



March 1, 2024

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# ENGROSSED HOUSE BILL No. 1401

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DIGEST OF HB 1401 (Updated February 29, 2024 10:32 am - DI 140)

**Citations Affected:** IC 6-1.1; IC 14-8; IC 14-10; IC 14-22; IC 14-26; IC 14-28; IC 14-29; IC 14-34.

**Synopsis:** Various natural resources matters. Pauses all tax sales on mineral interests for one year. Increases the maximum dry weight for a "recreational off-highway vehicle". Provides that certain fees established by the natural resources commission (commission) do not constitute a rule. Adds language to youth hunting and trapping license provisions providing that the nonresident youth turkey licenses include all yearly stamps to hunt wild turkeys and that the resident and nonresident youth license remains valid for the remainder of the license period even after the license holder turns 18 years of age. Provides that certain licenses may still be used if the license holder moves out of  
(Continued next page)

**Effective:** July 1, 2024.

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## Lindauer, Abbott, Baird, Prescott

(SENATE SPONSORS — GLICK, LEISING)

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January 11, 2024, read first time and referred to Committee on Natural Resources.  
January 18, 2024, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
January 25, 2024, amended, reported — Do Pass.  
January 29, 2024, read second time, ordered engrossed. Engrossed.  
January 30, 2024, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 12, 2024, read first time and referred to Committee on Natural Resources.  
February 20, 2024, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.  
February 29, 2024, reported favorably — Do Pass.

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EH 1401—LS 7024/DI 148



## Digest Continued

state. Provides that a person may perform certain activities without obtaining a permit from the department of natural resources (department). Allows the commission to adopt rules regarding certain activities that are permitted without a license. Provides certain guidelines for cutting, relocating, or removing logs that are crossways in a channel. Establishes requirements for constructing certain structures in a floodway. Requires the department to take certain steps before: (1) making a determination when the department is reviewing the department mapping data being applied to a parcel of real property; and (2) submitting department mapping data in preparation of the Federal Emergency Management Agency flood hazard map. Allows certain persons to request a review by the department of the department mapping data applying to the parcel of real property. Requires the department, in reviewing the department mapping data applying to a parcel of real property, to use a detailed hydrologic modeling method and perform a site investigation. Requires the department to notify certain persons within 90 days after determining that a parcel of real property: (1) is included in a flood plain or floodway; or (2) is no longer included in a flood plain or floodway. Establishes the STREAM act fund. Makes technical and conforming changes. Makes an appropriation.

**EH 1401—LS 7024/DI 148**



March 1, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1401

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

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

- 1 SECTION 1. IC 6-1.1-24-18 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2024]: **Sec. 18. (a) As used in this section, "eligible property"**  
4 **means a parcel of real property that contains a mineral interest in,**  
5 **on, or under the real property or that may be taken from beneath**  
6 **the surface of the real property.**  
7 (b) As used in this section, "eligible tax sale" means a tax sale  
8 conducted under section 5 or 6.1 of this chapter that occurs on or  
9 after July 1, 2024, and before July 1, 2025.  
10 (c) As used in this section, "mineral interest" has the meaning  
11 set forth in IC 32-23-10-1.  
12 (d) If an eligible property is on the list certified under section 1  
13 or 1.5 of this chapter for an eligible tax sale, the eligible property  
14 shall:  
15 (1) be removed from the list certified under section 1 or 1.5 of  
16 this chapter; and  
17 (2) not be offered at an eligible tax sale.

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1 (e) If an eligible property is not removed from the list certified  
 2 under section 1 or 1.5 of this chapter and is sold at an eligible tax  
 3 sale, the sale is invalid. The following apply to an invalid sale:

4 (1) The county auditor shall invalidate the sale.

5 (2) The county treasurer shall refund the purchase price to  
 6 the tax sale purchaser.

7 (3) The tax sale purchaser is not entitled to any interest and  
 8 costs as described in IC 6-1.1-25-10 and IC 6-1.1-25-11 with  
 9 respect to a refund for an invalid sale issued under this  
 10 subsection.

11 (f) This section expires July 1, 2025.

12 SECTION 2. IC 14-8-2-1.2 IS ADDED TO THE INDIANA CODE  
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 14 1, 2024]: Sec. 1.2. "Accessory structure", for the purposes of  
 15 IC 14-28-1-22.5, means a structure that meets the requirements set  
 16 forth by the Federal Emergency Management Agency for  
 17 accessory structures.

18 SECTION 3. IC 14-8-2-4.5 IS ADDED TO THE INDIANA CODE  
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 20 1, 2024]: Sec. 4.5. "Agricultural fence", for the purposes of  
 21 IC 14-28-1-22.5, means a structure that is primarily used to keep  
 22 animals in or out of an area that does not obstruct the flow of  
 23 water or debris through a floodway.

24 SECTION 4. IC 14-8-2-5.2 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 26 1, 2024]: Sec. 5.2. "Agricultural structure", for the purposes of  
 27 IC 14-28-1-22.5, means a structure that meets the requirements set  
 28 forth by the Federal Emergency Management Agency for  
 29 agricultural structures.

30 SECTION 5. IC 14-8-2-233.5, AS AMENDED BY P.L.164-2020,  
 31 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2024]: Sec. 233.5. "Recreational off-highway vehicle", for  
 33 purposes of ~~IC 14-8-2-185~~, **section 185 of this chapter**, means a  
 34 motorized, off-highway vehicle that:

35 (1) is eighty (80) inches or less in width when measured from  
 36 outside of tire rim to outside of tire rim;

37 (2) has a dry weight of ~~two thousand five hundred (2,500)~~ **three**  
 38 **thousand five hundred (3,500)** pounds or less;

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

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

42 SECTION 6. IC 14-10-2-1, AS AMENDED BY P.L.195-2017,



1 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2024]: Sec. 1. (a) The commission may do the following:

3 (1) Take the action that is necessary to enable the state to  
4 participate in the programs set forth in 16 U.S.C. 470 et seq.

5 (2) Promulgate and maintain a state register of districts, sites,  
6 buildings, structures, and objects significant in American or  
7 Indiana history, architecture, archeology, and culture and expend  
8 money for the purpose of preparing comprehensive statewide  
9 historic surveys and plans, in accordance with criteria established  
10 by the commission, that comply with the standards and  
11 regulations promulgated by the United States Secretary of the  
12 Interior for the preservation, acquisition, and development of the  
13 properties.

14 (3) Establish in accordance with criteria established by the United  
15 States Secretary of the Interior a program of matching  
16 grants-in-aid to public agencies for projects having as their  
17 purpose the preservation for public benefit of properties that are  
18 significant in American or Indiana history, architecture,  
19 archeology, and culture.

20 (4) Accept grants from public and private sources, including those  
21 provided under 16 U.S.C. 470 et seq.

22 (5) Establish fees for the following:

23 (A) Programs of the department or the commission.

24 (B) Facilities owned or operated by the department or the  
25 commission or a lessee of the department or commission.

26 (C) Licenses and permits issued by the commission, the  
27 department, or the director.

28 (D) Inspections or other similar services under this title  
29 performed by the department or an assistant or employee of  
30 the department.

31 (6) Adopt rules under IC 4-22-2 for the establishment of fees  
32 under subdivision (5).

33 (7) Increase a fee for a license or permit that is specified as a  
34 minimum fee in a statute.

35 **(b) Fees established or increased under subsection (a)(5)(B) do**  
36 **not constitute a rule (as defined in IC 4-22-2-3).**

37 SECTION 7. IC 14-22-12-1, AS AMENDED BY P.L.127-2022,  
38 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2024]: Sec. 1. (a) The department may issue the following  
40 licenses individually or in combination and, except as provided in  
41 section 1.5 of this chapter and subject to subsection (b), shall charge  
42 the following minimum license fees to hunt, trap, or fish in Indiana:

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- 1 (1) A resident yearly license to fish, eight dollars and seventy-five  
 2 cents (\$8.75).
- 3 (2) A resident yearly license to hunt, eight dollars and  
 4 seventy-five cents (\$8.75).
- 5 (3) A resident yearly license to hunt and fish, thirteen dollars and  
 6 seventy-five cents (\$13.75).
- 7 (4) A resident yearly license to trap, eight dollars and seventy-five  
 8 cents (\$8.75).
- 9 (5) A nonresident yearly license to fish, twenty-four dollars and  
 10 seventy-five cents (\$24.75).
- 11 (6) A nonresident yearly license to hunt, sixty dollars and  
 12 seventy-five cents (\$60.75).
- 13 (7) A nonresident yearly license to trap, one hundred seventeen  
 14 dollars and seventy-five cents (\$117.75).
- 15 (8) A resident or nonresident license to fish, including for trout  
 16 and salmon, for one (1) day only, four dollars and seventy-five  
 17 cents (\$4.75).
- 18 (9) A nonresident license to fish, excluding for trout and salmon,  
 19 for seven (7) days only, twelve dollars and seventy-five cents  
 20 (\$12.75).
- 21 (10) A nonresident license to hunt for five (5) consecutive days  
 22 only, twenty-five dollars and seventy-five cents (\$25.75).
- 23 (11) A resident or nonresident yearly electronically generated  
 24 stamp to fish for trout and salmon, six dollars and seventy-five  
 25 cents (\$6.75).
- 26 (12) A resident yearly license to take a deer with a shotgun,  
 27 muzzle loading gun, rifle, or handgun, thirteen dollars and  
 28 seventy-five cents (\$13.75).
- 29 (13) A resident yearly license to take a deer with a muzzle loading  
 30 gun, thirteen dollars and seventy-five cents (\$13.75).
- 31 (14) A resident yearly license to take a deer with a:  
 32 (A) bow and arrow; or  
 33 (B) crossbow and bolt;  
 34 thirteen dollars and seventy-five cents (\$13.75).
- 35 (15) A nonresident yearly license to take a deer with a shotgun,  
 36 muzzle loading gun, rifle, or handgun, one hundred twenty dollars  
 37 and seventy-five cents (\$120.75).
- 38 (16) A nonresident yearly license to take a deer with a muzzle  
 39 loading gun, one hundred twenty dollars and seventy-five cents  
 40 (\$120.75).
- 41 (17) A nonresident yearly license to take a deer with a:  
 42 (A) bow and arrow; or



- 1 (B) crossbow and bolt;  
 2 one hundred twenty dollars and seventy-five cents (\$120.75).  
 3 (18) A resident license to take an extra deer by a means, in a  
 4 location, and under conditions established by rule adopted by the  
 5 department under IC 4-22-2, five dollars (\$5).  
 6 (19) A nonresident license to take an extra deer by a means, in a  
 7 location, and under conditions established by rule adopted by the  
 8 department under IC 4-22-2, ten dollars (\$10).  
 9 (20) A resident yearly license to take a turkey, fourteen dollars  
 10 and seventy-five cents (\$14.75).  
 11 (21) A nonresident yearly license to take a turkey, one hundred  
 12 fourteen dollars and seventy-five cents (\$114.75).  
 13 (22) A resident license to take an extra turkey by a means, in a  
 14 location, and under conditions established by rule adopted by the  
 15 department under IC 4-22-2, fourteen dollars and seventy-five  
 16 cents (\$14.75).  
 17 (23) A nonresident license to take an extra turkey by a means, in  
 18 a location, and under conditions established by rule adopted by  
 19 the department under IC 4-22-2, one hundred fourteen dollars and  
 20 seventy-five cents (\$114.75).  
 21 (24) A resident youth yearly consolidated license to hunt **and**  
 22 trap, ~~and fish~~, six dollars (\$6). This license is subject to the  
 23 following:  
 24 (A) An applicant must be less than eighteen (18) years of age  
 25 **at the time of application, but the license may still be used**  
 26 **when the license holder is eighteen (18) years of age while**  
 27 **the license is still valid.**  
 28 (B) The license is in lieu of the resident yearly license to hunt  
 29 **and trap and fish** and all other yearly licenses, stamps, or  
 30 permits to hunt **and trap and fish** for a specific species or by  
 31 a specific means.  
 32 (25) A nonresident youth yearly license to hunt, seventeen dollars  
 33 (\$17). The applicant must be less than eighteen (18) years of age  
 34 **at the time of application, but the license may still be used**  
 35 **when the license holder is eighteen (18) years of age while the**  
 36 **license is still valid.** This license includes all yearly stamps to  
 37 hunt for a specific species or by specific means.  
 38 (26) A nonresident youth yearly license to trap, seventeen dollars  
 39 (\$17). The applicant must be less than eighteen (18) years of age  
 40 **at the time of application, but the license may still be used**  
 41 **when the license holder is eighteen (18) years of age while the**  
 42 **license is still valid.**



- 1 (27) A nonresident youth yearly license to take a turkey,  
2 twenty-five dollars (\$25). The applicant must be less than  
3 eighteen (18) years of age **at the time of application, but the**  
4 **license may still be used when the license holder is eighteen**  
5 **(18) years of age while the license is still valid. This license**  
6 **includes all yearly stamps to hunt wild turkeys and all specific**  
7 **means.**
- 8 (28) A nonresident youth license to take an extra turkey by a  
9 means, in a location, and under conditions established by rule  
10 adopted by the department under IC 4-22-2, twenty-five dollars  
11 (\$25). The applicant must be less than eighteen (18) years of age  
12 **at the time of application, but the license may still be used**  
13 **when the license holder is eighteen (18) years of age while the**  
14 **license is still valid. This license includes all yearly stamps to**  
15 **hunt wild turkeys and all specific means.**
- 16 (29) A nonresident youth yearly license to take a deer with a  
17 shotgun, muzzle loading gun, or rifle, twenty-four dollars (\$24).  
18 The applicant must be less than eighteen (18) years of age **at the**  
19 **time of application, but the license may still be used when the**  
20 **license holder is eighteen (18) years of age while the license is**  
21 **still valid.**
- 22 (30) A nonresident youth yearly license to take a deer with a  
23 muzzle loading gun, twenty-four dollars (\$24). The applicant  
24 must be less than eighteen (18) years of age **at the time of**  
25 **application, but the license may still be used when the license**  
26 **holder is eighteen (18) years of age while the license is still**  
27 **valid.**
- 28 (31) A nonresident youth yearly license to take a deer with a:  
29 (A) bow and arrow; or  
30 (B) crossbow and bolt;  
31 twenty-four dollars (\$24). The applicant must be less than  
32 eighteen (18) years of age **at the time of application, but the**  
33 **license may still be used when the license holder is eighteen**  
34 **(18) years of age while the license is still valid.**
- 35 (32) A nonresident youth license to take an extra deer by a means,  
36 in a location, and under conditions established by rule adopted by  
37 the department under IC 4-22-2, twenty-four dollars (\$24). The  
38 applicant must be less than eighteen (18) years of age **at the time**  
39 **of application, but the license may still be used when the**  
40 **license holder is eighteen (18) years of age while the license is**  
41 **still valid.**
- 42 (33) A resident senior yearly license to fish, three dollars (\$3).





- 1 This license is subject to the following:
- 2 (A) An applicant must be at least sixty-four (64) years of age
- 3 and born after March 31, 1943.
- 4 (B) The license is in lieu of the resident yearly license to fish
- 5 and all other yearly licenses, stamps, or permits to fish for a
- 6 specific species or by a specific means.
- 7 **(C) The license may still be used if the license holder moves**
- 8 **out of state.**
- 9 (34) A resident senior "fish for life" license, seventeen dollars
- 10 (\$17). This license is subject to the following:
- 11 (A) An applicant must be at least sixty-four (64) years of age.
- 12 (B) The license applies each year for the remainder of the
- 13 license holder's life.
- 14 (C) The license is in lieu of the resident senior yearly license
- 15 to fish and all other yearly licenses, stamps, or permits to fish
- 16 for a specific species or by a specific means.
- 17 **(D) The license may still be used if the license holder moves**
- 18 **out of state.**
- 19 (35) A voluntary resident senior yearly license to fish, three
- 20 dollars (\$3). This license is subject to the following:
- 21 (A) An applicant must have been born before April 1, 1943.
- 22 (B) The license is instead of the resident yearly license to fish
- 23 and all other yearly licenses, stamps, and permits to fish for a
- 24 specific species or by a specific means.
- 25 (b) The commission may set license fees to hunt, trap, or fish above
- 26 the minimum fees established under subsection (a).
- 27 (c) In addition to the license fees set under this section, the
- 28 department shall establish a procedure to collect voluntary donations
- 29 for processing wild game when a hunting license is sold. The minimum
- 30 suggested donation must be one dollar (\$1). The money collected under
- 31 this section shall be deposited in the Indiana sportsmen's benevolence
- 32 account (IC 14-9-5-4).
- 33 SECTION 8. IC 14-22-12-1.5, AS AMENDED BY P.L.151-2012,
- 34 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2024]: Sec. 1.5. (a) As used in this section, "qualified
- 36 individual" means an individual who:
- 37 (1) is a resident of Indiana;
- 38 (2) has served in the armed forces of the United States; and
- 39 (3) has a service connected disability, as evidenced by:
- 40 (A) records of the United States Department of Veterans
- 41 Affairs; or
- 42 (B) disability retirement benefits awarded to the individual



- 1 under laws administered by the United States Department of  
 2 Defense.
- 3 (b) A qualified individual is entitled to reduced fee hunting and  
 4 fishing licenses under this section.
- 5 (c) Each year a qualified individual may obtain:
- 6 (1) both:
- 7 (A) a resident yearly license to fish; and  
 8 (B) a resident yearly license to hunt; or  
 9 (2) a resident yearly license to hunt and fish;
- 10 by paying a reduced license fee of two dollars and seventy-five cents  
 11 (\$2.75) instead of the fee prescribed by section 1 of this chapter.
- 12 (d) Each decade a qualified individual may obtain:
- 13 (1) both:
- 14 (A) a resident license to fish that is valid for ten (10) years;  
 15 and  
 16 (B) a resident license to hunt that is valid for ten (10) years; or  
 17 (2) a resident license to hunt and fish that is valid for ten (10)  
 18 years;
- 19 by paying a reduced license fee of twenty-seven dollars and fifty cents  
 20 (\$27.50). **The license may still be used if the license holder moves**  
 21 **out of state.**
- 22 (e) An applicant for a reduced fee license under this section must do  
 23 the following:
- 24 (1) Request the license from:
- 25 (A) the department;  
 26 (B) an agent appointed by the director under IC 14-22-11-3; or  
 27 (C) the clerk of the circuit court who is an authorized  
 28 representative of the department under IC 14-22-11-3 in the  
 29 county in which the individual resides.
- 30 (2) Present evidence that the applicant is a qualified individual.
- 31 SECTION 9. IC 14-22-12-7.3, AS ADDED BY P.L.219-2014,  
 32 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2024]: Sec. 7.3. (a) Subject to the commission adopting fees  
 34 under subsection (b), the department may issue to residents of Indiana  
 35 lifetime licenses to hunt, fish, or trap.
- 36 (b) The commission may adopt rules under IC 4-22-2 and  
 37 IC 14-10-2-4 to establish fees for lifetime licenses to hunt, fish, or trap.
- 38 (c) **A lifetime license issued under this article before July 1,**  
 39 **2005, may still be used if the license holder moves out of state.**
- 40 SECTION 10. IC 14-26-2-15 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15. (a) This section  
 42 applies to impoundments of the Tippecanoe River that are formed by



1 a dam or control structure owned and operated by a public utility for  
 2 the generation of hydroelectric power. However, this section does not  
 3 restrict the department's ability to regulate the safety or maintenance of  
 4 a dam or other control structure under IC 14-27-7.5.

5 (b) As used in this section, "alterations to the shoreline" does not  
 6 include the making of canals or inlets.

7 (c) As used in this section, "construction" includes the building of  
 8 a pier.

9 (d) Notwithstanding any other law, the department may not regulate  
 10 or interfere with alterations to the shoreline of or construction on the  
 11 impoundments.

12 **(e) A person may perform an activity under subsection (d)**  
 13 **without a permit issued by the department.**

14 SECTION 11. IC 14-26-2-16 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) As used in this  
 16 section, "water supply reservoir" means a body of water formed by a  
 17 dam wholly owned and operated by a municipality or a public utility  
 18 (as defined in IC 8-1-2-1) for the purpose of providing water utility  
 19 service to the public. The term does not include the following:

20 (1) Tributary streams that drain into the body of water.

21 (2) Wetlands associated with those streams.

22 (b) Notwithstanding any other law, the department may not regulate  
 23 the following activities conducted within the one hundred (100) year  
 24 flood level of a water supply reservoir:

25 (1) Sediment removal, dredging for the purpose of providing  
 26 water supply storage, seawall construction, or the maintenance of  
 27 water intake structures.

28 (2) Restoration or stabilization of the shoreline.

29 **(c) A person may perform an activity under subsection (b)**  
 30 **without a permit issued by the department.**

31 ~~(e)~~ **(d)** This section does not restrict the department's ability to  
 32 regulate the safety or maintenance of a dam or other control structure  
 33 under IC 14-27-7.5.

34 SECTION 12. IC 14-26-2-23, AS AMENDED BY P.L.191-2023,  
 35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2024]: Sec. 23. (a) Unless a person obtains a permit from the  
 37 department under this section and conducts the activities according to  
 38 the terms of the permit, a person may not conduct the following  
 39 activities:

40 (1) Over, along, or lakeward of the shoreline or water line of a  
 41 public freshwater lake:

42 (A) excavate;



- 1 (B) place fill; or  
 2 (C) place, modify, or repair a temporary or permanent  
 3 structure.  
 4 (2) Construct a wall whose lowest point would be:  
 5 (A) below the elevation of the shoreline or water line; and  
 6 (B) within ten (10) feet landward of the shoreline or water line,  
 7 as measured perpendicularly from the shoreline or water line;  
 8 of a public freshwater lake.  
 9 (3) Change the water level, area, or depth of a public freshwater  
 10 lake or the location of the shoreline or water line.  
 11 (b) An application for a permit for an activity described in  
 12 subsection (a) must be accompanied by the following:  
 13 (1) A nonrefundable minimum fee of one hundred dollars (\$100).  
 14 (2) A project plan that provides the department with sufficient  
 15 information concerning the proposed excavation, fill, temporary  
 16 structure, or permanent structure.  
 17 (3) A written acknowledgment from the landowner that any  
 18 additional water area created under the project plan is part of the  
 19 public freshwater lake and is dedicated to the general public use  
 20 with the public rights described in section 5 of this chapter.  
 21 (c) The department may issue a permit after investigating the merits  
 22 of the application. In determining the merits of the application, the  
 23 department may consider any factor, including cumulative effects of  
 24 the proposed activity upon the following:  
 25 (1) The shoreline, water line, or bed of the public freshwater lake.  
 26 (2) The fish, wildlife, or botanical resources.  
 27 (3) The public rights described in section 5 of this chapter.  
 28 (4) The management of watercraft operations under IC 14-15.  
 29 (5) The interests of a landowner having property rights abutting  
 30 the public freshwater lake or rights to access the public freshwater  
 31 lake.  
 32 (d) A contractor or agent of the landowner who engages in a  
 33 activity described in subsection (a)(1), (a)(2), or (a)(3) must comply  
 34 with the terms of a permit issued under this section.  
 35 (e) The commission shall adopt rules under IC 4-22-2 to do the  
 36 following:  
 37 (1) Assist in the administration of this chapter.  
 38 (2) Provide objective standards for issuing permits under this  
 39 section, including standards for the configuration of piers, boat  
 40 stations, platforms, and similar structures. The standards:  
 41 (A) may provide for a common use if the standard is needed to  
 42 accommodate the interests of landowners having:



- 1 (i) property rights abutting the public freshwater lake; or
- 2 (ii) rights to access the public freshwater lake; and
- 3 (B) shall exempt any class of activities, including the
- 4 construction or placement of temporary structures, from
- 5 licensing if the commission finds that the class is unlikely to
- 6 pose more than a minimal potential for harm to the public
- 7 rights described in section 5 of this chapter. **The commission**
- 8 **may adopt rules regarding the conditions upon which an**
- 9 **activity under this clause is permitted without a license.**
- 10 (3) Subject to IC 14-10-2-1, set the permit application fee at or
- 11 above the minimum fee established in subsection (b).

12 SECTION 13. IC 14-26-5-3, AS AMENDED BY P.L.28-2007,  
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2024]: Sec. 3. (a) ~~This section does not apply to a ditch or~~  
 15 ~~drain if:~~ **A person is not required to obtain a permit from the**  
 16 **department for a ditch or drain under this section if:**

- 17 (1) water from the ditch or drain empties into a lake before
- 18 activities referred to in subsection (b) begin;
- 19 (2) water from the ditch or drain continues to empty into the lake
- 20 at the same location after the activities are completed; and
- 21 (3) the activities are conducted using best management practices
- 22 for soil and erosion control.

23 (b) A person may not:

- 24 (1) locate, make, dig, dredge, construct, reconstruct, repair, or
- 25 reclean; or
- 26 (2) order or recommend the location, establishment, construction,
- 27 reconstruction, repair, or recleaning of;

28 a ditch or drain having a bottom depth lower than the normal water  
 29 level of a lake within one-half (1/2) mile of the lake without a permit  
 30 from the department.

31 SECTION 14. IC 14-28-1-19, AS AMENDED BY P.L.108-2013,  
 32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2024]: Sec. 19. **A person is not required to obtain a permit**  
 34 **from the department under** sections 20, 21, 22, 23, 24, and 25 of this  
 35 chapter ~~do not apply to any of~~ **for** the following **activities:**

- 36 (1) An abode or a residence constructed on land that meets the
- 37 following conditions:
- 38 (A) Is between the 791.0 mile marker and the 791.5 mile
- 39 marker on the Ohio River.
- 40 (B) Is adjacent to a recreational area.
- 41 (C) Has been or may be filled to or above an elevation of three
- 42 hundred seventy-eight (378) feet above sea level.



- 1 (D) Is properly protected by riprap in a manner that minimizes  
 2 the possibility of erosion by river currents.
- 3 (2) An abode or a residence if the following conditions are met:
- 4 (A) The abode or residence is rebuilt upon the area of the  
 5 original foundation and is substantially the same configuration  
 6 as the former abode or residence.
- 7 (B) The abode or residence was unintentionally destroyed by  
 8 a means other than floodwater.
- 9 (C) The rebuilding of the abode or residence is begun within  
 10 one (1) year and completed within two (2) years after the  
 11 destruction of the former abode or residence.
- 12 (D) The abode or residence is located in the floodway of a  
 13 stream having a watershed upstream from the abode or  
 14 residence of less than fifteen (15) square miles in area.
- 15 (E) The lowest floor of the rebuilt abode or residence,  
 16 including the basement, is at or above the one hundred (100)  
 17 year frequency flood elevation if the abode or residence was  
 18 totally destroyed.
- 19 (F) A variance is obtained from the county or municipality for  
 20 the lowest floor of the abode or residence to be below the one  
 21 hundred (100) year frequency flood elevation if the damage to  
 22 the former abode or residence is less than one hundred percent  
 23 (100%).
- 24 (G) An ordinance allowing the rebuilding of an abode or a  
 25 residence is adopted by any of the following:
- 26 (i) The legislative body of the city or town in which the  
 27 abode or residence is located.
- 28 (ii) The legislative body of the county in which the abode or  
 29 residence is located if the abode or residence is not located  
 30 in a city or town.
- 31 (3) A property that is to be rehabilitated and reused as an abode  
 32 or residence if the following conditions are met:
- 33 (A) The property is located between the South Newton Bridge  
 34 (Veterans Memorial Bridge) located at 85.30 miles from the  
 35 mouth of the Patoka River and the bridge that is part of State  
 36 Road 164 located at 85.90 miles from the mouth of the Patoka  
 37 River.
- 38 (B) The property is a former industrial site.
- 39 (C) The property is adjacent to a navigable waterway.
- 40 (D) The property is located adjacent to a riverwalk.
- 41 (E) The property is a property in need of revitalization.
- 42 (F) The property is vacant or in danger of becoming vacant.



1 (G) The lowest floor that is used as an abode or residence is at  
 2 least two (2) feet above the one hundred (100) year frequency  
 3 flood elevation.

4 SECTION 15. IC 14-28-1-22, AS AMENDED BY P.L.191-2023,  
 5 SECTION 8, AND AS AMENDED BY P.L.247-2023, SECTION 6,  
 6 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL  
 7 OF THE 2024 GENERAL ASSEMBLY, IS CORRECTED AND  
 8 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:  
 9 Sec. 22. (a) As used in subsection (b)(1) with respect to a stream, "total  
 10 length" means the length of the stream, expressed in miles, from the  
 11 confluence of the stream with the receiving stream to the upstream or  
 12 headward extremity of the stream, as indicated by the solid or dashed,  
 13 blue or purple line depicting the stream on the most current edition of  
 14 the seven and one-half (7 1/2) minute topographic quadrangle map  
 15 published by the United States Geological Survey, measured along the  
 16 meanders of the stream as depicted on the map.

17 (b) ~~This section does not apply to the following:~~ **A person is not**  
 18 **required to obtain a permit from the department for the following**  
 19 **activities:**

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

23 (2) A construction or reconstruction project on a state or county  
 24 highway bridge in a rural area that crosses a stream having an  
 25 upstream drainage area of not more than fifty (50) square miles  
 26 and the relocation of utility lines associated with the construction  
 27 or reconstruction project if confined to an area not more than one  
 28 hundred (100) feet from the limits of the highway construction  
 29 right-of-way.

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

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

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

38 (6) *The activities of a forestry operation that are:*

39 (A) *conducted in compliance with the Indiana Logging and*  
 40 *Forestry Best Management Practices Field Guide published*  
 41 *by the department of natural resources; and*

42 (B) *confined to a waterway that has a watershed not greater*



1 *than ten (10) square miles.*

2 ~~(6)~~ (7) The removal of a logjam or mass of wood debris that has  
3 accumulated in a river or stream, subject to the following  
4 conditions:

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

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

10 (C) Except as otherwise provided in Indiana law, **the**  
11 **following apply to logs that are crossways in the channel:**

12 (i) Free logs **must be relocated and removed from the**  
13 **flood plain. or A free log includes a log that is still**  
14 **attached to a root system that is no longer in the ground.**

15 (ii) Affixed logs ~~that are crossways in the channel~~ must be  
16 cut, relocated, and removed from the floodplain. **An affixed**  
17 **log includes a log that is still attached to a root system**  
18 **that is still in the ground. If the root system is still in the**  
19 **ground, the log must be cut so as to allow the root system**  
20 **to remain in the ground.**

21 Logs may be maintained in the floodplain if properly anchored  
22 or otherwise secured so as to resist flotation or dislodging by  
23 the flow of water and placement in an area that is not a  
24 wetland. Logs must be removed and secured with a minimum  
25 of damage to vegetation.

26 (D) Isolated or single logs that are embedded, lodged, or  
27 rooted in the channel, and that do not span the channel or  
28 cause flow problems, must not be removed unless the logs are  
29 either of the following:

30 (i) Associated with or in close proximity to larger  
31 obstructions.

32 (ii) Posing a hazard to agriculture, business, navigation, or  
33 property.

34 (E) A leaning or severely damaged tree that is in immediate  
35 danger of falling into the waterway may be cut and removed.

36 The root system and stump of the tree must be left in place.

37 (F) To the extent practicable, the construction of access roads  
38 must be minimized, and should not result in the elevation of  
39 the floodplain.

40 (G) To the extent practicable, work should be performed  
41 exclusively from one (1) side of a waterway. Crossing the bed  
42 of a waterway is prohibited.





- 1 (H) To prevent the flow of sediment laden water back into the  
 2 waterway, appropriate sediment control measures must be  
 3 installed.
- 4 (I) Within fifteen (15) days, all bare and disturbed areas must  
 5 be revegetated with a mixture of grasses and legumes. Tall  
 6 fescue must not be used under this subdivision, except that low  
 7 endophyte tall fescue may be used in the bottom of the  
 8 waterway and on side slopes.
- 9 **(J) A logjam or mass of wood debris that is removed from**  
 10 **a river or stream may be burned unless a local ordinance**  
 11 **specifies otherwise.**
- 12 (c) **Except for an activity under subsection (b),** a person who  
 13 desires to:
- 14 (1) erect, make, use, or maintain a structure, an obstruction, a  
 15 deposit, or an excavation; or
- 16 (2) suffer or permit a structure, an obstruction, a deposit, or an  
 17 excavation to be erected, made, used, or maintained;
- 18 in or on a floodway must file with the director a verified written  
 19 application for a permit. *The permit application must be accompanied*  
 20 *by a nonrefundable minimum fee of two hundred dollars (\$200).*
- 21 (d) ~~The A permit application for a permit~~ *filed under this section:*
- 22 (1) *must set forth the material facts ~~together with~~ concerning the*  
 23 *structure, obstruction, deposit, or excavation; and*
- 24 (2) *must be accompanied by plans and specifications for the*  
 25 *structure, obstruction, deposit, or excavation.*
- 26 (e) **This subsection does not apply to the state or a county, city,**  
 27 **or town.** *A person who files a permit application under this section*  
 28 *must provide:*
- 29 (1) *documentation of the person's ownership of the site where the*  
 30 *proposed work will be performed; or*
- 31 (2) *an affidavit from the owner of the site where the proposed*  
 32 *work will be performed expressly authorizing the performance of*  
 33 *the proposed work on that site.*
- 34 (f) *A person who applies for a permit under this section may file an*  
 35 *amendment to the person's permit application. The director may*  
 36 *approve a permit application amendment filed under this subsection*  
 37 *only if the permit, as amended by the amendment, would meet the*  
 38 *requirements of this section.*
- 39 (g) *Two (2) or more persons may jointly apply for a permit under*  
 40 *this section.*
- 41 (h) ~~An applicant~~ *A person described in subsection (c) must*  
 42 *receive a permit from the director for the work before beginning*



1 construction. The director shall issue a permit only if, in the opinion of  
 2 the director, the applicant has clearly proven that the structure,  
 3 obstruction, deposit, or excavation will not do any of the following:

- 4 (1) Adversely affect the efficiency of or unduly restrict the  
 5 capacity of the floodway.  
 6 (2) Constitute an unreasonable hazard to the safety of life or  
 7 property.  
 8 (3) Result in unreasonably detrimental effects upon fish, wildlife,  
 9 or botanical resources.

10 ~~f~~ (i) In deciding whether to issue a permit under this section, the  
 11 director shall consider the cumulative effects of the structure,  
 12 obstruction, deposit, or excavation. The director may incorporate in and  
 13 make a part of an order of authorization conditions and restrictions that  
 14 the director considers necessary for the purposes of this chapter.

15 ~~g~~ (j) *The following apply to a permit issued under this section:*

16 (1) *Except as provided in subdivisions (2) and (3), a permit is*  
 17 *valid for two (2) years after the date of issuance of the permit.*

18 (2) *A permit issued to:*

- 19 (A) the Indiana department of transportation or a county  
 20 highway department *in connection with a construction project,*  
 21 *if there is any federal funding for the project; or*  
 22 (B) an electric utility for the construction of a power  
 23 generating facility;

24 *is valid for five (5) years from the date of issuance and of the*  
 25 *permit.*

26 (3) *is valid for the duration of a permitted project subject to*  
 27 *periodic compliance evaluations for A permit issued to a*  
 28 *quarrying or aggregate company for the excavation of industrial*  
 29 *materials, including:*

- 30 (A) clay and shale;  
 31 (B) crushed limestone and dolostone;  
 32 (C) dimension limestone;  
 33 (D) dimension sandstone;  
 34 (E) gypsum;  
 35 (F) peat;  
 36 (G) construction sand and gravel; and  
 37 (H) industrial sand;

38 *is valid for the duration of the permitted project, subject to*  
 39 *periodic compliance evaluations.*

40 However, a permit issued under this section expires if construction is  
 41 not commenced within two (2) years after the permit is issued. *Except*  
 42 *as provided under section 22.1 of this chapter, a permit that is active*



1 *and was issued under subdivision (1) before July 1, 2014, is valid for*  
 2 *two (2) years beginning July 2014, and a permit that is active and was*  
 3 *issued under subdivision (2) before July 1, 2014, is valid for five (5)*  
 4 *years beginning July 2014.*

5 ~~(h)~~ (k) The holder of a permit issued under subsection ~~(g)(3)~~ (j)(3)  
 6 shall notify the commission *of the completion of the permitted project*  
 7 within six (6) months ~~of after~~ completing the permitted project.

8 ~~(i)~~ (l) *The following apply to the renewal of a permit issued under*  
 9 *this section:*

10 (1) *A permit to which subsection ~~(g)(1)~~ (j)(1) applies may be*  
 11 *renewed one (1) time for a period not to exceed two (2) additional*  
 12 *years. ~~and~~*

13 (2) *A permit to which subsection ~~(g)(2)~~ (j)(2) applies may be*  
 14 *renewed one (1) time for a period not to exceed five (5) additional*  
 15 *years.*

16 ~~(j)~~ (m) The director shall send a copy of each permit issued under  
 17 this section to each river basin commission organized under:

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

19 (2) IC 14-13-9, IC 14-30-1 (before its repeal), or IC 36-7-6  
 20 (before its repeal);

21 that is affected.

22 ~~(k)~~ (n) The permit holder shall post and maintain a permit issued  
 23 under this section at the authorized site.

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

28 (1) inspected; and

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

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

32 SECTION 16. IC 14-28-1-22.5 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2024]: **Sec. 22.5. (a) This section applies to**  
 35 **construction of:**

36 (1) **an accessory structure;**

37 (2) **an agricultural fence;**

38 (3) **an agricultural structure; or**

39 (4) **a stream crossing;**

40 **in a floodway.**

41 (b) **Unless otherwise provided under federal law or a regulation**  
 42 **of the Federal Emergency Management Agency, the finished floor**



1 of an accessory structure or an agricultural structure that is at  
 2 least four hundred (400) square feet may be constructed at the one  
 3 hundred (100) year flood elevation if the structure meets the  
 4 requirements under subsection (c).

5 (c) A structure under subsection (b) must meet the following  
 6 conditions:

7 (1) The structure must be constructed of flood resistant  
 8 material and anchored to prevent floatation.

9 (2) Service facilities, including electrical and heating  
 10 equipment, must be elevated:

11 (A) at the one hundred (100) year flood elevation; or

12 (B) above the one hundred (100) year flood elevation.

13 (3) The structure must be designed to allow floodwater to  
 14 enter and exit the structure to automatically equalize  
 15 hydrostatic flood forces on an exterior wall.

16 (4) A flood opening must be designed and installed to comply  
 17 with criteria set by the Federal Emergency Management  
 18 Agency.

19 (d) A person is not required to obtain a permit to construct an  
 20 agricultural fence in a floodway. The commission may adopt rules  
 21 regarding the dimensions of an agricultural fence and the materials  
 22 that may be used to construct an agricultural fence.

23 (e) Subject to subsection (f), a person is not required to obtain  
 24 a permit to construct a stream crossing in a floodway if the  
 25 following requirements are met:

26 (1) The stream has a drainage area of not more than five (5)  
 27 square miles.

28 (2) The floodway is not a Federal Emergency Management  
 29 Agency published floodway.

30 (3) The stream crossing is:

31 (A) used for agricultural or residential purposes; and

32 (B) located in an area outside:

33 (i) the corporate boundaries of a consolidated city or  
 34 incorporated city or town; and

35 (ii) the territorial authority for comprehensive planning  
 36 established under IC 36-7-4-205(b).

37 (4) The stream crossing does not:

38 (A) adversely affect the efficiency of or unduly restrict the  
 39 capacity of the floodway;

40 (B) constitute an unreasonable hazard to the safety of life  
 41 or property; and

42 (C) result in unreasonably detrimental effects to fish,



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wildlife, or botanical resources.

**(f) If an individual files a complaint with the department alleging that the person who constructed a stream crossing under this section did not comply with the requirements of subsection (e), the person who constructed the stream crossing shall provide the department with information to prove that the stream crossing does comply.**

SECTION 17. IC 14-28-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. **(a)** The commission shall develop and adopt appropriate rules under IC 4-22-2, including consideration of nonconforming uses, as minimum standards for the delineation and regulation of all flood hazard areas within Indiana. The commission and all counties and municipalities shall consider the production of crops, pasture, forests, and park and recreational uses to be conforming uses. These specific conforming uses shall be included as minimum standards in adoption of the rules.

**(b) The commission may adopt rules regarding the conditions upon which an activity under this section is permitted without a license.**

SECTION 18. IC 14-28-3-7.4, AS ADDED BY P.L.175-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7.4. (a) As used in this section, "department mapping data" means the mapping data provided by the department and located on the Indiana Floodplain Information Portal.

(b) A person that has:

- (1) ~~a possessory or nonpossessory~~ **an** ownership interest;
- (2) a leasehold interest; or
- (3) a security interest;

in a parcel of real property may at any time request a review by the department of the department mapping data applying to the parcel of real property.

(c) A review requested under subsection (b) shall be provided by the department at no cost to the person requesting the review.

(d) In conducting a review requested under subsection (b), the department shall:

- (1) use a detailed hydrologic modeling method to review the parcel of real property; and**
- (2) perform at least one (1) site investigation of the parcel of real property;**

**before making a determination based on the review under this section.**

(e) If:



1 (1) the person requesting the review of the department mapping  
 2 data applying to a parcel of real property has applied to a local  
 3 floodplain administrator for a permit authorizing the construction  
 4 of a structure or other construction activity on the parcel of real  
 5 property; and

6 (2) the department does not complete the review of the  
 7 department mapping data and communicate the results of the  
 8 review to the person who requested the review not more than one  
 9 hundred twenty (120) days after the day on which the person  
 10 requested the review;

11 the person that requested the review of the department mapping data  
 12 and applied to the local floodplain administrator for a permit may elect  
 13 whether the local floodplain administrator, in reviewing the person's  
 14 permit application, will use the department mapping data or an  
 15 engineering study provided by the person.

16 **(f) Beginning July 1, 2024, before submitting department**  
 17 **mapping data in preparation of a Federal Emergency Management**  
 18 **Agency flood hazard map, the department shall notify a person**  
 19 **that has:**

20 (1) an ownership interest; or

21 (2) a security interest;

22 **in a parcel of real property for which a determination was made**  
 23 **that the parcel of real property is located in a flood hazard area**  
 24 **that was not previously located in a Federal Emergency**  
 25 **Management Agency flood hazard map.**

26 (g) A person has ninety (90) days from receipt of notice given  
 27 under subsection (f) to request a review by the department of the  
 28 department mapping data applying to the parcel of real property.

29 (h) In conducting a review requested under subsection (g), the  
 30 department shall:

31 (1) use a detailed hydrologic modeling method to review the  
 32 parcel of real property; and

33 (2) perform at least one (1) onsite investigation of the parcel  
 34 of real property;

35 **before submitting the department mapping data for a Federal**  
 36 **Emergency Management Agency flood hazard map.**

37 SECTION 19. IC 14-28-3-8 IS ADDED TO THE INDIANA CODE  
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 39 1, 2024]: Sec. 8. (a) Not later than ninety (90) days after:

40 (1) a law is enacted by the general assembly under this article;

41 or

42 (2) a rule (as defined by IC 4-22-2-3) is adopted by the



1           **commission;**  
 2           **the department shall update the Indiana Floodplain Information**  
 3           **Portal and the department's website to reflect the changes to the**  
 4           **law or rule.**

5           **(b) Beginning July 1, 2024, the department shall notify the**  
 6           **following not later than ninety (90) days after a determination is**  
 7           **made based on the department mapping data provided on the**  
 8           **Indiana Floodplain Information Portal:**

9           **(1) A person that has:**

10           **(A) an ownership interest; or**

11           **(B) a security interest;**

12           **in a parcel of real property for which a determination is made**  
 13           **that the parcel of real property is included in a flood plain or**  
 14           **a floodway.**

15           **(2) A person that has:**

16           **(A) an ownership interest; or**

17           **(B) a security interest;**

18           **in a parcel of real property for which a determination is made**  
 19           **that the parcel of real property is no longer included in a**  
 20           **flood plain or a floodway.**

21           **SECTION 20. IC 14-29-1-4 IS AMENDED TO READ AS**  
 22           **FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. (a) Subject to**  
 23           **subsection (b), a riparian owner of land in Indiana bordering upon a**  
 24           **navigable stream may do the following **without obtaining a permit****  
 25           **from the department:**

26           **(1) Build and maintain:**

27           **(A) within the premises bordering on the stream; and**

28           **(B) upon the submerged land beneath the water;**

29           **a pier, wharf, dock, or harbor in aid of navigation and commerce.**

30           **(2) Use, occupy, and enjoy the constructed item as appurtenant to**  
 31           **the owner's land.**

32           **(b) A pier, dock, or wharf may not do any of the following:**

33           **(1) Extend into the stream further than is necessary to**  
 34           **accommodate shipping and navigation.**

35           **(2) Obstruct shipping and navigation.**

36           **SECTION 21. IC 14-34-19-1.1 IS ADDED TO THE INDIANA**  
 37           **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 38           **[EFFECTIVE JULY 1, 2024]: Sec. 1.1. (a) As used in this section,**  
 39           **"fund" refers to the STREAM act fund established by subsection**  
 40           **(b).**

41           **(b) The STREAM act fund is established for the following**  
 42           **purposes:**

**EH 1401—LS 7024/DI 148**



- 1           **(1) Acid mine drainage, abatement, and treatment.**
- 2           **(2) Subsidence prevention, abatement, and control.**
- 3           **(3) Coal mine fire prevention, abatement, and control.**
- 4           **(c) The fund consists of the following:**
- 5               **(1) Accrued interest and other investment earnings of the**
- 6               **fund.**
- 7               **(2) Gifts, grants, donations, or appropriations from any**
- 8               **source.**
- 9           **(d) The department shall administer the fund.**
- 10           **(e) Money in the fund at the end of a state fiscal year does not**
- 11           **revert to the state general fund.**
- 12           **(f) The treasurer of state shall invest the money in the fund not**
- 13           **currently needed to meet the obligations of the fund in the same**
- 14           **manner as other public money may be invested. Interest that**
- 15           **accrues from these investments must be deposited in the fund.**
- 16           **(g) Money in the fund is continuously appropriated for purposes**
- 17           **of the fund.**





## COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1401, 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 19, delete lines 9 through 12, begin a new line double block indented and insert:

**"(B) located in an area outside:**

- (i) the corporate boundaries of a consolidated city or incorporated city or town; and**
- (ii) the territorial authority for comprehensive planning established under IC 36-7-4-205(b)."**

Page 20, between lines 33 and 34, begin a new paragraph and insert:

**"(f) Beginning July 1, 2024, before submitting department mapping data in preparation of a Federal Emergency Management Agency flood hazard map, the department shall notify a person that has:**

- (1) an ownership interest; or**
- (2) a security interest;**

**in a parcel of real property for which a determination was made that the parcel of real property is located in a flood hazard area that was not previously located in a Federal Emergency Management Agency flood hazard map.**

**(g) A person has ninety (90) days from receipt of notice given under subsection (f) to request a review by the department of the department mapping data applying to the parcel of real property.**

**(h) In conducting a review requested under subsection (g), the department shall:**

- (1) use a detailed hydrologic modeling method to review the parcel of real property; and**
- (2) perform at least one (1) onsite investigation of the parcel of real property;**

**before submitting the department mapping data for a Federal Emergency Management Agency flood hazard map."**

Page 21, line 7, after "interest;" insert "or".

Page 21, delete line 8.

Page 21, line 9, delete "(C)" and insert "(B)".

Page 21, line 14, after "interest;" insert "or".

Page 21, delete line 15.

Page 21, line 16, delete "(C)" and insert "(B)".

Renumber all SECTIONS consecutively.



and when so amended that said bill do pass.

(Reference is to HB 1401 as introduced.)

LINDAUER

Committee Vote: yeas 10, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1401, 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 2, line 35, delete "IC 14-28-1-22.4," and insert "**IC 14-28-1-22.5**,".

Page 2, line 41, delete "IC 14-28-1-22.4," and insert "**IC 14-28-1-22.5**,".

Page 3, line 5, delete "IC 14-28-1-22.4," and insert "**IC 14-28-1-22.5**,".

Page 18, line 9, delete "IC 14-28-1-22.4" and insert "IC 14-28-1-22.5".

Page 18, line 11, delete "22.4." and insert "**22.5**."

Page 22, line 15, after "1.1." insert "**(a)**".

and when so amended that said bill do pass.

(Reference is to HB 1401 as printed January 18, 2024.)

THOMPSON

Committee Vote: yeas 22, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred House Bill No. 1401, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 1. IC 6-1.1-24-18 IS ADDED TO THE INDIANA

**EH 1401—LS 7024/DI 148**



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 18. (a) As used in this section, "eligible property" means a parcel of real property that contains a mineral interest in, on, or under the real property or that may be taken from beneath the surface of the real property.**

**(b) As used in this section, "eligible tax sale" means a tax sale conducted under section 5 or 6.1 of this chapter that occurs on or after July 1, 2024, and before July 1, 2025.**

**(c) As used in this section, "mineral interest" has the meaning set forth in IC 32-23-10-1.**

**(d) If an eligible property is on the list certified under section 1 or 1.5 of this chapter for an eligible tax sale, the eligible property shall:**

- (1) be removed from the list certified under section 1 or 1.5 of this chapter; and**
- (2) not be offered at an eligible tax sale.**

**(e) If an eligible property is not removed from the list certified under section 1 or 1.5 of this chapter and is sold at an eligible tax sale, the sale is invalid. The following apply to an invalid sale:**

- (1) The county auditor shall invalidate the sale.**
- (2) The county treasurer shall refund the purchase price to the tax sale purchaser.**
- (3) The tax sale purchaser is not entitled to any interest and costs as described in IC 6-1.1-25-10 and IC 6-1.1-25-11 with respect to a refund for an invalid sale issued under this subsection.**

**(f) This section expires July 1, 2025."**

Page 2, delete lines 1 through 31.

Page 16, line 4, after "(e)" insert **"This subsection does not apply to the state or a county, city, or town."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1401 as printed January 25, 2024).

GLICK, Chairperson

Committee Vote: Yeas 7, Nays 0.

**EH 1401—LS 7024/DI 148**



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill No. 1401, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to EHB 1401 as printed Digest Correction February 21, 2024.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0

