

Adopted Rejected

COMMITTEE REPORT

YES: 5
NO: 2

MR. SPEAKER:

Your Committee on Judiciary, to which was referred House Bill 1133, 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 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 117.3. "Governmental
- 5 entity", for the purposes of ~~IC 14-22-10-2~~, ~~IC 14-22-10-2.5~~, and
- 6 IC 14-34-19-15, ~~has the meaning set forth in IC 14-22-10-2(a)~~. **means**
- 7 **any of the following:**
- 8 (1) **The government of the United States of America.**
- 9 (2) **The state of Indiana.**
- 10 (3) **A county.**
- 11 (4) **A city.**
- 12 (5) **A town.**
- 13 (6) **A township.**
- 14 (7) **The following, if created by the Constitution of the United**
- 15 **States, the Constitution of the State of Indiana, a statute, an**
- 16 **ordinance, a rule, or an order:**

- 1 **(A) An agency.**
- 2 **(B) A board.**
- 3 **(C) A commission.**
- 4 **(D) A committee.**
- 5 **(E) A council.**
- 6 **(F) A department.**
- 7 **(G) A district.**
- 8 **(H) A public body corporate and politic.**

9 SECTION 2. IC 14-8-2-195 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 195. "Owner" has the
 11 following meaning:

- 12 (1) For purposes of IC 14-11-4, the meaning set forth in
 13 IC 14-11-4-2.
- 14 (2) For purposes of IC 14-15, a person who has the legal title to
 15 a watercraft.
- 16 (3) For purposes of IC 14-16-1, the meaning set forth in
 17 IC 14-16-1-6.
- 18 (4) For purposes of IC 14-25-4, the meaning set forth in
 19 IC 14-25-4-4.
- 20 (5) For purposes of IC 14-27-7, the meaning set forth in
 21 IC 14-27-7-1.
- 22 (6) For purposes of IC 14-27-7.5, the meaning set forth in
 23 IC 14-27-7.5-4.
- 24 (7) For purposes of IC 14-36, the term includes the following:
 - 25 (A) Owners in fee.
 - 26 (B) Life tenants.
 - 27 (C) Tenants for years.
 - 28 (D) Holders of remainder of reversionary interests.
 - 29 (E) Holders of leaseholds or easements.
 - 30 (F) Holders of mineral rights.
- 31 (8) For purposes of IC 14-37, a person who has the right to drill
 32 into and produce from a pool and to appropriate the oil and gas
 33 produced from the pool for:
 - 34 (A) the person or others; or
 - 35 (B) the person and others.
- 36 ~~(9) For the purposes of IC 14-22-10-2, the meaning set forth in~~
 37 ~~IC 14-22-10-2(c).~~

38 SECTION 3. IC 14-26-2-14 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) This section
2 applies to an off-stream, privately owned pond, lake, reservoir, or other
3 body of water designed and constructed primarily for the reduction or
4 control of pollutants or cooling before discharge of the water into the
5 public water of Indiana.

6 (b) A body of water subject to this section does not become a body
7 of public water for the purpose of permitting the state to regulate the
8 quality of water.

9 (c) The state and the citizens of Indiana do not acquire a continuing
10 right or interest in a body of water subject to this section if the owner
11 permits entrance to or recreational use of the body of water by the
12 public.

13 (d) ~~IC 14-22-10-2~~ **IC 34-31-9** applies to a body of water operated
14 under this section.

15 (e) This section does not affect the duties of the department to
16 enforce Indiana fish and wildlife laws as the laws apply to public
17 entrance or recreational use of the body of water."

18 Page 1, line 8, delete "professional" and insert "**provider**".

19 Page 2, line 4, delete "and trailing riding." and insert "**trail riding,**
20 **water sports, winter sports, spelunking, camping, and harvesting**
21 **of products.**".

22 Page 2, line 5, delete "professional" and insert "**provider**".

23 Page 2, line 6, delete "is engaged in the business of providing" and
24 insert "**provides the opportunity for**".

25 Page 2, line 10, delete "professional." and insert "**provider.**".

26 Page 2, line 17, after "equipment" insert "**when the structures or**
27 **equipment are being:**

28 **(A) used; or**

29 **(B) stored;**

30 **by an agritourism provider in a manner and for a purpose for**
31 **which a reasonable person should know that structures or**
32 **equipment is intended.**".

33 Page 2, delete lines 18 through 19.

34 Page 2, line 22, delete "professional," and insert "**provider,**".

35 Page 2, between lines 25 and 26, begin a new paragraph and insert:

36 **"Sec. 5. As used in this chapter, "land" means all real property,**
37 **land, and water including all structures, fixtures, equipment, and**
38 **machinery located on the property.**

1 **Sec. 6. As used in this chapter, "monetary consideration" means**
 2 **a fee or other charge for permission to go upon a tract of land. The**
 3 **term does not include:**

4 **(1) the gratuitous sharing of game, fish, or other products of**
 5 **the recreational use of the land;**

6 **(2) services rendered for the purpose of wildlife management;**
 7 **or**

8 **(3) contributions in kind made for the purpose of wildlife**
 9 **management."**

10 Page 2, line 26, delete "5." and insert "7."

11 Page 2, line 27, delete "professional," and insert "**provider**,"

12 Page 2, line 29, delete "6." and insert "**8**."

13 Page 2, line 33, delete "7." and insert "**9**."

14 Page 2, line 36, delete "8." and insert "**10**."

15 Page 2, line 36, delete "9" and insert "**11**".

16 Page 2, line 37, delete "professional" and insert "**provider**".

17 Page 2, line 41, delete "9" and insert "**11**".

18 Page 3, line 4, delete "professional" and insert "**provider**".

19 Page 3, line 7, delete "9. Section 8" and insert "**11. Section 10**".

20 Page 3, line 8, delete "professional:" and insert "**provider:**".

21 Page 3, line 9, after "knowledge" insert "**or reasonably should have**
 22 **known**".

23 Page 3, line 26, delete "10." and insert "**12**".

24 Page 3, line 26, after "apply" insert "**to an agritourism provider**
 25 **who receives monetary consideration from an individual other**
 26 **than a government agency**".

27 Page 3, line 27, delete "professional" and insert "**provider:**

28 **(1)**".

29 Page 3, line 28, delete "12" and insert "**14**".

30 Page 3, line 28, delete "chapter." and insert "**chapter; or**

31 **(2) has a signed release from the participant indicating that**
 32 **the participant has received written notice of the warning set**
 33 **forth in section 13 of this chapter.**".

34 Page 3, line 35, delete "Sec. 11. (a)" and insert "**Sec. 13**".

35 Page 3, line 36, delete "professional and" and insert "**provider and**".

36 Page 3, line 36, delete "of professional" and insert "**of access**".

37 Page 3, line 40, delete "12" and insert "**14**".

38 Page 3, delete lines 41 through 42.

- 1 Page 4, delete lines 1 through 2.
- 2 Page 4, line 3, delete "12." and insert "**14.**".
- 3 Page 4, line 4, delete "10" and insert "**12**".
- 4 Page 4, line 5, delete "11" and insert "**13**".
- 5 Page 4, line 7, delete "professional" and insert "**provider**".
- 6 Page 4, after line 18, begin a new paragraph and insert:
- 7 "SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 8 JULY 1, 2011]: IC 14-22-10-2; IC 14-22-10-2.5; IC 34-30-2-56."
- 9 Renummer all SECTIONS consecutively.
(Reference is to HB 1133 as introduced.)

and when so amended that said bill do pass.

Representative Foley