



Reprinted
January 31, 2014

HOUSE BILL No. 1307

DIGEST OF HB 1307 (Updated January 30, 2014 2:51 pm - DI 77)

Citations Affected: IC 6-1.1; IC 6-6; IC 14-8; IC 14-22; IC 14-24; IC 14-28; IC 25-21.5.

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. Provides that any natural resources commission rules concerning other means to describe classified lands may not result in a real property description. 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. Changes procedures to settle a claim for damages that resulted in a kill to 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
(Continued next page)

Effective: July 1, 2014.

Eberhart, Kersey

January 15, 2014, read first time and referred to Committee on Natural Resources.
January 28, 2014, amended, reported — Do Pass.
January 30, 2014, read second time, amended, ordered engrossed.

HB 1307—LS 6826/DI 77



Digest Continued

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 parcels developed according to certain natural resources commission rules. Provides 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.

HB 1307—LS 6826/DI 77



Reprinted
January 31, 2014

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

HB 1307—LS 6826/DI 77



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 of depicting and identifying~~
 18 **parcels classified as native forest land, forest plantation, or**
 19 **wildlands** under this section **provided that the means do not result**
 20 **in a real property description of the parcel.**

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

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



1 **registered outside Indiana and docked on the Indiana part of**
 2 **Lake Michigan for a combined total of not more than one**
 3 **hundred eighty (180) consecutive days; or**

4 ~~(9)~~ **(10)** subject to the commercial vessel tonnage tax under
 5 IC 6-6-6.

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

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

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

17 (A) stored in Indiana; or

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

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

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

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

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

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

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

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

37 ~~(5) has a seat or saddle designed to be straddled by the operator;~~
 38 **and**

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

40 The term includes parts, equipment, or attachments sold with the
 41 vehicle.

42 SECTION 6. IC 14-8-2-49.2, AS AMENDED BY P.L.4-2008,



1 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2014]: Sec. 49.2. (a) "Compact", for purposes of IC 14-24-4.5;
3 has the meaning set forth in IC 14-24-4.5-2(8):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



1 (2) for purposes of IC 14-28-5, **has** the meaning set forth in
2 IC 14-28-5-3.

3 SECTION 10. IC 14-8-2-118.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2014]: **Sec. 118.5. "Guide services", for**
6 **purposes of IC 14-22-38-6, has the meaning set forth in**
7 **IC 14-22-38-6.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 SECTION 13. IC 14-8-2-239.5 IS REPEALED [EFFECTIVE JULY
39 1, 2014]. ~~Sec. 239.5: "Requesting state", for purposes of IC 14-24-4.5,~~
40 ~~has the meaning set forth in IC 14-24-4.5-2(2).~~

41 SECTION 14. IC 14-8-2-242.5 IS REPEALED [EFFECTIVE JULY
42 1, 2014]. ~~Sec. 242.5: "Responding state", for purposes of IC 14-24-4.5,~~



- 1 has the meaning set forth in IC 14-24-4.5-2(3).
 2 SECTION 15. IC 14-8-2-265, AS AMENDED BY P.L.225-2005,
 3 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2014]: Sec. 265. "State", has the following meaning:
 5 (1) For purposes of IC 14-24-4.5, the meaning set forth in
 6 IC 14-24-4.5-2(1).
 7 (2) for purposes of IC 14-28-1, IC 14-28-3, and IC 14-32, means
 8 the following:
 9 (A) (1) The Indiana state government.
 10 (B) (2) An agency, a subdivision, an officer, a board, a bureau, a
 11 commission, a department, a division, or an instrumentality of the
 12 state.
 13 SECTION 16. IC 14-22-6-13, AS AMENDED BY P.L.140-2013,
 14 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2014]: Sec. 13. (a) If the director:
 16 (1) determines that a species of wild animal present within a state
 17 park poses an unusual hazard to the health or safety of one (1) or
 18 more individuals;
 19 (2) determines, based upon the opinion of a professional biologist,
 20 that it is likely that:
 21 (A) a species of wild animal present within a state park will
 22 cause obvious and measurable damage to the ecological
 23 balance within the state park; and
 24 (B) the ecological balance within the state park will not be
 25 maintained unless action is taken to control the population of
 26 the species within the state park; or
 27 (3) is required under a condition of a lease from the federal
 28 government to manage a particular wild animal species;
 29 the director shall ~~establish a controlled hunt for the~~ **authorize the**
 30 **taking of a species within the state park under rules adopted under**
 31 **IC 4-22-2.**
 32 (b) ~~An order issued by the director under this section must set forth~~
 33 ~~the conditions of the hunt.~~
 34 (c) ~~The director may issue an order under this section under~~
 35 ~~IC 4-21.5-4.~~
 36 SECTION 17. IC 14-22-9-11, AS AMENDED BY P.L.151-2012,
 37 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2014]: Sec. 11. (a) As used in this section, "motorboat" means
 39 a watercraft propelled by:
 40 (1) an internal combustion, steam, or electrical inboard or
 41 outboard motor or engine; or
 42 (2) any mechanical means.



- 1 The term does not include a personal watercraft.
- 2 (b) The ~~department~~ **director** shall establish and implement a
- 3 **demonstration** program for the purpose of containing and reducing
- 4 invasive animal species in the Wabash River. In administering this
- 5 program, the ~~department~~ **director** may **do any of the following:**
- 6 (1) Allow the taking of a specific invasive animal species by a
- 7 means described in section 1(a)(2) of this chapter.
- 8 (2) ~~may~~ Require the use of ammunition described in 50 CFR
- 9 20.21(j). ~~or~~
- 10 (3) Require a hunting or fishing license under IC 14-22-12-1.
- 11 **(4) Allow the taking of a specific invasive animal species to be**
- 12 **taken from a motorboat.**
- 13 **(5) Establish any other limitations concerning the time, place,**
- 14 **or participants of a demonstration program.**
- 15 (c) 312 IAC 9-2-2(d), as in effect July 1, 2011, does not apply to this
- 16 section.
- 17 SECTION 18. IC 14-22-10-6 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) A person who,
- 19 whether or not the person has been issued a certificate of approval,
- 20 license, permit, or other document of approval authorized by this article
- 21 or any other Indiana law, discharges, sprays, or releases waste
- 22 materials, chemicals, or other substances:
- 23 (1) either accidentally, negligently, or willfully;
- 24 (2) in any quantity, concentration, or manner onto or in any water
- 25 of Indiana, the boundary waters of the state, or onto or in public
- 26 or private land; and
- 27 (3) so that wild animals are killed as a result;
- 28 is responsible for the kill.
- 29 (b) The director shall, in the name of the state, recover damages,
- 30 **including the cost of restoration**, from the person. Upon receipt of the
- 31 estimates of the damages caused, the director shall notify the ~~attorney~~
- 32 ~~general~~ **person responsible within ninety (90) days of the kill to the**
- 33 **wild animals, and the director may enter into a proper and**
- 34 **reasonable settlement with the person. In determining the damages**
- 35 **caused, the director may consider the following:**
- 36 **(1) The direct value of the wild animals killed.**
- 37 **(2) The direct value of law enforcement costs, including wages**
- 38 **of investigating officers, cost of any materials used, and travel**
- 39 **expenses.**
- 40 **(3) The value of damage to habitat, including injured**
- 41 **vegetation, contaminated sediment, and dead invertebrate**
- 42 **prey species.**



1 (c) If the total sum of the values under subsection (b)(1), (b)(2),
2 and (b)(3) exceeds five thousand dollars (\$5,000) in damages, the
3 director may consider the following in addition to the damages
4 calculated under subsection (b):

5 (1) The decreased value of the habitat for the number of years
6 necessary for the habitat to recover to predamaged
7 conditions.

8 (2) The value of lost recreational fishing and hunting time,
9 including future decreased value for the number of years
10 necessary for the recreational use to recover to predamaged
11 conditions.

12 (c) The attorney general shall notify the persons responsible for the
13 destruction of wild animals in question and may effect a settlement that
14 the attorney general and the director consider proper and reasonable.

15 (d) If a settlement is not reached within a reasonable time, the
16 attorney general ~~department~~ shall bring a civil ~~an administrative~~
17 action ~~under IC 4-21.5~~ to recover the ~~damage in an appropriate court~~
18 in the county in which the discharge of material responsible for the
19 death of wild animals took place: ~~damages.~~

20 ~~(d)~~ (e) The proceeds of a recovery shall be used to replace, as far as
21 and as promptly as possible, in whatever manner the director considers
22 proper, the wild animal population or habitat in the waters or lands in
23 question. If the improvement of the wild animal population or habitat
24 in question is not practicable, the proceeds shall be deposited into the
25 fish and wildlife fund.

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

29 (1) being damaged; ~~or~~

30 (2) threatened with damage; ~~or~~

31 (3) **on which a health or safety threat to persons or domestic**
32 **animals is posed;**

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

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

40 (1) the damage has not been caused by wild animals; or

41 (2) the person ~~would abuse the privileges;~~ **has not complied with**
42 **the requirements under this chapter or a rule adopted under**



- 1 **this chapter;**
 2 a permit shall be denied **according to the procedures in IC 4-21.5.**
 3 SECTION 21. IC 14-22-38-6, AS AMENDED BY P.L.158-2013,
 4 SECTION 204, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2014]: Sec. 6. **(a) As used in this section,**
 6 **"guide services" means fishing or hunting guide or outfitter**
 7 **services that are offered or provided for money or other**
 8 **consideration.**
 9 ~~(a)~~ **(b)** As used in this section, "sell" includes barters, purchases,
 10 and offers to sell, barter, or purchase.
 11 ~~(b)~~ **(c)** As used in this section, "ship" includes transporting,
 12 delivering for shipment or transport, and causing to be shipped or
 13 transported.
 14 ~~(c)~~ **(d)** As used in this section, "wild animal" includes the following:
 15 (1) A living or dead wild animal.
 16 (2) A part of a living or dead wild animal.
 17 ~~(d)~~ **(e)** A person who knowingly or intentionally:
 18 **(1) sells or ships wild animals, nests, or eggs; or**
 19 **(2) provides guide services to take, acquire, receive, transport,**
 20 **or possess wild animals;**
 21 that ~~(+)~~ are protected by law and ~~(2)~~ have an aggregate market value of
 22 less than five hundred dollars (\$500) commits a Class C misdemeanor.
 23 ~~(e)~~ **(f)** A person who knowingly or intentionally:
 24 **(1) sells or ships wild animals, nests, or eggs; or**
 25 **(2) provides guide services to take, acquire, receive, transport,**
 26 **or possess wild animals;**
 27 that ~~(+)~~ are protected by law and ~~(2)~~ have an aggregate market value of
 28 at least five hundred dollars (\$500) but less than five thousand dollars
 29 (\$5,000) commits a Level 6 felony.
 30 ~~(f)~~ **(g)** A person who knowingly or intentionally:
 31 **(1) sells or ships wild animals, nests, or eggs; or**
 32 **(2) provides guide services to take, acquire, receive, transport,**
 33 **or possess wild animals;**
 34 that ~~(+)~~ are protected by law and ~~(2)~~ have an aggregate market value of
 35 at least five thousand dollars (\$5,000) commits a Level 5 felony.
 36 SECTION 22. IC 14-24-4.5 IS REPEALED [EFFECTIVE JULY 1,
 37 2014]. (Pest Control Compact).
 38 SECTION 23. IC 14-28-1-22, AS AMENDED BY P.L.76-2010,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]: Sec. 22. (a) As used in subsection (b)(1) with respect
 41 to a stream, "total length" means the length of the stream, expressed in
 42 miles, from the confluence of the stream with the receiving stream to



1 the upstream or headward extremity of the stream, as indicated by the
2 solid or dashed, blue or purple line depicting the stream on the most
3 current edition of the seven and one-half (7 1/2) minute topographic
4 quadrangle map published by the United States Geological Survey,
5 measured along the meanders of the stream as depicted on the map.

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

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

10 (2) A construction or reconstruction project on a state or county
11 highway bridge in a rural area that crosses a stream having a
12 upstream drainage area of not more than fifty (50) square miles
13 and the relocation of utility lines associated with the construction
14 or reconstruction project if confined to an area not more than one
15 hundred (100) feet from the limits of the highway construction
16 right-of-way.

17 (3) The performance of an activity described in subsection (c)(1)
18 or (c)(2) by a surface coal mining operation that is operated under
19 a permit issued under IC 14-34.

20 (4) Any other activity that is determined by the commission,
21 according to rules adopted under IC 4-22-2, to pose not more than
22 a minimal threat to floodway areas.

23 (5) An activity in a boundary river floodway to which section 26.5
24 of this chapter applies.

25 (6) The removal of a logjam or mass of wood debris that has
26 accumulated in a river or stream, subject to the following
27 conditions:

28 (A) Work must not be within a salmonid stream designated
29 under 327 IAC 2-1.5-5 without the prior written approval of
30 the department's division of fish and wildlife.

31 (B) Work must not be within a natural, scenic, or recreational
32 river or stream designated under 312 IAC 7-2.

33 (C) Except as otherwise provided in Indiana law, free logs or
34 affixed logs that are crossways in the channel must be cut,
35 relocated, and removed from the floodplain. Logs may be
36 maintained in the floodplain if properly anchored or otherwise
37 secured so as to resist flotation or dislodging by the flow of
38 water and placement in an area that is not a wetland. Logs
39 must be removed and secured with a minimum of damage to
40 vegetation.

41 (D) Isolated or single logs that are embedded, lodged, or
42 rooted in the channel, and that do not span the channel or



- 1 cause flow problems, must not be removed unless the logs are
 2 either of the following:
- 3 (i) Associated with or in close proximity to larger
 4 obstructions.
- 5 (ii) Posing a hazard to navigation.
- 6 (E) A leaning or severely damaged tree that is in immediate
 7 danger of falling into the waterway may be cut and removed if
 8 the tree is associated with or in close proximity to an
 9 obstruction. The root system and stump of the tree must be left
 10 in place.
- 11 (F) To the extent practicable, the construction of access roads
 12 must be minimized, and should not result in the elevation of
 13 the floodplain.
- 14 (G) To the extent practicable, work should be performed
 15 exclusively from one (1) side of a waterway. Crossing the bed
 16 of a waterway is prohibited.
- 17 (H) To prevent the flow of sediment laden water back into the
 18 waterway, appropriate sediment control measures must be
 19 installed.
- 20 (I) Within fifteen (15) days, all bare and disturbed areas must
 21 be revegetated with a mixture of grasses and legumes. Tall
 22 fescue must not be used under this subdivision, except that low
 23 endophyte tall fescue may be used in the bottom of the
 24 waterway and on side slopes.
- 25 (c) A person who desires to:
- 26 (1) erect, make, use, or maintain a structure, an obstruction, a
 27 deposit, or an excavation; or
- 28 (2) suffer or permit a structure, an obstruction, a deposit, or an
 29 excavation to be erected, made, used, or maintained;
- 30 in or on a floodway must file with the director a verified written
 31 application for a permit accompanied by a nonrefundable fee of two
 32 hundred dollars (\$200).
- 33 (d) The application for a permit must set forth the material facts
 34 together with plans and specifications for the structure, obstruction,
 35 deposit, or excavation.
- 36 (e) An applicant must receive a permit from the director for the
 37 work before beginning construction. The director shall issue a permit
 38 only if in the opinion of the director the applicant has clearly proven
 39 that the structure, obstruction, deposit, or excavation will not do any of
 40 the following:
- 41 (1) Adversely affect the efficiency of or unduly restrict the
 42 capacity of the floodway.



- 1 (2) Constitute an unreasonable hazard to the safety of life or
 2 property.
 3 (3) Result in unreasonably detrimental effects upon fish, wildlife,
 4 or botanical resources.
- 5 (f) In deciding whether to issue a permit under this section, the
 6 director shall consider the cumulative effects of the structure,
 7 obstruction, deposit, or excavation. The director may incorporate in and
 8 make a part of an order of authorization conditions and restrictions that
 9 the director considers necessary for the purposes of this chapter.
- 10 (g) A permit issued under this section:
 11 (1) is ~~void if construction is not commenced within~~ **valid for two**
 12 **(2) years** after the issuance of the permit; and
 13 (2) to:
 14 (A) the Indiana department of transportation or a county
 15 highway department if there is any federal funding for the
 16 project; or
 17 (B) an electric utility for the construction of a power
 18 generating facility;
 19 is valid for five (5) years from the date of issuance. ~~and remains~~
 20 ~~valid indefinitely if construction is commenced within five (5)~~
 21 ~~years after the permit is issued.~~
 22 **A permit that is active and was issued under subdivision (1) before**
 23 **July 1, 2014, is valid for two (2) years beginning July 2014, and a**
 24 **permit that is active and was issued under subdivision (2) before**
 25 **July 1, 2014, is valid for five (5) years beginning July 2014.**
- 26 (h) **A permit issued under this section may be renewed one (1)**
 27 **time for a period not to exceed two (2) additional years.**
- 28 (†) (i) The director shall send a copy of each permit issued under
 29 this section to each river basin commission organized under:
 30 (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or
 31 (2) IC 14-30-1 or IC 36-7-6 (before its repeal);
 32 that is affected.
- 33 (†) (j) The permit holder shall post and maintain a permit issued
 34 under this section at the authorized site.
- 35 (†) (k) For the purposes of this chapter, the lowest floor of a
 36 building, including a residence or abode, that is to be constructed or
 37 reconstructed in the one hundred (100) year floodplain of an area
 38 protected by a levee that is:
 39 (1) inspected; and
 40 (2) found to be in good or excellent condition;
 41 by the United States Army Corps of Engineers shall not be lower than
 42 the one hundred (100) year frequency flood elevation plus one (1) foot.



1 SECTION 24. IC 14-28-1-34 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 34. A person who
 3 knowingly fails to comply with section ~~22(i)~~ **22(j)** of this chapter
 4 commits a Class B infraction. Each day a person violates section ~~22(i)~~
 5 **22(j)** of this chapter constitutes a separate infraction.

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

10 (1) the making of geometric measurements of, and gathering
 11 related information pertaining to, the physical or legal features of
 12 the earth, improvements on the earth, the space above the earth,
 13 or any part of the earth; and

14 (2) the use and development of the measurements and information
 15 gathered under subdivision (1) into survey products, including
 16 graphics, digital data, maps, plats, plans, reports, and descriptions
 17 and projects.

18 (b) Professional services provided under the practice of surveying
 19 include consultation, investigation, testimony evaluation, expert
 20 technical testimony, planning, mapping, assembling, and interpreting
 21 gathered measurements and information related to any of the following:

22 (1) Determining the configuration or contour of the earth's surface
 23 or the position of fixed objects thereon by measuring lines and
 24 angles and applying the principles of mathematics or
 25 photogrammetry.

26 (2) Determining the size and shape of the earth, or any point on
 27 the earth, by performing geodetic surveys using angular and linear
 28 measurements through spatially oriented spherical geometry.

29 (3) Determining, by the use of principles of surveying, the
 30 position for any nonboundary related survey control monument or
 31 reference point, or setting, resetting, or replacing any
 32 nonboundary related monument or reference point.

33 (4) Locating, relocating, establishing, reestablishing, laying out,
 34 retracing, or marking any property or boundary line or corner of
 35 any tract of land or of any right-of-way or easement.

36 (5) Making any survey or preparing any plat for the subdivision
 37 of any tract of land.

38 (6) Determining, by the use of principles of surveying, the
 39 position for any boundary related survey monument or reference
 40 point, or setting, resetting, or replacing any monument or
 41 reference point.

42 (7) Preparing a description for any parcel or boundary of land, or



- 1 for any right-of-way or easement, except when prepared by an
 2 attorney who is licensed to practice law in Indiana.
- 3 (8) Determining the amount of acreage contained in any parcel of
 4 land, except when determined by an attorney who is licensed to
 5 practice law in Indiana.
- 6 (9) Performing construction staking or layout of the control for
 7 any elements of an engineering, building, or construction project,
 8 if the position of an element is:
- 9 (A) dependent on;
 10 (B) in specific relation to; or
 11 (C) in close proximity to;
 12 a boundary, or property line, or corner, including easements and
 13 rights-of-way.
- 14 (10) For and within subdivisions being designed by a professional
 15 surveyor, the preparation and furnishing of plats, plans, and
 16 profiles for roads, storm drainage, sanitary sewer extensions, and
 17 the location of residences or dwellings where the work involves
 18 the use and application of standards prescribed by local, state, or
 19 federal authorities.
- 20 (11) All work incidental to cleaning out, reconstructing, or
 21 maintaining existing open and tile drains.
- 22 (12) Creating, preparing, or modifying electronic or computerized
 23 data relative to the performance of the activities described in this
 24 subsection.
- 25 (c) Activities included within the practice of surveying that must be
 26 accomplished under the responsible charge of a professional surveyor,
 27 unless specifically exempted under subsection (d), include the
 28 following:
- 29 (1) The creation of maps and geo-referenced data bases
 30 representing authoritative locations for boundaries, fixed works,
 31 or topography, either by terrestrial surveying methods or by
 32 photogrammetric or GNSS locations. This includes maps and
 33 geo-referenced data bases prepared by any person, firm, or
 34 government agency if that data is provided to the public as a
 35 survey product.
- 36 (2) Original data acquisition, or the resolution of conflicts
 37 between multiple data sources, when used for the authoritative
 38 location of features within the following data themes:
- 39 (A) Geodetic control.
 40 (B) Orthoimagery.
 41 (C) Elevation and bathymetry.
 42 (D) Fixed works.



- 1 (E) Government boundaries.
- 2 (F) Cadastral information.
- 3 (3) Certification of positional accuracy of maps or measured
- 4 survey data.
- 5 (4) Measurement, adjustment, and authoritative interpretation of
- 6 raw survey data.
- 7 (5) GIS-based parcel or cadastral mapping used for authoritative
- 8 boundary definition purposes wherein land title or development
- 9 rights for individual parcels are, or may be, affected.
- 10 (6) Interpretation of maps, deeds, or other land title documents to
- 11 resolve conflicting data elements within cadastral documents of
- 12 record.
- 13 (7) Acquisition of field data required to authoritatively position
- 14 fixed works or cadastral data to geodetic control.
- 15 (8) Adjustment or transformation of cadastral data to improve the
- 16 positional accuracy of the parcel layer or layers with respect to the
- 17 geodetic control layer within a GIS for purposes of affirming
- 18 positional accuracy.
- 19 (d) A distinction is made in this subsection, in the use of electronic
- 20 systems, between making or documenting original measurements in the
- 21 creation of survey products and the copying, interpretation, or
- 22 representation of those measurements in systems. Further, a distinction
- 23 is made according to the intent, use, or purpose of measurement
- 24 products in electronic systems, between the determination of
- 25 authoritative locations and the use of those products as a locational
- 26 reference for planning, infrastructure management, and general
- 27 information. The following items are not included as activities within
- 28 the definition of the practice of surveying:
- 29 (1) The creation of general maps:
- 30 (A) prepared by private firms or government agencies for use
- 31 as guides to motorists, boaters, aviators, or pedestrians;
- 32 (B) prepared for publication in a gazetteer or atlas as an
- 33 educational tool or reference publication;
- 34 (C) prepared for or by educational institutions for use in the
- 35 curriculum of any course of study;
- 36 (D) produced by any electronic or print media firm as an
- 37 illustrative guide to the geographic location of any event; or
- 38 (E) prepared by lay persons for conversational or illustrative
- 39 purposes, including advertising material and users' guides.
- 40 (2) The transcription of previously geo-referenced data into a
- 41 geographic information system by manual or electronic means,
- 42 and the maintenance thereof, if the data are clearly not intended



- 1 to indicate the authoritative location of property boundaries, the
 2 precise definition of the shape or contour of the earth, and the
 3 precise location of fixed works of humans.
- 4 (3) The transcription of public record data, without modification
 5 except for graphical purposes, into geographic information
 6 systems-based cadastres, including tax maps, zoning maps, and
 7 associated records by manual or electronic means, and the
 8 maintenance of that cadastre, if the data are clearly not intended
 9 to authoritatively represent property boundaries.
- 10 (4) The preparation of any document by any agency of the federal
 11 government that does not define real property boundaries,
 12 including civilian and military versions of quadrangle topographic
 13 maps, military maps, satellite imagery, and other similar
 14 documents.
- 15 (5) The incorporation or use of documents or data bases prepared
 16 by any federal agency into a geographic information system,
 17 including federal census and demographic data, quadrangle
 18 topographic maps, and military maps.
- 19 (6) Inventory maps and data bases created by any organization, in
 20 either hard copy or electronic form, of physical features, facilities,
 21 or infrastructure that are wholly contained within properties to
 22 which the organization has rights or for which the organization
 23 has management responsibility. The distribution of these maps
 24 and data bases outside the organization must contain appropriate
 25 metadata describing, at a minimum, the accuracy, method of
 26 compilation, data source or sources, and date or dates, and
 27 disclaimers of use clearly indicating that the data are not intended
 28 to be used as a survey product.
- 29 (7) Maps, cross-sections, graphics, and data bases depicting the
 30 distribution of natural resources or phenomena prepared by
 31 foresters, geologists, soil scientists, geophysicists, biologists,
 32 archeologists, historians, or other persons qualified to document
 33 and interpret the data in the context of their respective practices.
- 34 (8) Maps and geo-referenced data bases depicting physical
 35 features and events prepared by any government agency if the
 36 access to that data is restricted by statute, including
 37 geo-referenced data generated by law enforcement agencies
 38 involving crime statistics and criminal activities.
- 39 **(9) Classified parcels developed in accordance with**
 40 **IC 6-1.1-6-9(c).**
- 41 (e) The use of photogrammetric methods or similar remote sensing
 42 technology to perform any part of the practice of surveying as defined



1 in this section may be performed only under the direct control and
2 supervision of a professional surveyor or professional
3 photogrammetrists who maintain a current title of "Certified
4 Photogrammetrist" from a national scientific organization having a
5 process for certifying photogrammetrists.
6 (f) The practice of surveying encompasses a number of disciplines,
7 including geodetic surveying, hydrographic surveying, cadastral
8 surveying, construction staking, route surveying, photogrammetric
9 surveying, and topographic surveying. A professional surveyor may
10 practice only within the surveyor's area of expertise.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 28, strike "attorney".

Page 8, line 29, strike "general." and insert "**person responsible within ninety (90) days of the kill to the wild animals, and the director may enter into a proper and reasonable settlement with the person.**".

Page 8, line 37, delete "for the number of years necessary for the habitat" and insert ".".

Page 8, delete line 38, begin a new paragraph and insert:

"(c) If the total sum of the values under subsection (b)(1), (b)(2), and (b)(3) exceeds five thousand dollars (\$5,000) in damages, the director may consider the following in addition to the damages calculated under subsection (b):"

Page 8, line 39, delete "(4)" and insert "**(1)**".

Page 8, line 42, delete "(5)" and insert "**(2)**".

Page 9, strike lines 4 through 6.

Page 9, line 7, delete "If" begin a new paragraph and insert:

"(d) if".

Page 9, line 7, strike "attorney".

Page 9, line 8, strike "general" and insert "**department**".

Page 9, line 8, strike "a civil" and insert "**an administrative**".

Page 9, line 8, after "action" insert "**under IC 4-21.5**".

Page 9, line 8, strike "damage in an".

Page 9, strike line 9.

Page 9, line 10, strike "responsible for the death of wild animals took place." and insert "**damages.**".

Page 9, line 11, strike "(d)" and insert "**(e)**".

and when so amended that said bill do pass.

(Reference is to HB 1307 as introduced.)

EBERHART, Chair

Committee Vote: yeas 7, nays 0.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1307 be amended to read as follows:

Page 2, line 17, strike "to describe and plat a parcel" and insert "**of depicting and identifying parcels classified as native forest land, forest plantation, or wildlands**".

Page 2, line 17, delete "." and insert "**provided that the means do not result in a real property description of the parcel.**".

Page 17, line 36, delete "parcel descriptions" and insert "**parcels**".

(Reference is to HB 1307 as printed January 28, 2014.)

EBERHART

