

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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 186

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

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

SECTION 1. IC 6-8-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 27. (a) Money received under this chapter shall be paid by the department into a fund to be kept by the treasurer of state and known as the oil and gas fund.

(b) Money paid into this fund shall be devoted to the following purposes upon appropriation:

- (1) To the expenses of administering this chapter.
- (2) To the ~~oil and gas division~~ **division of reclamation** of the department of natural resources for the purpose of administering IC 14-37.
- (3) To research pertaining to exploration for, development of, and wise use of petroleum resources in Indiana.

SECTION 2. IC 10-19-8.1-3, AS ADDED BY P.L.249-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The council consists of the following members:

- (1) The governor or the governor's designee.
- (2) The executive director.
- (3) The superintendent of the state police department.
- (4) The adjutant general.
- (5) The state health commissioner.

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(6) The commissioner of the department of environmental management.

(7) The chairman of the Indiana utility regulatory commission.

(8) The director of the department of natural resources or, if designated by the director, the deputy director who manages the bureau of ~~law enforcement and~~ administration.

(9) The chief information officer of the office of technology.

(10) The speaker of the house of representatives or the speaker's designee.

(11) The president pro tempore of the senate or the president pro tempore's designee.

(12) The minority leader of the house of representatives or the minority leader's designee.

(13) The minority leader of the senate or the minority leader's designee.

(b) The members of the council described in subsection (a)(10) through (a)(13) are nonvoting members.

SECTION 3. IC 14-8-2-16.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2022]: **Sec. 16.2. "Authority", for purposes of IC 14-19-11, has the meaning set forth in IC 14-19-11-1.**

SECTION 4. IC 14-8-2-47, AS AMENDED BY P.L.42-2011, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 47. (a) "Commercially minable coal resource", for purposes of IC 14-37, means a seam of coal that:

(1) can be mined using generally accepted underground practices and suitable equipment; and

(2) consists of coal in sufficient quantities and of sufficient quality to be commercially saleable.

(b) The term includes a seam of coal to which one (1) or more of the following apply:

(1) The seam is:

(A) associated with an underground mine permitted under IC 14-34; and

(B) specifically intended to be mined under the permit.

(2) The seam is associated with an inactive underground mining operation at which mining operations:

(A) have temporarily ceased; and

(B) are anticipated to be resumed by the person with the right to develop the seam.

(3) The seam is identified as a commercially minable coal resource by the owner or lessee of the seam by a map



accompanied by an affidavit that:

- (A) is filed with the division of ~~oil and gas~~; **reclamation**; and
 - (B) states that the coal in the seam is being held for later commercial production.
- (4) The seam is:
- (A) at least thirty-six (36) inches thick; and
 - (B) located not more than eight hundred (800) feet below the surface.

SECTION 5. IC 14-8-2-77, AS AMENDED BY P.L.167-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 77. "Division" has the following meaning:

- (1) For purposes of IC 14-9-8, the meaning set forth in IC 14-9-8-2.
- (2) For purposes of IC 14-19-11, the meaning set forth in IC 14-19-11-2.**
- ~~(2)~~ **(3)** For purposes of IC 14-21, the division of historic preservation and archeology.
- ~~(3)~~ **(4)** For purposes of IC 14-22, the division of fish and wildlife.
- ~~(4)~~ **(5)** For purposes of IC 14-24, the division of entomology and plant pathology.
- ~~(5)~~ **(6)** For purposes of IC 14-25.5, the division of water.
- ~~(6)~~ **(7)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-4.
- ~~(7)~~ **(8)** For purposes of IC 14-32, the division of soil conservation of the Indiana state department of agriculture established by IC 15-11-4-1.
- ~~(8)~~ **(9)** For purposes of IC 14-37, the division of ~~oil and gas~~; **reclamation**.

SECTION 6. IC 14-8-2-86.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 86.4. "Executive director", for purposes of IC 14-19-11, has the meaning set forth in IC 14-19-11-3.**

SECTION 7. IC 14-8-2-107, AS AMENDED BY P.L.189-2018, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 107. "Fund" has the following meaning:

- (1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.
- (2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.
- (3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.



- (4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.
- (5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.
- (6) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.
- (7) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.
- (8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.
- (9) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.
- (10) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.
- (11) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.
- (12) For purposes of IC 14-19-11, the meaning set forth in IC 14-19-11-3.1.**
- ~~(12)~~ **(13)** For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.
- ~~(13)~~ **(14)** For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.
- ~~(14)~~ **(15)** For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.
- ~~(15)~~ **(16)** For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.
- ~~(16)~~ **(17)** For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.
- ~~(17)~~ **(18)** For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.
- ~~(18)~~ **(19)** For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.
- ~~(19)~~ **(20)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.
- ~~(20)~~ **(21)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.
- ~~(21)~~ **(22)** For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.
- ~~(22)~~ **(23)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.
- ~~(23)~~ **(24)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.



~~(24)~~ **(25)** For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.

~~(25)~~ **(26)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(26)~~ **(27)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(27)~~ **(28)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(28)~~ **(29)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(29)~~ **(30)** For purposes of IC 14-34-19-1.3, the meaning set forth in IC 14-34-19-1.3(a).

~~(30)~~ **(31)** For purposes of IC 14-34-19-1.5, the meaning set forth in IC 14-34-19-1.5(a).

~~(31)~~ **(32)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 8. IC 14-8-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 160. "Member" has the following meaning:

(1) For purposes of IC 14-12-2-15, the meaning set forth in IC 14-12-2-15.

(2) For purposes of IC 14-12-2-20, the meaning set forth in IC 14-12-2-20.

(3) For purposes of IC 14-19-11, the meaning set forth in IC 14-19-11-3.5.

SECTION 9. IC 14-9-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. The department of natural resources is created. The department consists of the following:

(1) The director.

(2) ~~Four~~ **(4) Three (3)** deputy directors.

(3) Other personnel necessary for the performance of the functions imposed upon the department.

SECTION 10. IC 14-9-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. The following bureaus are created within the department:

~~(1) The bureau of water and resource regulation.~~

~~(2)~~ **(1)** The bureau of lands and cultural resources.

~~(3) The bureau of mine reclamation.~~

~~(4)~~ **(2)** The bureau of law enforcement and administration.

(3) The bureau of resource management.

SECTION 11. IC 14-9-4-1, AS AMENDED BY P.L.111-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2022]: Sec. 1. The following divisions are established within the department:

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

SECTION 12. IC 14-9-6-1, AS AMENDED BY P.L.95-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. An advisory council is established to serve both of the following:

- ~~(1) The bureau of water and resource regulation.~~
- ~~(2) (1) The bureau of lands and cultural resources.~~
- (2) The bureau of resource management.**

SECTION 13. IC 14-10-3-1, AS AMENDED BY P.L.167-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. This chapter applies to the property managers of each of the following divisions of the department:

- (1) State parks.
- (2) Forestry.
- (3) Fish and wildlife.
- ~~(4) Reservoir management.~~

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SECTION 14. IC 14-12-2-14, AS AMENDED BY P.L.172-2016, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. (a) The President Benjamin Harrison conservation trust project committee is established.

(b) The project committee consists of the following ~~twenty-one (21)~~ **twenty (20)** members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- ~~(5) The director of the division of outdoor recreation.~~
- ~~(6)~~ **(5)** The chief executive officer of the Indiana state museum and historic sites corporation established by IC 4-37-2-1.
- ~~(7)~~ **(6)** The chairperson of the board of directors of the natural resources foundation.
- ~~(8)~~ **(7)** Ten (10) individuals appointed by the governor. The governor shall appoint individuals so that all the following are satisfied:

- (A) The individuals must be residents of Indiana.
- (B) The individuals must have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property.
- (C) There must be two (2) committee members from each of the following regions of Indiana:
 - (i) Northwest.
 - (ii) Northeast.
 - (iii) Southwest.
 - (iv) Southeast.
 - (v) Central.

- ~~(9)~~ **(8)** The following four (4) nonvoting members:
 - (A) One (1) member of the house of representatives appointed by the speaker of the house of representatives.
 - (B) One (1) member of the house of representatives appointed by the minority leader of the house of representatives.
 - (C) One (1) member of the senate appointed by the president pro tempore of the senate.
 - (D) One (1) member of the senate appointed by the minority leader of the senate.

(c) The individuals appointed by the governor under subsection ~~(b)(8)~~ **(b)(7)** must represent one (1) or more of the following:

- (1) The environmentalist community.



- (2) The land trust community.
- (3) Organized hunting and fishing groups.
- (4) The forest products community.
- (5) The parks and recreation community.

Each group and community listed in subdivisions (1) through (5) must be represented on the project committee.

SECTION 15. IC 14-12-2-15, AS AMENDED BY P.L.172-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) As used in this section, "appointing authority" refers to:

- (1) the governor in the case of a member appointed under section ~~14(b)(8)~~ **14(b)(7)** of this chapter; or
- (2) the speaker of the house of representatives, the minority leader of the house of representatives, the president pro tempore of the senate, or the minority leader of the senate in the case of a member appointed under section ~~14(b)(9)~~ **14(b)(8)** of this chapter, whichever is applicable.

(b) As used in this section, "member" refers to a member of the project committee appointed under section ~~14(b)(8)~~ **14(b)(7)** through ~~14(b)(9)~~ **14(b)(8)** of this chapter.

(c) Except as provided in subsection (e), the term of a member begins on the later of the following:

- (1) The day the term of the member who the individual is appointed to succeed expires.
- (2) The day the individual is appointed by the appointing authority.

(d) Except as provided in subsection (e), the term of a member expires July 1 of the second year after the member is appointed or until a successor is appointed. However, a member serves at the pleasure of the appointing authority.

(e) This subsection applies to a member appointed under section ~~14(b)(9)~~ **14(b)(8)** of this chapter. The member's term begins on the date of the appointment and ends on the last day of the member's term as a member of the general assembly. However, the member serves at the pleasure of the appointing authority.

(f) The appointing authority may reappoint a member for a new term.

(g) The appointing authority shall appoint an individual to fill a vacancy among the members.

SECTION 16. IC 14-12-2-18, AS AMENDED BY P.L.172-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 18. (a) ~~Nine (9)~~ **Eight (8)** members of the project

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committee constitute a quorum.

(b) The affirmative vote of a majority of the voting members of the project committee present and voting is necessary for the project committee to take any action.

(c) A member of the project committee described in section 14(b)(1) through ~~14(b)(6)~~ **14(b)(5)** of this chapter may designate in writing a representative from the respective division to serve as a member of the project committee when the member of the project committee is unable to attend a meeting.

SECTION 17. IC 14-15-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10. (a) A person may not operate a boat upon public water during the period between sunset and sunrise that is not equipped with a light required by:

(1) **33 CFR 83**; and

(2) this chapter.

(b) The light **required by subsection (a)** must be:

(1) in good repair and operating condition; and

(2) displayed and lighted or burning except as otherwise permitted.

SECTION 18. IC 14-15-2-11 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 11: Motorboats and auxiliary sailboats must be equipped with at least one (1) white light aft, casting a light visible three hundred sixty degrees (360°) for a distance of at least two (2) miles; under the following conditions:

(1) Except as provided in section 13 of this chapter, motorboats and auxiliary sailboats, whether under power and sail or power alone, must display one (1) of the following:

(A) An all-round white light aft.

(B) A combination of one (1) stern light visible through an arc of twelve (12) points or one hundred thirty-five degrees (135°) to the stern and at least one (1) masthead light visible twenty (20) points or two hundred twenty-five degrees (225°) so as to complete the white light arc over the horizon.

(2) Sailboats more than twenty-two (22) feet in length and operating under sail alone must display one (1) of the following:

(A) An all-round white light aft visible three hundred sixty degrees (360°).

(B) A white stern light visible through an arc of twelve (12) points or one hundred thirty-five degrees (135°) to the stern.

SECTION 19. IC 14-15-2-12 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 12: All:

(1) motorboats and auxiliary sailboats equipped with a motor or



engine rated at least fifteen (15) horsepower;
 (2) sailboats more than twenty-two (22) feet in length; and
 (3) motorboats operated on waters of concurrent jurisdiction with
 the United States or another state;

must be equipped with combination lights forward showing green to starboard and red to port visible for a distance of at least one (1) mile and affixed or attached so as to throw light from dead ahead to two (2) points abaft the beam of the respective sides. The lights shall be affixed or attached to the bow of the boat, except that sailboats operating under sail alone may combine the red and green lights with the stern light at the uppermost point of the mast.

SECTION 20. IC 14-15-2-14 IS REPEALED [EFFECTIVE JULY 1, 2022]. Sec. 14. All flat bottomed boats supported by floats, commonly called pontoon boats, must display a fixed combination red and green light forward and a fixed white light aft, according to standards prescribed by the department.

SECTION 21. IC 14-15-2-15, AS AMENDED BY P.L.111-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) A person who violates section 1, 2, 3, 4, 5, 6, 7(b), 9, 10, ~~11~~, ~~12~~, or 13 or ~~14~~ of this chapter commits a Class C infraction.

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

SECTION 22. IC 14-19-1-1.5, AS ADDED BY P.L.67-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1.5. (a) Before March 1, 2016, the department shall ~~through the division of outdoor recreation~~, develop guidelines concerning recreational trails and amend the guidelines as necessary or advisable thereafter. The guidelines must address at least the following issues:

- (1) Clear statement of ownership and management of each trail.
- (2) Right-of-way inconsistencies.
- (3) The division of responsibility for maintenance of fences, for drainage, and for maintenance of drainage or drain tiles.
- (4) Tree, weed, and brush removal between responsible parties and landowners adjacent to recreational trails.
- (5) Mowing responsibility.
- (6) Law enforcement jurisdiction.
- (7) Signage.
- (8) Conflict resolution procedures.



(9) Appeal procedures.

(10) Use by public utility facilities.

(b) In developing the recreational trail guidelines described in subsection (a), the division shall consult with various groups, organizations, and agencies that will be impacted by the guidelines.

(c) The department may adopt guidelines, without complying with IC 4-22-2, to implement this section.

SECTION 23. IC 14-19-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 11. Indiana State Park Inns Authority

Sec. 1. As used in this chapter, "authority" refers to the Indiana state park inns authority established by section 4 of this chapter.

Sec. 2. As used in this chapter, "division" refers to the division of state parks established by IC 14-9-4-1.

Sec. 3. As used in this chapter, "executive director" refers to the executive director of the Indiana state park inns authority appointed under section 7 of this chapter.

Sec. 3.1. As used in this chapter, "fund" refers to the public employees' retirement fund.

Sec. 3.5. As used in this chapter, "member" means a person who qualifies for membership under IC 5-10.3-7-1.

Sec. 4. The Indiana state park inns authority is established for the purposes of managing, operating, and administering:

(1) inns, lodging, and other facilities on property owned or operated by the department; and

(2) activities associated with hospitality and recreation as considered necessary by the executive director.

Sec. 5. (a) The authority is:

(1) a public body corporate and politic; and

(2) an instrumentality of the state.

(b) The authority is separate from the state. However, the exercise of its powers is an essential governmental and public function.

Sec. 6. (a) The authority may do the following:

(1) Acquire:

(A) real or personal property; or

(B) funding;

by grant, gift, devise, or bequest and to hold, use, or dispose of property or funding acquired by the authority for the purposes authorized by this article.

(2) Maintain:



- (A) shops;
 - (B) restaurants;
 - (C) concessions; and
 - (D) any other recreational facilities;
- on properties owned or operated by the department.

(3) Contract with, or employ, persons to manage operations and facilities.

(4) Produce or sell souvenirs and other merchandise.

(5) Pay royalties, license fees, or charges for exhibits, artifacts, artwork, or materials.

(6) Own copyrights, trademarks, and service marks and enforce the rights with respect to ownership.

(b) The authority is authorized to receive and expend funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources to pay the expenses to carry out this article.

Sec. 7. (a) The director of the division shall:

(1) appoint an individual to serve as executive director of the authority; and

(2) evaluate the performance of the executive director annually.

(b) The director of the division may dismiss the executive director of the authority.

Sec. 8. (a) The executive director, or the executive director's designee, shall do the following:

(1) Administer, manage, and direct the operations and activities of the authority.

(2) Hire, review the performance of, and dismiss employees of the authority.

(3) Establish policies for the governance and management of the authority.

(4) Establish a personnel system for employees of the authority for the rights, privileges, powers, and duties of the employees of the authority, including a pay scale and benefit package.

(5) Perform all acts necessary and proper to carry out the purposes of the authority.

(b) If a separate personnel system is not developed and adopted, the employees of the authority are subject to the state personnel system under IC 4-15-2.2.

(c) If the executive director, or the executive director's designee, adopts a separate personnel system, the rules should mirror the



state personnel rules as closely as possible.

Sec. 9. The executive director, or the executive director's designee, has the authority to do the following:

- (1) Make and execute contracts and other instruments necessary or convenient to carry out the purposes, power, and duties of the authority.
- (2) Request assistance, information, and advice regarding the duties and functions of the authority.
- (3) Employ or contract with technical experts, officers, agents, and employees, and legal counsel without the approval of the attorney general, as considered necessary to carry out the efficient operation of the authority.
- (4) Enter into a memorandum of understanding with state agencies as necessary to carry out the duties and purposes of the authority.
- (5) Enter into contracts without the requirements set forth in IC 4-13-2-14.1.

Sec. 10. The executive director and employees of the authority are not employees of the state.

Sec. 11. The authority serves an essential function of government, and the executive director, employees, and agents of the authority may use state property to carry out the purposes of the authority.

Sec. 12. The authority is not subject to the requirements set forth in IC 5-16 and IC 5-17.

Sec. 13. The authority may:

- (1) sue and be sued; and
- (2) plead and be impleaded.

Sec. 14. The executive director and employees of the authority are not liable in an individual capacity for any act done or omitted in connection with the performance of duties under this article. This section does not apply to an act or omission that constitutes gross negligence or willful misconduct.

Sec. 15. For purposes of IC 34-13-2, IC 34-13-3, and IC 34-13-4, the executive director and employees of the authority are public employees (as defined in IC 34-6-2-38).

Sec. 16. The authority is not required to pay taxes or assessments upon:

- (1) any property acquired or used by the authority; or
- (2) the income from property acquired or used by the authority.

Sec. 17. The authority is exempt under IC 6-2.5-5-16 from the



state gross retail tax for transactions involving tangible personal property, public utility commodities, and public utility service.

Sec. 18. The authority is exempt from the following:

- (1) The requirements of IC 4-13-2-20 prohibiting payment in advance.
- (2) The procurement requirements under IC 5-22.

Sec. 19. (a) The executive director shall adopt a resolution providing that the employees of the authority who are eligible to participate in the public employees' retirement fund under the eligibility requirements set forth in IC 5-10.2 and IC 5-10.3 shall participate in the fund.

(b) In the resolution adopted under subsection (a), the executive director may determine the date from which prior service for an employee of the authority will be computed and purchase the prior service subject to the following and in accordance with this section:

(1) Before the member retires, the authority shall make contributions to the fund that are equal to the product of the following:

(A) The member's salary at the time of the service credit purchase.

(B) A percentage rate, as determined by the actuary of the fund, based on the age of the member at the time the authority makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased.

(C) The number of years of service credit that the authority intends to purchase.

(2) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made.

(c) The authority shall verify that the member's prior service is valid.

(d) The board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1 may deny the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(e) The authority may fund prior member contribution amounts described in IC 5-10.3-7-9(b) at an amount that may not exceed three percent (3%) of the member's salary at the time the contributions are made for each year of service purchased.



(f) The authority may submit contributions to the retirement medical benefits account established by IC 5-10-8.5-11 based on the year or years of service purchased.

Sec. 19.5. The executive director may adopt a resolution to allow employees of the authority to participate in group insurance and other benefit plans, including the state employees' deferred compensation plan, that are available to state employees.

Sec. 20. The executive director and the employees of the authority are:

- (1) under the jurisdiction of and rules adopted by the state ethics commission; and
- (2) subject to ethics rules and requirements that apply to the executive branch of state government.

Sec. 21. (a) The authority shall adopt a cost accounting system that is governed by generally accepted accounting principles.

(b) The authority is subject to audit by the state board of accounts.

Sec. 22. The authority may qualify for federal and other aid for the operation and management of inns, lodging, and other properties owned and operated by the department.

Sec. 23. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 24. IC 14-22-11-3, AS AMENDED BY P.L.195-2017, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) An applicant for a hunting, trapping, or fishing license must provide the **last four (4) digits of the** applicant's Social Security number in order to obtain the license. Social Security numbers acquired under this subsection shall be kept confidential and used only to carry out the purposes of the Title IV-D program.

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

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

(d) Each hunting, trapping, or fishing license must be in a form prescribed by the director.

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

(f) A person who violates the confidentiality requirement of



subsection (a) commits a Class A infraction.

SECTION 25. IC 14-22-12-1, AS AMENDED BY P.L.39-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The department may issue the following licenses individually or in combination and, except as provided in section 1.5 of this chapter and subject to subsection (b), shall charge the following minimum license fees to hunt, trap, or fish in Indiana:

- (1) A resident yearly license to fish, eight dollars and seventy-five cents (\$8.75).
- (2) A resident yearly license to hunt, eight dollars and seventy-five cents (\$8.75).
- (3) A resident yearly license to hunt and fish, thirteen dollars and seventy-five cents (\$13.75).
- (4) A resident yearly license to trap, eight dollars and seventy-five cents (\$8.75).
- (5) A nonresident yearly license to fish, twenty-four dollars and seventy-five cents (\$24.75).
- (6) A nonresident yearly license to hunt, sixty dollars and seventy-five cents (\$60.75).
- (7) A nonresident yearly license to trap, one hundred seventeen dollars and seventy-five cents (\$117.75).
- (8) A resident or nonresident license to fish, including for trout and salmon, for one (1) day only, four dollars and seventy-five cents (\$4.75).
- (9) A nonresident license to fish, excluding for trout and salmon, for seven (7) days only, twelve dollars and seventy-five cents (\$12.75).
- (10) A nonresident license to hunt for five (5) consecutive days only, twenty-five dollars and seventy-five cents (\$25.75).
- (11) A resident or nonresident yearly electronically generated stamp to fish for trout and salmon, six dollars and seventy-five cents (\$6.75).
- (12) A resident yearly license to take a deer with a shotgun, muzzle loading gun, rifle, or handgun, thirteen dollars and seventy-five cents (\$13.75).
- (13) A resident yearly license to take a deer with a muzzle loading gun, thirteen dollars and seventy-five cents (\$13.75).
- (14) A resident yearly license to take a deer with a:
 - (A) bow and arrow; **or**
 - (B) **crossbow and bolt;**
 thirteen dollars and seventy-five cents (\$13.75).
- (15) A nonresident yearly license to take a deer with a shotgun,



muzzle loading gun, rifle, or handgun, one hundred twenty dollars and seventy-five cents (\$120.75).

(16) A nonresident yearly license to take a deer with a muzzle loading gun, one hundred twenty dollars and seventy-five cents (\$120.75).

(17) A nonresident yearly license to take a deer with a:

(A) bow and arrow; **or**

(B) **crossbow and bolt;**

one hundred twenty dollars and seventy-five cents (\$120.75).

(18) A resident license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, five dollars (\$5).

(19) A nonresident license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, ten dollars (\$10).

(20) A resident yearly license to take a turkey, fourteen dollars and seventy-five cents (\$14.75).

(21) A nonresident yearly license to take a turkey, one hundred fourteen dollars and seventy-five cents (\$114.75).

(22) A resident license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, fourteen dollars and seventy-five cents (\$14.75).

(23) A nonresident license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, one hundred fourteen dollars and seventy-five cents (\$114.75).

(24) A resident youth yearly consolidated license to hunt, trap, and fish, six dollars (\$6). This license is subject to the following:

(A) An applicant must be less than eighteen (18) years of age.

(B) The license is in lieu of the resident yearly license to hunt, trap, and fish and all other yearly licenses, stamps, or permits to hunt, trap, and fish for a specific species or by a specific means.

(25) A nonresident youth yearly license to hunt, seventeen dollars (\$17). The applicant must be less than eighteen (18) years of age. This license includes all yearly stamps to hunt for a specific species or by specific means.

(26) A nonresident youth yearly license to trap, seventeen dollars (\$17). The applicant must be less than eighteen (18) years of age.

(27) A nonresident youth yearly license to take a turkey, twenty-five dollars (\$25). The applicant must be less than



eighteen (18) years of age.

(28) A nonresident youth license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, twenty-five dollars (\$25). The applicant must be less than eighteen (18) years of age.

(29) A nonresident youth yearly license to take a deer with a shotgun, muzzle loading gun, or rifle, twenty-four dollars (\$24). The applicant must be less than eighteen (18) years of age.

(30) A nonresident youth yearly license to take a deer with a muzzle loading gun, twenty-four dollars (\$24). The applicant must be less than eighteen (18) years of age.

(31) A nonresident youth yearly license to take a deer with a:

(A) bow and arrow; or

(B) crossbow and bolt;

twenty-four dollars (\$24). The applicant must be less than eighteen (18) years of age.

(32) A nonresident youth license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, twenty-four dollars (\$24). The applicant must be less than eighteen (18) years of age.

(33) A resident senior yearly license to fish, three dollars (\$3). This license is subject to the following:

(A) An applicant must be at least sixty-four (64) years of age and born after March 31, 1943.

(B) The license is in lieu of the resident yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species or by a specific means.

(34) A resident senior "fish for life" license, seventeen dollars (\$17). This license is subject to the following:

(A) An applicant must be at least sixty-four (64) years of age.

(B) The license applies each year for the remainder of the license holder's life.

(C) The license is in lieu of the resident senior yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species or by a specific means.

(35) A voluntary resident senior yearly license to fish, three dollars (\$3). This license is subject to the following:

(A) An applicant must have been born before April 1, 1943.

(B) The license is instead of the resident yearly license to fish and all other yearly licenses, stamps, and permits to fish for a specific species or by a specific means.

(b) The commission may set license fees to hunt, trap, or fish above



the minimum fees established under subsection (a).

(c) In addition to the license fees set under this section, the department shall establish a procedure to collect voluntary donations for processing wild game when a hunting license is sold. The minimum suggested donation must be one dollar (\$1). The money collected under this section shall be deposited in the Indiana sportsmen's benevolence account (IC 14-9-5-4).

SECTION 26. IC 14-22-12-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 16. (a) Before December 1, 2022, the division shall meet to discuss with representatives of fishing organizations, hunting organizations, trapping organizations, conservation organizations, and license holders, concerning:**

- (1) funding sources and sustainable funding levels for the division;**
- (2) the creation of or increases in license and permit fees for the division, including fees for nonlicense holders who use division services or properties;**
- (3) private and public lands access; and**
- (4) investment and management costs;**

and submit recommendations regarding the topics set forth in subdivisions (1) through (4) to the general assembly in an electronic format under IC 5-14-6.

(b) The department shall notify the members of the general assembly of a meeting of the division and the representatives set forth in subsection (a) seven (7) days before the meeting.

(c) This section expires July 1, 2023.

SECTION 27. IC 14-22-13-1, AS AMENDED BY P.L.195-2017, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 1. (a) This section applies to the following:**

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

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

- ~~(1) For seines, except legal minnow seines, twenty dollars (\$20) for each one hundred (100) yards and fraction thereof.~~
- (1) For an inland commercial fishing license and four (4) commercial gear tags, twenty dollars (\$20).**
- (2) For each a bundle of four (4) gear tags for dip-net, hoop-net,**



basket trap, basket net, trap-net, ~~seine~~, or ~~fyke-net~~, **fyke net**, four dollars (\$4).

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

SECTION 28. IC 14-25-7-10, AS AMENDED BY P.L.95-2006, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10. (a) The commission shall administer this chapter.

(b) The deputy director for ~~water and resource regulation~~ **the bureau of resource management** shall serve as technical secretary to the commission. The deputy director shall perform the duties that are required by this chapter or that the commission directs.

(c) The advisory council established by IC 14-9-6-1 shall serve in an advisory capacity to the commission with respect to the implementation of the commission's powers and duties, including the drafting of rules and development of inventories, assessments, and plans.

(d) For the time that the advisory council is involved in the drafting of rules, the membership of the council shall be augmented as follows:

- (1) Two (2) members of the senate, not more than one (1) of whom may be of the same political party, shall be appointed for a term of two (2) years by the president pro tempore of the senate.
- (2) Two (2) members of the house of representatives, not more than one (1) of whom may be of the same political party, shall be appointed for a term of two (2) years by the speaker of the house of representatives.

These members are entitled to travel expenses and a per diem allowance as determined by the budget agency for members of boards and commissions generally.

(e) The department shall provide professional, technical, and clerical personnel, equipment, supplies, and support services reasonably required to assist the commission in the exercise of the commission's powers and duties under this chapter. The department shall include money for this purpose in the regular operating budget requests of the department.

SECTION 29. IC 14-25-13-9, AS AMENDED BY P.L.1-2006, SECTION 217, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) The department of natural resources shall provide administrative and staff services for the commissioners from Indiana on the Commission as provided by this chapter.

(b) The deputy director for the bureau of ~~water and resource regulation~~ **resource management** shall, without additional



compensation, serve as technical secretary to the Commission in Indiana. The deputy director shall handle the correspondence, make or arrange for the investigations and surveys, and obtain, assemble, or prepare the reports and data that the commissioners direct and authorize.

(c) This section does not do any of the following:

(1) Alter or affect the obligations of all officers of this state under section 6 of this chapter.

(2) Alter the manner in which the commissioners from Indiana on the Commission are appointed.

(3) Alter any of the jurisdiction, authority, rights, powers, property, duties, responsibilities, causes of action, or defense vested on June 30, 1965, in or required of the following:

(A) The Commission.

(B) The commissioners from Indiana on the Commission.

SECTION 30. IC 14-37-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. The commission may delegate any or all of the commission's powers and duties under this article to the director, deputy director, director of the division of ~~oil and gas~~, **reclamation**, or other employee of the department.

SECTION 31. IC 14-37-8-7, AS AMENDED BY P.L.140-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. The director of the division of ~~oil and gas~~ **reclamation** may require an owner or operator to redrill and replug a hole if the operator does not comply with section 4, 4.2, or 4.3 of this chapter.

SECTION 32. IC 32-23-13-1, AS ADDED BY P.L.28-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. As used in this chapter, "adjacent mineral producer" means a person that:

(1) is engaged in the production, development, or future development of at least one (1) mineral, including coal, oil, gas, or another mineral in solid, liquid, or gaseous form; and

(2) owns or leases a property interest in:

(A) the mineral estate adjacent to, adjoining, or contiguous to the mineral interest of an unknown or missing owner;

(B) a portion of the mineral estate adjacent to, adjoining, or contiguous to the mineral interest of an unknown or missing owner; or

(C) an area that the person seeks to develop that is within the boundaries of a proposed production unit established by spacing regulations of the division of ~~oil and gas~~.



reclamation.

SECTION 33. IC 32-23-13-6, AS ADDED BY P.L.28-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) An adjacent mineral producer that brings an action under this chapter must do the following:

- (1) Name the following as respondents:
 - (A) The last owners of record in the chain of title and all reasonably ascertainable heirs, devisees, successors, and assigns of the last owners of record.
 - (B) If record title to the mineral interest of an unknown or missing owner has been severed of record from ownership of the overlying surface land, the record owner of the overlying surface land. Any person named in this subdivision must be sent notice of the action by certified mail.
- (2) File a verified petition with the court that sets forth the following:
 - (A) A statement that specifies the mineral that the petitioner seeks to develop in the subject land.
 - (B) The petitioner's request that a trustee be appointed to execute a lease granting the petitioner the right to produce and develop from the subject mineral interest of the unknown or missing owner a mineral of the type produced by the adjacent mineral producer.
 - (C) The legal description of the mineral interest of the unknown or missing owner.
 - (D) The interest of the petitioner in the land adjacent to, adjoining the subject land, or within the production unit established by the division of ~~oil and gas~~: **reclamation**.
 - (E) The apparent interest of each respondent in the applicable mineral sought to be produced and developed within the subject land.
 - (F) A verified statement that informs the court of the actions the petitioner has taken to identify and locate the unknown or missing owner or the owner's heirs, devisees, successors, and assigns.

(b) The Indiana Rules of Trial Procedure govern an action under this chapter to make an unknown or missing person a respondent. Legal service on a respondent who is unknown or missing may be made by publication.

(c) The court shall appoint a guardian ad litem for any respondent to the proceeding who is:

- (1) a ward of the state or a ward to another person; or



(2) less than eighteen (18) years of age and is not represented by a parent.

(d) If it appears to the court that a person who is not in being, but, upon coming into being, is or may be entitled to any interest in the land sought to be leased, the court shall appoint a guardian ad litem to appear for and represent the interest in the proceeding and to defend the proceeding on behalf of the person not in being. A judgment or order entered by the court in a proceeding under this chapter is effective against the person not in being.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 186 — Concur

