



January 26, 2016

HOUSE BILL No. 1246

DIGEST OF HB 1246 (Updated January 25, 2016 11:35 am - DI 109)

Citations Affected: IC 4-4; IC 6-1.1; IC 14-8; IC 14-9; IC 14-15; IC 14-16; IC 14-22; IC 14-28; IC 14-31; IC 14-34; IC 25-36.5.

Synopsis: Various natural resources matters. Removes from the natural resources commission duties to administer parts of the flood control program and the flood control revolving fund. (Current law provides that the Indiana finance authority (authority) administer the program and fund.) Provides that an application to have land classified as native forest land, a forest plantation, or wildlands must be handled by the county assessor. (Current law requires the county auditor to handle the applications.) Provides that a person who operates certain boats that do not have an aft light commits a Class C infraction. Changes the name of the public information and education division of the department of natural resources (DNR) to the communications division. Specifies the type of flotation device that a person on a boat or personal watercraft must have. Amends the list of law enforcement offices that may be notified of a boating accident. Provides that the violation of certain boating rules is a Class C infraction. Allows the operator of a nonregistered off-road vehicle or a snowmobile from another state or country to purchase a trail use tag to operate on designated trails and properties. Allows the director of DNR to authorize the taking of wild animals on historic site property if certain conditions are met. Removes DNR's authority to issue commemorative migratory waterfowl and game bird habitat restoration stamps. Allows the manager of a public use airport, or the manager's designee, to trap coyotes and migratory birds without a license if the coyotes or birds pose a threat to aircraft. Removes a provision concerning the
(Continued next page)

Effective: July 1, 2016.

Eberhart, Arnold L, Kersey

January 11, 2016, read first time and referred to Committee on Natural Resources.
January 25, 2016, amended, reported — Do Pass.

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Digest Continued

application of hunter orange requirements during certain hunting seasons. Provides that a ginseng dealer who purchases or sells ginseng for resale or exportation without a license commits a Class B misdemeanor. Amends certain lien procedures on complete projects to restore or prevent adverse effects of past coal mining practices on privately owned land. Adds conservancy districts and certain wastewater treatment systems to the participants that may qualify for loans or other financial assistance. Removes the total loan limit, loan period, and fixed interest rate to a participant. Allows the authority to establish interest rates for each loan. Increases the registration fees for timber buyers and agents of timber buyers.

HB 1246—LS 6451/DI 77



January 26, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1246

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

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

1 SECTION 1. IC 4-4-11-0.4, AS ADDED BY P.L.220-2011,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 0.4. (a) On May 15, 2005, all powers, duties,
4 agreements, and liabilities of the treasurer of state, the auditor of state,
5 the department of environmental management, and the budget agency
6 with respect to:
7 (1) the wastewater revolving loan program established by
8 IC 13-18-13-1;
9 (2) the drinking water revolving loan program established by
10 IC 13-18-21-1; and
11 (3) the supplemental drinking water and wastewater assistance
12 program established by IC 13-18-21-21;
13 are transferred to the authority, as the successor agency, for the limited
14 purposes described in subdivisions (1) through (3).
15 (b) On May 15, 2005, all records, money, and other property of the
16 treasurer of state, the auditor of state, the department of environmental
17 management, and the budget agency with respect to:

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- 1 (1) the wastewater revolving loan program established by
 2 IC 13-18-13-1;
 3 (2) the drinking water revolving loan program established by
 4 IC 13-18-21-1; and
 5 (3) the supplemental drinking water and wastewater assistance
 6 program established by IC 13-18-21-21;
 7 are transferred to the authority as the successor agency for the limited
 8 purposes described in subdivisions (1) through (3).
 9 (c) On May 15, 2005, all powers, duties, agreements, and liabilities
 10 of the Indiana bond bank, the Indiana department of environmental
 11 management, and the budget agency with respect to:
 12 (1) outstanding bonds issued for:
 13 (A) the wastewater revolving loan program established by
 14 IC 13-18-13-1; or
 15 (B) the drinking water revolving loan program established by
 16 IC 13-18-21-1; and
 17 (2) any trust agreement or indenture, security agreement, purchase
 18 agreement, or other undertaking entered into in connection with
 19 the bonds described in subdivision (1);
 20 are transferred to the authority, as the successor agency, for the limited
 21 purposes described in subdivisions (1) and (2). The rights of the trustee
 22 and the bondholders with respect to any bonds or any trust agreement
 23 or indenture, security agreement, purchase agreement, or other
 24 undertaking described in this subsection remain the same, although the
 25 powers, duties, agreements, and liabilities of the Indiana bond bank
 26 have been transferred to the authority and the authority shall be
 27 considered to have assumed all those powers, duties, agreements, and
 28 liabilities as if the authority were the Indiana bond bank for those
 29 limited purposes.
 30 **(d) On July 1, 2016, all powers, duties, agreements, and**
 31 **liabilities of the treasurer of state, the auditor of state, the**
 32 **department of natural resources, the natural resources**
 33 **commission, and the budget agency with respect to:**
 34 **(1) the flood control program established by IC 14-28-5-1;**
 35 **and**
 36 **(2) the flood control revolving fund created by IC 14-28-5-5;**
 37 **are transferred to the authority, as the successor agency, for the**
 38 **limited purposes described in subdivisions (1) and (2).**
 39 **(e) On July 1, 2016, all records, money, and other property of**
 40 **the treasurer of state, the auditor of state, the department of**
 41 **natural resources, the natural resources commission, and the**
 42 **budget agency with respect to:**



1 **(1) the flood control program established by IC 14-28-5-1;**
 2 **and**
 3 **(2) the flood control revolving fund created by IC 14-28-5-5;**
 4 **are transferred to the authority as the successor agency for the**
 5 **limited purposes described in subdivisions (1) and (2).**

6 SECTION 2. IC 6-1.1-6-12 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. If in the state
 8 forester's opinion an application filed under section 11 of this chapter
 9 and the land to be classified comply with the provisions of this chapter,
 10 the state forester shall approve the application. In addition, the state
 11 forester shall notify the ~~auditor~~ **assessor** of the county in which the land
 12 is located that the application has been approved and return one (1)
 13 approved application form to the applicant.

14 SECTION 3. IC 6-1.1-6-13, AS AMENDED BY P.L.66-2006,
 15 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2016]: Sec. 13. If an application filed under section 11 of this
 17 chapter is approved, the applicant shall record the approved application
 18 in the applicant's name. However, if the applicant is a partnership,
 19 corporation, limited liability company, or association, the applicant
 20 shall record the approved application in the name of the partnership,
 21 corporation, limited liability company, or association. When an
 22 approved application is properly recorded, the county ~~auditor~~ **assessor**
 23 shall enter the land for taxation at an assessed value determined under
 24 section 14 of this chapter.

25 SECTION 4. IC 6-1.1-6-23, AS AMENDED BY P.L.66-2006,
 26 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2016]: Sec. 23. If land classified as native forest land, a forest
 28 plantation, or wildlands is withdrawn from the classification, the state
 29 forester shall immediately notify the ~~auditor~~ **assessor** of the county in
 30 which the land is situated that the land has been withdrawn. In
 31 addition, when land is withdrawn, the owner of the land shall make a
 32 notation of the withdrawal in the records of the county recorder on
 33 forms provided by the state forester.

34 SECTION 5. IC 14-8-2-125, AS AMENDED BY P.L.167-2011,
 35 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2016]: Sec. 125. "Historic site" **has the following meanings:**

37 **(1)** For purposes of IC 14-21-1, means a site that is important to
 38 the general, archeological, agricultural, economic, social,
 39 political, architectural, industrial, or cultural history of Indiana.
 40 The term includes adjacent property that is necessary for the
 41 preservation or restoration of the site.

42 **(2)** For purposes of IC 14-22-6, the meaning set forth in



1 **IC 4-37-1-7.**

2 SECTION 6. IC 14-8-2-155 IS REPEALED [EFFECTIVE JULY 1,
3 2016]. ~~Sec. 155: "Local unit", for purposes of IC 14-28-5, has the~~
4 ~~meaning set forth in IC 14-28-5-4.~~

5 SECTION 7. IC 14-9-4-1, AS AMENDED BY P.L.151-2012,
6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2016]: Sec. 1. The following divisions are established within
8 the department:

- 9 (1) Accounting.
- 10 (2) Administrative support services.
- 11 (3) Budget.
- 12 (4) Engineering.
- 13 (5) Entomology and plant pathology.
- 14 (6) Fish and wildlife.
- 15 (7) Forestry.
- 16 (8) Historic preservation and archeology.
- 17 (9) Human resources.
- 18 (10) Internal audit.
- 19 (11) Land acquisition.
- 20 (12) Law enforcement.
- 21 (13) Management information systems.
- 22 (14) Nature preserves.
- 23 (15) Oil and gas.
- 24 (16) Outdoor recreation.
- 25 (17) ~~Public information and education.~~ **Communications.**
- 26 (18) Reclamation.
- 27 (19) Reservoir management.
- 28 (20) Safety and training.
- 29 (21) State parks.
- 30 (22) Water.
- 31 (23) State land office.

32 SECTION 8. IC 14-15-2-6 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) This section does
34 not apply to the following:

- 35 (1) A sailboard or windsurfing board.
- 36 (2) A manually propelled boat, such as a racing shell, rowing
37 scull, or racing kayak:
 - 38 (A) that is recognized by national or international racing
39 associations for use in competitive racing;
 - 40 (B) in which all occupants row, scull, or paddle, with the
41 exception of a coxswain if a coxswain is provided; and
 - 42 (C) that is designed to carry and carries equipment only for



1 competitive racing.
 2 (b) All boats must be equipped with the number and type of
 3 personal flotation devices listed in this subsection. A person may not
 4 operate a boat unless the boat contains:

- 5 (1) for each person on board, one (1) personal flotation device
 6 that meets the requirements for designation by the United States
 7 Coast Guard as a ~~Type I, Type II, Type III, or Type V~~ **wearable**
 8 personal flotation device; and
 9 (2) for a boat, except a canoe or kayak, at least sixteen (16) feet
 10 in length and in addition to the requirements of subdivision (1),
 11 one (1) personal flotation device that meets the requirements for
 12 designation by the United States Coast Guard as a ~~Type IV~~
 13 **throwable** personal flotation device.

14 (c) The director may waive the requirements of this section for a
 15 boat during competition in a boat race for which a permit has been
 16 issued by the department if the following conditions are met:

- 17 (1) The sponsor of the boat race has informed the director of the
 18 precautions the sponsor will take to minimize the safety hazards
 19 that exist due to noncompliance with the requirements of this
 20 section.
 21 (2) The sponsor files with the director a document under which
 22 the sponsor assumes all liability that may result from the use of a
 23 boat under the waiver.

24 SECTION 9. IC 14-15-2-15, AS AMENDED BY P.L.195-2014,
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2016]: Sec. 15. (a) A person who violates section 1, 2, 3, 4, 5,
 27 6, 7(b), 9, 10, **11**, 12, 13, or 14 of this chapter commits a Class C
 28 infraction.

29 (b) A person who violates section 7(c) or 8 of this chapter commits
 30 a Class A infraction. Notwithstanding IC 34-28-5-4(a), a judgment of
 31 at least one thousand dollars (\$1,000) shall be imposed for each Class
 32 A infraction committed in violation of section 7(c) or 8 of this chapter.

33 SECTION 10. IC 14-15-4-2 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The operator of
 35 a boat involved in an accident or a collision resulting in:

- 36 (1) injury to or death of a person; or
 37 (2) damage to a boat or other property to an apparent extent of at
 38 least seven hundred fifty dollars (\$750);
 39 shall provide the information required under subsection (b).

40 (b) An operator of a boat subject to subsection (a) shall do the
 41 following:

- 42 (1) Give notice of the accident to:



- 1 (A) the office of the sheriff of the county;
 2 (B) the nearest state police post; or
 3 (C) ~~the nearest conservation office;~~ **central dispatch center**
 4 **for the law enforcement division of the department;**
 5 immediately and by the quickest means of communication.
 6 (2) Mail to the department a written report of the accident or
 7 collision within twenty-four (24) hours of the accident or
 8 collision.
- 9 SECTION 11. IC 14-15-7-3 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The department
 11 may adopt rules under IC 4-22-2 to implement this article concerning
 12 the following:
- 13 (1) Applications for and the issuance of permits and certificates
 14 required by this article.
 15 (2) The conduct of watercraft races.
 16 (3) Standards of safety for boats used to carry passengers for hire,
 17 the determination of the maximum weight that may safely be
 18 carried on boats, and the inspection of boats.
 19 (4) The safe operation of watercraft upon public water where
 20 unusual conditions or hazards exist, such as any of the following:
 21 (A) An obstruction in or along public water.
 22 (B) Watercraft traffic congestion.
 23 (C) A beach, boat launch, marina, dam, spillway, or other
 24 recreational facility on or adjacent to public water.
 25 (5) The placement, location, and maintenance of the following
 26 structures upon public water:
 27 (A) Buoys.
 28 (B) Markers.
 29 (C) Flags.
 30 (D) Devices that are used for the purposes of swimming or
 31 extending the use of water skis, water sleds, or aquaplanes.
 32 (6) The establishment of zones where the use of watercraft may
 33 be limited or prohibited for the following purposes:
 34 (A) Fish, wildlife, or botanical resource management.
 35 (B) The protection of users.
 36 (7) The regulation of watercraft engaged in group or organized
 37 activities or tournaments.
- 38 (b) In a rule adopted under subsection (a)(4) or (a)(6), the
 39 department may establish a zone where:
 40 (1) the operation of all or some types of watercraft is prohibited;
 41 (2) particular activities are restricted or prohibited; or
 42 (3) a limitation is placed on the speed at which a watercraft may



1 be operated.

2 **(c) A person who violates this section commits a Class C**
3 **infraction.**

4 SECTION 12. IC 14-15-12-8 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. A person shall not
6 operate a personal watercraft on public waters unless every individual:

- 7 (1) operating;
8 (2) riding on; or
9 (3) being towed by;

10 the personal watercraft is wearing a personal flotation device that meets
11 the requirements for designation by the United States Coast Guard as
12 a ~~Type I, Type II, Type III, or Type V~~ **wearable** personal flotation
13 device, if applicable.

14 SECTION 13. IC 14-16-1-19 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 19. **(a)** A vehicle
16 registered in another state or country to a nonresident of Indiana may
17 be operated within Indiana under authority of the registration for a
18 period not to exceed twenty (20) days in one (1) year.

19 **(b) A vehicle that is:**

- 20 **(1) from another state or country and is not registered in that**
21 **state or country; and**
22 **(2) owned by a nonresident of Indiana;**

23 **may be operated on designated trails and properties owned or**
24 **managed by the department if the operator of the vehicle pays a fee**
25 **set by the commission for an annual trail use tag.**

26 SECTION 14. IC 14-22-6-13, AS AMENDED BY P.L.219-2014,
27 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2016]: Sec. 13. If the director:

- 29 (1) determines that a species of wild animal present within a state
30 park **or historic site** poses an unusual hazard to the health or
31 safety of one (1) or more individuals;

32 (2) determines, based upon the opinion of a professional biologist,
33 that it is likely that:

34 (A) a species of wild animal present within a state park **or**
35 **historic site** will cause obvious and measurable damage to the
36 ecological balance within the state park **or historic site;** and

37 (B) the ecological balance within the state park **or historic site**
38 will not be maintained unless action is taken to control the

39 population of the species within the state park **or historic site;**

40 or

- 41 (3) is required under a condition of a lease from the federal
42 government to manage a particular wild animal species;



1 the director shall authorize the taking of a species within the state park
2 **or historic site** under rules adopted under IC 4-22-2.

3 SECTION 15. IC 14-22-7-3, AS AMENDED BY P.L.151-2012,
4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2016]: Sec. 3. ~~(a)~~ An individual may not hunt a migratory
6 waterfowl within Indiana without having an electronically generated
7 migratory waterfowl stamp issued by the department. The stamp must
8 be in the possession of each individual hunting a migratory waterfowl.
9 The licensee shall validate the stamp with the signature, in ink, of the
10 licensee on the hunting license on which the electronically generated
11 form of the stamp is attached.

12 ~~(b) The department shall determine the form of the migratory~~
13 ~~waterfowl stamp and may create and sell commemorative migratory~~
14 ~~waterfowl stamps:~~

15 SECTION 16. IC 14-22-8-4, AS AMENDED BY P.L.151-2012,
16 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2016]: Sec. 4. ~~(a)~~ An individual may not hunt a game bird
18 within Indiana without having an electronically generated game bird
19 habitat restoration stamp issued by the department. The stamp must be
20 in the possession of each individual hunting a game bird. The licensee
21 shall validate the stamp with the signature of the licensee on the
22 hunting license on which the electronically generated form of the stamp
23 is attached.

24 ~~(b) The department shall determine the form of the stamp and may~~
25 ~~create and sell commemorative game bird habitat restoration stamps:~~

26 SECTION 17. IC 14-22-11-1, AS AMENDED BY P.L.194-2014,
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2016]: Sec. 1. (a) As used in this section, "farmland" means
29 agricultural land that is:

- 30 (1) devoted or best adaptable for the production of crops, fruits,
31 timber, and the raising of livestock; or
- 32 (2) assessed as agricultural land for property tax purposes.

33 (b) An individual may not take or chase, with or without dogs, a
34 wild animal without having a license, except as follows:

- 35 (1) An individual who is a resident or nonresident of Indiana
36 while participating in a field trial that has been sanctioned by the
37 director is not required to possess a license while participating in
38 the trial.
- 39 (2) Subject to subsection (d), an owner of farmland located in
40 Indiana who is a resident or nonresident of Indiana and the spouse
41 and children living with the owner may hunt, fish, and trap
42 without a license on the land that the owner owns.



- 1 (3) A lessee of farmland who farms that land and is a resident of
 2 Indiana and the spouse and children living with the lessee may
 3 hunt, fish, and trap without a license on the leased land. This
 4 subdivision does not apply to land that is:
 5 (A) owned, leased, or controlled by; and
 6 (B) leased from;
 7 the department.
 8 (4) An individual who:
 9 (A) is less than thirteen (13) years of age;
 10 (B) does not possess a bow or firearm; and
 11 (C) is accompanying an individual who:
 12 (i) is at least eighteen (18) years of age; and
 13 (ii) holds a valid license;
 14 may chase a wild animal without having a license.
 15 (5) The manager of a public use airport (as defined by 49 U.S.C.
 16 47102(22)), or the manager's designee, may chase or take ~~except~~
 17 ~~by trapping~~; at any time, without a license, a:
 18 (A) white-tailed deer, **except by trapping**;
 19 (B) coyote;
 20 (C) wild turkey, **except by trapping**; or
 21 (D) migratory bird;
 22 that poses a threat to aircraft within the airport operations area.
 23 (c) The exceptions provided in this section do not apply to a
 24 commercial license issued under this article.
 25 (d) The right of a nonresident who owns farmland in Indiana (and
 26 of the spouse and children who reside with the nonresident) to hunt,
 27 fish, and trap on the farmland without a license under subsection (b)(2)
 28 is subject to the following conditions:
 29 (1) The nonresident may hunt, fish, and trap on the farmland
 30 without a license only if the state in which the nonresident resides
 31 allows residents of Indiana who own land in that state to hunt,
 32 fish, and trap on their land without a license.
 33 (2) While hunting, fishing, or trapping on the farmland, the
 34 nonresident must keep proof that the nonresident owns the
 35 farmland (for example, a tax receipt identifying the nonresident
 36 as owner) in a place where the proof is readily accessible by the
 37 nonresident.
 38 (e) The manager of a public use airport (as defined by 49 U.S.C.
 39 47102(22)), or the manager's designee, shall report annually to the
 40 department the following:
 41 (1) The number of animals killed under subsection (b)(5) by
 42 species.



- 1 (2) The date the animal was taken.
 2 (3) The name and address of the person who took the animal,
 3 other than a migratory bird.
 4 (4) The disposition of the animal.
 5 (5) The name and address of the person to whom the animal was
 6 given as a gift or donated (if applicable).
- 7 A copy of the report must be kept at the public use airport (as defined
 8 by 49 U.S.C. 47102(22)) and be available upon request to an employee
 9 of the department. White-tailed deer and wild turkeys must be tagged
 10 or accompanied by a piece of paper that includes the name and address
 11 of the person who took the deer or wild turkey, the date the deer or wild
 12 turkey was taken, and the location where the deer or wild turkey was
 13 taken before processing of the deer or wild turkey begins. However, it
 14 is not a violation of this subsection if the manager of a public use
 15 airport (as defined by 49 U.S.C. 47102(22)), or the manager's designee,
 16 fails to submit an annual report under this subsection, as long as the
 17 manager of a public use airport (as defined by 49 U.S.C. 47102(22)),
 18 or the manager's designee, provides the relevant information requested
 19 by the department not later than fourteen (14) calendar days after
 20 receiving a request from the department. If the manager of a public use
 21 airport (as defined by 49 U.S.C. 47102(22)) or the manager's designee
 22 does not provide the information requested by the department within
 23 the required fourteen (14) day period, the manager of the public use
 24 airport (as defined by 49 U.S.C. 47102(22)) and any designee of the
 25 manager are required to obtain a permit from the department to chase
 26 or take a wild animal during the following calendar year.
- 27 SECTION 18. IC 14-22-38-7, AS AMENDED BY P.L.289-2013,
 28 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2016]: Sec. 7. (a) As used in this section, "hunter orange"
 30 means a daylight fluorescent orange with the dominant wavelength
 31 595-605 nm, a purity of not less than eighty-five percent (85%), and a
 32 luminance factor of not less than forty percent (40%).
 33 (b) As used in this section, "wear hunter orange" means to expose
 34 on one's person as an outer garment one (1) or more of the following
 35 articles of clothing that are solid hunter orange in color:
 36 (1) A vest.
 37 (2) A coat.
 38 (3) A jacket.
 39 (4) Coveralls.
 40 (5) A hat.
 41 (6) A cap.
 42 However, articles of clothing specified under this section with logos,



1 patches, insignia, or printing that does not substantially hinder the
2 visibility of the hunter orange material are allowed under this section.

3 ~~(c) This subsection applies only during the season when hunting by~~
4 ~~firearms (as defined in IC 14-22-40-3) is permitted under 312 IAC. A~~
5 ~~person who hunts for:~~

6 ~~(1) deer by firearm or bow and arrow;~~

7 ~~(2) cottontail rabbit;~~

8 ~~(3) squirrel, unless from a boat, during the period:~~

9 ~~(A) beginning on the first Friday that follows November 3; and~~

10 ~~(B) ending on January 31 of the following year;~~

11 ~~(4) woodcock;~~

12 ~~(5) pheasant;~~

13 ~~(6) quail; or~~

14 ~~(7) ruffed grouse;~~

15 ~~must wear hunter orange.~~

16 ~~(d) (c) A person who violates the requirement to:~~

17 ~~(1) wear hunter orange; or~~

18 ~~(2) display hunter orange on an occupied ground blind;~~

19 ~~as specified in 312 IAC 9 commits a Class D infraction.~~

20 SECTION 19. IC 14-28-5-1 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this
22 chapter, "flood control program" includes the following:

23 (1) The removal of obstructions and accumulated debris from
24 channels of streams.

25 (2) The clearing and straightening of channels of streams.

26 (3) The creating of new and enlarged channels of streams,
27 wherever required.

28 (4) The building or repairing of dikes, levees, or other flood
29 protective works.

30 (5) The construction of bank protection works for streams.

31 (6) The establishment of floodways.

32 **(7) Conducting all other activities that are permitted by the**
33 **federal Flood Control Act and federal Clean Water Act.**

34 SECTION 20. IC 14-28-5-3 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this
36 chapter, "governing board" means the following:

37 ~~(1) The legislative body of a county, city, or town.~~

38 ~~(2) A board created by law to administer the affairs of a special~~
39 ~~taxing district. **the participant.**~~

40 SECTION 21. IC 14-28-5-4 IS REPEALED [EFFECTIVE JULY 1,
41 2016]. Sec. 4. As used in this chapter, "local unit" means county, city,
42 town, or special taxing district created by law.



1 SECTION 22. IC 14-28-5-4.5 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2016]: **Sec. 4.5. As used in this chapter,**
 4 **"participant" means any of the following:**

- 5 (1) **A political subdivision as defined in IC 36-1-2-13.**
 6 (2) **A regional water, sewage, or solid waste district organized**
 7 **under IC 13-26-1.**
 8 (3) **A conservancy district established for purpose set forth in**
 9 **IC 14-33-1-1(a)(5).**
 10 (4) **An owner of a wastewater treatment system that is**
 11 **authorized by the federal Clean Water Act to borrow from**
 12 **the wastewater revolving loan program established under**
 13 **IC 13-18-13.**

14 SECTION 23. IC 14-28-5-5, AS AMENDED BY P.L.155-2015,
 15 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2016]: **Sec. 5. (a) The flood control revolving fund is created**
 17 **to provide money for loans and financial assistance to or for the**
 18 **benefit of participants under this chapter.** The authority shall hold
 19 the fund in the name of the authority. The authority shall administer the
 20 fund in the manner provided by IC 4-4-11 and this chapter.

21 (b) **Loans and financial assistance** may be made from the fund to
 22 **local units participants** in accordance with **the manner provided by**
 23 **IC 4-4-11 and this chapter. and the rules adopted under this chapter.**

24 (c) Money in the fund does not revert to the state general fund. The
 25 fund is a revolving fund to be used exclusively for the purposes of this
 26 chapter.

27 SECTION 24. IC 14-28-5-6 IS REPEALED [EFFECTIVE JULY 1,
 28 2016]. **Sec. 6: Except as otherwise provided with respect to the**
 29 **administration of the fund; the commission shall administer this**
 30 **chapter. The commission may do the following:**

- 31 (1) **Adopt rules under IC 4-22-2 that are considered necessary by**
 32 **the commission for the proper administration of this chapter.**
 33 (2) **Subject to the approval of the budget committee; employ the**
 34 **personnel that are necessary for the efficient administration of this**
 35 **chapter.**

36 SECTION 25. IC 14-28-5-7, AS AMENDED BY P.L.155-2015,
 37 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2016]: **Sec. 7. (a) The authority may make an approved loan**
 39 **or provide other financial assistance** from the fund to a **local unit:**
 40 **participant.** The money loaned **or provided** is to be used by the **local**
 41 **unit participant** for the purpose of instituting, accomplishing, and
 42 administering an approved flood control program.



1 (b) The total amount outstanding under loans made under:
 2 (1) this chapter; and
 3 (2) IC 13-2-23 (before its repeal);
 4 to one (1) local unit may not exceed three hundred thousand dollars
 5 (\$300,000).

6 SECTION 26. IC 14-28-5-8, AS AMENDED BY P.L.155-2015,
 7 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2016]: Sec. 8. A ~~local unit~~ **participant** may institute,
 9 accomplish, and administer a flood control program if the following
 10 conditions are met:

11 (1) The program is authorized and approved by ordinance or
 12 resolution enacted by the governing board of the ~~local unit~~.
 13 **participant.**

14 (2) The flood control program has been approved by the authority.
 15 ~~and the commission.~~

16 SECTION 27. IC 14-28-5-9, AS AMENDED BY P.L.155-2015,
 17 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2016]: Sec. 9. The authority shall authorize the making of a
 19 loan **or providing other financial assistance** to a ~~local unit~~
 20 **participant** under this chapter only when the following conditions
 21 exist:

22 (1) An application for the loan **or other financial assistance** has
 23 been submitted by the ~~local unit~~ **participant** to the authority in
 24 the manner and form that the authority directs. The application
 25 must state the following:

26 (A) The need for the flood control program and the need for
 27 money for instituting, accomplishing, and administering the
 28 program.

29 (B) A detailed description of the program.

30 (C) An engineering estimate of the cost of the proposed
 31 program acceptable to the authority. ~~and the commission.~~

32 (D) The amount of money considered to be needed.

33 (E) Other information that is requested by the authority. ~~and~~
 34 ~~the commission.~~

35 (2) There is a need, as determined by the ~~commission~~, **authority**,
 36 for the proposed flood control program for the purpose of
 37 protecting the health, safety, and general welfare of the
 38 inhabitants of the ~~local unit~~. **participant's jurisdiction.**

39 (3) ~~The proposed flood control program has been approved by the~~
 40 ~~commission~~, if before granting the approval, the ~~commission~~
 41 ~~determines the following:~~

42 (A) ~~That the program:~~



1 (i) is based upon sound engineering principles;
 2 (ii) is in the interest of flood control; and
 3 (iii) will accomplish the objectives of flood control.
 4 (B) That for flood control programs involving the
 5 reconstruction or repair of existing flood control works that:
 6 (i) in the judgment of the commission, constitutes an
 7 unreasonable obstruction or impediment to the proper
 8 discharge of flood flows; or
 9 (ii) by virtue of their nature, location, or design, are subject
 10 to frequent damage or destruction;
 11 approval is limited to the work that is necessary to afford
 12 emergency protection against actual or threatened damage to
 13 life and property.
 14 (4) (3) The local unit participant agrees and furnishes assurance,
 15 satisfactory to the commission, authority, that the local unit
 16 participant will operate and maintain the flood control program,
 17 after completion, in a satisfactory manner.
 18 SECTION 28. IC 14-28-5-10, AS AMENDED BY P.L.53-2008,
 19 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2016]: Sec. 10. (a) The local unit participant may:
 21 (1) do work; and
 22 (2) provide labor, equipment, and materials from any source at the
 23 local unit's participant's disposal;
 24 for the flood control program.
 25 (b) The commission authority may do the following:
 26 (1) Evaluate the participation of the local unit participant in the
 27 accomplishment of the project.
 28 (2) Compute the participation as a part or all of the share of cost
 29 that the local unit participant is required to pay toward the total
 30 cost of the project for which the loan or other financial
 31 assistance from the fund is obtained.
 32 (c) Participation authorized under this section must be under the
 33 direction of the governing board.
 34 (d) If cash amounts are included in the local unit's participant's
 35 share of total cost, the amounts shall be provided in the usual and
 36 accepted manner for the financing of the affairs of the local unit
 37 participant.
 38 (e) Costs of engineering and legal services to the borrower may be
 39 regarded as a part of the total cost of the project.
 40 SECTION 29. IC 14-28-5-11, AS AMENDED BY P.L.53-2008,
 41 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2016]: Sec. 11. (a) The commission authority shall determine



1 and ascribe to each applicant for a loan **and financial assistance** a
 2 priority rating. The rating must be based primarily on the need of the
 3 **local unit participant** for the proposed flood control program as the
 4 need is related to the needs of other applicants for loans **and financial**
 5 **assistance**. Except as provided in subsection (b):

6 (1) the **local units participants** having the highest priority rating
 7 shall be given first consideration in making loans **and providing**
 8 **financial assistance** under this chapter; and

9 (2) loans **and financial assistance** shall be made in descending
 10 order as shown by the priority ratings.

11 (b) If an emergency demands immediate relief from actual or
 12 threatened flood damage, the application made by a **local unit**
 13 **participant** for a loan **or financial assistance** may be considered
 14 regardless of a previous priority rating ascribed to the applicant.

15 SECTION 30. IC 14-28-5-12 IS REPEALED [EFFECTIVE JULY
 16 1, 2016]. ~~Sec. 12. (a) A loan made under this chapter or under~~
 17 ~~IC 13-2-23 (before its repeal):~~

18 (1) may be made for a period not to exceed ten (10) years; and

19 (2) bears interest at the rate of three percent (3%) a year.

20 (b) A local unit receiving a loan under this chapter shall agree to
 21 repay the loan in equal annual installments, including interest on the
 22 unpaid balance of the loan. The repayments, including interest, become
 23 part of the fund and do not revert to the state general fund. However;
 24 if a local unit levies a tax as provided in this chapter, the first
 25 installment of the loan becomes due and payable out of money first
 26 received from the levying and the collection of a tax authorized under
 27 this chapter. A borrower may prepay a loan in full or in part without
 28 interest penalty.

29 SECTION 31. IC 14-28-5-12.1 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2016]: **Sec. 12.1. (a) The authority shall**
 32 **establish the interest rate or parameters for establishing the**
 33 **interest rate on each loan and other financial assistance made**
 34 **under this chapter, including parameters for establishing the**
 35 **amount of interest subsidies.**

36 (b) The authority, in setting the interest rate or parameters for
 37 establishing the interest rate on each loan and other financial
 38 assistance, may take into account the following:

39 (1) Credit risk.

40 (2) Environmental enforcement and protection.

41 (3) Affordability.

42 (4) Other fiscal factors the authority considers relevant,



1 including the program's cost of funds and whether the
 2 financial assistance provided to a particular participant is
 3 taxable or tax exempt under federal law.

4 Based on the factors set forth in subdivisions (1) through (4), more
 5 than one (1) interest rate may be established and used for loans and
 6 other financial assistance to different participants or for different
 7 loans and other financial assistance to the same participants.

8 SECTION 32. IC 14-28-5-12.3 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2016]: **Sec. 12.3. A participant receiving a**
 11 **loan or other financial assistance from the fund shall enter into a**
 12 **financial assistance agreement with the authority. A financial**
 13 **assistance agreement is a valid, binding, and enforceable**
 14 **agreement on the participant.**

15 SECTION 33. IC 14-28-5-13 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. A local unit**
 17 **participant receiving a loan or other financial assistance under:**

- 18 (1) this chapter; or
 19 (2) IC 13-2-23 (before its repeal);

20 may levy an annual tax on personal and real property located within the
 21 geographical limits of the ~~local unit~~ **participant** for flood control
 22 purposes. The tax is in addition to any other tax authorized by law to be
 23 levied for flood control purposes. The tax shall be levied at the rate that
 24 will produce sufficient revenue to pay the annual installment and
 25 interest on a loan **or other financial assistance** made under this
 26 chapter or under IC 13-2-23 (before its repeal). The tax at the rate
 27 authorized in this section is in addition to the maximum annual rates
 28 prescribed by law.

29 SECTION 34. IC 14-28-5-14, AS AMENDED BY P.L.155-2015,
 30 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2016]: **Sec. 14. If a local unit participant** fails to make a
 32 payment to the fund or any other payment required by this chapter or
 33 under IC 13-2-23 (before its repeal) or is in any way indebted to the
 34 fund for an amount incurred or accrued, the state may recover the
 35 amount through any of the following:

- 36 (1) The state may, through the attorney general and on behalf of
 37 the authority, file a suit in the circuit or a superior court with
 38 jurisdiction in the county in which the ~~local unit~~ **participant** is
 39 located to recover the amount that the ~~local unit~~ **participant** owes
 40 the fund.
 41 (2) The auditor of state may, after a sixty (60) day written notice
 42 to the ~~local unit~~, **participant**, withhold the payment and



1 distribution of state money that the defaulting ~~local unit~~
2 **participant** is entitled to receive under Indiana law.

3 (3) For a special taxing district, upon certification by the auditor
4 of state after a sixty (60) day written notice to the special taxing
5 district, the auditor of each county containing land within the
6 special taxing district shall withhold collected tax money for the
7 special taxing district and remit the withheld tax money to the
8 auditor of state. The auditor of state shall make a payment to the
9 fund in the name of the special taxing district. Upon elimination
10 of the delinquency payment, the auditor of state shall certify the
11 fact to the auditors of the counties involved and any additional
12 withheld tax money shall be released to the special taxing district.

13 SECTION 35. IC 14-28-5-15 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. There is
15 appropriated annually to the ~~commission~~ **authority** from the state
16 general fund from money not otherwise appropriated an amount
17 sufficient to administer this chapter, subject to the approval of the
18 budget committee.

19 SECTION 36. IC 14-31-3-3 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) As used in this
21 chapter, "ginseng dealer" means a person who buys **or sells** ginseng
22 roots from ginseng harvesters or other ginseng dealers for resale or
23 exportation.

24 (b) The term does not include a person who sells solely for domestic
25 consumption.

26 SECTION 37. IC 14-31-3-15 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. A ginseng dealer
28 who:

29 (1) purchases **or sells** ginseng **for resale or exportation** without
30 a license; or

31 (2) obtains a license because of a false or an incorrect statement;
32 commits a Class B misdemeanor.

33 SECTION 38. IC 14-34-19-12, AS AMENDED BY P.L.165-2011,
34 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2016]: Sec. 12. (a) Within six (6) months after the completion
36 of projects to restore, reclaim, abate, control, or prevent adverse effects
37 of past coal mining practices on privately owned land, the director:

38 (1) shall itemize the money expended; and

39 (2) **if a lien reveals an increase in the property value of at least**
40 **twenty-five thousand dollars (\$25,000) per landowner per**
41 **project**, may, subject to subsection (b), ~~file~~ **have an independent**
42 **appraisal conducted.** A statement **may be filed** with the county



1 recorder in the county in which the land lies together with a
 2 notarized appraisal by an independent appraiser of the value of
 3 the land before the restoration, reclamation, abatement, control,
 4 or prevention of adverse effects of past coal mining practices if
 5 the money expended results in a significant increase in property
 6 value. The statement constitutes a lien upon the land. The lien
 7 may not exceed the amount determined by the appraisal to be the
 8 increase in the market value of the land as a result of the
 9 restoration, reclamation, abatement, control, or prevention of the
 10 adverse effects of past coal mining practices.

11 (b) A lien may not be filed against the property of a person under
 12 subsection (a) who did not:

- 13 (1) consent to;
- 14 (2) participate in; or
- 15 (3) exercise control over;

16 the mining operation that necessitated the reclamation **work** performed
 17 under this chapter.

18 (c) The landowner may petition within sixty (60) days of the filing
 19 of the lien to determine the increase in the market value of the land as
 20 a result of the restoration, reclamation, abatement, control, or
 21 prevention of the adverse effects of past coal mining practices. The
 22 amount reported to be the increase in value of the premises constitutes
 23 the amount of the lien and shall be recorded with the statement filed
 24 under subsection (a). A party aggrieved by the decision may appeal as
 25 provided by law.

26 (d) The director shall record the lien with the county recorder in the
 27 county in which the land is located. The statement:

- 28 (1) constitutes a lien upon the land as of the date of the
 29 expenditure of the money; and
- 30 (2) has priority as a lien second only to the lien of real estate taxes
 31 imposed upon the land.

32 SECTION 39. IC 25-36.5-1-7 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. The application fee
 34 or renewal fee for a registration certificate to operate as a timber buyer,
 35 is one hundred ~~five~~ **thirty** dollars (~~\$105~~). (**\$130**). The fee for a
 36 certificate stating that a registration certificate has been issued and
 37 security filed is twenty dollars (\$20). All fees collected by the
 38 department accrue to the use of the department for its administrative
 39 purposes.

40 SECTION 40. IC 25-36.5-1-15, AS AMENDED BY P.L.155-2015,
 41 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2016]: Sec. 15. (a) An individual who acts as the agent of a



- 1 timber buyer must have an agent's license and carry the agent's card
2 that verifies the license.
- 3 (b) An agent's license may be granted only:
4 (1) to qualified individuals;
5 (2) at the written application of the timber buyer who the agent is
6 to represent; and
7 (3) under that timber buyer's registration certificate.
- 8 (c) The application for an agent's license must contain the agent's
9 full name, address, and other information as required by the department
10 on forms supplied by the department. Each timber buyer is responsible
11 for all of the agent's activities performed while acting under the timber
12 buyer's registration certificate as they pertain to this chapter.
- 13 (d) An application fee of ~~ten~~ **twenty** dollars (~~\$10~~) (**\$20**) for each
14 agent shall be charged for the license and agent's card.
- 15 (e) An agent's license may be revoked by the department under
16 IC 4-21.5 if the agent does not comply with this section.
- 17 (f) An agent may have a license to represent only one (1) timber
18 buyer. However, upon surrendering the agent's card and license under
19 one (1) timber buyer, an individual may be licensed as an agent of
20 another timber buyer.
- 21 (g) A timber buyer may not be licensed as an agent except as the
22 principal agent of that timber buyer.
- 23 (h) A timber buyer may not effect or attempt to effect a purchase
24 except through an agent.
- 25 (i) A timber buyer may terminate an agency relationship by
26 notifying in writing the agent and the department. Termination of an
27 agency relationship revokes the agent's license.
- 28 (j) A person who acts as an agent without a license commits a Class
29 B misdemeanor.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1246, 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 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-4-11-0.4, AS ADDED BY P.L.220-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.4. (a) On May 15, 2005, all powers, duties, agreements, and liabilities of the treasurer of state, the auditor of state, the department of environmental management, and the budget agency with respect to:

- (1) the wastewater revolving loan program established by IC 13-18-13-1;
- (2) the drinking water revolving loan program established by IC 13-18-21-1; and
- (3) the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21;

are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) through (3).

(b) On May 15, 2005, all records, money, and other property of the treasurer of state, the auditor of state, the department of environmental management, and the budget agency with respect to:

- (1) the wastewater revolving loan program established by IC 13-18-13-1;
- (2) the drinking water revolving loan program established by IC 13-18-21-1; and
- (3) the supplemental drinking water and wastewater assistance program established by IC 13-18-21-21;

are transferred to the authority as the successor agency for the limited purposes described in subdivisions (1) through (3).

(c) On May 15, 2005, all powers, duties, agreements, and liabilities of the Indiana bond bank, the Indiana department of environmental management, and the budget agency with respect to:

- (1) outstanding bonds issued for:
 - (A) the wastewater revolving loan program established by IC 13-18-13-1; or
 - (B) the drinking water revolving loan program established by IC 13-18-21-1; and
- (2) any trust agreement or indenture, security agreement, purchase



agreement, or other undertaking entered into in connection with the bonds described in subdivision (1); are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) and (2). The rights of the trustee and the bondholders with respect to any bonds or any trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in this subsection remain the same, although the powers, duties, agreements, and liabilities of the Indiana bond bank have been transferred to the authority and the authority shall be considered to have assumed all those powers, duties, agreements, and liabilities as if the authority were the Indiana bond bank for those limited purposes.

(d) On July 1, 2016, all powers, duties, agreements, and liabilities of the treasurer of state, the auditor of state, the department of natural resources, the natural resources commission, and the budget agency with respect to:

(1) the flood control program established by IC 14-28-5-1; and

(2) the flood control revolving fund created by IC 14-28-5-5; are transferred to the authority, as the successor agency, for the limited purposes described in subdivisions (1) and (2).

(e) On July 1, 2016, all records, money, and other property of the treasurer of state, the auditor of state, the department of natural resources, the natural resources commission, and the budget agency with respect to:

(1) the flood control program established by IC 14-28-5-1; and

(2) the flood control revolving fund created by IC 14-28-5-5; are transferred to the authority as the successor agency for the limited purposes described in subdivisions (1) and (2)."

Page 2, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 6. IC 14-8-2-155 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 155. "Local unit", for purposes of IC 14-28-5, has the meaning set forth in IC 14-28-5-4."

Page 9, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 19. IC 14-28-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. As used in this chapter, "flood control program" includes the following:

(1) The removal of obstructions and accumulated debris from channels of streams.

(2) The clearing and straightening of channels of streams.

(3) The creating of new and enlarged channels of streams,



wherever required.

(4) The building or repairing of dikes, levees, or other flood protective works.

(5) The construction of bank protection works for streams.

(6) The establishment of floodways.

(7) Conducting all other activities that are permitted by the federal Flood Control Act and federal Clean Water Act.

SECTION 20. IC 14-28-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. As used in this chapter, "governing board" means the following:

~~(1) The legislative body of a county, city, or town.~~

~~(2) A board created by law to administer the affairs of a special taxing district.~~ **the participant.**

SECTION 21. IC 14-28-5-4 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 4. As used in this chapter, "local unit" means county, city, town, or special taxing district created by law.

SECTION 22. IC 14-28-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4.5. As used in this chapter, "participant" means any of the following:

(1) A political subdivision as defined in IC 36-1-2-13.

(2) A regional water, sewage, or solid waste district organized under IC 13-26-1.

(3) A conservancy district established for purpose set forth in IC 14-33-1-1(a)(5).

(4) An owner of a wastewater treatment system that is authorized by the federal Clean Water Act to borrow from the wastewater revolving loan program established under IC 13-18-13.

SECTION 23. IC 14-28-5-5, AS AMENDED BY P.L.155-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) The flood control revolving fund is created **to provide money for loans and financial assistance to or for the benefit of participants under this chapter.** The authority shall hold the fund in the name of the authority. The authority shall administer the fund in the manner provided by IC 4-4-11 and this chapter.

(b) Loans **and financial assistance** may be made from the fund to ~~local units participants~~ **in accordance with the manner provided by IC 4-4-11 and this chapter.** ~~and the rules adopted under this chapter.~~

(c) Money in the fund does not revert to the state general fund. The fund is a revolving fund to be used exclusively for the purposes of this chapter.



SECTION 24. IC 14-28-5-6 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 6. Except as otherwise provided with respect to the administration of the fund, the commission shall administer this chapter. The commission may do the following:

- (1) Adopt rules under IC 4-22-2 that are considered necessary by the commission for the proper administration of this chapter.
- (2) Subject to the approval of the budget committee, employ the personnel that are necessary for the efficient administration of this chapter.

SECTION 25. IC 14-28-5-7, AS AMENDED BY P.L.155-2015, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The authority may make an approved loan **or provide other financial assistance** from the fund to a **local unit participant**. The money loaned **or provided** is to be used by the **local unit participant** for the purpose of instituting, accomplishing, and administering an approved flood control program.

(b) The total amount outstanding under loans made under:

- (1) this chapter; and
- (2) IC 13-2-23 (before its repeal);

to one (1) local unit may not exceed three hundred thousand dollars (\$300,000).

SECTION 26. IC 14-28-5-8, AS AMENDED BY P.L.155-2015, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. A **local unit participant** may institute, accomplish, and administer a flood control program if the following conditions are met:

- (1) The program is authorized and approved by ordinance or resolution enacted by the governing board of the **local unit participant**.
- (2) The flood control program has been approved by the authority **and the commission**.

SECTION 27. IC 14-28-5-9, AS AMENDED BY P.L.155-2015, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. The authority shall authorize the making of a loan **or providing other financial assistance** to a **local unit participant** under this chapter only when the following conditions exist:

- (1) An application for the loan **or other financial assistance** has been submitted by the **local unit participant** to the authority in the manner and form that the authority directs. The application must state the following:
 - (A) The need for the flood control program and the need for



money for instituting, accomplishing, and administering the program.

(B) A detailed description of the program.

(C) An engineering estimate of the cost of the proposed program acceptable to the authority, ~~and the commission.~~

(D) The amount of money considered to be needed.

(E) Other information that is requested by the authority, ~~and the commission.~~

(2) There is a need, as determined by the ~~commission;~~ **authority**, for the proposed flood control program for the purpose of protecting the health, safety, and general welfare of the inhabitants of the ~~local unit.~~ **participant's jurisdiction.**

~~(3) The proposed flood control program has been approved by the commission; if before granting the approval, the commission determines the following:~~

~~(A) That the program:~~

~~(i) is based upon sound engineering principles;~~

~~(ii) is in the interest of flood control; and~~

~~(iii) will accomplish the objectives of flood control.~~

~~(B) That for flood control programs involving the reconstruction or repair of existing flood control works that:~~

~~(i) in the judgment of the commission, constitutes an unreasonable obstruction or impediment to the proper discharge of flood flows; or~~

~~(ii) by virtue of their nature, location, or design, are subject to frequent damage or destruction;~~

~~approval is limited to the work that is necessary to afford emergency protection against actual or threatened damage to life and property.~~

~~(4) (3) The local unit participant agrees and furnishes assurance, satisfactory to the ~~commission;~~ **authority**, that the ~~local unit participant~~ will operate and maintain the flood control program, after completion, in a satisfactory manner.~~

SECTION 28. IC 14-28-5-10, AS AMENDED BY P.L.53-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The ~~local unit participant~~ may:

(1) do work; and

(2) provide labor, equipment, and materials from any source at the ~~local unit's~~ **participant's** disposal;

for the flood control program.

(b) The ~~commission~~ **authority** may do the following:

(1) Evaluate the participation of the ~~local unit participant~~ in the



accomplishment of the project.

(2) Compute the participation as a part or all of the share of cost that the ~~local unit~~ **participant** is required to pay toward the total cost of the project for which the loan **or other financial assistance** from the fund is obtained.

(c) Participation authorized under this section must be under the direction of the governing board.

(d) If cash amounts are included in the ~~local unit's~~ **participant's** share of total cost, the amounts shall be provided in the usual and accepted manner for the financing of the affairs of the ~~local unit~~ **participant**.

(e) Costs of engineering and legal services to the borrower may be regarded as a part of the total cost of the project.

SECTION 29. IC 14-28-5-11, AS AMENDED BY P.L.53-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 11. (a) The ~~commission authority~~ shall determine and ascribe to each applicant for a loan **and financial assistance** a priority rating. The rating must be based primarily on the need of the ~~local unit~~ **participant** for the proposed flood control program as the need is related to the needs of other applicants for loans **and financial assistance**. Except as provided in subsection (b):

- (1) the ~~local units~~ **participants** having the highest priority rating shall be given first consideration in making loans **and providing financial assistance** under this chapter; and
- (2) loans **and financial assistance** shall be made in descending order as shown by the priority ratings.

(b) If an emergency demands immediate relief from actual or threatened flood damage, the application made by a ~~local unit~~ **participant** for a loan **or financial assistance** may be considered regardless of a previous priority rating ascribed to the applicant.

SECTION 30. IC 14-28-5-12 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. ~~12~~: (a) A loan made under this chapter ~~or under IC 13-2-23 (before its repeal)~~:

- (1) may be made for a period not to exceed ten (10) years; and
- (2) bears interest at the rate of three percent (3%) a year.

(b) A ~~local unit~~ receiving a loan under this chapter shall agree to repay the loan in equal annual installments, including interest on the unpaid balance of the loan. The repayments, including interest, become part of the fund and do not revert to the state general fund. However, if a ~~local unit~~ levies a tax as provided in this chapter, the first installment of the loan becomes due and payable out of money first received from the levying and the collection of a tax authorized under



this chapter. A borrower may prepay a loan in full or in part without interest penalty.

SECTION 31. IC 14-28-5-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12.1. (a) The authority shall establish the interest rate or parameters for establishing the interest rate on each loan and other financial assistance made under this chapter, including parameters for establishing the amount of interest subsidies.**

(b) The authority, in setting the interest rate or parameters for establishing the interest rate on each loan and other financial assistance, may take into account the following:

- (1) Credit risk.**
- (2) Environmental enforcement and protection.**
- (3) Affordability.**
- (4) Other fiscal factors the authority considers relevant, including the program's cost of funds and whether the financial assistance provided to a particular participant is taxable or tax exempt under federal law.**

Based on the factors set forth in subdivisions (1) through (4), more than one (1) interest rate may be established and used for loans and other financial assistance to different participants or for different loans and other financial assistance to the same participants.

SECTION 32. IC 14-28-5-12.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 12.3. A participant receiving a loan or other financial assistance from the fund shall enter into a financial assistance agreement with the authority. A financial assistance agreement is a valid, binding, and enforceable agreement on the participant.**

SECTION 33. IC 14-28-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 13. A ~~local unit~~ participant receiving a loan or other financial assistance under:**

- (1) this chapter; or**
- (2) IC 13-2-23 (before its repeal);**

may levy an annual tax on personal and real property located within the geographical limits of the ~~local unit~~ participant for flood control purposes. The tax is in addition to any other tax authorized by law to be levied for flood control purposes. The tax shall be levied at the rate that will produce sufficient revenue to pay the annual installment and interest on a loan or other financial assistance made under this chapter or under IC 13-2-23 (before its repeal). The tax at the rate



authorized in this section is in addition to the maximum annual rates prescribed by law.

SECTION 34. IC 14-28-5-14, AS AMENDED BY P.L.155-2015, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 14. If a ~~local unit~~ **participant** fails to make a payment to the fund or any other payment required by this chapter or under IC 13-2-23 (before its repeal) or is in any way indebted to the fund for an amount incurred or accrued, the state may recover the amount through any of the following:

- (1) The state may, through the attorney general and on behalf of the authority, file a suit in the circuit or a superior court with jurisdiction in the county in which the ~~local unit~~ **participant** is located to recover the amount that the ~~local unit~~ **participant** owes the fund.
- (2) The auditor of state may, after a sixty (60) day written notice to the ~~local unit~~, **participant**, withhold the payment and distribution of state money that the defaulting ~~local unit~~ **participant** is entitled to receive under Indiana law.
- (3) For a special taxing district, upon certification by the auditor of state after a sixty (60) day written notice to the special taxing district, the auditor of each county containing land within the special taxing district shall withhold collected tax money for the special taxing district and remit the withheld tax money to the auditor of state. The auditor of state shall make a payment to the fund in the name of the special taxing district. Upon elimination of the delinquency payment, the auditor of state shall certify the fact to the auditors of the counties involved and any additional withheld tax money shall be released to the special taxing district.

SECTION 35. IC 14-28-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 15. There is appropriated annually to the ~~commission~~ **authority** from the state general fund from money not otherwise appropriated an amount sufficient to administer this chapter, subject to the approval of the budget committee."



Page 11, line 11, delete "fifty" and insert "**thirty**".

Page 11, line 11, delete "(\$150)." and insert "**(\$130)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1246 as introduced.)

EBERHART

Committee Vote: yeas 11, nays 0.

