

PROPOSED AMENDMENT

SB 224 # 9

DIGEST

Natural resources. Removes various definitions. Makes various changes to: (1) the department of natural resources (department) powers and duties; and (2) the natural resources commission procedures. Removes coordination between the Indiana natural resources foundation and the President Benjamin Harrison conservation trust program. Provides expiration terms for an archeology plan or development plan authorized by the division of historic preservation and archeology. Creates additional requirements for development plans. Repeals the game bird and exotic mammal provisions. Replaces "wildlife" with "wild animal" throughout IC 14-22-34. Permits the department to immediately remove certain low head dams to provide emergency protection to life or property. Makes conforming changes.

1 Page 3, between lines 16 and 17, begin a new paragraph and insert:
2 "SECTION 4. IC 14-8-2-152 IS REPEALED [EFFECTIVE JULY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 3, delete lines 27 through 34, begin a new paragraph and
9 insert:
10 "SECTION 6. 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**
22 **Sec. 1. The department is the successor to:**
23 **(1) the department of conservation;**

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

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

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

9 Page 5, between lines 18 and 19, begin a new paragraph and insert:
 10 "SECTION 12. IC 14-11-3-1 IS REPEALED [EFFECTIVE JULY
 11 1, 2026]. See: 1. (a) As used in this section, "license" means a license,
 12 a franchise, a permit, a certification, an approval, a registration, a
 13 charter, or a similar form of authorization that may be issued to a
 14 person by:

15 (1) the department;
 16 (2) the commission; or
 17 (3) the director;

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

20 (b) Notwithstanding any other law, the director shall issue all
 21 licenses.

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

24 Page 5, between lines 30 and 31, begin a new paragraph and insert:
 25 "SECTION 14. IC 14-11-4-3 IS REPEALED [EFFECTIVE JULY
 26 1, 2026]. See: 3. As used in this chapter, "license" means a permit, a
 27 license, a concession, or other authorization that may be issued to a
 28 person by:

29 (1) the director;
 30 (2) the department; or
 31 (3) the commission;

32 under Indiana law.

33 SECTION 15. IC 14-11-4-4 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The director or
 35 the department may not issue a license until thirty (30) days after the
 36 notice required by this chapter has been is given to a person specified
 37 **under section 5 of this chapter by the applicant.**

38 (b) An applicant may provide the notice may be given under
 39 subsection (a) at any time after an application for a license is filed with
 40 the department. The department may require by rule that notice under

1 section 5 of this chapter be provided by the license applicant.

2 SECTION 16. IC 14-12-2-32 IS REPEALED [EFFECTIVE JULY
3 1, 2026]. Sec. 32. Expenditures from the fund shall be coordinated with
4 expenditures by the foundation from the Indiana natural resources fund
5 established by IC 14-12-1-11.".

6 Page 7, between lines 6 and 7, begin a new paragraph and insert:

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

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

13 (1) Promotes the scientific investigation and conservation of past
14 cultures;

15 (2) Considers the interests and expertise of amateur archeologists
16 and professional archeologists;

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

19 (1) The rights and interests of landowners;

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

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

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

27 (1) approved;

28 (2) approved with conditions;

29 (2) (3) denied; or

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

9 (d) If the division issues written approval, an applicant may
10 modify the authorized project activities.".

11 Page 9, between lines 4 and 5, begin a new paragraph and insert:
12 "SECTION 25. IC 14-21-1-26.5, AS AMENDED BY P.L.158-2013,
13 SECTION 201, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2026]: Sec. 26.5. (a) Notwithstanding
15 IC 23-14-44-1, this section does not apply to the following:

- (1) A public utility (as defined in IC 8-1-2-1(a)).
- (2) A corporation organized under IC 8-1-13.
- (3) A municipally owned utility (as defined in IC 8-1-2-1(h)).
- (4) A surface coal mining and reclamation operation permitted under IC 14-34.

21 (b) Except as provided in this subsection and subsections (c) and
22 (d), a person may not disturb the ground within one hundred (100) feet
23 of a burial ground for the purpose of excavating or covering over the
24 ground or erecting, altering, or repairing any structure without having
25 a development plan approved by the department under section 25 of
26 this chapter or in violation of a development plan approved by the
27 department under section 25 of this chapter. The department must
28 review the development plan as required by section 25(e) 25(a) of this
29 chapter.

30 (c) A development plan:

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

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

33 (B) construct a new structure or alter or repair an existing
34 structure;

35 that would impact the burial ground or cemetery; and

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

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

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

39 for an incidental or existing use that would not impact the burial
40 ground or cemetery.

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

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

13 (A) a municipality; or
14 (B) the state;

15 requires the approval of the executive of the county where the
16 governmental entity is located and does not require the approval
17 of the department. However, if the governmental entity is located
18 in more than one (1) county, only the approval of the executive of
19 the county where the burial ground or cemetery is located is
20 required. A county cemetery commission established under
21 IC 23-14-67-2 may advise the county executive on whether to
22 approve a development plan.

23 (3) A development plan of the state requires the approval of the
24 department.

31 (g) An applicant must comply with:

32 **(1) any federal, state, or local law or ordinance;**
33 **(2) 312 IAC 21; and**
34 **(3) 312 IAC 22.**

35 (h) An applicant may modify the project activities authorized by
36 the division only upon written approval by the division.

37 SECTION 26. IC 14-21-1-31 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 31. (a) The commission
39 shall ~~may~~ adopt rules under IC 4-22-2 to implement this chapter.

40 (b) When adopting rules under this chapter The commission shall

1 **may consider the following when adopting rules under this chapter:**

2 (1) The rights and interests of landowners.
3 (2) The sensitivity of human beings for treating human remains
4 with respect and dignity.
5 (3) The value of history and archeology as a guide to human
6 activity.
7 (4) The importance of amateur archeologists in making historical,
8 cultural, and archeological discoveries.
9 (5) Applicable laws, standards, and guidelines for the conduct of
10 archeology and codes of ethics for participation in archeology.".

11 Page 12, between lines 11 and 12, begin a new paragraph and insert:

12 "SECTION 31. IC 14-22-32 IS REPEALED [EFFECTIVE JULY 1,
13 2026]. (Game Bird and Exotic Mammal Regulation).

14 SECTION 32. IC 14-22-34-1, AS AMENDED BY P.L.7-2015,
15 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: Sec. 1. (a) As used in this chapter, "endangered
17 species" means any species or subspecies of ~~wildlife~~ **a wild animal**
18 whose prospects of survival or recruitment within Indiana are in
19 jeopardy or are likely within the foreseeable future to become so due
20 to any of the following factors:

21 (1) The destruction, drastic modification, or severe curtailment of
22 the habitat of the ~~wildlife~~ **wild animal**.
23 (2) The overutilization of the ~~wildlife~~ **wild animal** for scientific,
24 commercial, or sporting purposes.
25 (3) The effect on the ~~wildlife~~ **wild animal** of disease, pollution,
26 or predation.
27 (4) Other natural or manmade factors affecting the prospects of
28 survival or recruitment within Indiana.
29 (5) Any combination of the factors described in subdivisions (1)
30 through (4).

31 (b) The term includes any species or subspecies of fish and ~~wildlife~~
32 **wild animals** appearing on the United States list of endangered and
33 threatened ~~wildlife~~ **wild animals** (50 CFR 17.11).

34 SECTION 33. IC 14-22-34-3 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) As used in this
36 chapter, "management" means the collection and application of
37 biological information for the purposes of increasing the number of
38 individuals within species and populations of ~~wildlife~~ **wild animals** up
39 to the optimum carrying capacity of their habitat and maintaining those
40 levels.

1 (b) The term includes the following:

2 (1) The entire range of activities that constitute a modern
3 scientific resource program, including research, census, law
4 enforcement, habitat acquisition and improvement, and education.

5 (2) When and where appropriate, the periodic or total protection
6 of species or populations as well as regulated taking.

7 SECTION 34. IC 14-22-34-5 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. As used in this
9 chapter, "take" means to:

10 (1) harass, hunt, capture, or kill; or

11 (2) attempt to harass, hunt, capture, or kill;

12 ~~wildlife~~: a wild animal.

13 SECTION 35. IC 14-22-34-6 IS REPEALED [EFFECTIVE JULY
14 1, 2026]. See. 6. As used in this chapter, "wildlife" means:

(1) any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal; or

(2) any part, product, egg or offspring, or the dead body or parts of the wild animal.

19 SECTION 36. IC 14-22-34-10 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. On the basis of:

21 (1) investigations on nongame species required by section 7 of
22 this chapter; and

23 (2) other available scientific and commercial data;

and after consultation with other state **wildlife wild animal** agencies, appropriate federal agencies, and other interested persons and organizations, the director shall adopt rules to propose a list of those species and subspecies of **wildlife wild animals** indigenous to Indiana that are determined to be endangered in Indiana, giving the common and scientific names by species and subspecies.

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

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

39 (2) The United States list of endangered ~~wildlife~~ **wild animals**
40 (50 CFR 17.11) as in effect on January 1, 1979.

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

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

7 (2) is transported across Indiana destined for a point beyond
8 Indiana;

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

12 (c) A person who:

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

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

15 (A) section 15 of this chapter; or

16 (B) section 16 of this chapter;

17 commits a Class A misdemeanor.

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

24 (1) state list of endangered species;

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

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

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

31 for scientific, zoological, or educational purposes, for propagation in
32 captivity of the ~~wildlife~~, **wild animals**, or for other special purposes.

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

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

1 (b) The department shall administer the fund.

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

13 Page 12, after line 42, begin a new paragraph and insert:

14 "SECTION 42. IC 14-27-7.3-3.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2026]: Sec. 3.5. (a) If the condition of a
17 structure regulated by this chapter becomes so dangerous to the
18 safety of life or property that the department determines there is
19 not sufficient time to issue and enforce an order to:

20 (1) maintain;

21 (2) alter;

22 (3) repair;

23 (4) reconstruct;

24 (5) change the construction or location; or

25 (6) remove the structure;

26 in the manner required by this chapter, then the department may
27 immediately take the measures necessary to provide emergency
28 protection to life or property, or both, including the partial or
29 complete removal of the structure.

33 Page 18, after line 24, begin a new paragraph and insert:

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

37 Renumber all **SECTIONS** consecutively.

(Reference is to SB 224 as printed January 27, 2026.)