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## SENATE BILL No. 224

Proposed Changes to January 27, 2026 printing by AM022409

### DIGEST OF PROPOSED AMENDMENT

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.

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 14-8-1-1 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. Except as otherwise
- 3 provided, the definitions in this article apply throughout this title **and**
- 4 **312 IAC.**
- 5 SECTION 2. IC 14-8-2-57 IS REPEALED [EFFECTIVE JULY 1,
- 6 2026]. Sec. 57: "~~Corporation~~", for purposes of IC ~~14-12-3~~, has the
- 7 meaning set forth in IC ~~14-12-3-1~~.
- 8 SECTION 3. IC 14-8-2-107, AS AMENDED BY P.L.127-2022,
- 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JULY 1, 2026]: Sec. 107. "Fund" has the following meaning:
- 11 (1) For purposes of IC 14-9-5, the meaning set forth in
- 12 IC 14-9-5-1.
- 13 (2) For purposes of IC 14-9-8-21, the meaning set forth in

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- 1 IC 14-9-8-21.
- 2 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in
- 3 IC 14-9-8-21.5.
- 4 (4) For purposes of IC 14-9-9, the meaning set forth in
- 5 IC 14-9-9-3.
- 6 (5) For purposes of IC 14-12-1, the meaning set forth in
- 7 IC 14-12-1-1.
- 8 (6) For purposes of IC 14-12-2, the meaning set forth in
- 9 IC 14-12-2-2.
- 10 ~~(7) For purposes of IC 14-12-3, the meaning set forth in~~
- 11 ~~IC 14-12-3-2.~~
- 12 ~~(8)~~ (7) For purposes of IC 14-13-1, the meaning set forth in
- 13 IC 14-13-1-2.
- 14 ~~(9)~~ (8) For purposes of IC 14-13-2, the meaning set forth in
- 15 IC 14-13-2-3.
- 16 ~~(10)~~ (9) For purposes of IC 14-16-1, the meaning set forth in
- 17 IC 14-16-1-30.
- 18 ~~(11)~~ (10) For purposes of IC 14-19-8, the meaning set forth in
- 19 IC 14-19-8-1.
- 20 ~~(12)~~ (11) For purposes of IC 14-19-11, the meaning set forth in
- 21 IC 14-19-11-3.1.
- 22 ~~(13)~~ (12) For purposes of IC 14-20-11, the meaning set forth in
- 23 IC 14-20-11-2.
- 24 ~~(14)~~ (13) For purposes of IC 14-22-3, the meaning set forth in
- 25 IC 14-22-3-1.
- 26 ~~(15)~~ (14) For purposes of IC 14-22-4, the meaning set forth in
- 27 IC 14-22-4-1.
- 28 ~~(16)~~ (15) For purposes of IC 14-22-5, the meaning set forth in
- 29 IC 14-22-5-1.
- 30 ~~(17)~~ (16) For purposes of IC 14-22-8, the meaning set forth in
- 31 IC 14-22-8-1.
- 32 ~~(18)~~ (17) For purposes of IC 14-22-34, the meaning set forth in
- 33 IC 14-22-34-2.
- 34 ~~(19)~~ (18) For purposes of IC 14-23-3, the meaning set forth in
- 35 IC 14-23-3-1.
- 36 ~~(20)~~ (19) For purposes of IC 14-25-2-4, the meaning set forth in
- 37 IC 14-25-2-4.
- 38 ~~(21)~~ (20) For purposes of IC 14-25-10, the meaning set forth in
- 39 IC 14-25-10-1.
- 40 ~~(22)~~ (21) For purposes of IC 14-25.5, the meaning set forth in
- 41 IC 14-25.5-1-3.
- 42 ~~(23)~~ (22) For purposes of IC 14-31-2, the meaning set forth in

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1 IC 14-31-2-5.  
 2 ~~(24)~~ **(23)** For purposes of IC 14-25-12, the meaning set forth in  
 3 IC 14-25-12-1.  
 4 ~~(25)~~ **(24)** For purposes of IC 14-32-8, the meaning set forth in  
 5 IC 14-32-8-1.  
 6 ~~(26)~~ **(25)** For purposes of IC 14-33-14, the meaning set forth in  
 7 IC 14-33-14-3.  
 8 ~~(27)~~ **(26)** For purposes of IC 14-33-21, the meaning set forth in  
 9 IC 14-33-21-1.  
 10 ~~(28)~~ **(27)** For purposes of IC 14-34-6-15, the meaning set forth  
 11 in IC 14-34-6-15.  
 12 ~~(29)~~ **(28)** For purposes of IC 14-34-14, the meaning set forth in  
 13 IC 14-34-14-1.  
 14 ~~(30)~~ **(29)** For purposes of IC 14-34-19-1.3, the meaning set forth  
 15 in IC 14-34-19-1.3(a).  
 16 ~~(31)~~ **(30)** For purposes of IC 14-34-19-1.5, the meaning set forth  
 17 in IC 14-34-19-1.5(a).  
 18 ~~(32)~~ **(31)** For purposes of IC 14-37-10, the meaning set forth in  
 19 IC 14-37-10-1.  
 20 [ SECTION 4. IC 14-8-2-152 IS REPEALED [EFFECTIVE JULY  
 21 1, 2026]. Sec. 152: "License" has the following meaning:  
 22 (1) For purposes of IC 14-11-3-1, the meaning set forth in  
 23 IC 14-11-3-1;  
 24 (2) For purposes of IC 14-11-4, the meaning set forth in  
 25 IC 14-11-4-3;  
 26 ] SECTION ~~45~~ [5]. IC 14-8-2-170 IS REPEALED [EFFECTIVE  
 27 JULY 1, 2026]. Sec. 170: "Municipal corporation"; for purposes of  
 28 IC 14-12-3, has the meaning set forth in IC 14-12-3-3.  
 29 SECTION ~~46~~ [6]. IC 14-8-2-216 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 216. (a) "Program"; for  
 31 purposes of IC 14-12-3, has the meaning set forth in IC 14-12-3-4.  
 32 (b) (a) "Program", for purposes of IC 14-23-6.5, has the meaning  
 33 set forth in IC 14-23-6.5-1.  
 34 (c) (b) "Program", for purposes of IC 14-32-8, has the meaning set  
 35 forth in IC 14-32-8-3.  
 36 SECTION ~~47~~ [7]. IC 14-8-2-320 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 320. "Wildlife" [  
 38 has [ the [ following [ meaning: [  
 39 (1) ~~F~~ [ for purposes of IC 14-22, [except [ has [  
 40 provided [ in [ subdivision [ (2); [ means all wild birds,  
 41 fish, crustaceans, mollusks, amphibians, reptiles, and wild  
 42 mammals.



(2) For purposes of ~~IC 14-22-34~~ IC 14-22-34,  
 the meaning set forth in ~~IC 14-22-34-6~~.  
~~SECTION 7~~ IC 14-22-34-6.

SECTION 8. IC 14-8-4 IS ADDED TO THE INDIANA CODE AS  
 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 1, 2026]:

**Chapter 4. Applicability**

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

- (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.**

**SECTION 9**. 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 ~~8~~ 10**. 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**

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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 ~~11~~<sup>[11]</sup>. IC 14-11-2-1, AS AMENDED BY P.L.246-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [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 1 ~~2~~<sup>[2]</sup>. IC 14-11-2-2 IS AMENDED TO READ AS

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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 13. 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.

] SECTION 1 ~~<4>~~[4]. 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 (navigable waterways).

(~~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 15. 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 16. 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 section 5 of this chapter be provided by the license applicant.

SECTION 17. IC 14-12-2-32 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 32: Expenditures from the fund shall be coordinated with expenditures by the foundation from the Indiana natural resources fund established by IC 14-12-1-11.

1 SECTION 1 ~~8~~ [8]. IC 14-12-3 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Hometown Indiana Grant Program).

SECTION 1 ~~9~~ [9]. 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 ~~14~~ [20]. 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 ~~15~~ [21]. 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**

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**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 ~~46~~ [22]. 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 23. IC 14-21-1-25, AS AMENDED BY P.L.26-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 25. (a) The commission shall adopt rules establishing standards for plans:

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

- (1) Promotes the scientific investigation and conservation of past cultures:
- (2) Considers the interests and expertise of amateur archeologists and professional archeologists:

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

- (1) The rights and interests of landowners:
- (2) The sensitivity of human beings for treating human remains

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with respect and dignity, as determined by the commission.

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

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

(1) approved;

(2) approved with conditions;

(2) (3) denied; or

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

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

] SECTION ~~<17>~~[24]. 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.**

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- 1 (D) Information regarding any prior disturbance to the  
 2 area.  
 3 (E) A statement regarding whether federal or state  
 4 funds or licenses are involved in the project.  
 5 (2) Mapping to show the location of the burial ground or  
 6 cemetery in relation to the project that includes the  
 7 following:  
 8 (A) Construction details for any activity within one  
 9 hundred (100) feet of the burial ground or cemetery.  
 10 (B) References to nearby landmarks.  
 11 (C) The location of the burial ground or cemetery and  
 12 the project area on the appropriate U.S. Geological  
 13 Survey U.S. TOPO: Maps for America.  
 14 (3) A description of the burial ground or cemetery sufficient  
 15 to evaluate the likely impact of the project, including the  
 16 following:  
 17 (A) Any name of the burial ground or cemetery.  
 18 (B) The dates the burial ground or cemetery has been  
 19 used.  
 20 (C) Historical information and documentation.  
 21 (D) Precise boundaries that reference nearby  
 22 landmarks. If documentation is not available to identify  
 23 the burial ground or cemetery boundaries, the applicant  
 24 may be required to determine those boundaries through  
 25 the following:  
 26 (i) Remote sensing.  
 27 (ii) Investigations by archeologists.  
 28 (iii) Another scientific method approved by the  
 29 division.  
 30 (E) The physical condition of the burial ground or  
 31 cemetery.  
 32 (4) A description of the grounds adjacent to and within one  
 33 hundred (100) feet of the burial ground or cemetery,  
 34 including the following:  
 35 (A) The nature, depth, and degree of previous  
 36 disturbances, including those caused by:  
 37 (i) construction;  
 38 (ii) excavation;  
 39 (iii) grading; or  
 40 (iv) filling.  
 41 (B) A description of soil, by type, present at the site,  
 42 including an explanation of how the soil would be:

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- 1 (i) disturbed;  
 2 (ii) graded;  
 3 (iii) modified;  
 4 (iv) removed; or  
 5 (v) otherwise treated.  
 6 (C) A description of each structure.  
 7 (D) A description of the activities anticipated to:  
 8 (i) erect;  
 9 (ii) alter; or  
 10 (iii) repair;  
 11 a structure.  
 12 (E) Each area that may contain new construction in  
 13 connection with the proposed construction areas.  
 14 (5) Recent photographs of the burial ground or cemetery and  
 15 the grounds adjacent to and within one hundred (100) feet of  
 16 the burial ground or cemetery.  
 17 SECTION ~~<18>~~ [25]. IC 14-21-1-25.5 IS REPEALED  
 18 [EFFECTIVE JULY 1, 2026]. Sec. 25.5: (a) If a Native American  
 19 Indian burial ground is discovered, the department shall immediately  
 20 provide notice to the Native American Indian affairs commission  
 21 established by IC 4-23-32.  
 22 (b) If Native American Indian human remains are removed from  
 23 a burial ground, the department shall provide the following to the  
 24 Native American Indian affairs commission:  
 25 (1) Any written findings or reports that result from the analysis  
 26 and study of the human remains.  
 27 (2) Written notice to the Native American Indian affairs  
 28 commission that the analysis and study of the human remains are  
 29 complete.  
 30 (c) After receiving written notice under subsection (b)(2), the  
 31 Native American Indian affairs commission shall make  
 32 recommendations to the department regarding the final disposition of  
 33 the Native American Indian human remains.  
 34 [ SECTION 26. IC 14-21-1-26.5, AS AMENDED BY  
 35 P.L.158-2013, SECTION 201, IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 26.5. (a)  
 37 Notwithstanding IC 23-14-44-1, this section does not apply to the  
 38 following:  
 39 (1) A public utility (as defined in IC 8-1-2-1(a)).  
 40 (2) A corporation organized under IC 8-1-13.  
 41 (3) A municipally owned utility (as defined in IC 8-1-2-1(h)).  
 42 (4) A surface coal mining and reclamation operation permitted

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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



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1 approve a development plan.

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

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

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

10 (g) An applicant must comply with:

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

12 (2) 312 IAC 21; and

13 (3) 312 IAC 22.

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

16 SECTION 27. IC 14-21-1-31 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 31. (a) The commission  
18 shall may adopt rules under IC 4-22-2 to implement this chapter.

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

21 (1) The rights and interests of landowners.

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

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

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

28 (5) Applicable laws, standards, and guidelines for the conduct of  
29 archeology and codes of ethics for participation in archeology.

30 ] SECTION ~~<19>~~ [28]. IC 14-22-6-4, AS AMENDED BY  
31 P.L.144-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) For purposes of this section,  
33 a trap is designed to capture and kill a furbearing animal if the animal's  
34 death is the result of:

35 (1) submerging the animal in water; or

36 (2) crushing or asphyxiating the animal.

37 (b) A person may not do the following:

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

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

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1 (A) fail to tend or visit; ~~or have tended or visited a trap~~ and  
 2 (B) remove a furbearing animal from;  
 3 a trap that is the person's property within a period not exceeding  
 4 twenty-four (24) hours.

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

7 (A) fail to tend or visit; ~~or have tended or visited a trap~~ and  
 8 (B) remove a furbearing animal from;  
 9 a trap that is the person's property within a period not exceeding  
 10 forty-eight (48) hours.

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

15 SECTION 2 ~~9~~ [9]. IC 14-22-10-2, AS AMENDED BY  
 16 P.L.113-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) As used in this section and  
 18 section 2.5 of this chapter, "governmental entity" means any of the  
 19 following:

20 (1) The government of the United States of America.  
 21 (2) The state.  
 22 (3) A county.  
 23 (4) A city.  
 24 (5) A town.  
 25 (6) A township.  
 26 (7) The following, if created by the Constitution of the United  
 27 States, the Constitution of the State of Indiana, a statute, an  
 28 ordinance, a rule, or an order:

29 (A) An agency.  
 30 (B) A board.  
 31 (C) A commission.  
 32 (D) A committee.  
 33 (E) A council.  
 34 (F) A department.  
 35 (G) A district.  
 36 (H) A public body corporate and politic.

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

40 (1) the gratuitous sharing of game, fish, or other products of the  
 41 recreational use of the land;  
 42 (2) services rendered for the purpose of wildlife management; or

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- 1 (3) contributions in kind made for the purpose of wildlife  
2 management.
- 3 (c) As used in this section and section 2.5 of this chapter, "owner"  
4 means a governmental entity or another person that:
- 5 (1) has a fee interest in;  
6 (2) is a tenant, a lessee, or an occupant of; or  
7 (3) is in control of;  
8 a tract of land.
- 9 (d) A person who goes upon or through the premises, including  
10 caves, of another:
- 11 (1) with or without permission; and  
12 (2) either:
- 13 (A) without the payment of monetary consideration; or  
14 (B) with the payment of monetary consideration directly or  
15 indirectly on the person's behalf by an agency of the state or  
16 federal government;
- 17 for the purpose of swimming, camping, hiking, sightseeing, **exercising,**  
18 **cycling,** or accessing or departing from a trail, a greenway, or another  
19 similar area, or for any other purpose (other than the purposes  
20 described in section 2.5 of this chapter) ~~does not have an assurance that~~  
21 ~~the premises are safe for the purpose:~~ **is subject to the limitations of**  
22 **liability granted to the owner of the premises described in**  
23 **subsection (e).**
- 24 (e) The owner of the premises does not  
25 ~~(1) assume responsibility; or~~  
26 ~~(2) incur liability;~~  
27 ~~for an injury to a person or property caused by an act or failure to act~~  
28 ~~of other persons using the premises: assume responsibility or incur~~  
29 ~~liability for an injury or damage to a:~~
- 30 (1) **person caused by:**
- 31 (A) **an act; or**  
32 (B) **the failure to act;**  
33 **of another person using the premises;**
- 34 (2) **person caused by a condition on the land; or**  
35 (3) **person's property caused by:**
- 36 (A) **the act of another person using the premises; or**  
37 (B) **a condition on the land.**
- 38 (f) This section does not affect the following:
- 39 ~~(1) Existing Indiana case law on the liability of owners or~~  
40 ~~possessors of premises with respect to the following:~~
- 41 ~~(A) Business invitees in commercial establishments.~~  
42 ~~(B) Invited guests.~~

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**(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 ~~<21>~~ [30]. 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 ~~<22>~~ [31]. 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 ~~<23>~~ [32]. IC 14-22-32 IS REPEALED [EFFECTIVE JULY 1, 2026]. (Game Bird and Exotic Mammal Regulation).

SECTION 33. 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



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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 34. 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 35. 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 36. 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 37. 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 38. 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.

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

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

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

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

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

(c) A person who:

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

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

(A) section 15 of this chapter; or

(B) section 16 of this chapter;

commits a Class A misdemeanor.

SECTION 39. IC 14-22-34-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. The director may

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1 permit, under the terms and conditions that are prescribed by rule, the  
 2 taking, possession, transportation, exportation, or shipment of species  
 3 or subspecies of ~~wildlife~~ **wild animals** that have been designated by  
 4 rule as in need of management or appear on the:

5 (1) state list of endangered species;

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

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

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

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

14 SECTION 40. IC 14-22-34-18 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 18. The provisions of  
 16 this chapter prohibiting the taking, possessing, transportation,  
 17 exporting, processing, sale, or offer to sell do not apply to ~~wildlife~~ **wild**  
 18 **animals** in the possession of a person in Indiana on July 26, 1973.

19 SECTION 41. IC 14-22-34-20 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 20. (a) The nongame  
 21 fund is established as a dedicated fund.

22 (b) The department shall administer the fund.

23 (c) In recognition of the importance of preserving the natural  
 24 heritage of Indiana, it is the intent of the general assembly to provide  
 25 a fund to be used exclusively for the protection, conservation,  
 26 management, and identification of nongame and endangered species of  
 27 ~~wildlife~~ **wild animals** primarily through the acquisition of the natural  
 28 habitat of the animals. The department may expend the money in the  
 29 fund exclusively for the preservation of nongame and endangered  
 30 species of ~~wildlife~~ **wild animals** under this chapter.

31 (d) Money in the fund does not revert to the state general fund at  
 32 the end of a state fiscal year. However, if the fund is abolished, the  
 33 money in the fund reverts to the state general fund.

34 SECTION 42]. IC 14-23-6.6-7, AS ADDED BY P.L.124-2025,  
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2026]: Sec. 7. (a) Subject to subsection (b), a certified  
 37 prescribed burn manager who conducts the prescribed burning in  
 38 accordance with section 6 of this chapter is immune from civil liability  
 39 for harm caused by the:

40 (1) prescribed burn; or

41 (2) smoke produced by the prescribed burn.

42 (b) The immunity described in subsection (a) does not apply if the

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

- (1) maintain;
- (2) alter;
- (3) repair;
- (4) reconstruct;
- (5) change the construction or location; or
- (6) remove the structure;

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

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

1 SECTION ~~24~~ [44]. IC 14-30-3-16 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) The commission, **in coordination with the department**, shall keep a record of the commission's resolutions, transactions, and findings. This record is a public record.

(b) The commission may adopt rules for the transaction of business.

SECTION ~~25~~ [45]. 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

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1 written comments provided.

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

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

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

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

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

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

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

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

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

41 (6) Has a regional watershed study or watershed management  
42 plan been conducted in consultation with the Indiana finance

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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

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1 same designated watershed.

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

6 (1) another ordinance and written request under section 1(c) of  
7 this chapter for recognition of the county as a member of another  
8 proposed watershed development commission; or

9 (2) an ordinance and written request under section 4 or 5 of this  
10 chapter proposing the county for membership in an established  
11 watershed development commission.

12 SECTION ~~26~~ [46]. IC 14-30.5-2-6, AS AMENDED BY  
13 P.L.92-2025, SECTION 51, IS AMENDED TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A county to which section 4  
15 or 5 of this chapter applies may not become a member of an existing  
16 watershed development commission unless:

17 (1) the executives of all of the counties that are members of the  
18 existing commission adopt ordinances accepting the county as a  
19 member county of the existing commission; and

20 (2) the natural resources commission issues an order under this  
21 section recognizing the county as a member county of the  
22 existing commission.

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

29 (1) address the natural resources commission; and

30 (2) provide written comments;

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

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

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

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

42 (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

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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 ~~<27>~~ [47]. 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 ~~<28>~~ [48]. 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. [

SECTION 49. IC 35-52-14-27.8 IS REPEALED [EFFECTIVE JULY 1, 2026]. Sec. 27.8: IC 14-22-32-2 defines a crime concerning game birds and exotic mammals.

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