~~five~~ **thirty** dollars (~~\$105~~). (**\$130**). The fee for a
 35 certificate stating that a registration certificate has been issued and
 36 security filed is twenty dollars (\$20). All fees collected by the
 37 department accrue to the use of the department for its administrative
 38 purposes.

39 SECTION 41. IC 25-36.5-1-15, AS AMENDED BY P.L.155-2015,
 40 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2016]: Sec. 15. (a) An individual who acts as the agent of a
 42 timber buyer must have an agent's license and carry the agent's card



- 1 that verifies the license.
- 2 (b) An agent's license may be granted only:
- 3 (1) to qualified individuals;
- 4 (2) at the written application of the timber buyer who the agent is
- 5 to represent; and
- 6 (3) under that timber buyer's registration certificate.
- 7 (c) The application for an agent's license must contain the agent's
- 8 full name, address, and other information as required by the department
- 9 on forms supplied by the department. Each timber buyer is responsible
- 10 for all of the agent's activities performed while acting under the timber
- 11 buyer's registration certificate as they pertain to this chapter.
- 12 (d) An application fee of ~~ten~~ **twenty** dollars (~~\$10~~) (**\$20**) for each
- 13 agent shall be charged for the license and agent's card.
- 14 (e) An agent's license may be revoked by the department under
- 15 IC 4-21.5 if the agent does not comply with this section.
- 16 (f) An agent may have a license to represent only one (1) timber
- 17 buyer. However, upon surrendering the agent's card and license under
- 18 one (1) timber buyer, an individual may be licensed as an agent of
- 19 another timber buyer.
- 20 (g) A timber buyer may not be licensed as an agent except as the
- 21 principal agent of that timber buyer.
- 22 (h) A timber buyer may not effect or attempt to effect a purchase
- 23 except through an agent.
- 24 (i) A timber buyer may terminate an agency relationship by
- 25 notifying in writing the agent and the department. Termination of an
- 26 agency relationship revokes the agent's license.
- 27 (j) A person who acts as an agent without a license commits a Class
- 28 B misdemeanor.
- 29 SECTION 42. P.L.155-2015, SECTION 29, IS REPEALED
- 30 [EFFECTIVE UPON PASSAGE]. SECTION 29: (a) Any rules adopted
- 31 by the natural resources commission under IC 14-28-5 and that were in
- 32 effect on June 30, 2015, remain in effect until rules are adopted under
- 33 IC 14-28-5 by the Indiana finance authority.
- 34 (b) This SECTION expires July 1, 2020.
- 35 SECTION 43. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1246, 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, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-4-11-0.4, AS ADDED BY P.L.220-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.4. (a) On May 15, 2005, all powers, duties, agreements, and liabilities of the treasurer of state, the auditor of state, the department of environmental management, and the budget agency with respect to:

- (1) the wastewater revolving loan program established by IC 13-18-13-1;
- (2) the drinking water revolving loan program established by IC 13-18-21-1; and
- (3) the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21;

are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) through (3).

(b) On May 15, 2005, all records, money, and other property of the treasurer of state, the auditor of state, the department of environmental management, and the budget agency with respect to:

- (1) the wastewater revolving loan program established by IC 13-18-13-1;
- (2) the drinking water revolving loan program established by IC 13-18-21-1; and
- (3) the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21;

are transferred to the authority as the successor agency for the limited purposes described in subdivisions (1) through (3).

(c) On May 15, 2005, all powers, duties, agreements, and liabilities of the Indiana bond bank, the Indiana department of environmental management, and the budget agency with respect to:

- (1) outstanding bonds issued for:
 - (A) the wastewater revolving loan program established by IC 13-18-13-1; or
 - (B) the drinking water revolving loan program established by IC 13-18-21-1; and
- (2) any trust agreement or indenture, security agreement, purchase



agreement, or other undertaking entered into in connection with the bonds described in subdivision (1); are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) and (2). The rights of the trustee and the bondholders with respect to any bonds or any trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in this subsection remain the same, although the powers, duties, agreements, and liabilities of the Indiana bond bank have been transferred to the authority and the authority shall be considered to have assumed all those powers, duties, agreements, and liabilities as if the authority were the Indiana bond bank for those limited purposes.

(d) On July 1, 2016, all powers, duties, agreements, and liabilities of the treasurer of state, the auditor of state, the department of natural resources, the natural resources commission, and the budget agency with respect to:

(1) the flood control program established by IC 14-28-5-1; and

(2) the flood control revolving fund created by IC 14-28-5-5; are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) and (2).

(e) On July 1, 2016, all records, money, and other property of the treasurer of state, the auditor of state, the department of natural resources, the natural resources commission, and the budget agency with respect to:

(1) the flood control program established by IC 14-28-5-1; and

(2) the flood control revolving fund created by IC 14-28-5-5; are transferred to the authority as the successor agency for the limited purposes described in subdivisions (1) and (2)."

Page 2, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 6. IC 14-8-2-155 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 155. "Local unit", for purposes of IC 14-28-5, has the meaning set forth in IC 14-28-5-4."

Page 9, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 19. IC 14-28-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "flood control program" includes the following:

- (1) The removal of obstructions and accumulated debris from channels of streams.
- (2) The clearing and straightening of channels of streams.
- (3) The creating of new and enlarged channels of streams,



wherever required.

(4) The building or repairing of dikes, levees, or other flood protective works.

(5) The construction of bank protection works for streams.

(6) The establishment of floodways.

(7) Conducting all other activities that are permitted by the federal Flood Control Act and federal Clean Water Act.

SECTION 20. IC 14-28-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "governing board" means the following:

~~(1) The legislative body of a county, city, or town.~~

~~(2) A board created by law to administer the affairs of a special taxing district.~~ **the participant.**

SECTION 21. IC 14-28-5-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4. As used in this chapter, "local unit" means county, city, town, or special taxing district created by law.

SECTION 22. IC 14-28-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. As used in this chapter, "participant" means any of the following:

(1) A political subdivision as defined in IC 36-1-2-13.

(2) A regional water, sewage, or solid waste district organized under IC 13-26-1.

(3) A conservancy district established for purpose set forth in IC 14-33-1-1(a)(5).

(4) An owner of a wastewater treatment system that is authorized by the federal Clean Water Act to borrow from the wastewater revolving loan program established under IC 13-18-13.

SECTION 23. IC 14-28-5-5, AS AMENDED BY P.L.155-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The flood control revolving fund is created **to provide money for loans and financial assistance to or for the benefit of participants under this chapter.** The authority shall hold the fund in the name of the authority. The authority shall administer the fund in the manner provided by IC 4-4-11 and this chapter.

(b) Loans **and financial assistance** may be made from the fund to ~~local units participants~~ **in accordance with the manner provided by IC 4-4-11 and this chapter.** ~~and the rules adopted under this chapter.~~

(c) Money in the fund does not revert to the state general fund. The fund is a revolving fund to be used exclusively for the purposes of this chapter.



SECTION 24. IC 14-28-5-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6. Except as otherwise provided with respect to the administration of the fund, the commission shall administer this chapter. The commission may do the following:

- (1) Adopt rules under IC 4-22-2 that are considered necessary by the commission for the proper administration of this chapter.
- (2) Subject to the approval of the budget committee, employ the personnel that are necessary for the efficient administration of this chapter.

SECTION 25. IC 14-28-5-7, AS AMENDED BY P.L.155-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The authority may make an approved loan **or provide other financial assistance** from the fund to a ~~local unit~~ **participant**. The money loaned **or provided** is to be used by the ~~local unit participant~~ for the purpose of instituting, accomplishing, and administering an approved flood control program.

(b) The total amount outstanding under loans made under:

- (1) this chapter; and
- (2) IC 13-2-23 (before its repeal);

to one (1) local unit may not exceed three hundred thousand dollars (\$300,000).

SECTION 26. IC 14-28-5-8, AS AMENDED BY P.L.155-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. A ~~local unit~~ **participant** may institute, accomplish, and administer a flood control program if the following conditions are met:

- (1) The program is authorized and approved by ordinance or resolution enacted by the governing board of the ~~local unit~~ **participant**.
- (2) The flood control program has been approved by the authority ~~and the commission~~.

SECTION 27. IC 14-28-5-9, AS AMENDED BY P.L.155-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The authority shall authorize the making of a loan **or providing other financial assistance** to a ~~local unit~~ **participant** under this chapter only when the following conditions exist:

- (1) An application for the loan **or other financial assistance** has been submitted by the ~~local unit~~ **participant** to the authority in the manner and form that the authority directs. The application must state the following:
 - (A) The need for the flood control program and the need for



money for instituting, accomplishing, and administering the program.

(B) A detailed description of the program.

(C) An engineering estimate of the cost of the proposed program acceptable to the authority, ~~and the commission.~~

(D) The amount of money considered to be needed.

(E) Other information that is requested by the authority, ~~and the commission.~~

(2) There is a need, as determined by the ~~commission;~~ **authority**, for the proposed flood control program for the purpose of protecting the health, safety, and general welfare of the inhabitants of the ~~local unit.~~ **participant's jurisdiction.**

~~(3) The proposed flood control program has been approved by the commission; if before granting the approval, the commission determines the following:~~

~~(A) That the program:~~

~~(i) is based upon sound engineering principles;~~

~~(ii) is in the interest of flood control; and~~

~~(iii) will accomplish the objectives of flood control.~~

~~(B) That for flood control programs involving the reconstruction or repair of existing flood control works that:~~

~~(i) in the judgment of the commission, constitutes an unreasonable obstruction or impediment to the proper discharge of flood flows; or~~

~~(ii) by virtue of their nature, location, or design, are subject to frequent damage or destruction;~~

~~approval is limited to the work that is necessary to afford emergency protection against actual or threatened damage to life and property.~~

~~(4) (3) The local unit participant agrees and furnishes assurance, satisfactory to the ~~commission;~~ **authority**, that the ~~local unit~~ **participant** will operate and maintain the flood control program, after completion, in a satisfactory manner.~~

SECTION 28. IC 14-28-5-10, AS AMENDED BY P.L.53-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The ~~local unit~~ **participant** may:

(1) do work; and

(2) provide labor, equipment, and materials from any source at the ~~local unit's~~ **participant's** disposal;

for the flood control program.

(b) The ~~commission~~ **authority** may do the following:

(1) Evaluate the participation of the ~~local unit~~ **participant** in the

EH 1246—LS 6451/DI 77



accomplishment of the project.

(2) Compute the participation as a part or all of the share of cost that the ~~local unit~~ **participant** is required to pay toward the total cost of the project for which the loan **or other financial assistance** from the fund is obtained.

(c) Participation authorized under this section must be under the direction of the governing board.

(d) If cash amounts are included in the ~~local unit's~~ **participant's** share of total cost, the amounts shall be provided in the usual and accepted manner for the financing of the affairs of the ~~local unit~~ **participant**.

(e) Costs of engineering and legal services to the borrower may be regarded as a part of the total cost of the project.

SECTION 29. IC 14-28-5-11, AS AMENDED BY P.L.53-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The ~~commission authority~~ shall determine and ascribe to each applicant for a loan **and financial assistance** a priority rating. The rating must be based primarily on the need of the ~~local unit~~ **participant** for the proposed flood control program as the need is related to the needs of other applicants for loans **and financial assistance**. Except as provided in subsection (b):

- (1) the ~~local units~~ **participants** having the highest priority rating shall be given first consideration in making loans **and providing financial assistance** under this chapter; and
- (2) loans **and financial assistance** shall be made in descending order as shown by the priority ratings.

(b) If an emergency demands immediate relief from actual or threatened flood damage, the application made by a ~~local unit~~ **participant** for a loan **or financial assistance** may be considered regardless of a previous priority rating ascribed to the applicant.

SECTION 30. IC 14-28-5-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~12~~: (a) A loan made under this chapter ~~or under IC 13-2-23 (before its repeal)~~:

- (1) may be made for a period not to exceed ten (10) years; and
- (2) bears interest at the rate of three percent (3%) a year.

(b) A ~~local unit~~ receiving a loan under this chapter shall agree to repay the loan in equal annual installments, including interest on the unpaid balance of the loan. The repayments, including interest, become part of the fund and do not revert to the state general fund. However, if a ~~local unit~~ levies a tax as provided in this chapter, the first installment of the loan becomes due and payable out of money first received from the levying and the collection of a tax authorized under



this chapter. A borrower may prepay a loan in full or in part without interest penalty.

SECTION 31. IC 14-28-5-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12.1. (a) The authority shall establish the interest rate or parameters for establishing the interest rate on each loan and other financial assistance made under this chapter, including parameters for establishing the amount of interest subsidies.**

(b) The authority, in setting the interest rate or parameters for establishing the interest rate on each loan and other financial assistance, may take into account the following:

- (1) Credit risk.**
- (2) Environmental enforcement and protection.**
- (3) Affordability.**
- (4) Other fiscal factors the authority considers relevant, including the program's cost of funds and whether the financial assistance provided to a particular participant is taxable or tax exempt under federal law.**

Based on the factors set forth in subdivisions (1) through (4), more than one (1) interest rate may be established and used for loans and other financial assistance to different participants or for different loans and other financial assistance to the same participants.

SECTION 32. IC 14-28-5-12.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12.3. A participant receiving a loan or other financial assistance from the fund shall enter into a financial assistance agreement with the authority. A financial assistance agreement is a valid, binding, and enforceable agreement on the participant.**

SECTION 33. IC 14-28-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. A local unit participant receiving a loan or other financial assistance under:**

- (1) this chapter; or**
- (2) IC 13-2-23 (before its repeal);**

may levy an annual tax on personal and real property located within the geographical limits of the local unit participant for flood control purposes. The tax is in addition to any other tax authorized by law to be levied for flood control purposes. The tax shall be levied at the rate that will produce sufficient revenue to pay the annual installment and interest on a loan or other financial assistance made under this chapter or under IC 13-2-23 (before its repeal). The tax at the rate



authorized in this section is in addition to the maximum annual rates prescribed by law.

SECTION 34. IC 14-28-5-14, AS AMENDED BY P.L.155-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. If a ~~local unit~~ **participant** fails to make a payment to the fund or any other payment required by this chapter or under IC 13-2-23 (before its repeal) or is in any way indebted to the fund for an amount incurred or accrued, the state may recover the amount through any of the following:

(1) The state may, through the attorney general and on behalf of the authority, file a suit in the circuit or a superior court with jurisdiction in the county in which the ~~local unit~~ **participant** is located to recover the amount that the ~~local unit~~ **participant** owes the fund.

(2) The auditor of state may, after a sixty (60) day written notice to the ~~local unit~~, **participant**, withhold the payment and distribution of state money that the defaulting ~~local unit~~ **participant** is entitled to receive under Indiana law.

(3) For a special taxing district, upon certification by the auditor of state after a sixty (60) day written notice to the special taxing district, the auditor of each county containing land within the special taxing district shall withhold collected tax money for the special taxing district and remit the withheld tax money to the auditor of state. The auditor of state shall make a payment to the fund in the name of the special taxing district. Upon elimination of the delinquency payment, the auditor of state shall certify the fact to the auditors of the counties involved and any additional withheld tax money shall be released to the special taxing district.

SECTION 35. IC 14-28-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. There is appropriated annually to the ~~commission~~ **authority** from the state general fund from money not otherwise appropriated an amount sufficient to administer this chapter, subject to the approval of the budget committee."



Page 11, line 11, delete "fifty" and insert "**thirty**".
Page 11, line 11, delete "(\$150)." and insert "**(\$130)**".
Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1246 as introduced.)

EBERHART

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 7, delete lines 14 through 25, begin a new paragraph and insert:

"SECTION 13. IC 14-16-1-32 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 32. A vehicle that is:**

(1) from another state or country and is not registered in that state or country; and

(2) owned by a nonresident of Indiana;

may be operated on designated trails and properties owned or managed by the department if the operator of the vehicle pays a fee set by the commission for an annual trail use tag."

Page 10, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 18. IC 14-22-24.5 IS REPEALED [EFFECTIVE JULY 1, 2016]. (Dog Training Ground Permit)."

Page 19, after line 29, begin a new paragraph and insert:

"SECTION 41. P.L.155-2015, SECTION 29, IS REPEALED [EFFECTIVE UPON PASSAGE]. SECTION 29: (a) Any rules adopted by the natural resources commission under IC 14-28-5 and that were in effect on June 30, 2015, remain in effect until rules are adopted under IC 14-28-5 by the Indiana finance authority."



~~(b) This SECTION expires July 1, 2020:~~
SECTION 42. **An emergency is declared for this act.**
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1246 as printed January 26, 2016.)

GLICK, Chairperson

Committee Vote: Yeas 8, Nays 0.

