

Adopted Rejected

# COMMITTEE REPORT

YES:14  
NO:1

**MR. SPEAKER:**

*Your Committee on Natural Resources, to which was referred Senate Bill 177, 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:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 14-8-2-117.3, AS ADDED BY P.L.178-1995,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 1998]: Sec. 117.3. "Governmental entity", for the purposes of
- 6 IC 14-22-10-2 and IC 14-22-10-2.5, has the meaning set forth in IC
- 7 14-22-10-2(a).
- 8 SECTION 2. IC 14-9-8-28, AS ADDED BY P.L.2-1996,
- 9 SECTION 253, IS AMENDED TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 1998]: Sec. 28. (a) The natural resources
- 11 commission shall categorize salaries of enforcement officers within
- 12 each rank based upon the rank held and the number of years of service
- 13 in the department through the tenth year. The salary ranges that the
- 14 commission assigns to each rank shall be divided into a base salary and
- 15 ten (10) increments above the base salary with:
- 16 (1) the base salary in the rank paid to a person with less than one

- 1 (1) year of service in the department; and  
 2 (2) the highest salary in the rank paid to a person with at least ten  
 3 (10) years of service in the department.

4 (b) For purposes of creating the salary matrix prescribed by this  
 5 section, the natural resources commission may not approve salary  
 6 ranges for any rank that are less than the salary ranges effective for that  
 7 rank on January 1, 1995.

8 (c) The salary matrix prescribed by this section shall be reviewed  
 9 and approved by the state budget agency before implementation.

10 **(d) Notwithstanding any other law, the salaries for law**  
 11 **enforcement officers of the law enforcement division of the**  
 12 **department shall be equal to the salaries of police employees of the**  
 13 **state police department based upon years of service in the**  
 14 **department and rank held.**

15 ~~(e)~~ (e) The money needed to fund the salaries resulting from the  
 16 matrix prescribed by this section shall come from the appropriation  
 17 from the professional and technical equity fund.

18 SECTION 3. IC 14-22-10-2, AS AMENDED BY P.L.138-1997,  
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 1998]: Sec. 2. (a) As used in this section **and section 2.5 of**  
 21 **this chapter**, "governmental entity" means any of the following:

- 22 (1) The government of the United States of America.  
 23 (2) The state of Indiana.  
 24 (3) A county.  
 25 (4) A city.  
 26 (5) A town.  
 27 (6) A township.  
 28 (7) The following, if created by the Constitution of the United  
 29 States, the Constitution of the State of Indiana, a statute, an  
 30 ordinance, a rule, or an order:  
 31 (A) An agency.  
 32 (B) A board.  
 33 (C) A commission.  
 34 (D) A committee.  
 35 (E) A council.  
 36 (F) A department.  
 37 (G) A district.  
 38 (H) A public body corporate and politic.

1 (b) As used in this section **and section 2.5 of this chapter**,  
 2 "monetary consideration" means a fee or other charge for permission  
 3 to go upon a tract of land. The term does not include:

- 4 (1) the gratuitous sharing of game, fish, or other products of the  
 5 recreational use of the land;
- 6 (2) services rendered for the purpose of wildlife management; or
- 7 (3) contributions in kind made for the purpose of wildlife  
 8 management.

9 (c) As used in this section **and section 2.5 of this chapter**,  
 10 "owner" means a governmental entity or another person that:

- 11 (1) has a fee interest in;
- 12 (2) is a tenant, a lessee, or an occupant of; or
- 13 (3) is in control of;

14 a tract of land.

15 (d) A person who goes upon or through the premises, including  
 16 caves, of another:

- 17 (1) with or without permission; and
- 18 (2) either:
  - 19 (A) without the payment of monetary consideration; or
  - 20 (B) with the payment of monetary consideration directly or  
 21 indirectly on the person's behalf by an agency of the state or  
 22 federal government;

23 for the purpose of ~~hunting, fishing,~~ swimming, ~~trapping,~~ camping,  
 24 hiking, sightseeing, or any other purpose (**other than the purposes**  
 25 **described in section 2.5 of this chapter**) does not have an assurance  
 26 that the premises are safe for the purpose.

27 (e) The owner of the premises does not:

- 28 (1) assume responsibility; or
- 29 (2) incur liability;

30 for an injury to a person or property caused by an act or failure to act  
 31 of other persons using the premises.

32 (f) This section does not affect the following:

- 33 (1) Existing Indiana case law on the liability of owners or  
 34 possessors of premises with respect to the following:
  - 35 (A) Business invitees in commercial establishments.
  - 36 (B) Invited guests.
- 37 (2) The attractive nuisance doctrine.

38 (g) This section does not excuse the owner or occupant of

1 premises from liability for injury to a person or property caused by a  
2 malicious or an illegal act of the owner or occupant.

3 SECTION 4. IC 14-22-10-2.5 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 1998]: **Sec. 2.5. (a) A person who goes upon  
6 or through the premises, including caves, of another:**

7 (1) with or without permission; and

8 (2) either:

9 (A) without the payment of monetary consideration; or

10 (B) with the payment of monetary consideration directly  
11 or indirectly on the person's behalf by an agency of the  
12 state or federal government;

13 for the purpose of hunting, fishing, trapping, or preparing to hunt,  
14 fish, or trap, does not have an assurance that the premises are safe  
15 for that purpose.

16 (b) The owner of the premises does not:

17 (1) assume responsibility; or

18 (2) incur liability;

19 for an injury to a person or property caused by an act or failure to  
20 act of other persons using the premises.

21 (c) This section does not affect Indiana case law on the liability  
22 of owners or possessors of premises with respect to the following:

23 (1) Business invitees in commercial establishments.

24 (2) The attractive nuisance doctrine.

25 (d) This section does not excuse the owner or occupant of  
26 premises from liability for injury to a person or property caused  
27 by a malicious or an illegal act of the owner or occupant."

28 Renumber all SECTIONS consecutively.

(Reference is to SB 177 as printed January 14, 1998.)

and when so amended that said bill do pass.

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Representative Stillwell, Acting Chairman