

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 IC 14-8-2-152 IS REPEALED [EFFECTIVE JULY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;**

(2) any prior name given to a similar state agency that now falls under the department's jurisdiction; and

(3) any agency incorporated into the department.

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

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

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 12. IC 14-11-3-1 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 1: (a) As used in this section, "license" means a license, a franchise, a permit, a certification, an approval, a registration, a charter, or a similar form of authorization that may be issued to a person by:

(1) the department;

(2) the commission; or

(3) the director;

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

(b) Notwithstanding any other law, the director shall issue all licenses:

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

Page 5, between lines 30 and 31, begin a new paragraph and insert:

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 IC 14-11-4-3 IS REPEALED [EFFECTIVE JULY 1, 2026].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

(1) the director;

(2) the department; or

(3) the commission;

under Indiana law.

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

(b) An applicant may provide the notice may be given under subsection (a) at any time after an application for a license is filed with 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 (c), 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.

(b) Unless otherwise specified in the authorization:

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

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

after issuance by the division.

(c) An applicant must comply with:

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

(2) 312 IAC 21; and

(3) 312 IAC 22.

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

Page 9, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 25. IC 14-21-1-26.5, AS AMENDED BY P.L.158-2013, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 26.5. (a) Notwithstanding 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.

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

(c) A development plan:

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

(A) excavate or cover over the ground; or

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

that would impact the burial ground or cemetery; and

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

(A) excavate or cover over the ground; or

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

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

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

(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.

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

(A) a municipality; or

(B) the state;

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

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

(e) If a burial ground is within an archeological site, an archeological plan is required to be part of the development plan.

(f) A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person disturbs buried human remains or grave markers while committing the offense.

(g) An applicant must comply with:

(1) any federal, state, or local law or ordinance;

(2) 312 IAC 21; and

(3) 312 IAC 22.

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

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

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

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

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

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

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

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

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

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

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

(b) The term includes the following:

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

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

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

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

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

~~wildlife~~: **a wild animal.**

SECTION 35. IC 14-22-34-6 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 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.~~

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

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

(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.

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

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

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

1 (3) The list of endangered species developed under section 13 of
2 this chapter.

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;

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

29 (4) United States list of endangered foreign fish and ~~wildlife~~, **wild**
30 **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.

2 (c) In recognition of the importance of preserving the natural
3 heritage of Indiana, it is the intent of the general assembly to provide
4 a fund to be used exclusively for the protection, conservation,
5 management, and identification of nongame and endangered species of
6 ~~wildlife~~ **wild animals** primarily through the acquisition of the natural
7 habitat of the animals. The department may expend the money in the
8 fund exclusively for the preservation of nongame and endangered
9 species of ~~wildlife~~ **wild animals** under this chapter.

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.**

30 **(b) The department may recover the cost of the emergency**
31 **measures taken under this section from the owner of the structure**
32 **by appropriate legal action."**

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.)