

PROPOSED AMENDMENT

SB 224 # 10

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. Makes conforming changes.

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- 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 IC 14-8-2-152 IS REPEALED [EFFECTIVE JULY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 IC 14-11-3-1 IS REPEALED [EFFECTIVE JULY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]. Sec. 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, line 27, delete "(navigable waterways)." and insert
25 "**(permanent structures along Lake Michigan only)."**

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

27 "SECTION 14. IC 14-11-4-3 IS REPEALED [EFFECTIVE JULY
28 1, 2026]. Sec. 3: As used in this chapter, "license" means a permit; a
29 license; a concession; or other authorization that may be issued to a
30 person by:

- 31 (1) the director;
32 (2) the department; or
33 (3) the commission;

34 under Indiana law.

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

40 (b) ~~An applicant may provide the notice may be given under~~

1 **subsection (a)** at any time after an application for a license is filed with
 2 the department. ~~The department may require by rule that notice under~~
 3 ~~section 5 of this chapter be provided by the license applicant.~~

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 IC 14-12-2-32 IS REPEALED [EFFECTIVE JULY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

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

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

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

15 (1) ~~Promotes the scientific investigation and conservation of past~~
 16 ~~cultures.~~

17 (2) ~~Considers the interests and expertise of amateur archeologists~~
 18 ~~and professional archeologists.~~

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

21 (1) ~~The rights and interests of landowners.~~

22 (2) ~~The sensitivity of human beings for treating human remains~~
 23 ~~with respect and dignity, as determined by the commission.~~

24 (d) ~~Subject to subsection (c), plans required under this chapter must~~
 25 ~~be submitted to the department for approval according to rules adopted~~
 26 ~~by the commission.~~

27 (e) **(a) Proposed archeological plans and development plans**
 28 **submitted to the department must be:**

29 (1) approved;

30 **(2) approved with conditions;**

31 ~~(2) (3) denied; or~~

32 ~~(3) (4) held because of the need for additional information;~~

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

1 deny the resubmitted plan not more than thirty (30) days after the
2 resubmitted plan **additional information** is received.

3 **(b) Unless otherwise specified in the authorization:**

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

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

6 **after issuance by the division.**

7 **(c) An applicant must comply with:**

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

9 **(2) 312 IAC 21; and**

10 **(3) 312 IAC 22.**

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

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

14 "SECTION 25.IC 14-21-1-26.5, AS AMENDED BY P.L.158-2013,
15 SECTION 201, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2026]: Sec. 26.5. (a) Notwithstanding
17 IC 23-14-44-1, this section does not apply to the following:

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

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

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

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

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

32 (c) A development plan:

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

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

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

37 that would impact the burial ground or cemetery; and

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

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

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

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

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

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

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

15 (A) a municipality; or

16 (B) the state;

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

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

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

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

33 **(g) An applicant must comply with:**

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

35 **(2) 312 IAC 21; and**

36 **(3) 312 IAC 22.**

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

39 SECTION 26. IC 14-21-1-31 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 31. (a) The commission

1 ~~shall~~ **may** adopt rules under IC 4-22-2 to implement this chapter.

2 (b) ~~When adopting rules under this chapter~~ The commission ~~shall~~
3 **may** consider the following ~~when adopting rules under this chapter:~~

4 (1) The rights and interests of landowners.

5 (2) The sensitivity of human beings for treating human remains
6 with respect and dignity.

7 (3) The value of history and archeology as a guide to human
8 activity.

9 (4) The importance of amateur archeologists in making historical,
10 cultural, and archeological discoveries.

11 (5) Applicable laws, standards, and guidelines for the conduct of
12 archeology and codes of ethics for participation in archeology.".

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

14 "SECTION 31. IC 14-22-32 IS REPEALED [EFFECTIVE JULY 1,
15 2026]. (Game Bird and Exotic Mammal Regulation).

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

23 (1) The destruction, drastic modification, or severe curtailment of
24 the habitat of the ~~wildlife~~ **wild animal**.

25 (2) The overutilization of the ~~wildlife~~ **wild animal** for scientific,
26 commercial, or sporting purposes.

27 (3) The effect on the ~~wildlife~~ **wild animal** of disease, pollution,
28 or predation.

29 (4) Other natural or manmade factors affecting the prospects of
30 survival or recruitment within Indiana.

31 (5) Any combination of the factors described in subdivisions (1)
32 through (4).

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

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

1 to the optimum carrying capacity of their habitat and maintaining those
2 levels.

3 (b) The term includes the following:

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

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

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

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

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

14 ~~wildlife.~~ **a wild animal.**

15 SECTION 35. IC 14-22-34-6 IS REPEALED [EFFECTIVE JULY
16 1, 2026]. Sec. 6. As used in this chapter, "wildlife" means:

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

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

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

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

25 (2) other available scientific and commercial data;

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

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

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

- 1 (2) The United States list of endangered ~~wildlife~~ **wild animals**
 2 (50 CFR 17.11) as in effect on January 1, 1979.
- 3 (3) The list of endangered species developed under section 13 of
 4 this chapter.
- 5 (b) A species or subspecies of ~~wildlife~~ **wild animals** appearing on
 6 a list described in subsection (a) that:
- 7 (1) enters Indiana from another state or from a point outside the
 8 territorial limits of the United States; and
- 9 (2) is transported across Indiana destined for a point beyond
 10 Indiana;
- 11 may be so entered and transported without restriction in accordance
 12 with the terms of a federal permit or permit issued under the laws of
 13 another state.
- 14 (c) A person who:
- 15 (1) violates subsection (a) or (b); or
- 16 (2) fails to procure or violates the terms of a permit issued under:
 17 (A) section 15 of this chapter; or
 18 (B) section 16 of this chapter;
- 19 commits a Class A misdemeanor.
- 20 SECTION 38. IC 14-22-34-15 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. The director may
 22 permit, under the terms and conditions that are prescribed by rule, the
 23 taking, possession, transportation, exportation, or shipment of species
 24 or subspecies of ~~wildlife~~ **wild animals** that have been designated by
 25 rule as in need of management or appear on the:
- 26 (1) state list of endangered species;
- 27 (2) United States list of endangered native fish and wildlife, as
 28 amended;
- 29 (3) list of ~~wildlife~~ **wild animals** added under section 13 of this
 30 chapter; or
- 31 (4) United States list of endangered foreign fish and ~~wildlife~~, **wild**
 32 **animals**, as modified after July 26, 1973;
- 33 for scientific, zoological, or educational purposes, for propagation in
 34 captivity of the ~~wildlife~~, **wild animals**, or for other special purposes.
- 35 SECTION 39. IC 14-22-34-18 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 18. The provisions of
 37 this chapter prohibiting the taking, possessing, transportation,
 38 exporting, processing, sale, or offer to sell do not apply to ~~wildlife~~ **wild**
 39 **animals** in the possession of a person in Indiana on July 26, 1973.
- 40 SECTION 40. IC 14-22-34-20 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 20. (a) The nongame
2 fund is established as a dedicated fund.

3 (b) The department shall administer the fund.

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

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

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

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

19 Renumber all SECTIONS consecutively.

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