

Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 224

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 14-8-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as otherwise provided, the definitions in this article apply throughout this title **and 312 IAC**.

SECTION 2. IC 14-8-2-20, AS AMENDED BY P.L.99-2025, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 20. "Basin" has the following meaning:

- (1) For purposes of IC 14-13-9, the meaning set forth in IC 14-13-9-1.
- (2) For purposes of IC 14-25-1, the meaning set forth in section 1.2 of IC 14-25-15-1.
- (3) For purposes of IC 14-25-17, the meaning set forth in IC 14-25-17-3.
- (4) For purposes of IC 14-30-2, the meaning set forth in IC 14-30-2-1.
- (5) For purposes of IC 14-30-3, the meaning set forth in IC 14-30-3-1.
- (6) For purposes of IC 14-30-4, the meaning set forth in IC 14-30-4-1.

SECTION 3. IC 14-8-2-48, AS AMENDED BY P.L.251-2023,

SEA 224 — Concur



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 48. (a) "Commission", except as provided in this section, refers to the natural resources commission.

(b) "Commission", for purposes of IC 14-13-1, has the meaning set forth in IC 14-13-1-1.

(c) "Commission", for purposes of IC 14-13-2, has the meaning set forth in IC 14-13-2-2.

(d) "Commission", for purposes of IC 14-13-4, has the meaning set forth in IC 14-13-4-1.

(e) "Commission", for purposes of IC 14-13-5, has the meaning set forth in IC 14-13-5-1.

(f) "Commission", for purposes of IC 14-13-6, has the meaning set forth in IC 14-13-6-2.

(g) "Commission", for purposes of IC 14-13-9, has the meaning set forth in IC 14-13-9-2.

(h) "Commission", for purposes of IC 14-20-11, has the meaning set forth in IC 14-20-11-1.

(i) "Commission", for purposes of IC 14-28-4, has the meaning set forth in IC 14-28-4-1.

(j) "Commission", for purposes of ~~IC 14-30-2~~, **IC 14-30-6**, has the meaning set forth in ~~IC 14-30-2-2~~, **IC 14-30-6-1**.

(k) "Commission", for purposes of ~~IC 14-30-3~~, **IC 14-30-7-1**, has the meaning set forth in ~~IC 14-30-3-2~~, **IC 14-30-7-1**.

(l) "Commission", for purposes of ~~IC 14-30-4~~, **IC 14-30-7-2**, has the meaning set forth in ~~IC 14-30-4-2~~, **IC 14-30-7-2**.

(m) "Commission", for purposes of IC 14-30-7-3, has the meaning set forth in IC 14-30-7-3.

~~(m)~~ **(n)** "Commission", for purposes of IC 14-30.5, has the meaning set forth in IC 14-30.5-1-2.

~~(n)~~ **(o)** "Commission", for purposes of IC 14-33-20, has the meaning set forth in IC 14-33-20-2.

SECTION 4. IC 14-8-2-57 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 57: "Corporation", for purposes of IC 14-12-3, has the meaning set forth in IC 14-12-3-1.~~

SECTION 5. IC 14-8-2-86.2, AS ADDED BY P.L.251-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 86.2. "Executive", for purposes of ~~IC 14-30-3-33~~ and IC 14-30.5, has the meaning set forth in IC 14-30.5-1-4.

SECTION 6. IC 14-8-2-107, AS AMENDED BY P.L.127-2022, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: 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)~~ (7) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.

~~(9)~~ (8) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.

~~(10)~~ (9) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.

~~(11)~~ (10) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.

~~(12)~~ (11) For purposes of IC 14-19-11, the meaning set forth in IC 14-19-11-3.1.

~~(13)~~ (12) For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.

~~(14)~~ (13) For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.

~~(15)~~ (14) For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.

~~(16)~~ (15) For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.

~~(17)~~ (16) For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.

~~(18)~~ (17) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.

~~(19)~~ (18) For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.

~~(20)~~ (19) For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(21)~~ (20) For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(22)~~ (21) For purposes of IC 14-25.5, the meaning set forth in



IC 14-25.5-1-3.

~~(23)~~ **(22)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(24)~~ **(23)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

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

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

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

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

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

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

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

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

SECTION 7. IC 14-8-2-159 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 159. "Maumee River basin", for purposes of ~~IC 14-30-2~~, **IC 14-30-6 and IC 14-30-7**, has the meaning set forth in ~~IC 14-30-2-3~~. **IC 14-30-7-1.**

SECTION 8. IC 14-8-2-170 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 170: "Municipal corporation", for purposes of IC 14-12-3, has the meaning set forth in IC 14-12-3-3.~~

SECTION 9. IC 14-8-2-198 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 198. "Participating county" has the following meaning:

(1) For purposes of ~~IC 14-30-2~~, **IC 14-30-6**, the meaning set forth in ~~IC 14-30-2-4~~. **IC 14-30-6-1.**

(2) For purposes of ~~IC 14-30-3~~, **IC 14-30-7-1**, the meaning set forth in ~~IC 14-30-3-3~~. **IC 14-30-7-1.**

(3) For purposes of ~~IC 14-30-4~~, **IC 14-30-7-2**, the meaning set forth in ~~IC 14-30-4-3~~. **IC 14-30-7-2.**

(4) For purposes of IC 14-30-7-3, the meaning set forth in IC 14-30-7-3.

SECTION 10. IC 14-8-2-206 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 206. "Plan", ~~has the following meaning:~~



(†) for purposes of IC 14-21-1, **has** the meaning set forth in IC 14-21-1-8.

(2) For purposes of ~~IC 14-30-2~~, the meaning set forth in ~~IC 14-30-2-5~~.

(3) For purposes of ~~IC 14-30-4~~, the meaning set forth in ~~IC 14-30-4-4~~.

SECTION 11. IC 14-8-2-208, AS AMENDED BY P.L.138-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 208. "Political subdivision" has the following meaning:

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

(2) For purposes of IC 14-13-2, ~~and IC 14-30-3~~, the meaning set forth in IC 36-1-2-13.

(3) For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-2.

SECTION 12. IC 14-8-2-216 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 216. ~~(a) "Program", for purposes of IC 14-12-3, has the meaning set forth in IC 14-12-3-4.~~

~~(b)~~ (a) "Program", for purposes of IC 14-23-6.5, has the meaning set forth in IC 14-23-6.5-1.

~~(c)~~ (b) "Program", for purposes of IC 14-32-8, has the meaning set forth in IC 14-32-8-3.

SECTION 13. IC 14-8-2-263 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 263. "St. Joseph River basin", for purposes of ~~IC 14-30-3~~, **IC 14-30-6 and IC 14-30-7**, has the meaning set forth in ~~IC 14-30-3-4~~. **IC 14-30-7-2.**

SECTION 14. IC 14-8-2-291.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 291.5. "Upper Wabash River basin", for purposes of ~~IC 14-30-4~~, **IC 14-30-6 and IC 14-30-7**, has the meaning set forth in ~~IC 14-30-4-5~~. **IC 14-30-7-3.**

SECTION 15. IC 14-8-2-320 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 320. "Wildlife" has the following meaning:

(1) For purposes of IC 14-22, except as provided in subdivision

(2), **means** all wild birds, **fish, crustaceans, mollusks, amphibians, reptiles**, and ~~wild~~ mammals.

(2) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-6.

SECTION 16. IC 14-10-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) The commission shall have at least four (4) regular meetings in each fiscal year and as



many additional or special meetings as the commission's business, powers, or duties require.

(b) The chairman:

- (1) may call a special meeting; and
- (2) shall call a special meeting at the request of any five (5) members.

(c) A:

- (1) meeting of the commission; or
- (2) public hearing;

is subject to IC 5-14-1.5.

SECTION 17. IC 14-10-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 9. (a) A person who wishes to obtain judicial review of a final agency action under this title must serve copies of a petition for judicial review upon:**

- (1) each person described in IC 4-21.5-5-8; and
- (2) the following persons under IC 4-21.5-5-8(a)(4):
 - (A) If the department or the state historic preservation review board is a party to a proceeding, a copy of the petition required under IC 4-21.5-5-8(a)(4) must be served upon the department or state historic preservation review board, as applicable, to the address published on the website of the department.
 - (B) If the Indiana board of licensure for professional geologists is a party to a proceeding, a copy of the petition required under IC 4-21.5-5-8(a)(4) must be served upon the Indiana board of licensure for professional geologists at the address published on the website of the state geologist.
 - (C) If the Indiana board of registration for soil scientists is a party to a proceeding, a copy of the petition required under IC 4-21.5-5-8(a)(4) must be served upon the Indiana board of registration for soil scientists to the address published on the website of the office of the state chemist.

(b) The following agencies shall publish their office address on their official website so a person may serve copies of judicial review:

- (1) The department.
- (2) The state geologist.
- (3) The office of the state chemist.

SECTION 18. IC 14-11-2-1, AS AMENDED BY P.L.246-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS

SEA 224 — Concur



[EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The department may adopt rules under IC 4-22-2 for ~~the conduct of~~ the following:

- (1) Department meetings.
- (2) Upon the recommendation of the director, the work of the department and the divisions.

(b) The department may not adopt rules under IC 4-22-2 for the establishment of fees for the following:

- (1) Programs of the department or the commission.
- (2) Facilities owned or operated by the department or the commission or a lessee of the department or commission.
- (3) Licenses issued by the commission, the department, or the director.
- (4) Inspections or other similar services under this title performed by the department or an assistant or employee of the department.

(c) The director shall:

- (1) adopt provisional rules under IC 4-22-2-37.1;**
- (2) adopt interim rules under IC 4-22-2-37.2; and**
- (3) approve for preliminary adoption rules for readoption under IC 4-22-2.6 that do not contain changes to the rules.**

SECTION 19. IC 14-11-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. A person who violates a rule adopted under this chapter commits a Class C infraction, **unless otherwise specified by law.**

SECTION 20. IC 14-11-4-1, AS AMENDED BY P.L.89-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. This chapter applies to applications for licenses under the following:

- (1) IC 14-26-2 (lake preservation).
- (2) IC 14-26-5 ~~(dams)~~: **(lowering of Ten Acre Lake).**
- (3) IC 14-27 (levees, dams, and drainage).**
- ~~(3)~~ **(4) IC 14-28-1 (flood control).**
- (5) IC 14-29-1 (permanent structures along Lake Michigan only).**
- ~~(4)~~ **(6) IC 14-29-3 (removal of substances from streams): (sand and gravel permits).**
- ~~(5)~~ **(7) IC 14-29-4 (construction of channels).**

SECTION 21. IC 14-12-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Hometown Indiana Grant Program).

SECTION 22. IC 14-13-6-20, AS AMENDED BY P.L.118-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 20. The commission may use the Wabash River heritage corridor commission fund to pay:



- (1) reimbursement of the expenses of members under section 13 of this chapter;
- (2) other administrative costs and expenses reasonably incurred under this chapter, including expenses for publications and postage; and
- (3) costs incurred in fulfilling the directives of the Wabash River heritage corridor commission master plan, including multicounty projects and marketing and educational tools such as video tape productions, signs, and promotional literature.

However, the commission may not use money in the fund for the upper Wabash River basin commission established by ~~IC 14-30-4-6~~.
IC 14-30-6.

SECTION 23. IC 14-13-6-23, AS ADDED BY P.L.69-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 23. (a) The Wabash River heritage corridor fund is established for the purpose of:

- (1) providing grants to aid the sustainable development of property under the Wabash River heritage corridor commission master plan and purposes of the commission; and
- (2) paying costs incurred in fulfilling the directives of the Wabash River heritage corridor commission master plan, including multicounty projects.

However, the commission may not use money in the fund for the upper Wabash River basin commission established by ~~IC 14-30-4-6~~.
IC 14-30-6.

(b) The fund shall be administered by the director under the direction of the commission.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Interest as provided in subsection (e).
- (3) Funds deposited under IC 14-38-1-13(d).
- (4) Money donated to the fund.
- (5) Money transferred to the fund from other funds.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund.

(g) Money in the fund is annually appropriated to the department of



natural resources for its use in fulfilling the purposes of this section.

SECTION 24. IC 14-15-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 19. Provisions of this chapter concerning the operation of boats or motorboats apply as follows:

- (1) Whether or not the boat or motorboat is towing a ~~water ski; a watersled; an aquaplane; or a similar object, including a person on the water ski, watersled, aquaplane, or similar~~ **any** object.
- (2) To each object and person.

SECTION 25. IC 14-15-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 20. A person operating a motorboat may not tow a water ski, a watersled, **a wakeboard, barefoot water skis**, an aquaplane, or a similar object, including a person on the waterski, watersled, **wakeboard, barefoot water skis**, aquaplane, or similar object, unless:

- (1) the motorboat is occupied by at least one (1) other person who is giving the person's entire attention to watching the object, **wakeboard**, or person towed; and
- (2) the person operating the boat is giving the person's entire attention to the operation of the boat.

SECTION 26. IC 14-15-4-2, AS AMENDED BY P.L.111-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The operator of a boat involved in an accident or a collision ~~resulting in:~~ **shall provide the information required under subsection (b) if the following conditions occur:**

- (1) Injury to or death of a person. ~~or~~
- (2) Damage to a boat or other property to an apparent extent of at least ~~the greater of: seven hundred fifty dollars (\$750);~~

~~shall provide the information required under subsection (b):~~

- (A) **two thousand dollars (\$2,000); or**
- (B) **the amount for assessed damage under the United States Department of Homeland Security Boating Accident Report Database (BARD).**

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

- (1) Give notice of the accident to:
 - (A) the office of the sheriff of the county;
 - (B) the nearest state police post; or
 - (C) the central dispatch center for the law enforcement division of the department;
 immediately and by the quickest means of communication.
- (2) Mail to the department a written report of the accident or



collision within twenty-four (24) hours of the accident or collision.

SECTION 27. IC 14-16-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 24. (a) The operator of a vehicle involved in an accident resulting in serious bodily injury to or death of an individual or property damage in an estimated amount of at least ~~seven hundred fifty dollars (\$750)~~ **two thousand five hundred dollars (\$2,500)** shall immediately, by the quickest means of communication, notify at least one (1) of the following:

- (1) A state police officer or conservation officer.
- (2) The sheriff's office of the county where the accident occurred.
- (3) The office of the police department of the municipality where the accident occurred.
- (b) The police agency receiving the notice shall do the following:
 - (1) Complete a report of the accident on forms prescribed by the director.
 - (2) Forward the report to the director.

SECTION 28. IC 14-21-1-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 25.1. An application for approval of a development plan under section 26.5 of this chapter must be filed with the division and include the following:**

- (1) **A signed cover letter from the applicant on letterhead with the following information:**
 - (A) **The identity of the person who will conduct the project.**
 - (B) **The overall nature and time frame of the project.**
 - (C) **The location of the project by section, township, range, county, and address.**
 - (D) **Information regarding any prior disturbance to the area.**
 - (E) **A statement regarding whether federal or state funds or licenses are involved in the project.**
- (2) **Mapping to show the location of the burial ground or cemetery in relation to the project that includes the following:**
 - (A) **Construction details for any activity within one hundred (100) feet of the burial ground or cemetery.**
 - (B) **References to nearby landmarks.**
 - (C) **The location of the burial ground or cemetery and the project area on the appropriate U.S. Geological Survey U.S. TOPO: Maps for America.**
- (3) **A description of the burial ground or cemetery sufficient to evaluate the likely impact of the project, including the**



following:

- (A) Any name of the burial ground or cemetery.
 - (B) The dates the burial ground or cemetery has been used.
 - (C) Historical information and documentation.
 - (D) Precise boundaries that reference nearby landmarks.
- If documentation is not available to identify the burial ground or cemetery boundaries, the applicant may be required to determine those boundaries through the following:
- (i) Remote sensing.
 - (ii) Investigations by archeologists.
 - (iii) Another scientific method approved by the division.
- (E) The physical condition of the burial ground or cemetery.
- (4) A description of the grounds adjacent to and within one hundred (100) feet of the burial ground or cemetery, including the following:
- (A) The nature, depth, and degree of previous disturbances, including those caused by:
 - (i) construction;
 - (ii) excavation;
 - (iii) grading; or
 - (iv) filling.
 - (B) A description of soil, by type, present at the site, including an explanation of how the soil would be:
 - (i) disturbed;
 - (ii) graded;
 - (iii) modified;
 - (iv) removed; or
 - (v) otherwise treated.
 - (C) A description of each structure.
 - (D) A description of the activities anticipated to:
 - (i) erect;
 - (ii) alter; or
 - (iii) repair;
 a structure.
 - (E) Each area that may contain new construction in connection with the proposed construction areas.
- (5) Recent photographs of the burial ground or cemetery and the grounds adjacent to and within one hundred (100) feet of the burial ground or cemetery.

SECTION 29. IC 14-21-1-25.5 IS REPEALED [EFFECTIVE JULY



1, 2026]. Sec. 25.5: (a) If a Native American Indian burial ground is discovered, the department shall immediately provide notice to the Native American Indian affairs commission established by IC 4-23-32.

(b) If Native American Indian human remains are removed from a burial ground, the department shall provide the following to the Native American Indian affairs commission:

(1) Any written findings or reports that result from the analysis and study of the human remains.

(2) Written notice to the Native American Indian affairs commission that the analysis and study of the human remains are complete.

(c) After receiving written notice under subsection (b)(2), the Native American Indian affairs commission shall make recommendations to the department regarding the final disposition of the Native American Indian human remains.

SECTION 30. IC 14-22-6-4, AS AMENDED BY P.L.144-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) For purposes of this section, a trap is designed to capture and kill a furbearing animal if the animal's death is the result of:

- (1) submerging the animal in water; or
- (2) crushing or asphyxiating the animal.

(b) A person may not do the following:

(1) Tend or visit a trap or remove a furbearing animal from a trap that is not the person's property without the permission of the owner.

(2) For a trap that is designed to capture but not kill a furbearing animal:

(A) fail to tend or visit; ~~or have tended or visited a trap~~ and

(B) remove a furbearing animal from;

a trap that is the person's property within a period not exceeding twenty-four (24) hours.

(3) For a trap that is designed to capture and kill a furbearing animal:

(A) fail to tend or visit; ~~or have tended or visited a trap~~ and

(B) remove a furbearing animal from;

a trap that is the person's property within a period not exceeding forty-eight (48) hours.

(c) The department shall publish a recommendation that the best practice to comply with this section is to tend or visit, or have tended or visited a furbearing trap that is the person's property within a period not to exceed twenty-four (24) hours.



SECTION 31. IC 14-22-10-2, AS AMENDED BY P.L.113-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this section and section 2.5 of this chapter, "governmental entity" means any of the following:

- (1) The government of the United States of America.
- (2) The state.
- (3) A county.
- (4) A city.
- (5) A town.
- (6) A township.
- (7) The following, if created by the Constitution of the United States, the Constitution of the State of Indiana, a statute, an ordinance, a rule, or an order:
 - (A) An agency.
 - (B) A board.
 - (C) A commission.
 - (D) A committee.
 - (E) A council.
 - (F) A department.
 - (G) A district.
 - (H) A public body corporate and politic.

(b) As used in this section and section 2.5 of this chapter, "monetary consideration" means a fee or other charge for permission to go upon a tract of land. The term does not include:

- (1) the gratuitous sharing of game, fish, or other products of the recreational use of the land;
- (2) services rendered for the purpose of wildlife management; or
- (3) contributions in kind made for the purpose of wildlife management.

(c) As used in this section and section 2.5 of this chapter, "owner" means a governmental entity or another person that:

- (1) has a fee interest in;
- (2) is a tenant, a lessee, or an occupant of; or
- (3) is in control of;

a tract of land.

(d) A person who goes upon or through the premises, including caves, of another:

- (1) with or without permission; and
- (2) either:
 - (A) without the payment of monetary consideration; or
 - (B) with the payment of monetary consideration directly or indirectly on the person's behalf by an agency of the state or



federal government;
for the purpose of swimming, camping, hiking, sightseeing, **exercising, cycling,** or accessing or departing from a trail, a greenway, or another similar area, or for any other purpose (other than the purposes described in section 2.5 of this chapter) ~~does not have an assurance that the premises are safe for the purpose.~~ **is subject to the limitations of liability granted to the owner of the premises described in subsection (e).**

(e) The owner of the premises does not

~~(1) assume responsibility; or~~

~~(2) incur liability;~~

for an injury to a person or property caused by an act or failure to act of other persons using the premises: **assume responsibility or incur liability for an injury or damage to a:**

(1) person caused by:

(A) an act; or

(B) the failure to act;

of another person using the premises;

(2) person caused by a condition on the land; or

(3) person's property caused by:

(A) the act of another person using the premises; or

(B) a condition on the land.

(f) This section does not affect the following:

~~(1) Existing Indiana case law on the liability of owners or possessors of premises with respect to the following:~~

~~(A) Business invitees in commercial establishments;~~

~~(B) Invited guests.~~

(1) Business invitees in for-profit establishments.

(2) The attractive nuisance doctrine.

(g) This section does not excuse the owner or occupant of premises from liability for injury to a person or property caused by a malicious or an illegal act of the owner or occupant.

(h) This section does not apply to a parcel of land assessed as residential land.

SECTION 32. IC 14-22-10-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) A person who goes upon or through the premises, including caves, of another:

(1) with or without permission; and

(2) either:

(A) without the payment of monetary consideration; or

(B) with the payment of monetary consideration directly or indirectly on the person's behalf by an agency of the state or



federal government;
for the purpose of hunting, fishing, trapping, or preparing to hunt, fish, or trap, does not have an assurance that the premises are safe for that purpose.

(b) The owner of the premises does not:

- (1) assume responsibility; or
- (2) incur liability;

for an injury to a person or property caused by an act or failure to act of other persons using the premises.

(c) This section does not affect Indiana case law on the liability of owners or possessors of premises with respect to the following:

- (1) Business invitees in commercial establishments.
- (2) The attractive nuisance doctrine.

(d) This section does not excuse the owner or occupant of premises from liability for injury to a person or property caused by a malicious or an illegal act of the owner or occupant.

(e) This section does not apply to a parcel of land assessed as residential land.

SECTION 33. IC 14-22-15.5-7 IS REPEALED [EFFECTIVE JULY 1, 2026]. ~~Sec. 7. An individual who acts as a hunting guide without a hunting guide license in violation of section 2 of this chapter commits a Class B infraction.~~

SECTION 34. IC 14-23-6.6-7, AS ADDED BY P.L.124-2025, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Subject to subsection (b), a certified prescribed burn manager who conducts the prescribed burning in accordance with section 6 of this chapter is immune from civil liability for harm caused by the:

- (1) prescribed burn; or
- (2) smoke produced by the prescribed burn.

(b) The immunity described in subsection (a) does not apply if the harm was the result of the certified prescribed burn manager's:

- (1) negligence; or
- (2) willful and wanton misconduct.

(c) Subject to subsection (d), a landowner or landowner's agent who conducts prescribed burning on the landowner's property in accordance with section 6 of this chapter is immune from civil liability for harm caused by the:

- (1) prescribed burn; or
- (2) smoke produced by the prescribed burn.

(d) The immunity described in subsection (c) does not apply if the harm was the result of the:



- (1) negligence of the landowner or the landowner's agent; or
- (2) willful and wanton misconduct of the landowner or the landowner's agent.

(e) The ~~division of forestry's~~ **department's** officers, agents, and employees are immune from civil liability, in accordance with IC 34-13-3, arising out of any of the following:

- (1) Participation in planning, undertaking, or assisting with prescribed burning.
- (2) Administration of the prescribed burn certification program, including revocation of prescribed burn certifications issued under the program.

SECTION 35. IC 14-30-2 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Maumee River Basin Commission).

SECTION 36. IC 14-30-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. (St. Joseph River Basin Commission).

SECTION 37. IC 14-30-4 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Upper Wabash River Basin Commission).

SECTION 38. IC 14-30-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 6. River Basin Commission Administration

Sec. 1. For purposes of this chapter, the following definitions apply:

- (1) "Commission" refers to a river basin commission established by section 2 of this chapter.
- (2) "Participating county" refers to a county that:
 - (A) joins a commission under section 4 of this chapter; and
 - (B) has territory within the commission.

Sec. 2. (a) The following river basin commissions are established:

- (1) The Maumee River basin commission.
- (2) The St. Joseph River basin commission.
- (3) The Upper Wabash River basin commission.

(b) After consulting with the surveyor of each county in a river basin, the director shall certify the boundaries of a commission established by subsection (a). However, a river basin commission established by subsection (a)(1), (a)(2), or (a)(3) is not required to recertify the commission's boundaries under this subsection.

Sec. 3. A commission established by this chapter:

- (1) is a separate municipal corporation; and
- (2) may sue and be sued.

Sec. 4. The executive of a county that includes territory in a



commission may do the following:

- (1) Elect to participate in the commission by designating the county as a participating county.
- (2) Revoke the designation described in subdivision (1).

Sec. 5. (a) Except as provided in subsection (d), the following shall serve as voting members of the commission:

- (1) A member of the county executive for a participating county.
- (2) The executive director or, if a county does not have an executive director, the chairman or manager of a soil and water conservation district that:
 - (A) is subject to IC 14-32;
 - (B) includes territory in a participating county; and
 - (C) includes territory in the basin.
- (3) The county surveyor of each participating county.

(b) In addition to the members required under subsection (a), the required members of a commission may appoint the following voting members:

- (1) Each member of the county executive for a participating county.
- (2) The executive of each second class city within the territory of the commission.
- (3) If a participating county does not have a second class city, the executive of the municipality with the largest population located within the territory of the basin.
- (4) A participating county's health officer.
- (5) A representative of each soil and water conservation district that:
 - (A) is subject to IC 14-32;
 - (B) includes territory in a participating county; and
 - (C) includes territory in the basin.
- (6) A representative of the department of natural resources. However, the representative may not be an employee or elected official of a city, town, or county governmental unit.
- (c)** A representative described in subsection (b)(5) or (b)(6):
 - (1) is chosen by the entity being represented;
 - (2) serves a three (3) year term;
 - (3) is eligible for reappointment; and
 - (4) continues until a successor is appointed.
- (d)** A commission that exists on or before June 30, 2026, retains the commission's existing voting members.

Sec. 6. (a) A member of the commission may:



(1) designate another individual to perform the duties of the member on the commission; and

(2) revoke the designation described in subdivision (1).

(b) A designation or a revocation of a designation under this section must be filed with the commission to be effective.

Sec. 7. (a) A commission shall annually elect from among the voting members the following officers:

(1) A chairperson.

(2) A vice chairperson.

(3) A secretary.

(4) A treasurer.

(b) The officers elected under subsection (a) shall perform the duties specified in the commission's bylaws.

(c) A commission may establish other offices, including an executive director, and determine the means for filling the offices. Any salary or benefits provided to the individual must be paid by the commission that establishes the office.

Sec. 8. (a) Either:

(1) the commission; or

(2) a participating county;

but not both, may pay its members reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency. Money paid under subdivision (1) may only be paid from money available to the commission at the time of reimbursement.

(b) A county may pay members of a commission the salary per diem provided by IC 4-10-11-2.1(b) for the performance of the member's duties on the commission.

Sec. 9. (a) A commission shall meet at least four (4) times each calendar year.

(b) The following may call a meeting:

(1) The chairperson.

(2) The executive director.

(3) A quorum of the commission's members.

(c) A commission shall adopt bylaws specifying a quorum requirement.

(d) A member may waive notice of any meeting by filing a written waiver with the secretary of the commission.

Sec. 10. (a) A commission may do the following:

(1) Manage the commission's internal affairs.



- (2) Employ staff.**
 - (3) Subject to section 12 of this chapter, enter into contracts for purposes of this chapter.**
 - (4) Exercise the powers of a political subdivision specified in a cooperative agreement described in section 12 of this chapter.**
 - (5) Provide a forum for the discussion, study, and evaluation of water resource issues of common concern in the river basin.**
 - (6) Facilitate and foster cooperative planning and coordinated management of the basin's water and related land resources.**
 - (7) Develop positions on major water resource issues and serve as an advocate of the basin's interests before Congress and federal, state, and local governmental agencies.**
 - (8) Develop plans and tools to improve water quality or mitigate flooding in the basin.**
 - (9) Publicize, advertise, and distribute reports on the commission's purposes, objectives, studies, and findings.**
 - (10) When requested, make recommendations in matters related to the commission's functions and objectives to political subdivisions in the basin and to other public and private agencies.**
 - (11) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.**
 - (12) Invite government officials of other states within the river basin to:**
 - (A) attend the commission's meetings; and**
 - (B) advise the commission upon the commission's request.**
 - (b) A commission may not exercise any of the powers described in subsection (a) within a nature preserve (as defined in IC 14-31-1).**
 - (c) This section does not exempt the commission from any other statute.**
- Sec. 11. A commission shall do the following:**
- (1) Keep a record of the commission's resolutions, transactions, and findings. A record under this subdivision is a public record.**
 - (2) Make an annual report of the commission's activities to the executive of each participating county. The commission shall upon request make an annual report to the following:**
 - (A) The governor.**



- (B) Any member of the general assembly.
- (3) Prepare and adopt an annual budget.
- (4) Submit the budget described in subdivision (3) to the executive of each participating county and, upon request, make the budget available to each agency appropriating money to the commission.

Sec. 12. (a) A political subdivision in a participating county may under IC 36-1-7 enter into a cooperative agreement with a commission and at least one (1) other legal entity, including a legal entity in another state.

(b) If a commission intends to enter into a cooperative agreement under subsection (a), the commission shall post public notice of the proposed cooperative agreement at least ten (10) business days before the meeting at which the cooperative agreement is scheduled to be voted on by the commission.

(c) Before a commission may vote on the cooperative agreement under this section, the cooperative agreement must be approved by the department.

Sec. 13. A commission may adopt a resolution to do any one (1) or more of the following:

- (1) Require that increased water runoff resulting from new construction be impounded on the construction site.
- (2) Permit the requirement of onsite water impoundment under subdivision (1) to be waived upon payment of a reasonable fee by the developer of the new construction.
- (3) Restrict construction within the one hundred (100) year flood plains of the river basin.

Sec. 14. (a) The commission may establish an executive board consisting of the following:

- (1) The chairperson of the commission.
- (2) One (1) member from each participating county that is not represented by the chairperson, to be chosen in a manner prescribed by the commission's bylaws.

(b) The commission may delegate to the executive board the power to do the following:

- (1) Recommend agenda items and activities to the commission.
- (2) Conduct hearings on proposed commission projects.
- (3) Perform other administrative duties assigned by the commission.

Sec. 15. (a) The commission may appoint an advisory committee to assist the commission.



(b) A member of an advisory committee is not entitled to compensation for serving on the advisory committee.

Sec. 16. The commission may adopt a bylaw to govern member participation in:

- (1) a commission's; or
- (2) an executive board's;

meeting by electronic communication.

Sec. 17. (a) A commission may receive grants and appropriations from the following:

- (1) Federal, state, and local governments.
- (2) Individuals, foundations, and other organizations.

However, a commission is not eligible for funding through the Wabash River heritage corridor commission established by IC 14-13-6-6.

(b) The commission may enter into an agreement or contract regarding the acceptance or use of the grants and appropriations described in subsection (a) for the purpose of carrying out the commission's activities under this chapter.

Sec. 18. (a) A participating county may budget, appropriate, and disburse money to carry out the purposes of the commission under this chapter.

(b) The appropriation from the participating county that is needed for all or part of the commission's budget must be either:

- (1) apportioned among the participating counties in direct relationship to the amount of land area in each participating county certified under section 2 of this chapter; or
- (2) divided equally among the participating counties.

(c) The appropriation that is needed under subsection (b) shall be presented to the county executive at the same time that budgets are presented by county officers.

Sec. 19. (a) The commission shall make expenditures only as budgeted. However, the commission may revise the budget at any time to authorize unbudgeted expenditures.

(b) Any appropriated amounts remaining unexpended or unencumbered at the end of the fiscal year become part of a nonreverting cumulative fund to be held in the name of the commission. The commission may authorize unbudgeted expenditures from this fund.

(c) The commission is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:

- (1) prescribe the methods and forms for keeping; and



(2) periodically audit;
the accounts, records, and books of the commission.

(d) The treasurer of the commission may receive, disburse, and handle money belonging to the commission, subject to the following:

- (1) Applicable statutes.
- (2) Procedures established by the commission.

Sec. 20. (a) For the purposes of this chapter, the commission may do the following:

(1) Acquire by grant, gift, purchase, or devise, and dispose of, conservation easements under IC 32-23-5 in land:

(A) within; or

(B) adjacent to if part of the same parcel;

the one hundred (100) year flood plains and the wetlands in the basin.

(2) Acquire, by grant, gift, purchase, or devise, improvements:

(A) within; or

(B) adjacent to if part of the same parcel;

the one hundred (100) year flood plains of the basin for the purpose of removing those improvements.

(3) Acquire, dispose of, hold, use, improve, maintain, operate, own, manage, or lease real or personal property by grant, gift, purchase, or devise for the purposes of this chapter.

(b) The commission may exercise the powers granted by this section as follows:

(1) For purposes of IC 32-23-5.

(2) To contribute to the following:

(A) Flood mitigation.

(B) Flood damage reduction.

(C) Improvements in water quality.

(D) Soil conservation.

Sec. 21. (a) The commission, the executive board, or employees or authorized representatives of the commission acting under this chapter may:

(1) enter the land lying within the one hundred (100) year flood plain of any watercourse in the river basin; and

(2) enter land lying outside the one hundred (100) year flood plain to gain access to land lying within the one hundred (100) year flood plain in the river basin;

if necessary to investigate, examine, or survey the land or investigate suspected violations of the Indiana flood control laws.

(b) The commission must give twenty-one (21) days written



notice to:

- (1) an owner of the affected land;
- (2) a contract purchaser of the affected land; or
- (3) if the land is municipal property (as described in IC 6-1.1-10-5(a)), the executive of the municipality;

before exercising the right to enter land under this section. The notice must state the purpose of the entry and that there is a right of appeal under this section.

(c) A person described in subsection (b)(1) through (b)(3) may, within the twenty-one (21) day notice period required by subsection (b), appeal the proposed entry under subsection (a) to the commission on the grounds that the proposed entry is not necessary. If a person appeals under this subsection, the commission shall hold a hearing on the necessity of the entry before the right of entry is exercised.

(d) A person entering land under this section must use due care to avoid damage to:

- (1) crops; or
- (2) fences, buildings, and other structures.

(e) Neither the commission, the executive board, nor employees or authorized representatives of the commission acting under this chapter commits criminal trespass under IC 35-43-2-2 by entering land described in subsection (a) for a purpose set forth in subsection (a).

SECTION 39. IC 14-30-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 7. Conversion to Watershed Development Commission

Sec. 1. (a) For purposes of this section, the following definitions apply:

- (1) "Commission" refers to the Maumee River basin commission.
- (2) "Maumee River basin" means the area in Adams County, Allen County, DeKalb County, Noble County, Steuben County, and Wells County that drains into the Maumee River and the tributaries of the Maumee River.
- (3) "Participating county" refers to a county that has joined the Maumee River basin commission under IC 14-30-6-4.

(b) The commission:

- (1) may; but
- (2) is not required to;

consider a proposal to transform the commission from a river



basin commission subject to IC 14-30-6 into a watershed development commission subject to IC 14-30.5.

(c) For the commission to be transformed from a river basin commission subject to IC 14-30-6 into a watershed development commission subject to IC 14-30.5:

(1) the county executives of all participating counties:

(A) must approve the proposal described in subsection (b); and

(B) must adopt substantively identical ordinances that set forth the flood damage reduction, drainage, storm water management, or soil and water conservation purposes for which the proposed watershed development commission would be established, and, for purposes of IC 14-30.5-2-0.5, the designated watershed within which the proposed watershed development commission would exercise its powers; and

(2) a majority of the voting members of the commission must vote in favor of the transformation of the commission into a watershed development commission in accordance with the ordinances adopted under subdivision (1)(B) and the provisions of this section.

(d) For the county executive of a participating county to approve a proposal described in subsection (b) under subsection (c)(1)(A), at least two (2) of the three (3) members of the county executive must vote in favor of the proposal.

(e) If a member of the county executive of a participating county has designated another individual under IC 14-30-6-6 to perform the member's duties on the commission, the individual designated to perform the duties of the member of the county executive may vote under subsection (c)(2) on the proposal described in subsection (b).

(f) If the county executives of all participating counties approve a proposal described in subsection (b) under subsection (c)(1)(A) and adopt substantively identical ordinances under subsection (c)(1)(B), a majority of the voting members of the commission vote in favor of the transformation of the commission into a watershed development commission under subsection (c)(2), and the department approves the transformation of the commission into a watershed development commission with the purposes set forth in the ordinances adopted under subsection (c)(1)(B), the following apply:

(1) The commission shall notify the department of the



approval of the proposal.

(2) The officers of the commission elected under IC 14-30-6-7 shall take the actions necessary and appropriate to the transformation of the commission from a river basin commission subject to IC 14-30-6 into a watershed development commission subject to IC 14-30.5.

(3) The board of the watershed development commission consists of the following:

(A) The director of the department or the director's designee.

(B) The county surveyor of each county participating in the commission.

(C) A member of the county executive from each county participating in the commission or the member's designee.

(D) One (1) individual to represent each second class city that is located in a participating county and within the Maumee River basin, appointed by:

(i) the board of storm water management (as described in IC 8-1.5-5-4) of the second class city; or

(ii) if the second class city has no board of storm water management, the executive of the second class city.

(E) A member of the county soil and water conservation district board from each participating county within the Maumee River basin or the member's designee.

(4) The director of the department or the director's designee:

(A) shall advise the commission on the transformation of the commission into a watershed development commission subject to IC 14-30.5; and

(B) when the board of the watershed development commission is formed, shall assume the position on the board of the watershed development commission specified in IC 14-30.5-4-1(a)(1)(A).

(5) The watershed development commission board may not meet until the department has given the approval referred to in this subsection. Upon the convening of the first meeting under IC 14-30.5-4 of the board of the watershed development commission:

(A) the Maumee River basin commission ceases to exist as a separate municipal corporation under IC 14-30-6;

(B) the Maumee watershed development commission is established as a public body corporate and politic under IC 14-30.5;



(C) the participating counties of the Maumee River basin commission become member counties of the Maumee watershed development commission under IC 14-30.5; and
 (D) each participating county of the Maumee River basin commission is authorized to appoint a member of the county executive or the member's designee under IC 14-30.5-4-1 to represent the county on the board of the Maumee watershed development commission.

(g) If established under this section, the Maumee watershed development commission:

- (1) is a continuation of;
- (2) retains the property and rights of; and
- (3) is responsible for the actions and subject to the liabilities of;

the former Maumee River basin commission.

(h) If established under this section, the Maumee watershed development commission has all of the powers and duties of a watershed development commission under IC 14-30.5 in the areas of the watershed of the Maumee River and the tributaries of the Maumee River that are within the boundaries of the member counties of the Maumee watershed development commission. For the purposes of IC 14-30.5, the areas of the watershed of the Maumee River and the tributaries of the Maumee River that are within the boundaries of the member counties of the Maumee watershed development commission comprise the designated watershed of the Maumee watershed development commission.

(i) If the Maumee watershed development commission is established under this section, the board of the Maumee watershed development commission shall appoint an executive director under IC 14-30.5-4-2(e). An individual who was the executive director of the Maumee River basin commission may be appointed executive director of the Maumee watershed development commission under this subsection.

(j) If the Maumee watershed development commission is established under this section, all property, records, and funds of the former Maumee River basin commission:

- (1) become property, records, and funds of the Maumee watershed development commission; and
- (2) shall be transmitted to the Maumee watershed development commission not more than sixty (60) days after the appointment of the executive director under subsection (i).

Sec. 2. (a) For purposes of this section, the following definitions



apply:

- (1) "Commission" refers to the St. Joseph River basin commission.
- (2) "Participating county" refers to a county that has joined the St. Joseph River basin commission under IC 14-30-6-4.
- (3) "St. Joseph River basin" means the area in Elkhart County, Kosciusko County, LaGrange County, Noble County, St. Joseph County, and Steuben County that drains into the St. Joseph River.

(b) The commission:

- (1) may; but
- (2) is not required to;

consider a proposal to transform the commission from a river basin commission subject to IC 14-30-6 into a watershed development commission subject to IC 14-30.5.

(c) For the commission to be transformed from a river basin commission subject to IC 14-30-6 into a watershed development commission subject to IC 14-30.5:

(1) the county executives of all participating counties:

(A) must approve the proposal described in subsection (b); and

(B) must adopt substantively identical ordinances that set forth the information required by IC 14-30.5-2-1(b), including, for purposes of IC 14-30.5-2-0.5, the designated watershed within which the proposed watershed development commission would exercise its powers; and

(2) a majority of the voting members of the commission must vote in favor of the transformation of the commission into a watershed development commission in accordance with the ordinances adopted under subdivision (1)(B) and the provisions of this section.

(d) For the county executive of a participating county to approve a proposal described in subsection (b) under subsection (c)(1)(A), at least two (2) of the three (3) members of the county executive must vote in favor of the proposal.

(e) If a member of the county executive of a participating county has designated another individual under IC 14-30-6-6 to fill the member's position on the commission, the individual designated to fill the member's position may vote under subsection (c)(2) on the proposal described in subsection (b).

(f) If the county executives of all participating counties approve a proposal described in subsection (b) under subsection (c)(1)(A)



and adopt substantively identical ordinances under subsection (c)(1)(B), a majority of the voting members of the commission vote in favor of the transformation of the commission into a watershed development commission under subsection (c)(2), and the department approves the transformation of the commission into a watershed development commission with the purposes set forth in the ordinances adopted under subsection (c)(1)(B), the following apply:

- (1) The commission shall notify the department of the approval of the proposal.
- (2) The officers of the commission elected under IC 14-30-6-7 shall take the actions necessary and appropriate to the transformation of the commission from a river basin commission subject to IC 14-30-6 into a watershed development commission subject to IC 14-30.5.
- (3) The board of the watershed development commission consists of the following:
 - (A) The director of the department or the director's designee.
 - (B) The county surveyor of each county participating in the commission.
 - (C) An individual other than the county surveyor representing each county participating in the commission, appointed by the county executive.
 - (D) Either:
 - (i) one (1) individual appointed to represent each second class city that is located in a participating county and within the St. Joseph River basin; or
 - (ii) if a participating county does not include a second class city that is located within the St. Joseph River basin, one (1) individual appointed to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the St. Joseph River basin.

An individual appointed to represent a second class city under item (i) shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the second class city or, if the second class city has no board of storm water management, by the executive of the second class city. An individual appointed under item (ii) to represent the municipality that has the largest population of all municipalities that are located in the participating



county and within the St. Joseph River basin shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the municipality or, if the municipality has no board of storm water management, by the executive of the municipality.

(4) The director of the department or the director's designee:

(A) shall advise the commission on the transformation of the commission into a watershed development commission subject to IC 14-30.5; and

(B) when the board of the watershed development commission is formed, shall assume the position on the board of the watershed development commission specified in IC 14-30.5-4-1(a)(2)(A).

(5) The watershed development commission board may not meet until the department has given the approval referred to in this subsection. Upon the convening of the first meeting under IC 14-30.5-4 of the board of the watershed development commission:

(A) the St. Joseph River basin commission ceases to exist as a separate municipal corporation under IC 14-30-6;

(B) the St. Joseph watershed development commission is established as a public body corporate and politic under IC 14-30.5;

(C) the participating counties of the St. Joseph River basin commission become member counties of the St. Joseph watershed development commission under IC 14-30.5; and

(D) each participating county of the St. Joseph River basin commission is authorized to appoint an individual described in subdivision (3)(C) to represent the county on the board of the St. Joseph watershed development commission.

(g) If established under this section, the St. Joseph watershed development commission:

(1) is a continuation of;

(2) retains the property and rights of; and

(3) is responsible for the actions and subject to the liabilities of;

the former St. Joseph River basin commission.

(h) If established under this section, the St. Joseph watershed development commission has all of the powers and duties of a watershed development commission under IC 14-30.5 in the areas of the watershed of the St. Joseph River and the tributaries of the



St. Joseph River that are within the boundaries of the member counties of the St. Joseph watershed development commission. For the purposes of IC 14-30.5, the areas of the watershed of the St. Joseph River and the tributaries of the St. Joseph River that are within the boundaries of the member counties of the St. Joseph watershed development commission comprise the designated watershed of the St. Joseph watershed development commission.

(i) If the St. Joseph watershed development commission is established under this section, the board of the St. Joseph watershed development commission shall appoint an executive director under IC 14-30.5-4-2(e). An individual who was the executive director of the St. Joseph River basin commission may be appointed executive director of the St. Joseph watershed development commission under this subsection.

(j) If the St. Joseph watershed development commission is established under this section, the following apply:

(1) All property, records, and funds of the St. Joseph River basin commission:

(A) become property, records, and funds of the St. Joseph watershed development commission; and

(B) shall be transmitted to the St. Joseph watershed development commission not more than sixty (60) days after the appointment of the executive director under subsection (i).

(2) Any advisory committee appointed under IC 14-30-6-15 is dissolved.

(3) The individuals serving as members of the St. Joseph River basin commission under IC 14-30-6 become the members of the advisory committee of the St. Joseph watershed development commission. Upon the expiration under IC 14-30-6-5 or other termination of the term of office of an individual described in this subdivision, the office of the individual shall be filled by a successor according to subdivision (4).

(4) As provided in subdivision (3) and IC 14-30.5-4-5(c)(3), upon the termination of the terms of office of all of the individuals who become members of the advisory committee under subdivision (3), the advisory committee of the St. Joseph watershed development commission shall consist of the following members:

(A) From each participating county the following:

(i) The executive of each second class city that is located



in the participating county and within the St. Joseph River basin, or the executive's designee.

(ii) If the county does not have a second class city that is located within the St. Joseph River basin, the executive of the municipality that has the largest population of all municipalities that are located in the participating county and within the St. Joseph River basin, or the executive's designee.

(B) A member of the county executive or the county executive's designee from each participating county.

(C) The county health officer or the health officer's designee from each participating county.

(D) The county surveyor of each participating county or the county surveyor's designee.

(E) A representative of each soil and water conservation district that:

(i) is subject to IC 14-32;

(ii) includes territory in a participating county; and

(iii) includes territory in the St. Joseph River basin.

(F) The director of the St. Joseph watershed development commission or the director's designee.

Sec. 3. (a) For purposes of this section, the following definitions apply:

(1) "Commission" refers to the Upper Wabash River basin commission.

(2) "Participating county" refers to a county that has joined the Upper Wabash River basin commission under IC 14-30-6-4.

(3) "Upper Wabash River basin" means the area located in Adams County, Huntington County, Jay County, or Wells County that is drained by the Wabash River, including the tributaries of the Wabash River.

(b) The commission:

(1) may; but

(2) is not required to;

consider a proposal to transform the commission from a river basin commission subject to IC 14-30-6 into a watershed development commission subject to IC 14-30.5.

(c) For the commission to be transformed from a river basin commission subject to IC 14-30-6 into a watershed development commission subject to IC 14-30.5:

(1) the county executives of all participating counties:



(A) must approve the proposal described in subsection (b); and

(B) must adopt substantively identical ordinances that set forth the information required by IC 14-30.5-2-1(b), including, for the purposes of IC 14-30.5-2-0.5, the designated watershed within which the proposed watershed development commission would exercise its powers; and

(2) a majority of the voting members of the commission must vote in favor of the transformation of the commission into a watershed development commission in accordance with the ordinances adopted under subdivision (1)(B) and the provisions of this section.

(d) For the county executive of a participating county to approve a proposal described in subsection (b) under subsection (c)(1)(A), at least two (2) of the three (3) members of the county executive must vote in favor of the proposal.

(e) If a member of the county executive of a participating county has designated another individual under IC 14-30-6-6 to perform the member's duties on the commission, the individual designated to perform the member's duties may vote under subsection (c)(2) on the proposal described in subsection (b).

(f) If the county executives of all participating counties approve a proposal described in subsection (b) under subsection (c)(1)(A) and adopt substantively identical ordinances under subsection (c)(1)(B), a majority of the voting members of the commission vote in favor of the transformation of the commission into a watershed development commission under subsection (c)(2), and the department approves the transformation of the commission into a watershed development commission with the purposes set forth in the ordinances adopted under subsection (c)(1)(B), the following apply:

(1) The commission shall notify the department of the approval of the proposal.

(2) The officers of the commission elected under IC 14-30-6-7 shall take the actions necessary and appropriate to the transformation of the commission from a river basin commission subject to IC 14-30-6 into a watershed development commission subject to IC 14-30.5.

(3) The board of the watershed development commission consists of the following:

(A) The director of the department or the director's



designee.

(B) The county surveyor of each county participating in the commission.

(C) An individual other than the county surveyor representing each county participating in the commission, appointed by the county executive.

(D) Either:

(i) one (1) individual appointed to represent each second class city that is located in a participating county and within the upper Wabash River basin; or

(ii) if a participating county does not include a second class city that is located within the upper Wabash River basin, one (1) individual appointed to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the upper Wabash River basin.

An individual appointed to represent a second class city under item (i) shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the second class city or, if the second class city has no board of storm water management, by the executive of the second class city. An individual appointed under item (ii) to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the upper Wabash River basin shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the municipality or, if the municipality has no board of storm water management, by the executive of the municipality.

(4) The director of the department or the director's designee:

(A) shall advise the commission on the transformation of the commission into a watershed development commission subject to IC 14-30.5; and

(B) when the board of the watershed development commission is formed, shall assume the position on the board of the watershed development commission specified in IC 14-30.5-4-1(a)(2)(A).

(5) The watershed development commission board may not meet until the department has given the approval referred to in this subsection. Upon the convening of the first meeting under IC 14-30.5-4 of the board of the watershed development commission:



(A) the Upper Wabash River basin commission ceases to exist as a separate municipal corporation under IC 14-30-6;

(B) the Upper Wabash watershed development commission is established as a public body corporate and politic under IC 14-30.5;

(C) the participating counties of the Upper Wabash River basin commission become member counties of the Upper Wabash watershed development commission under IC 14-30.5; and

(D) each participating county of the Upper Wabash River basin commission is authorized to appoint an individual described in subdivision (3)(C) to represent the county on the board of the Upper Wabash watershed development commission.

(g) If established under this section, the Upper Wabash watershed development commission:

(1) is a continuation of;

(2) retains the property and rights of; and

(3) is responsible for the actions and subject to the liabilities of;

the former Upper Wabash River basin commission.

(h) If established under this section, the Upper Wabash watershed development commission has all of the powers and duties of a watershed development commission under IC 14-30.5 in the areas of the watershed of the Wabash River and the tributaries of the Wabash River that are within the boundaries of the member counties of the Upper Wabash watershed development commission. For the purposes of IC 14-30.5, the areas of the watershed of the Wabash River and the tributaries of the Wabash River that are within the boundaries of the member counties of the Upper Wabash watershed development commission comprise the designated watershed of the Upper Wabash watershed development commission.

(i) If the Upper Wabash watershed development commission is established under this section, the board of the Upper Wabash watershed development commission shall appoint an executive director under IC 14-30.5-4-2(e). An individual who was the executive director of the Upper Wabash River basin commission may be appointed executive director of the Upper Wabash watershed development commission under this subsection.

(j) If the Upper Wabash watershed development commission is



established under this section, all property, records, and funds of the former Upper Wabash River basin commission:

- (1) become property, records, and funds of the Upper Wabash watershed development commission; and
- (2) shall be transmitted to the Upper Wabash watershed development commission not more than sixty (60) days after the appointment of the executive director under subsection (i).

SECTION 40. IC 14-30.5-2-0.5, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 0.5. (a) Notwithstanding subsection (b), this chapter does not authorize the creation of a watershed development commission if the area in which the watershed development commission could exercise the powers conferred by this article would include any part of the area in which a river basin commission established under ~~by~~ **IC 14-30-6-2**

- (1) ~~IC 14-30-2;~~
- (2) ~~IC 14-30-3; or~~
- (3) ~~IC 14-30-4;~~

is authorized to exercise its powers.

(b) This section does not prohibit:

- (1) the transformation of the Maumee River basin commission into a watershed development commission under ~~IC 14-30-2-25;~~ **IC 14-30-7-1;**
- (2) the transformation of the St. Joseph River basin commission into a watershed development commission under ~~14-30-3-33;~~ **IC 14-30-7-2;** or
- (3) the transformation of the upper Wabash River basin commission into a watershed development commission under ~~IC 14-30-4-20;~~ **IC 14-30-7-3;**

on the grounds that the watershed development commission resulting from the transformation would be authorized to exercise its powers in all or any part of the area in which the transformed river basin commission was authorized to exercise its powers before the transformation.

SECTION 41. IC 14-30.5-2-2, AS AMENDED BY P.L.92-2025, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) If one (1) county executive submits an ordinance and a written request for recognition of a proposed watershed development commission under section 1(c) of this chapter, the natural resources commission shall decide under subsections (c) through (e) whether to recognize the proposed commission.

(b) If the county executives of two (2) or more counties submit



ordinances and written requests under section 1(c) of this chapter for recognition of a single proposed watershed development commission empowered to act in a single designated watershed that includes areas within both or all of the counties:

(1) the natural resources commission may not decide whether to recognize the proposed commission unless the provisions of the ordinances submitted under section 1(c)(1) of this chapter are essentially identical in:

(A) identifying the designated watershed; and

(B) stating the purposes of the proposed commission; and

(2) if the natural resources commission determines that the requirement set forth in subdivision (1) is met, the natural resources commission shall decide under subsections (c) through (e) whether to recognize the proposed commission.

(c) Before making a decision whether to recognize a proposed commission under this section, the **division of water, on behalf of the** natural resources commission, shall hold at least one (1) public hearing concerning the proposed commission in each county whose executive submitted an ordinance and a written request for recognition of the proposed commission under section 1(c) of this chapter. Any interested person attending a public hearing held under this subsection shall have the right to:

(1) address the natural resources commission; and

(2) provide written comments;

on whether the proposed commission should be established. The **division of water, on behalf of the** natural resources commission, may convene the meeting, record the testimony given, and receive the written comments provided.

(d) The **division of water, on behalf of the** natural resources commission, shall give notice of a public hearing to be held under subsection (c):

(1) by publication at least one (1) time in one (1) newspaper of general circulation in the county in which the hearing will be held; and

(2) through the website of the natural resources commission.

(e) In deciding whether to recognize a proposed commission, the natural resources commission shall determine the answer to each of the following questions:

(1) Are the purposes for which the proposed commission would be established, as set forth in the ordinance or ordinances under section 1(b)(3) of this chapter, within the purposes set forth in IC 14-30.5-3-1 for which a watershed development commission



may be established?

(2) Do the purposes of the proposed commission, as set forth in the ordinance or ordinances under section 1(b)(3) of this chapter, correspond to legitimate flood damage reduction, drainage, storm water management, recreation, or water infrastructure needs of each county seeking establishment of the commission, as set forth under section 1(b)(4) of this chapter?

(3) Is it reasonable to expect that the establishment of a commission having powers under this article only in the county or counties from which the ordinance or ordinances were submitted under section 1(c)(1) of this chapter would effectively address the flood damage reduction, drainage, storm water management, recreation, or water infrastructure needs of each county that submitted an ordinance under section 1(c)(1) of this chapter?

(4) Is it reasonable to expect that the establishment of a commission that has powers under this article only in the area or areas inside the geographic boundaries of the designated watershed would effectively address the flood damage reduction, drainage, storm water management, recreation, or water infrastructure needs of each county that submitted an ordinance under section 1(c)(1) of this chapter?

(5) Is the territory of the proposed commission at least as large as the entirety of the same eight (8) digit U.S. Geological Survey hydrologic unit code?

(6) Has a regional watershed study or watershed management plan been conducted in consultation with the Indiana finance authority and the department of natural resources that assesses water use, water quality, drinking water systems, wastewater management systems, storm water management, flood control, drainage management, recreational uses, natural resources, and water infrastructure needs of the watershed of the proposed commission? If so, can the establishment of the proposed commission be expected to address the needs identified in that study or management plan?

(f) If:

(1) one (1) county's executive submits an ordinance and a request for recognition of a proposed commission under section 1(c) of this chapter; and

(2) the natural resources commission answers all of the questions set forth in subsection (e) favorably;

the natural resources commission shall issue an order recognizing the



watershed development commission and recognizing the county referred to in subdivision (1) as a member of the watershed development commission.

(g) If:

- (1) executives of two (2) or more counties submit ordinances and requests for recognition of a proposed watershed development commission under section 1(c) of this chapter; and
- (2) the natural resources commission answers all of the questions set forth in subsection (e) favorably with respect to at least one (1) of the counties;

the natural resources commission shall issue an order recognizing the watershed development commission and recognizing as a member of the watershed development commission each county with respect to which the natural resources commission answered all of the questions set forth in subsection (e) favorably.

(h) If the natural resources commission does not answer all of the questions set forth in subsection (e) favorably with respect to a county, the natural resources commission shall:

- (1) inform the executive of the county in writing of its decision; and
- (2) specify in the writing the reason or reasons for each unfavorable answer.

(i) The action of the natural resources commission under this section in declining to recognize a proposed watershed development commission for a particular watershed does not preclude the later submission of one (1) or more new ordinances and written requests for recognition of a proposed watershed development commission for the same designated watershed.

(j) An action of the natural resources commission under this section declining to recognize a particular county as a member of a watershed development commission does not preclude the later submission of:

- (1) another ordinance and written request under section 1(c) of this chapter for recognition of the county as a member of another proposed watershed development commission; or
- (2) an ordinance and written request under section 4 or 5 of this chapter proposing the county for membership in an established watershed development commission.

SECTION 42. IC 14-30.5-2-6, AS AMENDED BY P.L.92-2025, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A county to which section 4 or 5 of this chapter applies may not become a member of an existing watershed development commission unless:



- (1) the executives of all of the counties that are members of the existing commission adopt ordinances accepting the county as a member county of the existing commission; and
- (2) the natural resources commission issues an order under this section recognizing the county as a member county of the existing commission.

(b) Before making a decision whether to recognize a county as a member county of an existing commission under this section, the natural resources commission shall hold at least one (1) public hearing in the county concerning the proposed membership of the county in the existing commission. Any interested person attending a public hearing held under this subsection shall have the right to:

- (1) address the natural resources commission; and
- (2) provide written comments;

concerning the proposed membership of the county in the existing commission. The **division of water, on behalf of the** natural resources commission, may convene the meeting, record the testimony given, and receive the written comments provided.

(c) The **division of water, on behalf of the** natural resources commission, shall give notice of a public hearing to be held under subsection (b):

- (1) by publication at least one (1) time in one (1) newspaper of general circulation in the county in which the hearing will be held; and
- (2) through the website of the natural resources commission.

(d) In deciding whether to recognize a county to which section 4 or 5 of this chapter applies as a member of an existing commission, the natural resources commission shall determine the answer to each of the following questions:

- (1) Do the stated purposes for which the watershed development commission was established correspond to the flood damage reduction, drainage, storm water management, recreation, or water infrastructure needs of the county, as stated under section 4(b)(3) or 5(b)(3) of this chapter?
- (2) Is it reasonable to expect that the county's flood damage reduction, drainage, storm water management, recreation, or water infrastructure needs, as stated under section 4(b)(3) or 5(b)(3) of this chapter, would be addressed more effectively if the county were a member of the existing commission than those needs have previously been addressed?
- (3) Would the county's membership in the existing commission diminish the effectiveness of the existing watershed development



commission in addressing the flood damage reduction, drainage, storm water management, recreation, or water infrastructure needs of other member counties?

(4) Is the territory of the proposed commission at least as large as the entirety of the same eight (8) digit U.S. Geological Survey hydrologic unit code?

(5) Has a regional watershed study or watershed management plan been conducted in consultation with Indiana finance authority and the department of natural resources that assesses water use, water quality, drinking water systems, wastewater management systems, storm water management, flood control, drainage management, recreational uses, natural resources, and water infrastructure needs of the watershed of the proposed commission? If so, can the establishment of the proposed commission be expected to address the needs identified in that study or management plan?

(e) If the natural resources commission answers all of the questions set forth in subsection (d) favorably, the natural resources commission shall issue an order recognizing the membership of the county in the existing commission.

(f) If the natural resources commission does not answer all of the questions set forth in subsection (d) favorably, the natural resources commission shall inform the executive of the county to which section 4 or 5 of this chapter applies in writing of its decision and specify in the writing the reason or reasons for each unfavorable answer.

(g) An action of the natural resources commission under this section declining to recognize a county as a member of an established watershed development commission does not preclude the later submission of another ordinance under section 4 or 5 of this chapter seeking membership for the county in an existing commission.

SECTION 43. IC 14-30.5-4-5, AS ADDED BY P.L.251-2023, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) There is established for each watershed development commission an advisory committee to provide counsel to the board of the commission.

(b) Except as provided in subsection (c), a watershed development commission advisory committee established under this section consists of a member or representative of the board of supervisors of the soil and water conservation district of each county that is a member of the commission, selected by the board of supervisors.

(c) If the St. Joseph watershed development commission is established under ~~IC 14-30-3-33~~: **IC 14-30-7-2:**



(1) the individuals serving as members of the St. Joseph River basin commission under ~~IC 14-30-3-8~~ **IC 14-30-6-5** become members of the advisory committee of the St. Joseph watershed development commission;

(2) the term of office of an individual who becomes a member of the advisory committee of the St. Joseph watershed development commission under subdivision (1) is as provided in ~~IC 14-30-3-9~~; **IC 14-30-7-2**; and

(3) upon:

(A) the expiration under ~~IC 14-30-3-9~~; **IC 14-30-6-5**; or

(B) the termination under any other circumstances;
of the term of office of an individual described in subdivision (1), the office of the individual shall be filled by a successor according to ~~IC 14-30-3-33(i)(4)~~; **IC 14-30-7-2(j)(4)**.

SECTION 44. IC 14-33-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 19. (a) In determining the facts, the **division of water, on behalf of the** commission, shall **do the following**:

(1) Hold hearings at which the ~~commission~~ **division of water** shall give any interested person the right to be heard.

(2) At the request of an interested person, ~~the commission shall~~ hold hearings at the county seat of a county containing land in the proposed district.

(3) ~~The commission shall~~ Choose the county seat.

(b) The ~~commission~~ **division of water** shall give notice of the hearings by publication at least one (1) time in one (1) newspaper of general circulation in each county containing land in the proposed district.

SECTION 45. IC 14-33-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 22. The commission, **in coordination with the department**, shall make a report of the commission's findings to the court, including findings on the territorial limits of the proposed district. The commission shall make this report within one hundred twenty (120) days after the petition is referred to the commission, unless the commission requests and receives approval from the court for additional periods of thirty (30) days each.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 224 — Concur

