

HOUSE BILL No. 1307

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-6; IC 6-6-11; IC 14-8-2; IC 14-22; IC 14-24-4.5; IC 14-28-1; IC 25-21.5-1-7.

Synopsis: Various natural resource matters. Defines "geo-referenced". Allows a professional surveyor to use a geo-referenced aerial photograph in order to prepare a description of a parcel. Exempts from the boat excise tax a motorboat registered outside Indiana and docked on the Indiana part of Lake Michigan for a combined total of not more than 180 consecutive days. Amends certain definitions. Allows the director of the department of natural resources (DNR) to adopt rules that would authorize the taking of a wild animal in a state park under certain circumstances. Allows the director of DNR to consider certain factors when determining damages caused by a person releasing certain substances that kill wild animals. Makes certain changes to the program to contain and reduce invasive animal species in the Wabash River. Allows the director of the DNR to issue a permit to take a wild animal to a person that owns or has an interest in property: (1) being damaged; (2) threatened with damage; or (3) on which a health or safety threat to persons or domestic animals is posed; by a wild animal. Allows for the permit to take a wild animal to be denied to a person, after an investigation of a complaint, if the complaint is unfounded or the applicant has not complied with certain requirements. Provides for a project permit under the flood control act to be issued for two years for most projects and five years for the department of transportation, federally funded county highway projects, and power generation facilities. Allows for a project permit issued under the flood control act to be renewed one time for a period of two years. Exempts from the definition of the practice of surveying classified parcel descriptions developed under certain natural resources commission rules. Provides
(Continued next page)

Effective: July 1, 2014.

Eberhart

January 15, 2014, read first time and referred to Committee on Natural Resources.



Digest Continued

penalties for a person who provides fishing or hunting guide services to take wild animals that are protected by law. Repeals the pest control compact. Makes conforming changes. Makes a technical correction.



Introduced

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1307

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 6-1.1-6-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2014]: **Sec. 0.5. As used in this chapter, "geo-referenced" means**
4 **a photo with a minimum horizontal accuracy of plus or minus six**
5 **(6) meters at one (1) meter resolution.**
6 SECTION 2. IC 6-1.1-6-9, AS AMENDED BY P.L.57-2013,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2014]: Sec. 9. (a) Except as provided in subsections (b) and
9 (c), a person who:
10 (1) wishes to have a parcel of land classified as native forest land,
11 a forest plantation, or wildlands; or
12 (2) submits a revised application due to:
13 (A) the partial withdrawal of existing classified land;
14 (B) division of the parcel related to a conveyance; or



1 (C) the combination of contiguous lands;
 2 must have the parcel described by a professional surveyor. The parcel
 3 must be described by metes and bounds or other professionally
 4 accepted practices and must locate the parcel with reference to an
 5 established corner. In addition, the description must identify the parcel
 6 by section, township, range, and county references. The professional
 7 surveyor shall prepare plats of the parcel in ink, and the professional
 8 surveyor shall prepare the plats on the scale, and in the number,
 9 prescribed by the department of natural resources.

10 (b) The professional surveyor may use **an a geo-referenced** aerial
 11 photograph in order to prepare a description of the parcel. However, the
 12 professional surveyor's description must be accurate, and it must meet
 13 the requirements specified in subsection (a). If **an a geo-referenced**
 14 aerial photograph is used, that fact shall be noted on the application
 15 referred to in section 11 of this chapter.

16 (c) The natural resources commission may adopt rules to allow other
 17 means to describe and plat a parcel under this section.

18 SECTION 3. IC 6-6-11-9, AS AMENDED BY P.L.146-2008,
 19 SECTION 356, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2014]: Sec. 9. A boat is exempt from the boat
 21 excise tax imposed for a year if the boat is:

- 22 (1) owned by the United States;
- 23 (2) owned by the state or one (1) of its political subdivisions (as
 24 defined in IC 36-1-2-13);
- 25 (3) owned by an organization exempt from federal income
 26 taxation under 501(c)(3) of the Internal Revenue Code;
- 27 (4) a human powered vessel, as determined by the department of
 28 natural resources;
- 29 (5) held by a boat manufacturer, distributor, or dealer for sale in
 30 the ordinary course of business;
- 31 (6) used by a person for the production of income and subject to
 32 assessment under IC 6-1.1;
- 33 (7) stored in Indiana for less than twenty-two (22) consecutive
 34 days and not operated, used, or docked in Indiana;
- 35 (8) **except as provided in subdivision (9)**, registered outside
 36 Indiana and operated, used, or docked in Indiana for a combined
 37 total of less than twenty-two (22) consecutive days during the
 38 boating year;
- 39 (9) **a motorboat (as defined by IC 9-13-2-103.5) and is**
 40 **registered outside Indiana and docked on the Indiana part of**
 41 **Lake Michigan for a combined total of not more than one**
 42 **hundred eighty (180) consecutive days; or**



1 ~~(9)~~ **(10)** subject to the commercial vessel tonnage tax under
2 IC 6-6-6.

3 SECTION 4. IC 6-6-11-14 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14. (a) For a boat which
5 has been acquired, or brought into Indiana, or for any other reason
6 becomes subject to the excise tax after the regular annual tax payment
7 date in the boating year on or before which the owner is required to pay
8 the tax on boats under this chapter, the tax imposed by this chapter
9 shall become due and payable no later than:

10 (1) the thirty-second day after the boat is operated in Indiana, if
11 the boat is registered in Indiana; ~~or~~

12 (2) **except as provided in subdivision (3)**, the twenty-second
13 consecutive day during the boating year that the boat is:

14 (A) stored in Indiana; or

15 (B) operated, used, or docked in Indiana waters if the boat is
16 registered outside Indiana; ~~or~~

17 **(3) the one hundred eighty-first day that the motorboat (as**
18 **defined by IC 9-13-2-103.5) is docked on the Indiana part of**
19 **Lake Michigan if the motorboat is registered outside Indiana.**

20 (b) The amount of excise tax to be paid by the owner for the
21 remainder of the year shall be reduced by ten percent (10%) for each
22 full calendar month which has elapsed since the regular annual tax
23 payment date in the year fixed by the bureau of motor vehicles for tax
24 payment by the owner.

25 SECTION 5. IC 14-8-2-5.7, AS ADDED BY P.L.86-2010,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2014]: Sec. 5.7. "All-terrain vehicle", for purposes of
28 IC 14-8-2-185, means a motorized, off-highway vehicle that:

29 (1) is fifty (50) inches or less in width;

30 (2) has a dry weight of twelve hundred (1,200) pounds or less;

31 (3) is designed for travel on at least three (3) nonhighway or
32 off-highway tires; **and**

33 (4) is designed for recreational use by one (1) or more individuals.

34 ~~(5) has a seat or saddle designed to be straddled by the operator;~~
35 ~~and~~

36 ~~(6) has handlebars for steering control.~~

37 The term includes parts, equipment, or attachments sold with the
38 vehicle.

39 SECTION 6. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008,
40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2014]: Sec. 49.2. ~~(a) "Compact", for purposes of IC 14-24-4.5;~~
42 ~~has the meaning set forth in IC 14-24-4.5-2(8).~~



1 (b) "Compact", for purposes of IC 14-25-15, has the meaning set
2 forth in IC 14-25-15-1.

3 SECTION 7. IC 14-8-2-86.5 IS REPEALED [EFFECTIVE JULY
4 1, 2014]. Sec. 86.5: "Executive committee", for purposes of
5 ~~IC 14-24-4.5~~; has the meaning set forth in ~~IC 14-24-4.5-2(7)~~.

6 SECTION 8. IC 14-8-2-107, AS AMENDED BY P.L.133-2012,
7 SECTION 164, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2014]: Sec. 107. "Fund" has the following
9 meaning:

10 (1) For purposes of IC 14-9-5, the meaning set forth in
11 IC 14-9-5-1.

12 (2) For purposes of IC 14-9-8-21, the meaning set forth in
13 IC 14-9-8-21.

14 (3) For purposes of IC 14-9-8-21.5, the meaning set forth in
15 IC 14-9-8-21.5.

16 (4) For purposes of IC 14-9-9, the meaning set forth in
17 IC 14-9-9-3.

18 (5) For purposes of IC 14-12-1, the meaning set forth in
19 IC 14-12-1-1.

20 (6) For purposes of IC 14-12-2, the meaning set forth in
21 IC 14-12-2-2.

22 (7) For purposes of IC 14-12-3, the meaning set forth in
23 IC 14-12-3-2.

24 (8) For purposes of IC 14-13-1, the meaning set forth in
25 IC 14-13-1-2.

26 (9) For purposes of IC 14-13-2, the meaning set forth in
27 IC 14-13-2-3.

28 (10) For purposes of IC 14-16-1, the meaning set forth in
29 IC 14-16-1-30.

30 (11) For purposes of IC 14-19-8, the meaning set forth in
31 IC 14-19-8-1.

32 (12) For purposes of IC 14-20-11, the meaning set forth in
33 IC 14-20-11-2.

34 (13) For purposes of IC 14-22-3, the meaning set forth in
35 IC 14-22-3-1.

36 (14) For purposes of IC 14-22-4, the meaning set forth in
37 IC 14-22-4-1.

38 (15) For purposes of IC 14-22-5, the meaning set forth in
39 IC 14-22-5-1.

40 (16) For purposes of IC 14-22-8, the meaning set forth in
41 IC 14-22-8-1.

42 (17) For purposes of IC 14-22-34, the meaning set forth in



- 1 IC 14-22-34-2.
 2 (18) For purposes of IC 14-23-3, the meaning set forth in
 3 IC 14-23-3-1.
 4 ~~(19) For purposes of IC 14-24-4.5, the meaning set forth in~~
 5 ~~IC 14-24-4.5-2(5).~~
 6 ~~(20)~~ (19) For purposes of IC 14-25-2-4, the meaning set forth in
 7 IC 14-25-2-4.
 8 ~~(21)~~ (20) For purposes of IC 14-25-10, the meaning set forth in
 9 IC 14-25-10-1.
 10 ~~(22)~~ (21) For purposes of IC 14-25.5, the meaning set forth in
 11 IC 14-25.5-1-3.
 12 ~~(23)~~ (22) For purposes of IC 14-28-5, the meaning set forth in
 13 IC 14-28-5-2.
 14 ~~(24)~~ (23) For purposes of IC 14-31-2, the meaning set forth in
 15 IC 14-31-2-5.
 16 ~~(25)~~ (24) For purposes of IC 14-25-12, the meaning set forth in
 17 IC 14-25-12-1.
 18 ~~(26)~~ (25) For purposes of IC 14-32-8, the meaning set forth in
 19 IC 14-32-8-1.
 20 ~~(27)~~ (26) For purposes of IC 14-33-14, the meaning set forth in
 21 IC 14-33-14-3.
 22 ~~(28)~~ (27) For purposes of IC 14-33-21, the meaning set forth in
 23 IC 14-33-21-1.
 24 ~~(29)~~ (28) For purposes of IC 14-34-6-15, the meaning set forth in
 25 IC 14-34-6-15.
 26 ~~(30)~~ (29) For purposes of IC 14-34-14, the meaning set forth in
 27 IC 14-34-14-1.
 28 ~~(31)~~ (30) For purposes of IC 14-34-19-1.3, the meaning set forth
 29 in IC 14-34-19-1.3(a).
 30 ~~(32)~~ (31) For purposes of IC 14-34-19-1.5, the meaning set forth
 31 in IC 14-34-19-1.5(a).
 32 ~~(33)~~ (32) For purposes of IC 14-37-10, the meaning set forth in
 33 IC 14-37-10-1.
 34 SECTION 9. IC 14-8-2-117, AS AMENDED BY P.L.225-2005,
 35 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2014]: Sec. 117. "Governing board", ~~has the following~~
 37 ~~meaning:~~
 38 ~~(1) For purposes of IC 14-24-4.5, the meaning set forth in~~
 39 ~~IC 14-24-4.5-2(6).~~
 40 ~~(2)~~ for purposes of IC 14-28-5, **has** the meaning set forth in
 41 IC 14-28-5-3.
 42 SECTION 10. IC 14-8-2-118.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2014]: **Sec. 118.5. "Guide services", for**
 3 **purposes of IC 14-22-38-6, has the meaning set forth in**
 4 **IC 14-22-38-6.**

5 SECTION 11. IC 14-8-2-203, AS AMENDED BY P.L.17-2009,
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2014]: Sec. 203. "Pest or pathogen", ~~has the following~~
 8 ~~meaning:~~

9 ~~(1) Except as provided in IC 14-24-4.5, for purposes of IC 14-24,~~
 10 ~~means:~~

11 ~~(A) (1) an arthropod;~~

12 ~~(B) (2) a nematode;~~

13 ~~(C) (3) a microorganism;~~

14 ~~(D) (4) a fungus;~~

15 ~~(E) (5) a parasitic plant;~~

16 ~~(F) (6) a mollusk;~~

17 ~~(G) (7) a plant disease; or~~

18 ~~(H) (8) an exotic weed;~~

19 ~~that may be injurious to nursery stock, agricultural crops, other~~
 20 ~~vegetation, natural resources, or bees.~~

21 ~~(2) For purposes of IC 14-24-4.5, the meaning set forth in~~
 22 ~~IC 14-24-4.5-2(4).~~

23 SECTION 12. IC 14-8-2-233.5, AS ADDED BY P.L.86-2010,
 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 233.5. "Recreational off-road vehicle", for
 26 purposes of IC 14-8-2-185, means a motorized, off-highway vehicle
 27 that:

28 (1) is ~~sixty-four (64)~~ **sixty-five (65)** inches or less in width;

29 (2) has a dry weight of two thousand (2,000) pounds or less;

30 (3) is designed for travel on at least four (4) nonhighway or
 31 off-highway tires; **and**

32 (4) is designed for recreational use by one (1) or more individuals.

33 (5) ~~has a nonstraddle seat or saddle; and~~

34 (6) ~~has a steering wheel for steering control.~~

35 SECTION 13. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY
 36 1, 2014]. Sec. 239.5. "Requesting state", for purposes of IC 14-24-4.5,
 37 ~~has the meaning set forth in IC 14-24-4.5-2(2).~~

38 SECTION 14. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY
 39 1, 2014]. Sec. 242.5. "Responding state", for purposes of IC 14-24-4.5,
 40 ~~has the meaning set forth in IC 14-24-4.5-2(3).~~

41 SECTION 15. IC 14-8-2-265, AS AMENDED BY P.L.225-2005,
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2014]: Sec. 265. "State", has the following meaning:
- 2 (1) For purposes of ~~IC 14-24-4.5~~, the meaning set forth in
- 3 ~~IC 14-24-4.5-2(1)~~:
- 4 (2) for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means
- 5 the following:
- 6 (A) (1) The Indiana state government.
- 7 (B) (2) An agency, a subdivision, an officer, a board, a bureau, a
- 8 commission, a department, a division, or an instrumentality of the
- 9 state.
- 10 SECTION 16. IC 14-22-6-13, AS AMENDED BY P.L.140-2013,
- 11 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2014]: Sec. 13. (a) If the director:
- 13 (1) determines that a species of wild animal present within a state
- 14 park poses an unusual hazard to the health or safety of one (1) or
- 15 more individuals;
- 16 (2) determines, based upon the opinion of a professional biologist,
- 17 that it is likely that:
- 18 (A) a species of wild animal present within a state park will
- 19 cause obvious and measurable damage to the ecological
- 20 balance within the state park; and
- 21 (B) the ecological balance within the state park will not be
- 22 maintained unless action is taken to control the population of
- 23 the species within the state park; or
- 24 (3) is required under a condition of a lease from the federal
- 25 government to manage a particular wild animal species;
- 26 the director shall ~~establish a controlled hunt for the~~ **authorize the**
- 27 **taking of a species within the state park under rules adopted under**
- 28 **IC 4-22-2.**
- 29 (b) An order issued by the director under this section must set forth
- 30 the conditions of the hunt.
- 31 (c) ~~The director may issue an order under this section under~~
- 32 ~~IC 4-21.5-4.~~
- 33 SECTION 17. IC 14-22-9-11, AS AMENDED BY P.L.151-2012,
- 34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2014]: Sec. 11. (a) As used in this section, "motorboat" means
- 36 a watercraft propelled by:
- 37 (1) an internal combustion, steam, or electrical inboard or
- 38 outboard motor or engine; or
- 39 (2) any mechanical means.
- 40 The term does not include a personal watercraft.
- 41 (b) The ~~department~~ **director** shall establish and implement a
- 42 **demonstration** program for the purpose of containing and reducing



1 invasive animal species in the Wabash River. In administering this
2 program, the ~~department~~ **director** may **do any of the following:**

3 (1) Allow the taking of a specific invasive animal species by a
4 means described in section 1(a)(2) of this chapter.

5 (2) ~~may~~ Require the use of ammunition described in 50 CFR
6 20.21(j). ~~or~~

7 (3) Require a hunting or fishing license under IC 14-22-12-1.

8 **(4) Allow the taking of a specific invasive animal species to be**
9 **taken from a motorboat.**

10 **(5) Establish any other limitations concerning the time, place,**
11 **or participants of a demonstration program.**

12 (c) 312 IAC 9-2-2(d), as in effect July 1, 2011, does not apply to this
13 section.

14 SECTION 18. IC 14-22-10-6 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who,
16 whether or not the person has been issued a certificate of approval,
17 license, permit, or other document of approval authorized by this article
18 or any other Indiana law, discharges, sprays, or releases waste
19 materials, chemicals, or other substances:

20 (1) either accidentally, negligently, or willfully;

21 (2) in any quantity, concentration, or manner onto or in any water
22 of Indiana, the boundary waters of the state, or onto or in public
23 or private land; and

24 (3) so that wild animals are killed as a result;

25 is responsible for the kill.

26 (b) The director shall, in the name of the state, recover damages,
27 **including the cost of restoration**, from the person. Upon receipt of the
28 estimates of the damages caused, the director shall notify the attorney
29 general. **In determining the damages caused, the director may**
30 **consider the following:**

31 **(1) The direct value of the wild animals killed.**

32 **(2) The direct value of law enforcement costs, including wages**
33 **of investigating officers, cost of any materials used, and travel**
34 **expenses.**

35 **(3) The value of damage to habitat, including injured**
36 **vegetation, contaminated sediment, and dead invertebrate**
37 **prey species for the number of years necessary for the habitat**
38 **to recover to predamaged conditions.**

39 **(4) The decreased value of the habitat for the number of years**
40 **necessary for the habitat to recover to predamaged**
41 **conditions.**

42 **(5) The value of lost recreational fishing and hunting time,**



1 **including future decreased value for the number of years**
 2 **necessary for the recreational use to recover to predamaged**
 3 **conditions.**

4 (c) The attorney general shall notify the persons responsible for the
 5 destruction of wild animals in question and may effect a settlement that
 6 the attorney general and the director consider proper and reasonable.
 7 If a settlement is not reached within a reasonable time, the attorney
 8 general shall bring a civil action to recover the damage in an
 9 appropriate court in the county in which the discharge of material
 10 responsible for the death of wild animals took place.

11 (d) The proceeds of a recovery shall be used to replace, as far as and
 12 as promptly as possible, in whatever manner the director considers
 13 proper, the wild animal population or habitat in the waters or lands in
 14 question. If the improvement of the wild animal population or habitat
 15 in question is not practicable, the proceeds shall be deposited into the
 16 fish and wildlife fund.

17 SECTION 19. IC 14-22-28-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. The director may
 19 issue to a person that owns or has an interest in property:

- 20 (1) being damaged; ~~or~~
 21 (2) threatened with damage; ~~or~~
 22 (3) **on which a health or safety threat to persons or domestic**
 23 **animals is posed;**

24 by a wild animal protected by this article a free permit to take ~~kill~~; ~~or~~
 25 capture the wild animal.

26 SECTION 20. IC 14-22-28-4 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The director may
 28 have an investigation made of a complaint that wild animals are
 29 causing damage **or posing a health or safety threat to persons or**
 30 **domestic animals.** If it is found that:

- 31 (1) the damage has not been caused by wild animals; or
 32 (2) the person ~~would abuse the privileges;~~ **has not complied with**
 33 **the requirements under this chapter or a rule adopted under**
 34 **this chapter;**

35 a permit shall be denied **according to the procedures in IC 4-21.5.**

36 SECTION 21. IC 14-22-38-6, AS AMENDED BY P.L.158-2013,
 37 SECTION 204, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) **As used in this section,**
 39 **"guide services" means fishing or hunting guide or outfitter**
 40 **services that are offered or provided for money or other**
 41 **consideration.**

42 (a) ~~(b)~~ As used in this section, "sell" includes barter, purchases,



1 and offers to sell, barter, or purchase.

2 ~~(b)~~ (c) As used in this section, "ship" includes transporting,
3 delivering for shipment or transport, and causing to be shipped or
4 transported.

5 ~~(c)~~ (d) As used in this section, "wild animal" includes the following:

6 (1) A living or dead wild animal.

7 (2) A part of a living or dead wild animal.

8 ~~(d)~~ (e) A person who knowingly or intentionally:

9 (1) sells or ships wild animals, nests, or eggs; or

10 (2) **provides guide services to take, acquire, receive, transport,**
11 **or possess wild animals;**

12 that ~~(+)~~ are protected by law and ~~(2)~~ have an aggregate market value of
13 less than five hundred dollars (\$500) commits a Class C misdemeanor.

14 ~~(e)~~ (f) A person who knowingly or intentionally:

15 (1) sells or ships wild animals, nests, or eggs; or

16 (2) **provides guide services to take, acquire, receive, transport,**
17 **or possess wild animals;**

18 that ~~(+)~~ are protected by law and ~~(2)~~ have an aggregate market value of
19 at least five hundred dollars (\$500) but less than five thousand dollars
20 (\$5,000) commits a Level 6 felony.

21 ~~(f)~~ (g) A person who knowingly or intentionally:

22 (1) sells or ships wild animals, nests, or eggs; or

23 (2) **provides guide services to take, acquire, receive, transport,**
24 **or possess wild animals;**

25 that ~~(+)~~ are protected by law and ~~(2)~~ have an aggregate market value of
26 at least five thousand dollars (\$5,000) commits a Level 5 felony.

27 SECTION 22. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1,
28 2014]. (Pest Control Compact).

29 SECTION 23. IC 14-28-1-22, AS AMENDED BY P.L.76-2010,
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2014]: Sec. 22. (a) As used in subsection (b)(1) with respect
32 to a stream, "total length" means the length of the stream, expressed in
33 miles, from the confluence of the stream with the receiving stream to
34 the upstream or headward extremity of the stream, as indicated by the
35 solid or dashed, blue or purple line depicting the stream on the most
36 current edition of the seven and one-half (7 1/2) minute topographic
37 quadrangle map published by the United States Geological Survey,
38 measured along the meanders of the stream as depicted on the map.

39 (b) This section does not apply to the following:

40 (1) A reconstruction or maintenance project (as defined in
41 IC 36-9-27) on a stream or an open regulated drain if the total
42 length of the stream or open drain is not more than ten (10) miles.



- 1 (2) A construction or reconstruction project on a state or county
- 2 highway bridge in a rural area that crosses a stream having an
- 3 upstream drainage area of not more than fifty (50) square miles
- 4 and the relocation of utility lines associated with the construction
- 5 or reconstruction project if confined to an area not more than one
- 6 hundred (100) feet from the limits of the highway construction
- 7 right-of-way.
- 8 (3) The performance of an activity described in subsection (c)(1)
- 9 or (c)(2) by a surface coal mining operation that is operated under
- 10 a permit issued under IC 14-34.
- 11 (4) Any other activity that is determined by the commission,
- 12 according to rules adopted under IC 4-22-2, to pose not more than
- 13 a minimal threat to floodway areas.
- 14 (5) An activity in a boundary river floodway to which section 26.5
- 15 of this chapter applies.
- 16 (6) The removal of a logjam or mass of wood debris that has
- 17 accumulated in a river or stream, subject to the following
- 18 conditions:
 - 19 (A) Work must not be within a salmonid stream designated
 - 20 under 327 IAC 2-1.5-5 without the prior written approval of
 - 21 the department's division of fish and wildlife.
 - 22 (B) Work must not be within a natural, scenic, or recreational
 - 23 river or stream designated under 312 IAC 7-2.
 - 24 (C) Except as otherwise provided in Indiana law, free logs or
 - 25 affixed logs that are crossways in the channel must be cut,
 - 26 relocated, and removed from the floodplain. Logs may be
 - 27 maintained in the floodplain if properly anchored or otherwise
 - 28 secured so as to resist flotation or dislodging by the flow of
 - 29 water and placement in an area that is not a wetland. Logs
 - 30 must be removed and secured with a minimum of damage to
 - 31 vegetation.
 - 32 (D) Isolated or single logs that are embedded, lodged, or
 - 33 rooted in the channel, and that do not span the channel or
 - 34 cause flow problems, must not be removed unless the logs are
 - 35 either of the following:
 - 36 (i) Associated with or in close proximity to larger
 - 37 obstructions.
 - 38 (ii) Posing a hazard to navigation.
 - 39 (E) A leaning or severely damaged tree that is in immediate
 - 40 danger of falling into the waterway may be cut and removed if
 - 41 the tree is associated with or in close proximity to an
 - 42 obstruction. The root system and stump of the tree must be left



- 1 in place.
- 2 (F) To the extent practicable, the construction of access roads
3 must be minimized, and should not result in the elevation of
4 the floodplain.
- 5 (G) To the extent practicable, work should be performed
6 exclusively from one (1) side of a waterway. Crossing the bed
7 of a waterway is prohibited.
- 8 (H) To prevent the flow of sediment laden water back into the
9 waterway, appropriate sediment control measures must be
10 installed.
- 11 (I) Within fifteen (15) days, all bare and disturbed areas must
12 be revegetated with a mixture of grasses and legumes. Tall
13 fescue must not be used under this subdivision, except that low
14 endophyte tall fescue may be used in the bottom of the
15 waterway and on side slopes.
- 16 (c) A person who desires to:
- 17 (1) erect, make, use, or maintain a structure, an obstruction, a
18 deposit, or an excavation; or
- 19 (2) suffer or permit a structure, an obstruction, a deposit, or an
20 excavation to be erected, made, used, or maintained;
- 21 in or on a floodway must file with the director a verified written
22 application for a permit accompanied by a nonrefundable fee of two
23 hundred dollars (\$200).
- 24 (d) The application for a permit must set forth the material facts
25 together with plans and specifications for the structure, obstruction,
26 deposit, or excavation.
- 27 (e) An applicant must receive a permit from the director for the
28 work before beginning construction. The director shall issue a permit
29 only if in the opinion of the director the applicant has clearly proven
30 that the structure, obstruction, deposit, or excavation will not do any of
31 the following:
- 32 (1) Adversely affect the efficiency of or unduly restrict the
33 capacity of the floodway.
- 34 (2) Constitute an unreasonable hazard to the safety of life or
35 property.
- 36 (3) Result in unreasonably detrimental effects upon fish, wildlife,
37 or botanical resources.
- 38 (f) In deciding whether to issue a permit under this section, the
39 director shall consider the cumulative effects of the structure,
40 obstruction, deposit, or excavation. The director may incorporate in and
41 make a part of an order of authorization conditions and restrictions that
42 the director considers necessary for the purposes of this chapter.



1 (g) A permit issued under this section:

2 (1) is ~~void if construction is not commenced within~~ **valid for two**

3 (2) years after the issuance of the permit; and

4 (2) to:

5 (A) the Indiana department of transportation or a county
6 highway department if there is any federal funding for the
7 project; or

8 (B) an electric utility for the construction of a power
9 generating facility;

10 is valid for five (5) years from the date of issuance. ~~and remains~~
11 ~~valid indefinitely if construction is commenced within five (5)~~
12 ~~years after the permit is issued.~~

13 **A permit that is active and was issued under subdivision (1) before**
14 **July 1, 2014, is valid for two (2) years beginning July 2014, and a**
15 **permit that is active and was issued under subdivision (2) before**
16 **July 1, 2014, is valid for five (5) years beginning July 2014.**

17 **(h) A permit issued under this section may be renewed one (1)**
18 **time for a period not to exceed two (2) additional years.**

19 ~~(h)~~ (i) The director shall send a copy of each permit issued under
20 this section to each river basin commission organized under:

21 (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or

22 (2) IC 14-30-1 or IC 36-7-6 (before its repeal);

23 that is affected.

24 ~~(i)~~ (j) The permit holder shall post and maintain a permit issued
25 under this section at the authorized site.

26 ~~(j)~~ (k) For the purposes of this chapter, the lowest floor of a
27 building, including a residence or abode, that is to be constructed or
28 reconstructed in the one hundred (100) year floodplain of an area
29 protected by a levee that is:

30 (1) inspected; and

31 (2) found to be in good or excellent condition;

32 by the United States Army Corps of Engineers shall not be lower than
33 the one hundred (100) year frequency flood elevation plus one (1) foot.

34 SECTION 24. IC 14-28-1-34 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. A person who
36 knowingly fails to comply with section ~~22(i)~~ **22(j)** of this chapter
37 commits a Class B infraction. Each day a person violates section ~~22(i)~~
38 **22(j)** of this chapter constitutes a separate infraction.

39 SECTION 25. IC 25-21.5-1-7, AS AMENDED BY P.L.57-2013,
40 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2014]: Sec. 7. (a) "Practice of surveying" means providing, or
42 offering to provide, professional services involving:



- 1 (1) the making of geometric measurements of, and gathering
2 related information pertaining to, the physical or legal features of
3 the earth, improvements on the earth, the space above the earth,
4 or any part of the earth; and
5 (2) the use and development of the measurements and information
6 gathered under subdivision (1) into survey products, including
7 graphics, digital data, maps, plats, plans, reports, and descriptions
8 and projects.
- 9 (b) Professional services provided under the practice of surveying
10 include consultation, investigation, testimony evaluation, expert
11 technical testimony, planning, mapping, assembling, and interpreting
12 gathered measurements and information related to any of the following:
- 13 (1) Determining the configuration or contour of the earth's surface
14 or the position of fixed objects thereon by measuring lines and
15 angles and applying the principles of mathematics or
16 photogrammetry.
17 (2) Determining the size and shape of the earth, or any point on
18 the earth, by performing geodetic surveys using angular and linear
19 measurements through spatially oriented spherical geometry.
20 (3) Determining, by the use of principles of surveying, the
21 position for any nonboundary related survey control monument or
22 reference point, or setting, resetting, or replacing any
23 nonboundary related monument or reference point.
24 (4) Locating, relocating, establishing, reestablishing, laying out,
25 retracing, or marking any property or boundary line or corner of
26 any tract of land or of any right-of-way or easement.
27 (5) Making any survey or preparing any plat for the subdivision
28 of any tract of land.
29 (6) Determining, by the use of principles of surveying, the
30 position for any boundary related survey monument or reference
31 point, or setting, resetting, or replacing any monument or
32 reference point.
33 (7) Preparing a description for any parcel or boundary of land, or
34 for any right-of-way or easement, except when prepared by an
35 attorney who is licensed to practice law in Indiana.
36 (8) Determining the amount of acreage contained in any parcel of
37 land, except when determined by an attorney who is licensed to
38 practice law in Indiana.
39 (9) Performing construction staking or layout of the control for
40 any elements of an engineering, building, or construction project,
41 if the position of an element is:
42 (A) dependent on;



- 1 (B) in specific relation to; or
 2 (C) in close proximity to;
 3 a boundary, or property line, or corner, including easements and
 4 rights-of-way.
 5 (10) For and within subdivisions being designed by a professional
 6 surveyor, the preparation and furnishing of plats, plans, and
 7 profiles for roads, storm drainage, sanitary sewer extensions, and
 8 the location of residences or dwellings where the work involves
 9 the use and application of standards prescribed by local, state, or
 10 federal authorities.
 11 (11) All work incidental to cleaning out, reconstructing, or
 12 maintaining existing open and tile drains.
 13 (12) Creating, preparing, or modifying electronic or computerized
 14 data relative to the performance of the activities described in this
 15 subsection.
 16 (c) Activities included within the practice of surveying that must be
 17 accomplished under the responsible charge of a professional surveyor,
 18 unless specifically exempted under subsection (d), include the
 19 following:
 20 (1) The creation of maps and geo-referenced data bases
 21 representing authoritative locations for boundaries, fixed works,
 22 or topography, either by terrestrial surveying methods or by
 23 photogrammetric or GNSS locations. This includes maps and
 24 geo-referenced data bases prepared by any person, firm, or
 25 government agency if that data is provided to the public as a
 26 survey product.
 27 (2) Original data acquisition, or the resolution of conflicts
 28 between multiple data sources, when used for the authoritative
 29 location of features within the following data themes:
 30 (A) Geodetic control.
 31 (B) Orthoimagery.
 32 (C) Elevation and bathymetry.
 33 (D) Fixed works.
 34 (E) Government boundaries.
 35 (F) Cadastral information.
 36 (3) Certification of positional accuracy of maps or measured
 37 survey data.
 38 (4) Measurement, adjustment, and authoritative interpretation of
 39 raw survey data.
 40 (5) GIS-based parcel or cadastral mapping used for authoritative
 41 boundary definition purposes wherein land title or development
 42 rights for individual parcels are, or may be, affected.



- 1 (6) Interpretation of maps, deeds, or other land title documents to
 2 resolve conflicting data elements within cadastral documents of
 3 record.
- 4 (7) Acquisition of field data required to authoritatively position
 5 fixed works or cadastral data to geodetic control.
- 6 (8) Adjustment or transformation of cadastral data to improve the
 7 positional accuracy of the parcel layer or layers with respect to the
 8 geodetic control layer within a GIS for purposes of affirming
 9 positional accuracy.
- 10 (d) A distinction is made in this subsection, in the use of electronic
 11 systems, between making or documenting original measurements in the
 12 creation of survey products and the copying, interpretation, or
 13 representation of those measurements in systems. Further, a distinction
 14 is made according to the intent, use, or purpose of measurement
 15 products in electronic systems, between the determination of
 16 authoritative locations and the use of those products as a locational
 17 reference for planning, infrastructure management, and general
 18 information. The following items are not included as activities within
 19 the definition of the practice of surveying:
- 20 (1) The creation of general maps:
- 21 (A) prepared by private firms or government agencies for use
 22 as guides to motorists, boaters, aviators, or pedestrians;
- 23 (B) prepared for publication in a gazetteer or atlas as an
 24 educational tool or reference publication;
- 25 (C) prepared for or by educational institutions for use in the
 26 curriculum of any course of study;
- 27 (D) produced by any electronic or print media firm as an
 28 illustrative guide to the geographic location of any event; or
- 29 (E) prepared by lay persons for conversational or illustrative
 30 purposes, including advertising material and users' guides.
- 31 (2) The transcription of previously geo-referenced data into a
 32 geographic information system by manual or electronic means,
 33 and the maintenance thereof, if the data are clearly not intended
 34 to indicate the authoritative location of property boundaries, the
 35 precise definition of the shape or contour of the earth, and the
 36 precise location of fixed works of humans.
- 37 (3) The transcription of public record data, without modification
 38 except for graphical purposes, into geographic information
 39 systems-based cadastres, including tax maps, zoning maps, and
 40 associated records by manual or electronic means, and the
 41 maintenance of that cadastre, if the data are clearly not intended
 42 to authoritatively represent property boundaries.



- 1 (4) The preparation of any document by any agency of the federal
2 government that does not define real property boundaries,
3 including civilian and military versions of quadrangle topographic
4 maps, military maps, satellite imagery, and other similar
5 documents.
- 6 (5) The incorporation or use of documents or data bases prepared
7 by any federal agency into a geographic information system,
8 including federal census and demographic data, quadrangle
9 topographic maps, and military maps.
- 10 (6) Inventory maps and data bases created by any organization, in
11 either hard copy or electronic form, of physical features, facilities,
12 or infrastructure that are wholly contained within properties to
13 which the organization has rights or for which the organization
14 has management responsibility. The distribution of these maps
15 and data bases outside the organization must contain appropriate
16 metadata describing, at a minimum, the accuracy, method of
17 compilation, data source or sources, and date or dates, and
18 disclaimers of use clearly indicating that the data are not intended
19 to be used as a survey product.
- 20 (7) Maps, cross-sections, graphics, and data bases depicting the
21 distribution of natural resources or phenomena prepared by
22 foresters, geologists, soil scientists, geophysicists, biologists,
23 archeologists, historians, or other persons qualified to document
24 and interpret the data in the context of their respective practices.
- 25 (8) Maps and geo-referenced data bases depicting physical
26 features and events prepared by any government agency if the
27 access to that data is restricted by statute, including
28 geo-referenced data generated by law enforcement agencies
29 involving crime statistics and criminal activities.
- 30 **(9) Classified parcel descriptions developed in accordance**
31 **with IC 6-1.1-6-9(c).**
- 32 (e) The use of photogrammetric methods or similar remote sensing
33 technology to perform any part of the practice of surveying as defined
34 in this section may be performed only under the direct control and
35 supervision of a professional surveyor or professional
36 photogrammetrists who maintain a current title of "Certified
37 Photogrammetrist" from a national scientific organization having a
38 process for certifying photogrammetrists.
- 39 (f) The practice of surveying encompasses a number of disciplines,
40 including geodetic surveying, hydrographic surveying, cadastral
41 surveying, construction staking, route surveying, photogrammetric
42 surveying, and topographic surveying. A professional surveyor may



- 1 practice only within the surveyor's area of expertise.

