



Reprinted
February 18, 2021

HOUSE BILL No. 1395

DIGEST OF HB 1395 (Updated February 17, 2021 4:51 pm - DI 142)

Citations Affected: IC 6-3.1; IC 14-8; IC 14-10; IC 14-11; IC 14-13; IC 14-22; IC 14-28; IC 14-34; IC 14-37; IC 25-36.5; IC 31-25; IC 35-52.

Synopsis: Various natural resources matters. Provides that a taxpayer who completes the preservation or rehabilitation of a historic property and obtains a certain certification is entitled to a credit of 20% or \$20,000, whichever is less. Repeals certain provisions related to commercial fishing. Provides that the natural resources commission (commission) may adopt rules to electronically notify the public of rules adopted by the commission. 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. Provides that the Kankakee River basin and Yellow River basin development commission may request to schedule an onsite field review for a proposed activity concerning private and mutual drains of the Kankakee River or Yellow River. Provides that wild animal permits do not apply to: (1) zoological parks; (2) circuses or carnivals; (3) research facilities and universities licensed or registered by the United States Department of Agriculture (USDA); and (4) organizations or persons temporarily housing a wild or exotic animal at the request of the department. Provides that wild animal permits also do not apply to commercial animal dealers, breeders, and exhibitors licensed by the
(Continued next page)

Effective: July 1, 2021.

Eberhart, Abbott, Bartels, Dvorak

January 14, 2021, read first time and referred to Committee on Natural Resources.
February 11, 2021, amended, reported — Do Pass.
February 17, 2021, read second time, amended, ordered engrossed.

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USDA who only possess wild or exotic animals that do not require a license by the department. Provides that the department, department employees, and law enforcement officers are not liable for any damages caused by a permitted animal that escapes its enclosure and poses a threat to public safety. Provides that local floodplain administrators in counties having a population of more than 140,000 but less than 150,000 may issue a variance approving a structure located in a floodway without a permit issued by the director of the department if: (1) the structure is not used as an abode or residence; (2) the structure is constructed after January 1, 2018, but not later than July 1, 2020; and (3) the lowest floor of the structure is not more than 0.15 of a foot below two feet above the 100 year flood elevation. Provides that the department may impose and collect fees for regulating underground petroleum storage. Provides standards for contracts for the purchase of timber. Provides for damages in certain proceedings regarding the purchase of timber. Provides for additional violations of rules associated with timber buyers. Provides that timber buyers shall maintain complete and accurate records of certain transactions for five years from the date of the transaction. Provides for suspensions of timber buyers licenses for 90 day periods. Makes technical corrections.

HB 1395—LS 6688/DI 139



Reprinted
February 18, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1395

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

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

- 1 SECTION 1. IC 6-3.1-22-8, AS AMENDED BY P.L.166-2014,
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 8. (a) Subject to section 14 of this chapter, a
4 taxpayer is entitled to a credit against the taxpayer's state tax liability
5 in the taxable year in which the taxpayer completes the preservation or
6 rehabilitation of historic property and obtains the certifications required
7 under section 9 of this chapter.
8 (b) The amount of the credit is equal to twenty percent (20%) of the
9 qualified expenditures **or twenty thousand dollars (\$20,000),**
10 **whichever is less** that:
11 (1) the taxpayer makes for the preservation or rehabilitation of
12 historic property; and
13 (2) are approved by the office.
14 (c) In the case of a husband and wife who:

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1 (1) own and rehabilitate a historic property jointly; and
 2 (2) file separate tax returns;
 3 the husband and wife may take the credit in equal shares or one (1)
 4 spouse may take the whole credit.

5 SECTION 2. IC 14-8-2-44 IS REPEALED [EFFECTIVE JULY 1,
 6 2021]. ~~Sec. 44: "Commercial fishing", for purposes of IC 14-22-14, has~~
 7 ~~the meaning set forth in IC 14-22-14-1.~~

8 SECTION 3. IC 14-8-2-46 IS REPEALED [EFFECTIVE JULY 1,
 9 2021]. ~~Sec. 46: "Commercial fishing license", for purposes of~~
 10 ~~IC 14-22-14, has the meaning set forth in IC 14-22-14-3.~~

11 SECTION 4. IC 14-8-2-138 IS REPEALED [EFFECTIVE JULY 1,
 12 2021]. ~~Sec. 138: "Lake Michigan", for purposes of IC 14-22-14, has the~~
 13 ~~meaning set forth in IC 14-22-14-4.~~

14 SECTION 5. IC 14-10-2-4, AS AMENDED BY P.L.164-2020,
 15 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 4. (a) The commission shall adopt rules under
 17 IC 4-22-2 to carry out the commission's duties under this title.

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

- 20 (1) IC 14-34;
 21 (2) IC 14-36-1; and
 22 (3) IC 14-38-2;

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

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

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

29 **(e) The commission may adopt rules under IC 4-22-2 to notify**
 30 **the public electronically of new rules adopted by the commission,**
 31 **in lieu of publishing notice in a newspaper of general circulation in**
 32 **Indiana.**

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

36 SECTION 6. IC 14-11-3-4, AS AMENDED BY P.L.150-2018,
 37 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 4. (a) Upon receiving an order from the bureau
 39 under IC 31-25-4-32(j) or IC 31-25-4-34(e), the director shall place on
 40 probationary status any license issued under IC 14-22-12, ~~IC 14-22-14,~~
 41 IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3 and
 42 held by the person who is the subject of the order. The director shall



1 send the person a notice that does the following:

2 (1) States that the person's license has been placed on
3 probationary status.

4 (2) States that the person's license will be suspended if the
5 director has not received notice from the bureau under
6 IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days
7 after the date of the notice.

8 ~~(3) Describes the amount of child support that the person is in
9 arrears.~~

10 ~~(4) Explains the procedures to:~~

11 ~~(A) pay the person's child support arrearage in full; and~~

12 ~~(B) establish a payment plan with the bureau to pay the
13 arrearage, which must include an income withholding order
14 under IC 31-16-15-2 or IC 31-16-15-2.5.~~

15 (b) If the director has not received notice from the bureau under
16 IC 31-25-4-32(m) or IC 31-25-4-34(g) within twenty (20) days after the
17 date of the notice in subsection (a), the director shall suspend the
18 license issued to the person under IC 14-22-12, ~~IC 14-22-14,~~
19 IC 14-22-16, IC 14-22-17, IC 14-22-19, IC 14-24-7, or IC 14-31-3.

20 (c) The director may not reinstate a license placed on probationary
21 status or suspended under this section until the director receives a
22 notice from the bureau under IC 31-25-4-32(m) or IC 31-25-4-34(g)
23 that the person has addressed the delinquency.

24 SECTION 7. IC 14-13-9-32, AS ADDED BY P.L.282-2019,
25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2021]: Sec. 32. **(a)** The commission shall coordinate its flood
27 control activities with the department and other public agencies to
28 ensure that undeveloped public land is used for providing flood storage
29 to the greatest extent feasible before other lands are used.

30 **(b) The commission may request a review under IC 36-9-27-53.5
31 for a proposed activity listed under section 18 of this chapter for
32 the Kankakee River or Yellow River.**

33 SECTION 8. IC 14-22-2-10, AS AMENDED BY P.L.154-2019,
34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2021]: Sec. 10. (a) Notwithstanding any law in this article, the
36 commission may adjust a license and permit fee, including an
37 application fee, in an amount that is above the minimum fee
38 established under the following:

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

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

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



- 1 (4) IC 14-22-13-2 (Commercial fishing on the Ohio River).
 2 (5) IC 14-22-13-2.5 (Roe harvester or dealer).
 3 ~~(6) IC 14-22-14-9 (Commercial fishing on Lake Michigan).~~
 4 ~~(7) IC 14-22-14-10 (Commercial fishing on Lake Michigan).~~
 5 (8) **(6)** IC 14-22-15-2 (Fishing guide).
 6 (9) **(7)** IC 14-22-15.5-3 (Hunting guide).
 7 ~~(10) (8)~~ IC 14-22-16-1 (Bait dealer).
 8 ~~(11) (9)~~ IC 14-22-19-2 (Fur buyer).
 9 ~~(12) (10)~~ IC 14-22-20-1 (Game breeder).
 10 ~~(13) (11)~~ IC 14-22-21-2 (Taxidermist).
 11 ~~(14) (12)~~ IC 14-22-22-2 (Scientific purposes).
 12 ~~(15) (13)~~ IC 14-22-23-3 (Falconry).
 13 ~~(16) (14)~~ IC 14-22-24-2 (Field trials).
 14 ~~(17) (15)~~ IC 14-22-25-3 (Fish and wild animal importation).
 15 ~~(18) (16)~~ IC 14-22-26-4 (Wild animal possession).
 16 ~~(19) (17)~~ IC 14-22-27-2 (Fish stocking).
 17 ~~(20) (18)~~ IC 14-22-31-2 (Private shooting preserve).
 18 (b) Before adopting fees under this section, the commission shall
 19 consider the amount that is reasonably necessary to generate revenue
 20 sufficient to offset the costs incurred in carrying out the department's
 21 responsibilities and operating any related programs.
 22 (c) A fee that is submitted with an application for a license or permit
 23 listed under subsection (a) is not refundable.
 24 SECTION 9. IC 14-22-14-1 IS REPEALED [EFFECTIVE JULY 1,
 25 2021]. Sec. 1. As used in this chapter, "commercial fishing" means the
 26 taking of fish by means of commercial fishing gear.
 27 SECTION 10. IC 14-22-14-3 IS REPEALED [EFFECTIVE JULY
 28 1, 2021]. Sec. 3. As used in this chapter, "commercial fishing license"
 29 refers to a commercial fishing license issued under this chapter.
 30 SECTION 11. IC 14-22-14-4 IS REPEALED [EFFECTIVE JULY
 31 1, 2021]. Sec. 4. As used in this chapter, "Lake Michigan" refers to the
 32 waters of Lake Michigan that are within Indiana.
 33 SECTION 12. IC 14-22-14-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. A person **must have**
 35 **a commercial fishing license to may not** take fish from **the waters of**
 36 **Lake Michigan that are within Indiana** with commercial fishing gear.
 37 SECTION 13. IC 14-22-14-6 IS REPEALED [EFFECTIVE JULY
 38 1, 2021]. Sec. 6. **To be eligible to hold a commercial fishing license,**
 39 **the following conditions must be met:**
 40 (1) **If the person is not a corporation, all individuals comprising**
 41 **the person must be residents of Indiana.**
 42 (2) **If the person is a corporation, the corporation must be an**



1 Indiana corporation and all shareholders in the corporation must
2 be residents of Indiana:

3 SECTION 14. IC 14-22-14-7 IS REPEALED [EFFECTIVE JULY
4 1, 2021]. Sec. 7: The department may renew a commercial fishing
5 license; but may not issue an original commercial fishing license:

6 SECTION 15. IC 14-22-14-8 IS REPEALED [EFFECTIVE JULY
7 1, 2021]. Sec. 8: Commercial fishing licenses are designated as
8 follows:

9 (1) Class 1:

10 (2) Class 2:

11 (3) Class 3:

12 SECTION 16. IC 14-22-14-9 IS REPEALED [EFFECTIVE JULY
13 1, 2021]. Sec. 9: (a) A commercial fishing license:

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

16 (2) may be renewed or reserved annually; however, if an
17 application to renew or reserve a license is not received by the
18 department before February 1 of the year following the expiration
19 or reserved period of the license, the license may not be renewed;
20 reserved; or reinstated;

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

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

25 (b) The department shall report annually to the natural resources
26 committees of the house of representatives and the senate for the
27 purpose of updating the status of yellow perch in Lake Michigan as it
28 affects sport and commercial fishing and fishermen in Indiana:

29 SECTION 17. IC 14-22-14-10 IS REPEALED [EFFECTIVE JULY
30 1, 2021]. Sec. 10: Subject to IC 14-22-2-10, the minimum renewal fees
31 for commercial fishing licenses are as follows:

32 (1) Class 1, three thousand dollars (\$3,000):

33 (2) Class 2, six thousand dollars (\$6,000):

34 (3) Class 3, nine thousand dollars (\$9,000):

35 SECTION 18. IC 14-22-14-11 IS REPEALED [EFFECTIVE JULY
36 1, 2021]. Sec. 11: Except as provided under section 9 of this chapter,
37 and subject to section 12 of this chapter, a commercial fishing license
38 may be transferred from one (1) person to another:

39 SECTION 19. IC 14-22-14-12 IS REPEALED [EFFECTIVE JULY
40 1, 2021]. Sec. 12: (a) Except as provided in sections 13 and 14 of this
41 chapter, a person may not hold or have an interest in more than one (1)
42 commercial fishing license:



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

3 (1) the second license is valid; and

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

5 The first license may not be reinstated.

6 SECTION 20. IC 14-22-14-13 IS REPEALED [EFFECTIVE JULY
7 1, 2021]. Sec. 13: A person holding a Class 1 or Class 2 license may
8 acquire another license for the purpose of merging the licenses to form
9 a Class 2 or Class 3 license as follows:

10 (1) At the time a person holding a Class 1 license acquires
11 another Class 1 license, the two (2) licenses merge and become a
12 Class 2 license.

13 (2) At the time a person holding:

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

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

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

17 SECTION 21. IC 14-22-14-14 IS REPEALED [EFFECTIVE JULY
18 1, 2021]. Sec. 14: A person holding a Class 1 license and a person
19 holding a Class 3 license may convert the licenses to two (2) Class 2
20 licenses:

21 SECTION 22. IC 14-22-14-15 IS REPEALED [EFFECTIVE JULY
22 1, 2021]. Sec. 15: (a) The commission may adopt rules to establish
23 procedures for the:

24 (1) transfer;

25 (2) merger; or

26 (3) exchange;

27 of commercial fishing licenses.

28 (b) The fee for processing:

29 (1) a transfer;

30 (2) a merger; or

31 (3) an exchange;

32 of a commercial fishing license under this chapter is one hundred
33 dollars (\$100).

34 SECTION 23. IC 14-22-14-16 IS REPEALED [EFFECTIVE JULY
35 1, 2021]. Sec. 16: A Class 2 or Class 3 commercial fishing license may
36 be surrendered to the department in exchange for a Class 1 or Class 2
37 license. This is not considered to be the issuance of an original license.

38 SECTION 24. IC 14-22-14-17 IS REPEALED [EFFECTIVE JULY
39 1, 2021]. Sec. 17: Each boat engaged in commercial fishing must carry
40 documentation specified by rules adopted by the commission that the
41 boat is operating under the authority of a commercial fishing license.

42 SECTION 25. IC 14-22-14-18 IS REPEALED [EFFECTIVE JULY



1 1, 2021]. Sec. 18: (a) The holder of a commercial fishing license must;
 2 in the manner established by rules adopted by the commission;
 3 designate an individual as captain of a boat operated by the holder of
 4 a commercial fishing license. A designated captain must meet the
 5 following conditions:

- 6 (1) Be a resident of Indiana.
- 7 (2) Have experience as a commercial fisherman.
- 8 (3) Possess other qualifications established by rules adopted by
 9 the commission.

10 (b) Except in an emergency, as defined under rules adopted by the
 11 commission, an individual who is designated as a captain by the holder
 12 of one (1) commercial fishing license may not:

- 13 (1) be designated as a captain by; or
- 14 (2) work for;

15 the holder of another commercial fishing license. Notice to the
 16 department of the emergency designation of a captain must be provided
 17 under rules adopted by the commission.

18 SECTION 26. IC 14-22-14-19 IS REPEALED [EFFECTIVE JULY
 19 1, 2021]. Sec. 19: An individual designated as captain under section 18
 20 of this chapter must be aboard each commercial fishing boat of the
 21 holder of the commercial fishing license while the boat is engaged in
 22 an activity related to commercial fishing.

23 SECTION 27. IC 14-22-14-20 IS REPEALED [EFFECTIVE JULY
 24 1, 2021]. Sec. 20: (a) The department shall regulate commercial fishing
 25 in Lake Michigan to protect the resource of fish for commercial and
 26 sport fishing.

27 (b) To protect the resource of fish in Lake Michigan, the department
 28 shall regulate the number of nets that may be used by persons who have
 29 been issued a commercial fishing license as follows:

- 30 (1) Persons who have a Class 2 license are entitled to use two (2)
 31 times the number of nets as persons who have a Class 1 license.
- 32 (2) Persons who have a Class 3 license are entitled to use three (3)
 33 times the number of nets as persons who have a Class 1 license.

34 SECTION 28. IC 14-22-14-21 IS REPEALED [EFFECTIVE JULY
 35 1, 2021]. Sec. 21: The commission may adopt rules to establish
 36 restrictions on the following:

- 37 (1) Localities that may be fished.
- 38 (2) The kind, mesh size, and quantity of fishing gear that may be
 39 used.
- 40 (3) The quantity of fish that may be taken.
- 41 (4) Other restrictions the commission considers necessary to
 42 protect the fishing resource in Lake Michigan.



1 SECTION 29. IC 14-22-14-22 IS REPEALED [EFFECTIVE JULY
2 1, 2021]. Sec. 22: (a) Fish may not be taken from Lake Michigan by
3 means of a gill net:

4 (b) The commercial fishing license of a person who takes fish from
5 Lake Michigan by means of a gill net:

6 (1) terminates at the time of the violation; and

7 (2) may not be reinstated:

8 SECTION 30. IC 14-22-14-23 IS REPEALED [EFFECTIVE JULY
9 1, 2021]. Sec. 23: (a) A person who has a commercial fishing license
10 must keep accurate records of each day's catch showing the following:

11 (1) The number of pounds of each kind of fish taken:

12 (2) The locality fished:

13 (3) The kind and amount of fishing gear employed:

14 (4) The length of time each unit of gear was fished without being
15 lifted:

16 (5) Other information the commission considers to be relevant
17 under this chapter:

18 (b) Before the sixteenth day of each month, each person holding a
19 commercial fishing license shall report; under oath when requested to
20 do so; all the data for the preceding month required under subsection
21 (a) to the director upon forms furnished by the director. The reports
22 required by this section shall be made each month whether or not any
23 fish were taken during the preceding month. If no fish were taken, that
24 fact shall be noted:

25 SECTION 31. IC 14-22-14-24 IS REPEALED [EFFECTIVE JULY
26 1, 2021]. Sec. 24: A commercial fishing license is issued upon the
27 condition that the licensee agrees to make all reports to the director
28 required by the following:

29 (1) This chapter:

30 (2) Rules adopted under this chapter:

31 SECTION 32. IC 14-22-14-25 IS REPEALED [EFFECTIVE JULY
32 1, 2021]. Sec. 25: Inadvertent failure to comply with the terms of:

33 (1) a license;

34 (2) this chapter or IC 14-2-12 (before its repeal); or

35 (3) rules adopted or orders issued under:

36 (A) IC 14-2-12 (before its repeal); or

37 (B) this chapter;

38 is grounds for suspension of the license for not more than one (1) year:

39 SECTION 33. IC 14-22-14-26 IS REPEALED [EFFECTIVE JULY
40 1, 2021]. Sec. 26: (a) Knowing or intentional failure to comply with the
41 terms of:

42 (1) a license;



- 1 (2) this chapter or IC 14-2-12 (before its repeal); or
 2 (3) rules adopted or orders issued under:
 3 (A) IC 14-2-12 (before its repeal); or
 4 (B) this chapter;
 5 is grounds for revocation of the license.
 6 (b) A license revoked under this section may not be reinstated.
 7 SECTION 34. IC 14-22-14-27 IS REPEALED [EFFECTIVE JULY
 8 1, 2021]. Sec. 27. (a) The director may do all things necessary to carry
 9 out this chapter.
 10 (b) The commission shall adopt rules under IC 4-22-2 to implement
 11 this chapter.
 12 SECTION 35. IC 14-22-18-4 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. Section 2 of this
 14 chapter does not authorize a resident to fish during a free sport fishing
 15 day in violation of the license requirements set forth in the following:
 16 (1) IC 14-22-13.
 17 (2) ~~IC 14-22-14.~~
 18 (3) (2) IC 14-22-15.
 19 (4) (3) IC 14-22-16.
 20 (5) (4) IC 14-22-17.
 21 SECTION 36. IC 14-22-20-1, AS AMENDED BY P.L.195-2017,
 22 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 1. (a) The owner of a hunting preserve licensed
 24 under IC 15-17-14.7 is not required to obtain a game breeder's license
 25 under this section.
 26 (b) The owner of a cervidae livestock operation under IC 15-17-14.5
 27 is not required to obtain a game breeder's license under this section.
 28 (c) The department may, under rules adopted under IC 4-22-2, issue
 29 to a resident of Indiana, upon the payment of a minimum fee of fifteen
 30 dollars (\$15), a license to:
 31 (1) propagate in captivity; and
 32 (2) possess, buy, or sell; ~~for this purpose only;~~
 33 ~~game birds; game mammals; or furbearing mammals wild animals~~
 34 protected by Indiana law.
 35 (d) The fee in subsection (c) is subject to IC 14-22-2-10.
 36 SECTION 37. IC 14-22-20-2, AS AMENDED BY P.L.151-2012,
 37 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 2. (a) A license issued under this chapter
 39 authorizes the **possession or** sale of ~~nonmigratory game birds; game~~
 40 ~~mammals; or furbearing mammals for breeding purposes; for release;~~
 41 ~~or for food purposes. wild animals.~~
 42 (b) An individual who:



- 1 (1) acquires a furbearing mammal alive, legally in open season;
- 2 or
- 3 (2) purchases the bird or mammal from a licensed game breeder;
- 4 may apply for a breeder's license within five (5) days after acquiring
- 5 the animal from the licensed game breeder or within five (5) days after
- 6 the last day of the open season for the animal. ~~Otherwise, the animal~~
- 7 ~~shall be released.~~

8 SECTION 38. IC 14-22-20-3 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. An animal raised
 10 domestically by an out-of-state breeder may be imported into Indiana.
 11 ~~and sold for food purposes.~~ A purchaser of such an animal raised
 12 domestically by an out-of-state breeder must be able to show legal
 13 proof of out-of-state origin for all animals possessed.

14 SECTION 39. IC 14-22-26-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. **(a)** This chapter does
 16 not apply to **the following** licensed: ~~commercial animal dealers,~~

- 17 **(1)** Zoological parks.
- 18 **(2)** Circuses or carnivals.
- 19 **(3) Research facilities and universities licensed or registered**
- 20 **by the United States Department of Agriculture.**
- 21 **(4) Organizations or persons temporarily housing a wild or**
- 22 **exotic animal at the request of the department.**

23 **(b) If commercial animal dealers, breeders, and exhibitors**
 24 **licensed by the United States Department of Agriculture only**
 25 **possess wild or exotic animals that do not require a license by the**
 26 **department under this article, this chapter does not apply.**

27 SECTION 40. IC 14-22-26-2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this
 29 chapter, "zoological park" means:

- 30 (1) a permanent establishment that is ~~a member of~~ **accredited by**
 31 **the American Association of Zoological Parks Zoos and**
 32 **Aquariums or the Zoological Association of America;** or
- 33 (2) an agency of local government, open to and administered for
 34 the public, to provide education, conservation, and preservation
 35 of the earth's fauna **that does not possess a wild animal that**
 36 **presents a real or potential threat to human safety as defined**
 37 **by the department.**

38 SECTION 41. IC 14-22-26-3 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The director may
 40 adopt rules under IC 4-22-2 to require and issue the following:

- 41 (1) A permit to possess a wild animal protected by statute or rule.
- 42 (2) A permit to possess a wild animal that may be harmful or



1 dangerous to ~~plants or people, domestic animals, or wild~~
 2 animals. ~~A separate permit is required for each wild animal~~
 3 ~~described in this subdivision.~~

4 SECTION 42. IC 14-22-26-5 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) If an emergency
 6 exists, the director may summarily suspend a permit issued under this
 7 chapter. The director may summarily seize and hold an animal for
 8 which a permit is required under this chapter, pending the outcome of
 9 the proceedings under this section, if either of the following conditions
 10 exist:

- 11 (1) A permit has not been issued to possess the animal.
 12 (2) A permit has been issued to possess the animal, but the
 13 director believes that an emergency exists because at least one (1)
 14 of the following conditions exists:
 15 (A) The animal is in a position to harm another animal.
 16 (B) The life or health of the animal is in peril.

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

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

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

35 **(e) The department, the department's employees, and law**
 36 **enforcement officers are not liable for any damages caused by an**
 37 **animal permitted under this chapter that escapes its enclosure and**
 38 **poses a threat to public safety.**

39 SECTION 43. IC 14-28-1-22.1 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2021]: **Sec. 22.1. (a) This section applies to**
 42 **local floodplain administrators in a county having a population of**



1 more than one hundred forty thousand (140,000) but less than one
2 hundred fifty thousand (150,000).

3 (b) A local floodplain administrator may issue a variance
4 approving a structure located within a floodway without a permit
5 issued by the director of the department under section 22 of this
6 chapter if:

7 (1) the structure is not used as an abode or residence;

8 (2) the structure is constructed after January 1, 2018, but not
9 later than July 1, 2020; and

10 (3) the lowest floor of the structure is not more than
11 fifteen-hundredths (0.15) of a foot below two (2) feet above the
12 one hundred (100) year flood elevation.

13 (c) This section expires July 1, 2022.

14 SECTION 44. IC 14-34-4-5 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) If written
16 objections are filed and an informal conference or a public hearing is
17 requested, the director shall hold the conference or public hearing in
18 the locality of the proposed surface coal mining operation within a
19 reasonable time of receipt of the objections or request. The director
20 shall advertise in a newspaper of general circulation in the county in
21 which the proposed surface coal mining operation is located at least
22 two (2) weeks before the scheduled conference or public hearing the
23 date, time, and location of the conference or public hearing.

24 (b) The director may arrange with the applicant, upon request by
25 any party to the administrative proceeding, access to the proposed
26 mining area for the purpose of gathering information relevant to the
27 proceeding.

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

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

34 (1) All parties requesting the conference or public hearing
35 stipulate agreement before the conference or public hearing and
36 withdraw their request.

37 (2) The request fails to comply with the requirements of section
38 4 of this chapter.

39 (3) The objections do not concern a matter within the scope of
40 this article or the commission's rules.

41 SECTION 45. IC 14-37-3-9 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The commission



1 shall regulate the drilling, deepening, operating, plugging, and
2 abandoning of the following:

- 3 (1) Wells for underground storage of petroleum products.
- 4 (2) Other wells for oil and gas purposes that may affect
5 underground storage reservoirs.

6 **(b) The commission may impose and collect fees for regulating
7 underground petroleum storage.**

8 SECTION 46. IC 25-36.5-1-2.1 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2021]: **Sec. 2.1. (a) Contracts for the
11 purchase of timber shall be:**

- 12 **(1) in writing;**
- 13 **(2) pursuant to the Uniform Commercial Code (IC 26-1); and**
- 14 **(3) in accordance with rules adopted by the division.**

15 **(b) A timber buyer shall only purchase timber pursuant to a
16 written contract under subsection (a).**

17 **(c) If a timber buyer purchases timber without a written
18 contract under subsection (a), the person will receive a separate
19 violation for each instance of buying timber without a contract.**

20 **(d) Failure to have a written contract under subsection (a) does
21 not limit a timber grower from seeking damages under this
22 chapter.**

23 SECTION 47. IC 25-36.5-1-3.2, AS AMENDED BY P.L.57-2013,
24 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2021]: **Sec. 3.2. (a) This section refers to an adjudicative
26 proceeding against:**

- 27 (1) a timber buyer; or
- 28 (2) a person who cuts timber but is not a timber buyer (referred to
29 as a "timber cutter" in this section).

30 **(b) The department may under IC 4-21.5-3-8 commence a
31 proceeding against a timber buyer or a timber cutter if there is reason
32 to believe that:**

- 33 (1) the timber buyer or timber cutter has acquired timber from a
34 timber grower under a written contract for the sale of the timber
35 without payment having been made to the timber grower as
36 specified in the contract; or

37 (2) if:

- 38 (A) there is no written contract for the sale of the timber; or
- 39 (B) there is a written contract for the sale of the timber but the
40 contract does not set forth the purchase price for the timber;
41 the timber buyer or timber cutter has cut timber or acquired
42 timber from the timber grower without payment having been



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



1 (i) In determining the site for a hearing in a proceeding under this
 2 section, the administrative law judge shall consider the convenience of
 3 the parties.

4 (j) A final agency action in a proceeding under this section must
 5 address all issues of damage and responsibility and, after the
 6 completion of the opportunity for judicial review, may be enforced in
 7 a civil proceeding as a judgment.

8 SECTION 48. IC 25-36.5-1-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. It shall be unlawful
 10 and a violation of this chapter.

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

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

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

18 (d) To fail to honestly account to the timber grower or the
 19 department for timber purchased or cut if the buyer is under a duty to
 20 do so, and

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

23 **(f) For a timber buyer to violate a provision of this chapter.**

24 **(g) For a timber buyer to violate a rule adopted by the**
 25 **department under this chapter.**

26 SECTION 49. IC 25-36.5-1-4.9 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4.9. The director may
 28 refuse to issue a timber buyer registration certificate to an applicant
 29 that has:

30 (1) been convicted of a felony;

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

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

33 **or**

34 **(4) an active or pending suspension of the timber buyer**
 35 **registration certificate under section 16 of this chapter.**

36 SECTION 50. IC 25-36.5-1-8 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. **(a)** The department
 38 may inspect the premises used by any timber buyer in the conduct of
 39 **his the buyer's** business at any reasonable time and the books,
 40 accounts, records and papers of every such timber buyer shall at all
 41 times during business hours be subject to inspection by the department.

42 **(b) A timber buyer shall keep complete and accurate records**



1 and accounts pertaining to the timber buyer's registration
 2 certificate, and shall retain those records and accounts for at least
 3 five (5) years from the date of the final settlement of each
 4 transaction.

5 (c) The information obtained under this section is confidential
 6 for purposes of IC 5-14-3-4(a)(1).

7 (d) Unless otherwise required by court order, the information
 8 obtained under this section may be disclosed only to the director,
 9 the director's designee, or the timber grower.

10 SECTION 51. IC 25-36.5-1-12 IS REPEALED [EFFECTIVE JULY
 11 1, 2021]. ~~Sec. 12: The department may, after notice and a hearing,~~
 12 ~~revoke the registration certificate or license of any person who violates~~
 13 ~~any of the provisions of this chapter. All proceedings under this chapter~~
 14 ~~to revoke a license shall be conducted in the manner prescribed by~~
 15 ~~IC 4-21.5-3.~~

16 SECTION 52. IC 25-36.5-1-16 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) The director
 18 may revoke, or suspend, **deny**, or refuse to issue any license or agent's
 19 registration under that license if the applicant or holder of that license
 20 has:

- 21 (1) been convicted of a felony;
- 22 (2) violated any provision of this chapter; or
- 23 (3) violated any rule or regulation of the department promulgated
 24 under this chapter.

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

28 (b) **The director may immediately suspend a license under**
 29 **IC 4-21.5-4 for ninety (90) days before a final adjudication if the**
 30 **director finds that a licensee represents a clear and immediate**
 31 **danger to public health, safety, or property if the licensee is**
 32 **allowed to continue to operate.**

33 (c) **A suspension under subsection (b) may be immediately**
 34 **renewed at intervals of ninety (90) days.**

35 (d) **A proceeding to revoke, suspend, deny, or refuse to issue a**
 36 **license under this chapter is made under IC 4-21.5-3.**

37 SECTION 53. IC 31-25-4-32, AS AMENDED BY P.L.150-2018,
 38 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2021]: Sec. 32. (a) When the Title IV-D agency finds that an
 40 obligor is delinquent, the Title IV-D agency shall send, to a verified
 41 address, a notice to the obligor that does the following:

- 42 (1) Specifies that the obligor is delinquent.



- 1 (2) Describes the amount of child support that the obligor is in
 2 arrears.
- 3 (3) States that unless the obligor:
- 4 (A) pays the obligor's child support arrearage in full;
- 5 (B) establishes a payment plan with the Title IV-D agency to
 6 pay the arrearage, which includes an income withholding
 7 order; or
- 8 (C) requests a hearing under section 33 of this chapter;
 9 within twenty (20) days after the date the notice is mailed, the
 10 Title IV-D agency shall issue an order to the bureau of motor
 11 vehicles stating that the obligor is delinquent and that the
 12 obligor's driving privileges shall be suspended.
- 13 (4) Explains that the obligor has twenty (20) days after the notice
 14 is mailed to do one (1) of the following:
- 15 (A) Pay the obligor's child support arrearage in full.
- 16 (B) Establish a payment plan with the Title IV-D agency to
 17 pay the arrearage, which includes an income withholding order
 18 under IC 31-16-15-2 or IC 31-16-15-2.5.
- 19 (C) Request a hearing under section 33 of this chapter.
- 20 (5) Explains that if the obligor has not satisfied any of the
 21 requirements of subdivision (4) not later than twenty (20) days
 22 after the notice is mailed, that the Title IV-D agency shall issue a
 23 notice to:
- 24 (A) the board or department that regulates the obligor's
 25 profession or occupation, if any, that the obligor is delinquent
 26 and that the obligor may be subject to sanctions under
 27 IC 25-1-1.2, including suspension or revocation of the
 28 obligor's professional or occupational license;
- 29 (B) the supreme court disciplinary commission if the obligor
 30 is licensed to practice law;
- 31 (C) the department of education established by IC 20-19-3-1
 32 if the obligor is a licensed teacher;
- 33 (D) the Indiana horse racing commission if the obligor holds
 34 or applies for a license issued under IC 4-31-6;
- 35 (E) the Indiana gaming commission if the obligor holds or
 36 applies for a license issued under IC 4-33 and IC 4-35;
- 37 (F) the commissioner of the department of insurance if the
 38 obligor holds or is an applicant for a license issued under
 39 IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3;
- 40 (G) the director of the department of natural resources if the
 41 obligor holds or is an applicant for a license issued by the
 42 department of natural resources under:



- 1 (i) IC 14-22-12 (fishing, hunting, and trapping licenses);
- 2 ~~(ii) IC 14-22-14 (Lake Michigan commercial fishing~~
- 3 ~~license);~~
- 4 ~~(iii) (ii)~~ IC 14-22-16 (bait dealer's license);
- 5 ~~(iv) (iii)~~ IC 14-22-17 (mussel license);
- 6 ~~(v) (iv)~~ IC 14-22-19 (fur buyer's license);
- 7 ~~(vi) (v)~~ IC 14-24-7 (nursery dealer's license); or
- 8 ~~(vii) (vi)~~ IC 14-31-3 (ginseng dealer's license); or
- 9 (H) the alcohol and tobacco commission if the obligor holds or
- 10 applies for an employee's permit under IC 7.1-3-18-9(a)(3).
- 11 (6) Explains that the only basis for contesting the issuance of an
- 12 order under subdivision (3) or (5) is a mistake of fact.
- 13 (7) Explains that an obligor may contest the Title IV-D agency's
- 14 determination to issue an order under subdivision (3) or (5) by
- 15 making written application to the Title IV-D agency not later than
- 16 twenty (20) days after the date the notice is mailed.
- 17 (8) Explains the procedures to:
- 18 (A) pay the obligor's child support arrearage in full; and
- 19 (B) establish a payment plan with the Title IV-D agency to pay
- 20 the arrearage, which must include an income withholding
- 21 order under IC 31-16-15-2 or IC 31-16-15-2.5.
- 22 (b) Whenever the Title IV-D agency finds that an obligor is
- 23 delinquent and has failed to:
- 24 (1) pay the obligor's child support arrearage in full;
- 25 (2) establish a payment plan with the Title IV-D agency to pay the
- 26 arrearage, which includes an income withholding order under
- 27 IC 31-16-15-2 or IC 31-16-15-2.5; or
- 28 (3) request a hearing under section 33 of this chapter not later
- 29 than twenty (20) days after the date the notice described in
- 30 subsection (a) is mailed;
- 31 the Title IV-D agency shall issue an order to the bureau of motor
- 32 vehicles stating that the obligor is delinquent.
- 33 (c) An order issued under subsection (b) must require the following:
- 34 (1) If the obligor who is the subject of the order holds a driving
- 35 license or permit on the date the order is issued, that the driving
- 36 privileges of the obligor be suspended until further order of the
- 37 Title IV-D agency.
- 38 (2) If the obligor who is the subject of the order does not hold a
- 39 driving license or permit on the date the order is issued, that the
- 40 bureau of motor vehicles may not issue a driving license or permit
- 41 to the obligor until the bureau of motor vehicles receives a further
- 42 order from the Title IV-D agency.



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

- 2 (1) full name;
 3 (2) date of birth;
 4 (3) verified address; and
 5 (4) Social Security number or driving license number;

6 of the obligor to the bureau of motor vehicles.

7 (e) Whenever the Title IV-D agency finds that an obligor who is an
 8 applicant (as defined in IC 25-1-1.2-1) or a practitioner (as defined in
 9 IC 25-1-1.2-6) is delinquent and the applicant or practitioner has failed
 10 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;

16 the Title IV-D agency shall issue an order to the board regulating the
 17 practice of the obligor's profession or occupation stating that the
 18 obligor is delinquent.

19 (f) An order issued under subsection (e) must direct the board or
 20 department regulating the obligor's profession or occupation to impose
 21 the appropriate sanctions described under IC 25-1-1.2.

22 (g) Whenever the Title IV-D agency finds that an obligor who is an
 23 attorney or a licensed teacher is delinquent and the attorney or licensed
 24 teacher has failed to:

- 25 (1) pay the obligor's child support arrearage in full;
 26 (2) establish a payment plan with the Title IV-D agency to pay the
 27 arrearage, which includes an income withholding order under
 28 IC 31-16-15-2 or IC 31-16-15-2.5; or
 29 (3) request a hearing under section 33 of this chapter;

30 the Title IV-D agency shall notify the supreme court disciplinary
 31 commission if the obligor is an attorney, or the department of education
 32 if the obligor is a licensed teacher, that the obligor is delinquent.

33 (h) Whenever the Title IV-D agency finds that an obligor who holds
 34 a license issued under IC 4-31-6, IC 4-33, or IC 4-35 has failed to:

- 35 (1) pay the obligor's child support arrearage in full;
 36 (2) establish a payment plan with the Title IV-D agency to pay the
 37 arrearage, which includes an income withholding order under
 38 IC 31-16-15-2 or IC 31-16-15-2.5; or
 39 (3) request a hearing under section 33 of this chapter;

40 the Title IV-D agency shall issue an order to the Indiana horse racing
 41 commission if the obligor holds a license issued under IC 4-31-6, or to
 42 the Indiana gaming commission if the obligor holds a license issued



1 under IC 4-33 or IC 4-35, stating that the obligor is delinquent and
 2 directing the commission to impose the appropriate sanctions described
 3 in IC 4-31-6-11, IC 4-33-8.5-3, or IC 4-35-6.7-2.

4 (i) Whenever the Title IV-D agency finds that an obligor who holds
 5 a license issued under IC 27-1-15.6, IC 27-1-15.8, or IC 27-10-3 has
 6 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 commissioner of the
 13 department of insurance stating that the obligor is delinquent and
 14 directing the commissioner to impose the appropriate sanctions
 15 described in IC 27-1-15.6-29 or IC 27-10-3-20.

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

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

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

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

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

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

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

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

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

37 the Title IV-D agency shall issue an order to the alcohol and tobacco
 38 commission stating that the obligor is delinquent and directing the
 39 alcohol and tobacco commission to impose the appropriate sanctions
 40 under IC 7.1-3-23-44.

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



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

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

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

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

10 SECTION 54. IC 31-25-4-34, AS AMENDED BY P.L.150-2018,
11 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 34. (a) As used in this section, "board" has the
13 meaning set forth in IC 25-1-1.2-2.

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

18 (1) stating that the obligor is delinquent; and

19 (2) requiring the board to comply with the actions required under
20 IC 25-1-1.2-8.

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

25 (1) Indiana horse racing commission, if the obligor holds a license
26 issued under IC 4-31-6; or

27 (2) Indiana gaming commission, if the obligor holds a license
28 issued under IC 4-33 or IC 4-35;

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

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

37 (1) stating that the obligor is delinquent; and

38 (2) requiring the commissioner to comply with the actions
39 required under IC 27-1-15.6-29 or IC 27-10-3-20.

40 (e) If an obligor holds a license issued by the department of natural
41 resources under IC 14-22-12, ~~IC 14-22-14~~, IC 14-22-16, IC 14-22-17,
42 IC 14-22-19, IC 14-24-7, or IC 14-31-3 and requests a hearing under



1 section 33 of this chapter but fails to appear, or appears and is found to
 2 be delinquent, the Title IV-D agency shall issue an order to the director
 3 of the department of natural resources:

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

7 (f) If an obligor:

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

12 the Title IV-D agency shall issue an order to the alcohol and tobacco
 13 commission stating that the obligor is delinquent and requiring the
 14 commission to impose the appropriate sanctions under IC 7.1-3-23-44.

15 (g) When an obligor who was the subject of an order issued by the
 16 Title IV-D agency under subsection (b), (c), (d), (e), or (f) has:

- 17 (1) paid the obligor's child support arrearage in full; or
 18 (2) established a payment plan with the Title IV-D agency to pay
 19 the arrearage, which includes an income withholding order under
 20 IC 31-16-15-2 or IC 31-16-15-2.5;

21 the Title IV-D agency shall provide notice to the appropriate entity
 22 under subsection (b), (c), (d), (e), or (f) that the obligor has addressed
 23 the delinquency.

24 SECTION 55. IC 35-52-14-24 IS REPEALED [EFFECTIVE JULY
 25 1, 2021]. ~~Sec. 24. IC 14-22-14-5 defines a crime concerning fishing~~
 26 ~~licenses.~~

27 SECTION 56. IC 35-52-14-25 IS REPEALED [EFFECTIVE JULY
 28 1, 2021]. ~~Sec. 25. IC 14-22-14-22 defines a crime concerning fishing~~
 29 ~~licenses.~~



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1395, 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 11, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 42. IC 14-28-1-22.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 22.1. (a) This section applies to local floodplain administrators in a county having a population of more than one hundred forty thousand (140,000) but less than one hundred fifty thousand (150,000).**

(b) A local floodplain administrator may issue a variance approving a structure located within a floodway without a permit issued by the director of the department under section 22 of this chapter if:

- (1) the structure is not used as an abode or residence;**
- (2) the structure is constructed after January 1, 2018, but not later than July 1, 2020; and**
- (3) the lowest floor of the structure is not more than fifteen-hundredths (0.15) of a foot below two (2) feet above the one hundred (100) year flood elevation.**

(c) This section expires July 1, 2022."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1395 as introduced.)

EBERHART

Committee Vote: yeas 11, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1395 be amended to read as follows:

Page 3, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 7. IC 14-13-9-32, AS ADDED BY P.L.282-2019, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 32. (a) The commission shall coordinate its flood**

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control activities with the department and other public agencies to ensure that undeveloped public land is used for providing flood storage to the greatest extent feasible before other lands are used.

(b) The commission may request a review under IC 36-9-27-53.5 for a proposed activity listed under section 18 of this chapter for the Kankakee River or Yellow River."

Renumber all SECTIONS consecutively.

(Reference is to HB 1395 as printed February 11, 2021.)

GUTWEIN

