



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 224 be amended to read as follows:

- 1 Page 4, between lines 25 and 26, begin a new paragraph and insert:
- 2 "SECTION 7. IC 14-8-2-152 IS REPEALED [EFFECTIVE JULY
- 3 1, 2026]. Sec. 152. "License" has the following meaning:
- 4 (1) For purposes of IC 14-11-3-1, the meaning set forth in
- 5 IC 14-11-3-1.
- 6 (2) For purposes of IC 14-11-4, the meaning set forth in
- 7 IC 14-11-4-3."
- 8 Page 5, delete lines 36 through 42, begin a new paragraph and
- 9 insert:
- 10 "SECTION 15. IC 14-8-2-320 IS AMENDED TO READ AS
- 11 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 320. "Wildlife", has the
- 12 following meaning:
- 13 (1) for purposes of IC 14-22, **except as provided in subdivision**
- 14 **(2); means all wild birds, fish, crustaceans, mollusks,**
- 15 **amphibians, reptiles, and wild mammals.**
- 16 (2) For purposes of IC 14-22-34, the meaning set forth in
- 17 IC 14-22-34-6.
- 18 SECTION 7. IC 14-8-4 IS ADDED TO THE INDIANA CODE AS
- 19 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 20 1, 2026]:
- 21 **Chapter 4. Applicability**

1 **Sec. 1. The department is the successor to:**

- 2 **(1) the department of conservation;**
 3 **(2) any prior name given to a similar state agency that now**
 4 **falls under the department's jurisdiction; and**
 5 **(3) any agency incorporated into the department.**

6 **If the department is a successor to an agency under this section, the**
 7 **department becomes responsible for and benefits from the**
 8 **contractual obligations of that agency.**

9 **Sec. 2. The department may grant easements on properties**
 10 **owned or managed by the department."**

11 Page 6, delete line 1.

12 Page 7, between lines 27 and 28, begin a new paragraph and insert:

13 "SECTION 20. IC 14-11-3-1 IS REPEALED [EFFECTIVE JULY
 14 1, 2026]. ~~Sec. 1. (a) As used in this section, "license" means a license,~~
 15 ~~a franchise, a permit, a certification, an approval, a registration, a~~
 16 ~~charter, or a similar form of authorization that may be issued to a~~
 17 ~~person by:~~

- 18 ~~(1) the department;~~
 19 ~~(2) the commission; or~~
 20 ~~(3) the director;~~

21 ~~under Indiana law. The term does not include a license issued by the~~
 22 ~~historic preservation review board established by IC 14-21-1-20.~~

23 ~~(b) Notwithstanding any other law, the director shall issue all~~
 24 ~~licenses.~~

25 ~~(c) A designee of the director may issue licenses. A designee of the~~
 26 ~~director must be a full-time employee of the department."~~

27 Page 7, line 36, delete "(navigable waterways)." and insert
 28 "**(permanent structures along Lake Michigan only)."**

29 Page 7, between lines 39 and 40, begin a new paragraph and insert:

30 "SECTION 21. IC 14-11-4-3 IS REPEALED [EFFECTIVE JULY
 31 1, 2026]. ~~Sec. 3. As used in this chapter, "license" means a permit, a~~
 32 ~~license, a concession, or other authorization that may be issued to a~~
 33 ~~person by:~~

- 34 ~~(1) the director;~~
 35 ~~(2) the department; or~~
 36 ~~(3) the commission;~~

37 ~~under Indiana law.~~

38 SECTION 22. IC 14-11-4-4 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. **(a)** The director or
 40 the department may not issue a license until thirty (30) days after the
 41 notice required by this chapter ~~has been~~ **is given to a person specified**
 42 **under section 5 of this chapter by the applicant.**

43 **(b) An applicant may provide the notice may be given under**
 44 **subsection (a) at any time after an application for a license is filed with**
 45 **the department. The department may require by rule that notice under**
 46 **section 5 of this chapter be provided by the license applicant.**

1 SECTION 23. IC 14-12-2-32 IS REPEALED [EFFECTIVE JULY
2 1, 2026]. Sec. 32: Expenditures from the fund shall be coordinated with
3 expenditures by the foundation from the Indiana natural resources fund
4 established by IC 14-12-1-11."

5 Page 10, between lines 20 and 21, begin a new paragraph and insert:
6 "SECTION 22. IC 14-21-1-25, AS AMENDED BY P.L.26-2008,
7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2026]: Sec. 25. (a) The commission shall adopt rules
9 establishing standards for plans:

10 (b) With respect to archeological plans, the rules must impose a
11 standard of conduct that does the following:

12 (1) Promotes the scientific investigation and conservation of past
13 cultures:

14 (2) Considers the interests and expertise of amateur archeologists
15 and professional archeologists:

16 (c) With respect to development plans, the rules must impose a
17 standard of conduct that preserves and protects both of the following:

18 (1) The rights and interests of landowners:

19 (2) The sensitivity of human beings for treating human remains
20 with respect and dignity, as determined by the commission:

21 (d) Subject to subsection (c), plans required under this chapter must
22 be submitted to the department for approval according to rules adopted
23 by the commission:

24 (e) (a) Proposed archeological plans and development plans
25 submitted to the department must be:

26 (1) approved;

27 (2) approved with conditions;

28 (3) denied; or

29 (4) held because of the need for additional information;

30 by the department not more than sixty (60) days after the date of
31 submission. If the department does not take any action on the plan
32 within the time required by this subsection, the plan is considered to be
33 approved, unless approval is prohibited under a state or federal law. If
34 the department requests additional information under subdivision (3);
35 (4), the department shall inform the applicant if the plan is deemed
36 incomplete, inaccurate, or both, and provide the applicant an
37 opportunity to cure any issues. The department shall approve or
38 deny the resubmitted plan not more than thirty (30) days after the
39 resubmitted plan additional information is received.

40 (b) Unless otherwise specified in the authorization:

41 (1) an approved archeology plan expires one (1) year; and

42 (2) an approved development plan expires two (2) years;

43 after issuance by the department.

44 (c) An applicant must comply with:

45 (1) any other federal, state, or local laws and ordinances;

46 (2) 312 IAC 21; and

1 **(3) 312 IAC 22.**

2 **(d) If the department issues written approval, an applicant may**
 3 **modify the authorized project activities."**

4 Page 12, between lines 18 and 19, begin a new paragraph and insert:
 5 "SECTION 25. IC 14-21-1-26.5, AS AMENDED BY P.L.158-2013,
 6 SECTION 201, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2026]: Sec. 26.5. (a) Notwithstanding
 8 IC 23-14-44-1, this section does not apply to the following:

9 (1) A public utility (as defined in IC 8-1-2-1(a)).

10 (2) A corporation organized under IC 8-1-13.

11 (3) A municipally owned utility (as defined in IC 8-1-2-1(h)).

12 (4) A surface coal mining and reclamation operation permitted
 13 under IC 14-34.

14 (b) Except as provided in this subsection and subsections (c) and
 15 (d), a person may not disturb the ground within one hundred (100) feet
 16 of a burial ground for the purpose of excavating or covering over the
 17 ground or erecting, altering, or repairing any structure without having
 18 a development plan approved by the department under section 25 of
 19 this chapter or in violation of a development plan approved by the
 20 department under section 25 of this chapter. The department must
 21 review the development plan as required by section ~~25(e)~~ **25(a)** of this
 22 chapter.

23 (c) A development plan:

24 (1) must be approved if a person intends to:

25 (A) excavate or cover over the ground; or

26 (B) construct a new structure or alter or repair an existing
 27 structure;

28 that would impact the burial ground or cemetery; and

29 (2) is not required if a person intends to:

30 (A) excavate or cover over the ground; or

31 (B) erect, alter, or repair an existing structure;

32 for an incidental or existing use that would not impact the burial
 33 ground or cemetery.

34 (d) A development plan for a governmental entity to disturb ground
 35 within one hundred (100) feet of a burial ground must be approved as
 36 follows:

37 (1) A development plan of a municipality requires approval of the
 38 executive of the municipality and does not require the approval of
 39 the department. However, if the burial ground or cemetery is
 40 located outside the municipality, approval is also required by the
 41 executive of the county where the burial ground or cemetery is
 42 located. A county cemetery commission established under
 43 IC 23-14-67-2 may advise the executive of the municipality on
 44 whether to approve a development plan.

45 (2) A development plan of a governmental entity other than:

46 (A) a municipality; or

- 1 (B) the state;
 2 requires the approval of the executive of the county where the
 3 governmental entity is located and does not require the approval
 4 of the department. However, if the governmental entity is located
 5 in more than one (1) county, only the approval of the executive of
 6 the county where the burial ground or cemetery is located is
 7 required. A county cemetery commission established under
 8 IC 23-14-67-2 may advise the county executive on whether to
 9 approve a development plan.
- 10 (3) A development plan of the state requires the approval of the
 11 department.
- 12 (e) If a burial ground is within an archeological site, an
 13 archeological plan is required to be part of the development plan.
- 14 (f) A person who recklessly, knowingly, or intentionally violates this
 15 section commits a Class A misdemeanor. However, the offense is a
 16 Level 6 felony if the person disturbs buried human remains or grave
 17 markers while committing the offense.
- 18 **(g) An applicant must comply with:**
- 19 **(1) any federal, state, or local law or ordinance;**
 20 **(2) 312 IAC 21; and**
 21 **(3) 312 IAC 22.**
- 22 **(h) An applicant may modify the project activities authorized by**
 23 **the division only upon written approval by the division.**
- 24 SECTION 26. IC 14-21-1-31 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 31. (a) The commission
 26 ~~shall~~ **may** adopt rules under IC 4-22-2 to implement this chapter.
- 27 (b) ~~When adopting rules under this chapter~~ The commission ~~shall~~
 28 **may** consider the following **when adopting rules under this chapter:**
- 29 (1) The rights and interests of landowners.
 30 (2) The sensitivity of human beings for treating human remains
 31 with respect and dignity.
 32 (3) The value of history and archeology as a guide to human
 33 activity.
 34 (4) The importance of amateur archeologists in making historical,
 35 cultural, and archeological discoveries.
 36 (5) Applicable laws, standards, and guidelines for the conduct of
 37 archeology and codes of ethics for participation in archeology.".
- 38 Page 15, between lines 25 and 26, begin a new paragraph and insert:
 39 "SECTION 31. IC 14-22-32 IS REPEALED [EFFECTIVE JULY 1,
 40 2026]. (Game Bird and Exotic Mammal Regulation).
- 41 SECTION 32. IC 14-22-34-1, AS AMENDED BY P.L.7-2015,
 42 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 43 JULY 1, 2026]: Sec. 1. (a) As used in this chapter, "endangered
 44 species" means any species or subspecies of ~~wildlife~~ **a wild animal**
 45 whose prospects of survival or recruitment within Indiana are in
 46 jeopardy or are likely within the foreseeable future to become so due

- 1 to any of the following factors:
- 2 (1) The destruction, drastic modification, or severe curtailment of
- 3 the habitat of the ~~wildlife:~~ **wild animal.**
- 4 (2) The overutilization of the ~~wildlife~~ **wild animal** for scientific,
- 5 commercial, or sporting purposes.
- 6 (3) The effect on the ~~wildlife~~ **wild animal** of disease, pollution,
- 7 or predation.
- 8 (4) Other natural or manmade factors affecting the prospects of
- 9 survival or recruitment within Indiana.
- 10 (5) Any combination of the factors described in subdivisions (1)
- 11 through (4).
- 12 (b) The term includes any species or subspecies of fish and ~~wildlife~~
- 13 **wild animals** appearing on the United States list of endangered and
- 14 threatened ~~wildlife~~ **wild animals** (50 CFR 17.11).
- 15 SECTION 33. IC 14-22-34-3 IS AMENDED TO READ AS
- 16 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) As used in this
- 17 chapter, "management" means the collection and application of
- 18 biological information for the purposes of increasing the number of
- 19 individuals within species and populations of ~~wildlife~~ **wild animals** up
- 20 to the optimum carrying capacity of their habitat and maintaining those
- 21 levels.
- 22 (b) The term includes the following:
- 23 (1) The entire range of activities that constitute a modern
- 24 scientific resource program, including research, census, law
- 25 enforcement, habitat acquisition and improvement, and education.
- 26 (2) When and where appropriate, the periodic or total protection
- 27 of species or populations as well as regulated taking.
- 28 SECTION 34. IC 14-22-34-5 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. As used in this
- 30 chapter, "take" means to:
- 31 (1) harass, hunt, capture, or kill; or
- 32 (2) attempt to harass, hunt, capture, or kill;
- 33 ~~wildlife:~~ **a wild animal.**
- 34 SECTION 35. IC 14-22-34-6 IS REPEALED [EFFECTIVE JULY
- 35 1, 2026]. ~~Sec. 6: As used in this chapter, "wildlife" means:~~
- 36 ~~(1) any wild mammal, bird, reptile, amphibian, fish, mollusk,~~
- 37 ~~crustacean, or other wild animal; or~~
- 38 ~~(2) any part, product, egg or offspring, or the dead body or parts~~
- 39 ~~of the wild animal.~~
- 40 SECTION 36. IC 14-22-34-10 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. On the basis of:
- 42 (1) investigations on nongame species required by section 7 of
- 43 this chapter; and
- 44 (2) other available scientific and commercial data;
- 45 and after consultation with other state ~~wildlife~~ **wild animal** agencies,
- 46 appropriate federal agencies, and other interested persons and

1 organizations, the director shall adopt rules to propose a list of those
 2 species and subspecies of ~~wildlife~~ **wild animals** indigenous to Indiana
 3 that are determined to be endangered in Indiana, giving the common
 4 and scientific names by species and subspecies.

5 SECTION 37. IC 14-22-34-12 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) Except as
 7 otherwise provided in this chapter, a person may not take, possess,
 8 transport, export, process, sell or offer for sale, or ship, and a common
 9 or contract carrier may not knowingly transport or receive for shipment
 10 a species or subspecies of ~~wildlife~~ **wild animals** appearing on any of
 11 the following:

12 (1) The list of ~~wildlife~~ **wild animals** indigenous to Indiana
 13 determined to be endangered in Indiana under this chapter.

14 (2) The United States list of endangered ~~wildlife~~ **wild animals**
 15 (50 CFR 17.11) as in effect on January 1, 1979.

16 (3) The list of endangered species developed under section 13 of
 17 this chapter.

18 (b) A species or subspecies of ~~wildlife~~ **wild animals** appearing on
 19 a list described in subsection (a) that:

20 (1) enters Indiana from another state or from a point outside the
 21 territorial limits of the United States; and

22 (2) is transported across Indiana destined for a point beyond
 23 Indiana;

24 may be so entered and transported without restriction in accordance
 25 with the terms of a federal permit or permit issued under the laws of
 26 another state.

27 (c) A person who:

28 (1) violates subsection (a) or (b); or

29 (2) fails to procure or violates the terms of a permit issued under:

30 (A) section 15 of this chapter; or

31 (B) section 16 of this chapter;

32 commits a Class A misdemeanor.

33 SECTION 38. IC 14-22-34-15 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. The director may
 35 permit, under the terms and conditions that are prescribed by rule, the
 36 taking, possession, transportation, exportation, or shipment of species
 37 or subspecies of ~~wildlife~~ **wild animals** that have been designated by
 38 rule as in need of management or appear on the:

39 (1) state list of endangered species;

40 (2) United States list of endangered native fish and wildlife, as
 41 amended;

42 (3) list of ~~wildlife~~ **wild animals** added under section 13 of this
 43 chapter; or

44 (4) United States list of endangered foreign fish and ~~wildlife~~, **wild**
 45 **animals**, as modified after July 26, 1973;

46 for scientific, zoological, or educational purposes, for propagation in

1 captivity of the ~~wildlife~~, **wild animals**, or for other special purposes.

2 SECTION 39. IC 14-22-34-18 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 18. The provisions of
4 this chapter prohibiting the taking, possessing, transportation,
5 exporting, processing, sale, or offer to sell do not apply to ~~wildlife~~ **wild**
6 **animals** in the possession of a person in Indiana on July 26, 1973.

7 SECTION 40. IC 14-22-34-20 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 20. (a) The nongame
9 fund is established as a dedicated fund.

10 (b) The department shall administer the fund.

11 (c) In recognition of the importance of preserving the natural
12 heritage of Indiana, it is the intent of the general assembly to provide
13 a fund to be used exclusively for the protection, conservation,
14 management, and identification of nongame and endangered species of
15 ~~wildlife~~ **wild animals** primarily through the acquisition of the natural
16 habitat of the animals. The department may expend the money in the
17 fund exclusively for the preservation of nongame and endangered
18 species of ~~wildlife~~ **wild animals** under this chapter.

19 (d) Money in the fund does not revert to the state general fund at the
20 end of a state fiscal year. However, if the fund is abolished, the money
21 in the fund reverts to the state general fund."

22 Page 25, line 8, delete "this chapter" and insert "**IC 14-30-6**".

23 Page 41, after line 39, begin a new paragraph and insert:

24 "SECTION 48. IC 35-52-14-27.8 IS REPEALED [EFFECTIVE
25 JULY 1, 2026]. ~~Sec. 27.8. IC 14-22-32-2 defines a crime concerning~~
26 ~~game birds and exotic mammals~~."

27 Renumber all SECTIONS consecutively.

(Reference is to ESB 224 as printed February 12, 2026.)

Representative Lindauer