

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.

HOUSE ENROLLED ACT No. 1401

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:

SECTION 1. IC 6-1.1-24-18 IS ADDED TO THE INDIANA 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.

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

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

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

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

- (1) is eighty (80) inches or less in width when measured from outside of tire rim to outside of tire rim;
- (2) has a dry weight of ~~two thousand five hundred (2,500)~~ **three thousand five hundred (3,500)** pounds or less;
- (3) is designed for travel on at least four (4) nonhighway or off-highway tires; and
- (4) is designed for recreational use by one (1) or more individuals.

SECTION 6. IC 14-10-2-1, AS AMENDED BY P.L.195-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1. (a) The commission may do the following:**

- (1) Take the action that is necessary to enable the state to participate in the programs set forth in 16 U.S.C. 470 et seq.
- (2) Promulgate and maintain a state register of districts, sites,



buildings, structures, and objects significant in American or Indiana history, architecture, archeology, and culture and expend money for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the commission, that comply with the standards and regulations promulgated by the United States Secretary of the Interior for the preservation, acquisition, and development of the properties.

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

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

(5) Establish fees for the following:

(A) Programs of the department or the commission.

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

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

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

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

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

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

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

(1) A resident yearly license to fish, eight dollars and seventy-five cents (\$8.75).

(2) A resident yearly license to hunt, eight dollars and seventy-five cents (\$8.75).

(3) A resident yearly license to hunt and fish, thirteen dollars and



seventy-five cents (\$13.75).

(4) A resident yearly license to trap, eight dollars and seventy-five cents (\$8.75).

(5) A nonresident yearly license to fish, twenty-four dollars and seventy-five cents (\$24.75).

(6) A nonresident yearly license to hunt, sixty dollars and seventy-five cents (\$60.75).

(7) A nonresident yearly license to trap, one hundred seventeen dollars and seventy-five cents (\$117.75).

(8) A resident or nonresident license to fish, including for trout and salmon, for one (1) day only, four dollars and seventy-five cents (\$4.75).

(9) A nonresident license to fish, excluding for trout and salmon, for seven (7) days only, twelve dollars and seventy-five cents (\$12.75).

(10) A nonresident license to hunt for five (5) consecutive days only, twenty-five dollars and seventy-five cents (\$25.75).

(11) A resident or nonresident yearly electronically generated stamp to fish for trout and salmon, six dollars and seventy-five cents (\$6.75).

(12) A resident yearly license to take a deer with a shotgun, muzzle loading gun, rifle, or handgun, thirteen dollars and seventy-five cents (\$13.75).

(13) A resident yearly license to take a deer with a muzzle loading gun, thirteen dollars and seventy-five cents (\$13.75).

(14) A resident yearly license to take a deer with a:

(A) bow and arrow; or

(B) crossbow and bolt;

thirteen dollars and seventy-five cents (\$13.75).

(15) A nonresident yearly license to take a deer with a shotgun, muzzle loading gun, rifle, or handgun, one hundred twenty dollars and seventy-five cents (\$120.75).

(16) A nonresident yearly license to take a deer with a muzzle loading gun, one hundred twenty dollars and seventy-five cents (\$120.75).

(17) A nonresident yearly license to take a deer with a:

(A) bow and arrow; or

(B) crossbow and bolt;

one hundred twenty dollars and seventy-five cents (\$120.75).

(18) A resident license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, five dollars (\$5).



(19) A nonresident license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, ten dollars (\$10).

(20) A resident yearly license to take a turkey, fourteen dollars and seventy-five cents (\$14.75).

(21) A nonresident yearly license to take a turkey, one hundred fourteen dollars and seventy-five cents (\$114.75).

(22) A resident license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, fourteen dollars and seventy-five cents (\$14.75).

(23) A nonresident license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, one hundred fourteen dollars and seventy-five cents (\$114.75).

(24) A resident youth yearly consolidated license to hunt **and trap, and fish**, six dollars (\$6). This license is subject to the following:

(A) An applicant must be less than eighteen (18) years of age **at the time of application, but the license may still be used when the license holder is eighteen (18) years of age while the license is still valid.**

(B) The license is in lieu of the resident yearly license to hunt **and trap and fish** and all other yearly licenses, stamps, or permits to hunt **and trap and fish** for a specific species or by a specific means.

(25) A nonresident youth yearly license to hunt, seventeen dollars (\$17). The applicant must be less than eighteen (18) years of age **at the time of application, but the license may still be used when the license holder is eighteen (18) years of age while the license is still valid.** This license includes all yearly stamps to hunt for a specific species or by specific means.

(26) A nonresident youth yearly license to trap, seventeen dollars (\$17). The applicant must be less than eighteen (18) years of age **at the time of application, but the license may still be used when the license holder is eighteen (18) years of age while the license is still valid.**

(27) A nonresident youth yearly license to take a turkey, twenty-five dollars (\$25). The applicant must be less than eighteen (18) years of age **at the time of application, but the license may still be used when the license holder is eighteen (18) years of age while the license is still valid.** This license



includes all yearly stamps to hunt wild turkeys and all specific means.

(28) A nonresident youth license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, twenty-five dollars (\$25). The applicant must be less than eighteen (18) years of age **at the time of application, but the license may still be used when the license holder is eighteen (18) years of age while the license is still valid. This license includes all yearly stamps to hunt wild turkeys and all specific means.**

(29) A nonresident youth yearly license to take a deer with a shotgun, muzzle loading gun, or rifle, twenty-four dollars (\$24). The applicant must be less than eighteen (18) years of age **at the time of application, but the license may still be used when the license holder is eighteen (18) years of age while the license is still valid.**

(30) A nonresident youth yearly license to take a deer with a muzzle loading gun, twenty-four dollars (\$24). The applicant must be less than eighteen (18) years of age **at the time of application, but the license may still be used when the license holder is eighteen (18) years of age while the license is still valid.**

(31) A nonresident youth yearly license to take a deer with a:

(A) bow and arrow; or

(B) crossbow and bolt;

twenty-four dollars (\$24). The applicant must be less than eighteen (18) years of age **at the time of application, but the license may still be used when the license holder is eighteen (18) years of age while the license is still valid.**

(32) A nonresident youth license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, twenty-four dollars (\$24). The applicant must be less than eighteen (18) years of age **at the time of application, but the license may still be used when the license holder is eighteen (18) years of age while the license is still valid.**

(33) A resident senior yearly license to fish, three dollars (\$3). This license is subject to the following:

(A) An applicant must be at least sixty-four (64) years of age and born after March 31, 1943.

(B) The license is in lieu of the resident yearly license to fish and all other yearly licenses, stamps, or permits to fish for a



specific species or by a specific means.

(C) The license may still be used if the license holder moves out of state.

(34) A resident senior "fish for life" license, seventeen dollars (\$17). This license is subject to the following:

(A) An applicant must be at least sixty-four (64) years of age.

(B) The license applies each year for the remainder of the license holder's life.

(C) The license is in lieu of the resident senior yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species or by a specific means.

(D) The license may still be used if the license holder moves out of state.

(35) A voluntary resident senior yearly license to fish, three dollars (\$3). This license is subject to the following:

(A) An applicant must have been born before April 1, 1943.

(B) The license is instead of the resident yearly license to fish and all other yearly licenses, stamps, and permits to fish for a specific species or by a specific means.

(b) The commission may set license fees to hunt, trap, or fish above the minimum fees established under subsection (a).

(c) In addition to the license fees set under this section, the department shall establish a procedure to collect voluntary donations for processing wild game when a hunting license is sold. The minimum suggested donation must be one dollar (\$1). The money collected under this section shall be deposited in the Indiana sportsmen's benevolence account (IC 14-9-5-4).

SECTION 8. IC 14-22-12-1.5, AS AMENDED BY P.L.151-2012, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1.5. (a) As used in this section, "qualified individual" means an individual who:

(1) is a resident of Indiana;

(2) has served in the armed forces of the United States; and

(3) has a service connected disability, as evidenced by:

(A) records of the United States Department of Veterans Affairs; or

(B) disability retirement benefits awarded to the individual under laws administered by the United States Department of Defense.

(b) A qualified individual is entitled to reduced fee hunting and fishing licenses under this section.

(c) Each year a qualified individual may obtain:



- (1) both:
- (A) a resident yearly license to fish; and
 - (B) a resident yearly license to hunt; or
- (2) a resident yearly license to hunt and fish;
- by paying a reduced license fee of two dollars and seventy-five cents (\$2.75) instead of the fee prescribed by section 1 of this chapter.
- (d) Each decade a qualified individual may obtain:
- (1) both:
- (A) a resident license to fish that is valid for ten (10) years; and
 - (B) a resident license to hunt that is valid for ten (10) years; or
- (2) a resident license to hunt and fish that is valid for ten (10) years;
- by paying a reduced license fee of twenty-seven dollars and fifty cents (\$27.50). **The license may still be used if the license holder moves out of state.**

(e) An applicant for a reduced fee license under this section must do the following:

- (1) Request the license from:
- (A) the department;
 - (B) an agent appointed by the director under IC 14-22-11-3; or
 - (C) the clerk of the circuit court who is an authorized representative of the department under IC 14-22-11-3 in the county in which the individual resides.
- (2) Present evidence that the applicant is a qualified individual.

SECTION 9. IC 14-22-12-7.3, AS ADDED BY P.L.219-2014, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7.3. (a) Subject to the commission adopting fees under subsection (b), the department may issue to residents of Indiana lifetime licenses to hunt, fish, or trap.

(b) The commission may adopt rules under IC 4-22-2 and IC 14-10-2-4 to establish fees for lifetime licenses to hunt, fish, or trap.

(c) A lifetime license issued under this article before July 1, 2005, may still be used if the license holder moves out of state.

SECTION 10. IC 14-26-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 15. (a) This section applies to impoundments of the Tippecanoe River that are formed by a dam or control structure owned and operated by a public utility for the generation of hydroelectric power. However, this section does not restrict the department's ability to regulate the safety or maintenance of a dam or other control structure under IC 14-27-7.5.

(b) As used in this section, "alterations to the shoreline" does not



include the making of canals or inlets.

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

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

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

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

- (1) Tributary streams that drain into the body of water.
- (2) Wetlands associated with those streams.

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

- (1) Sediment removal, dredging for the purpose of providing water supply storage, seawall construction, or the maintenance of water intake structures.
- (2) Restoration or stabilization of the shoreline.

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

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

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

- (1) Over, along, or lakeward of the shoreline or water line of a public freshwater lake:
 - (A) excavate;
 - (B) place fill; or
 - (C) place, modify, or repair a temporary or permanent structure.
- (2) Construct a wall whose lowest point would be:
 - (A) below the elevation of the shoreline or water line; and



(B) within ten (10) feet landward of the shoreline or water line, as measured perpendicularly from the shoreline or water line; of a public freshwater lake.

(3) Change the water level, area, or depth of a public freshwater lake or the location of the shoreline or water line.

(b) An application for a permit for an activity described in subsection (a) must be accompanied by the following:

(1) A nonrefundable minimum fee of one hundred dollars (\$100).

(2) A project plan that provides the department with sufficient information concerning the proposed excavation, fill, temporary structure, or permanent structure.

(3) A written acknowledgment from the landowner that any additional water area created under the project plan is part of the public freshwater lake and is dedicated to the general public use with the public rights described in section 5 of this chapter.

(c) The department may issue a permit after investigating the merits of the application. In determining the merits of the application, the department may consider any factor, including cumulative effects of the proposed activity upon the following:

(1) The shoreline, water line, or bed of the public freshwater lake.

(2) The fish, wildlife, or botanical resources.

(3) The public rights described in section 5 of this chapter.

(4) The management of watercraft operations under IC 14-15.

(5) The interests of a landowner having property rights abutting the public freshwater lake or rights to access the public freshwater lake.

(d) A contractor or agent of the landowner who engages in an activity described in subsection (a)(1), (a)(2), or (a)(3) must comply with the terms of a permit issued under this section.

(e) The commission shall adopt rules under IC 4-22-2 to do the following:

(1) Assist in the administration of this chapter.

(2) Provide objective standards for issuing permits under this section, including standards for the configuration of piers, boat stations, platforms, and similar structures. The standards:

(A) may provide for a common use if the standard is needed to accommodate the interests of landowners having:

(i) property rights abutting the public freshwater lake; or

(ii) rights to access the public freshwater lake; and

(B) shall exempt any class of activities, including the construction or placement of temporary structures, from licensing if the commission finds that the class is unlikely to



pose more than a minimal potential for harm to the public rights described in section 5 of this chapter. **The commission may adopt rules regarding the conditions upon which an activity under this clause is permitted without a license.**

(3) Subject to IC 14-10-2-1, set the permit application fee at or above the minimum fee established in subsection (b).

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

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

(b) A person may not:

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

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

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

- (1) An abode or a residence constructed on land that meets the following conditions:
 - (A) Is between the 791.0 mile marker and the 791.5 mile marker on the Ohio River.
 - (B) Is adjacent to a recreational area.
 - (C) Has been or may be filled to or above an elevation of three hundred seventy-eight (378) feet above sea level.
 - (D) Is properly protected by riprap in a manner that minimizes the possibility of erosion by river currents.
- (2) An abode or a residence if the following conditions are met:
 - (A) The abode or residence is rebuilt upon the area of the original foundation and is substantially the same configuration



as the former abode or residence.

(B) The abode or residence was unintentionally destroyed by a means other than floodwater.

(C) The rebuilding of the abode or residence is begun within one (1) year and completed within two (2) years after the destruction of the former abode or residence.

(D) The abode or residence is located in the floodway of a stream having a watershed upstream from the abode or residence of less than fifteen (15) square miles in area.

(E) The lowest floor of the rebuilt abode or residence, including the basement, is at or above the one hundred (100) year frequency flood elevation if the abode or residence was totally destroyed.

(F) A variance is obtained from the county or municipality for the lowest floor of the abode or residence to be below the one hundred (100) year frequency flood elevation if the damage to the former abode or residence is less than one hundred percent (100%).

(G) An ordinance allowing the rebuilding of an abode or a residence is adopted by any of the following:

(i) The legislative body of the city or town in which the abode or residence is located.

(ii) The legislative body of the county in which the abode or residence is located if the abode or residence is not located in a city or town.

(3) A property that is to be rehabilitated and reused as an abode or residence if the following conditions are met:

(A) The property is located between the South Newton Bridge (Veterans Memorial Bridge) located at 85.30 miles from the mouth of the Patoka River and the bridge that is part of State Road 164 located at 85.90 miles from the mouth of the Patoka River.

(B) The property is a former industrial site.

(C) The property is adjacent to a navigable waterway.

(D) The property is located adjacent to a riverwalk.

(E) The property is a property in need of revitalization.

(F) The property is vacant or in danger of becoming vacant.

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

SECTION 15. IC 14-28-1-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

HEA 1401 — CC 1



[EFFECTIVE JULY 1, 2024]: **Sec. 22.5. (a) This section applies to construction of:**

- (1) an accessory structure;**
- (2) an agricultural fence;**
- (3) an agricultural structure; or**
- (4) a stream crossing;**

in a floodway.

(b) Unless otherwise provided under federal law or a regulation of the Federal Emergency Management Agency, the finished floor of an accessory structure or an agricultural structure that is at least four hundred (400) square feet may be constructed at the one hundred (100) year flood elevation if the structure meets the conditions under subsection (c).

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

- (1) The structure must be constructed of flood resistant material and anchored to prevent flotation.**
- (2) Service facilities, including electrical and heating equipment, must be elevated:**
 - (A) at the one hundred (100) year flood elevation; or**
 - (B) above the one hundred (100) year flood elevation.**
- (3) The structure must be designed to allow floodwater to enter and exit the structure to automatically equalize hydrostatic flood forces on an exterior wall.**
- (4) A flood opening must be designed and installed to comply with criteria set by the Federal Emergency Management Agency.**

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

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

- (1) The stream has a drainage area of not more than five (5) square miles.**
- (2) The floodway is not a Federal Emergency Management Agency published floodway.**
- (3) The stream crossing is:**
 - (A) used for agricultural or residential purposes; and**
 - (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).

(4) The stream crossing does not:

- (A) adversely affect the efficiency of or unduly restrict the capacity of the floodway;**
- (B) constitute an unreasonable hazard to the safety of life or property; and**
- (C) result in unreasonably detrimental effects to fish, 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 16. 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 17. 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) onsite investigation of the parcel of real property;**

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

(e) If:

- (1) the person requesting the review of the department mapping data applying to a parcel of real property has applied to a local floodplain administrator for a permit authorizing the construction of a structure or other construction activity on the parcel of real property; and
- (2) the department does not complete the review of the department mapping data and communicate the results of the review to the person who requested the review not more than one hundred twenty (120) days after the day on which the person requested the review;

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

(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.**

SECTION 18. IC 14-28-3-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 8. (a) Not later than ninety (90) days after:**

- (1) a law is enacted by the general assembly under this article;**
- or**
- (2) a rule (as defined by IC 4-22-2-3) is adopted by the commission;**

the department shall update the Indiana Floodplain Information Portal and the department's website to reflect the changes to the law or rule.

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

- (1) A person that has:**
 - (A) an ownership interest; or**
 - (B) a security interest;****in a parcel of real property for which a determination is made that the parcel of real property is included in a flood plain or a floodway.**
- (2) A person that has:**
 - (A) an ownership interest; or**
 - (B) a security interest;****in a parcel of real property for which a determination is made that the parcel of real property is no longer included in a flood plain or a floodway.**

SECTION 19. IC 14-29-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 4. (a) Subject to subsection (b), a riparian owner of land in Indiana bordering upon a navigable stream may do the following **without obtaining a permit from the department:****

- (1) Build and maintain:**
 - (A) within the premises bordering on the stream; and**
 - (B) upon the submerged land beneath the water;****a pier, wharf, dock, or harbor in aid of navigation and commerce.**
- (2) Use, occupy, and enjoy the constructed item as appurtenant to the owner's land.**
- (b) A pier, dock, or wharf may not do any of the following:**
 - (1) Extend into the stream further than is necessary to**



accommodate shipping and navigation.

(2) Obstruct shipping and navigation.

SECTION 20. IC 14-34-19-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 1.1. (a) As used in this section, "fund" refers to the STREAM act fund established by subsection (b).**

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

(1) Acid mine drainage, abatement, and treatment.

(2) Subsidence prevention, abatement, and control.

(3) Coal mine fire prevention, abatement, and control.

(c) The fund consists of the following:

(1) Accrued interest and other investment earnings of the fund.

(2) Gifts, grants, donations, or appropriations from any source.

(d) The department shall administer the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments must be deposited in the fund.

(g) Money in the fund is continuously appropriated for purposes of the fund.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1401 — CC 1

