



February 15, 2012

**ENGROSSED
HOUSE BILL No. 1279**

DIGEST OF HB 1279 (Updated February 13, 2012 1:51 pm - DI 109)

Citations Affected: IC 4-13; IC 4-20.5; IC 5-13; IC 6-1.1; IC 6-6; IC 14-9; IC 14-18; IC 14-22; IC 14-24; IC 14-25; IC 14-37.

Synopsis: Various natural resources matters. Moves the state land office from the department of administration to the department of natural resources (DNR). Increases the amount that an office of DNR or the department of state revenue must deposit on the business day following receipt from \$100 to \$500. Provides that certain regulations related to using a spotlight or firearm silencer in the hunting of birds and mammals do not apply to a person acting in accordance with the conditions of a license held by the person. Increases the inspection period for each parcel of land classified as native forest land, a forest plantation, or wildlands from five to seven years. Allows the director of DNR to give certain individuals permission to spotlight wild animals or use a silencer. Requires that hunting license stamps be electronically generated. Removes the requirement that commemorative stamps be furnished to the circuit court. Allows fishing by means of a crossbow. Removes the authority for an individual with a hunting, trapping, or fishing license to ship, carry, or take outside Indiana in one week more
(Continued next page)

Effective: July 1, 2012.

Eberhart, Cheatham

(SENATE SPONSORS — MISHLER, YOUNG R)

January 11, 2012, read first time and referred to Committee on Natural Resources.
January 26, 2012, amended, reported — Do Pass.
January 30, 2012, read second time, ordered engrossed. Engrossed.
January 31, 2012, read third time, passed. Yeas 83, nays 12.

SENATE ACTION

February 1, 2012, read first time and referred to Committee on Agriculture and Natural Resources.
February 14, 2012, amended, reported favorably — Do Pass.

EH 1279—LS 6945/DI 77+



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than two times the possession limit for the wild animal. Makes the invasive species pilot program a permanent program. Removes certain conditions on the right of a nonresident who owns farmland in Indiana (and of the spouse and children who reside with the nonresident) to hunt, fish, and trap on the farmland without a license. Requires a nonresident of Indiana to apply for a license to hunt, fish, or trap on the property that the nonresident owns in Indiana. Repeals the prohibition on raccoon hunting by nonresidents. Removes a provision allowing a federal Fish and Wildlife Service officer or a conservation officer from another jurisdiction to hunt or fish in Indiana after obtaining a resident license. Disallows a person who acquires a game bird or game mammal from applying for a breeder's license. Creates a license for nonresident roe harvesters and dealers. Allows the natural resources commission to establish the minimum application fees for nonresident roe harvester and dealer licenses. Gives residents of Indiana priority in receiving roe harvester and dealer licenses. Requires a business that sells or barter live minnows or crayfish to have a bait dealer's license. (Current law requires a business that takes, catches, sells, or barter live minnows or crayfish to have a bait dealer's license.) Increases the number of annual free sport fishing days that may be designated from two to four. Allows the sale of game and furbearing mammals for food purposes under a game breeding license. Removes swamp rabbits from the list of exempted animals under a game breeding license. Requires all individuals to have a hunting license to shoot on a shooting preserve, and removes the requirement that nonresidents have a special license to shoot on shooting preserves. Creates a resident license to hunt and fish that is valid for 10 years for certain veterans. Provides that the entirety of an area declared to be infested with a pest or pathogen must be operated according to standards of the natural resources commission (commission). (Current law specifies the infested area in terms of portions of townships.) Changes the nursery stock certificate expiration date from September 30 to December 31. Changes the procedures that the commission must follow when mediating surface water disputes. Establishes the reclamation cash bond account within the post-1977 abandoned mine reclamation fund. Requires that bonds forfeited under the abandoned oil and gas well law be placed in the oil and gas environmental fund. Makes technical and conforming changes.

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February 15, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1279

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 4-13-1-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The department consists of
3 the following divisions:
4 (1) General services.
5 (2) Property management.
6 (3) Information services.
7 (4) Public works.
8 ~~(5) State land office.~~
9 (b) The commissioner may do the following:
10 (1) Organize the department and its divisions.
11 (2) Transfer or merge functions between divisions in the interest
12 of economy and efficiency.
13 (3) Terminate certain divisions within the department whenever
14 possible.
15 (c) The commissioner may exercise direction and supervision over

EH 1279—LS 6945/DI 77+



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1 the divisions in the performance of their respective functions, subject
2 to the approval of the governor.

3 SECTION 2. IC 4-20.5-1-9 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. "Land office" refers
5 to the state land office division of the department of **natural resources**
6 established by ~~IC 4-20.5-2-1~~. **IC 14-18-1.5-1**.

7 SECTION 3. IC 4-20.5-2 IS REPEALED [EFFECTIVE JULY 1,
8 2012]. (The State Land Office).

9 SECTION 4. IC 5-13-6-1, AS AMENDED BY P.L.234-2007,
10 SECTION 295, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) All public funds paid into the
12 treasury of the state or the treasuries of the respective political
13 subdivisions shall be deposited not later than the business day
14 following the receipt of funds on business days of the depository in one
15 (1) or more depositories in the name of the state or political subdivision
16 by the officer having control of the funds.

17 (b) Except as provided in subsections (d), (f), and (g), all public
18 funds collected by state officers, other than the treasurer of state, shall
19 be deposited with the treasurer of state, or an approved depository
20 selected by the treasurer of state not later than the business day
21 following the receipt of the funds. The treasurer of state shall deposit
22 daily on business days of the depository all public funds deposited with
23 the treasurer of state. Deposits do not relieve any state officer from the
24 duty of maintaining a cashbook under IC 5-13-5-1.

25 (c) Except as provided in subsection (d), all local officers, except
26 township trustees, who collect public funds of their respective political
27 subdivisions, shall deposit funds not later than the business day
28 following the receipt of funds on business days of the depository in the
29 depository or depositories selected by the several local boards of
30 finance that have jurisdiction of the funds. The public funds collected
31 by township trustees shall be deposited in the designated depository on
32 or before the first and fifteenth day of each month. Public funds
33 deposited under this subsection shall be deposited in the same form in
34 which they were received.

35 (d) A city (other than a consolidated city) or a town shall deposit
36 funds not later than the next business day following the receipt of the
37 funds in depositories:

- 38 (1) selected by the city or town as provided in an ordinance
39 adopted by the city or the town; and
40 (2) approved as depositories of state funds.

41 (e) All local investment officers shall reconcile at least monthly the
42 balance of public funds, as disclosed by the records of the local

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1 officers, with the balance statements provided by the respective
2 depositories.

3 (f) An office of:

4 (1) the department of natural resources; or

5 (2) the department of state revenue;

6 that is detached from the main office of the department is not required
7 to deposit funds on the business day following receipt if the funds on
8 hand do not exceed ~~one hundred dollars (\$100)~~ **five hundred dollars**
9 **(\$500)**. However, the office must deposit the funds on hand not later
10 than the business day following the day that the funds exceed ~~one~~
11 ~~hundred dollars (\$100)~~ **five hundred dollars (\$500)**.

12 (g) An office of the legislative branch of state government is not
13 required to deposit funds on the business day following receipt if the
14 funds on hand do not exceed one hundred dollars (\$100). However, the
15 office must deposit the funds on hand not later than the business day
16 following the day that the funds exceed one hundred dollars (\$100).

17 SECTION 5. IC 6-1.1-6-19, AS AMENDED BY P.L.66-2006,
18 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2012]: Sec. 19. At least once every ~~five (5)~~ **seven (7)** years the
20 state forester, or the state forester's deputy, shall inspect each parcel of
21 land which is classified as native forest land, a forest plantation, or
22 wildlands. On each inspection trip the state forester, or the state
23 forester's deputy, shall, if possible, have the owner go over the parcel
24 with the state forester and shall point out to the owner any needed
25 improvement. In addition, the state forester shall give the owner a
26 written report of the inspection and the state forester's
27 recommendations. A permanent record of each inspection shall be
28 maintained in the office of the state forester.

29 SECTION 6. IC 6-6-11-12.5, AS AMENDED BY P.L.207-2011,
30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2012]: Sec. 12.5. (a) The lake and river enhancement fund is
32 established and allocated for the following purposes:

33 (1) One-half (1/2) of the fund shall be used to pay costs incurred
34 by the department of natural resources in implementing the lake
35 and river enhancement projects required by IC 14-32-7-12(b)(7).

36 (2) One-half (1/2) of the fund shall be used by the department of
37 natural resources to pay for lake or river (as defined in
38 IC 14-32-7-12) projects, including, but not limited to, projects to:

39 (A) remove sediment;

40 (B) control exotic or invasive plants or animals; or

41 (C) remove logjams or obstructions.

42 For purposes of this subdivision, the fund may not be used for

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- 1 projects relating to a ~~manmade ditch or waterway~~. **or manmade**
 2 **channel.**
- 3 (b) The fund shall be administered by the director of the department
 4 of natural resources.
- 5 (c) Expenses of administering the fund shall be paid from money in
 6 the fund.
- 7 (d) The fund consists of the revenue from the lake and river
 8 enhancement fee paid by boat owners and deposited under section
 9 12(c)(1) of this chapter.
- 10 (e) Money in the fund at the end of a state fiscal year does not revert
 11 to the state general fund.
- 12 (f) With the approval of the governor and the budget agency, the
 13 money in the fund allocated under subsection (a)(1) may be used to
 14 augment and supplement the funds appropriated for the implementation
 15 of lake and river enhancement projects required by
 16 IC 14-32-7-12(b)(7).
- 17 SECTION 7. IC 14-9-4-1, AS AMENDED BY P.L.167-2011,
 18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2012]: Sec. 1. The following divisions are established within
 20 the department:
- 21 (1) Accounting.
 - 22 (2) Administrative support services.
 - 23 (3) Budget.
 - 24 (4) Engineering.
 - 25 (5) Entomology and plant pathology.
 - 26 (6) Fish and wildlife.
 - 27 (7) Forestry.
 - 28 (8) Historic preservation and archeology.
 - 29 (9) Human resources.
 - 30 (10) Internal audit.
 - 31 (11) Land acquisition.
 - 32 (12) Law enforcement.
 - 33 (13) Management information systems.
 - 34 (14) Nature preserves.
 - 35 (15) Oil and gas.
 - 36 (16) Outdoor recreation.
 - 37 (17) Public information and education.
 - 38 (18) Reclamation.
 - 39 (19) Reservoir management.
 - 40 (20) Safety and training.
 - 41 (21) State parks.
 - 42 (22) Water.

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(23) State land office.
SECTION 8. IC 14-18-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

Chapter 1.5. The State Land Office

Sec. 1. The state land office is established as a division of the department.

Sec. 2. The director shall provide for the organization and management of the state land office.

Sec. 3. (a) This section does not apply to the following:

- (1) An instrument or a document of either of the following:**
 - (A) The Indiana department of transportation.**
 - (B) A state educational institution.**

(2) A lease of property for a term of four (4) years or less.

(b) The state land office shall serve as the repository for any instrument relating to past or current ownership or possession of property by the state.

Sec. 4. (a) The state land office shall prepare and maintain property record maps and plats of property owned by the state, whether owned in the past or currently owned.

(b) The maps and plats maintained by the state land office must include the following information:

- (1) Maps showing each county and the boundaries of each county.**
- (2) Plats of each parcel of property owned by the state, showing the metes and bounds of the parcel.**

The maps and plats must show the appropriate townships, ranges, sections, parts of sections, and other appropriate geographic information.

(c) The state land office may maintain appropriate materials to assist the state land office in developing and maintaining the property records required by this section, including the following:

- (1) Aerial photography.**
- (2) United States Geographical Survey maps.**
- (3) Commercial and governmental plat books.**
- (4) Survey plats and notes prepared for agencies by registered land surveyors.**

Sec. 5. (a) Subject to IC 5-14-3, the state land office shall provide copies of records maintained by the state land office.

(b) The director shall establish a reasonable copying charge for copies of records that are not standard sized documents (as defined by IC 5-14-3-2) provided by the state land office.

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1 **Sec. 6. The commission may adopt rules under IC 4-22-2 to**
 2 **implement this chapter.**

3 **Sec. 7. (a) The rules adopted by the Indiana department of**
 4 **administration before July 1, 2012, concerning the state land office**
 5 **are considered, after June 30, 2012, rules of the commission. A**
 6 **reference to the state land office within the Indiana department of**
 7 **administration in a statute, rule, or other document before July 1,**
 8 **2012, is considered a reference to the state land office within the**
 9 **department.**

10 **(b) All powers, duties, assets, liabilities, records, property,**
 11 **appropriations, and employees of the state land office within the**
 12 **Indiana department of administration on June 30, 2012, are**
 13 **transferred to the state land office within the department.**

14 SECTION 9. IC 14-22-6-7, AS AMENDED BY P.L.13-2007,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]: Sec. 7. (a) This section does not apply to an employee
 17 of the department, ~~or~~ an employee of a federal wildlife management
 18 agency, **or a person** who:

- 19 (1) is acting in the performance of the employee's **or a person's**
 20 duties **or in accordance with the conditions of a license**; and
 21 (2) has received the express written consent of the director for the
 22 employee's **or person's** action.

23 ~~(b) A person~~ **An individual** may not knowingly throw or cast the
 24 rays of any spotlight or other artificial light:

- 25 (1) not required by law on a motor vehicle; and
 26 (2) in search of or upon any wild bird or wild animal;

27 from a vehicle while the person possesses a firearm, bow, or crossbow,
 28 if by throwing or casting the rays a wild bird or wild animal could be
 29 killed. This subsection applies even though the animal is not killed,
 30 injured, shot at, or otherwise pursued.

31 ~~(c) A person~~ **An individual** may not take any wildlife, except
 32 furbearing mammals, with the aid of illumination of any spotlight,
 33 searchlight, or other artificial light.

34 ~~(d) A person~~ **An individual** may not shine a spotlight, searchlight,
 35 or other artificial light for the purpose of taking, attempting to take, or
 36 assisting another person to take a deer.

37 SECTION 10. IC 14-22-6-11, AS AMENDED BY P.L.13-2007,
 38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2012]: Sec. 11. (a) This section does not apply to an employee
 40 of the department, ~~or~~ an employee of a federal wildlife management
 41 agency, **or a person** who:

- 42 (1) is acting in the performance of the employee's **or a person's**

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1 duties **or in accordance with the conditions of a license**; and
 2 (2) has received the express written consent of the director for the
 3 employee's **or individual's** action.

4 (b) ~~A person~~ **An individual** may not:

5 (1) use or possess an apparatus designed for use with or on a
 6 firearm commonly called a silencer; or

7 (2) use or possess a device used as a silencer;
 8 in Indiana while in the act of hunting.

9 SECTION 11. IC 14-22-7-3, AS AMENDED BY P.L.225-2005,
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not hunt ~~or~~
 12 ~~take~~ a migratory waterfowl within Indiana without having ~~a~~ **an**
 13 **electronically generated** migratory waterfowl stamp issued by the
 14 department. The stamp must be in the possession of each ~~person~~
 15 **individual** hunting ~~or taking~~ a migratory waterfowl. The licensee shall
 16 validate the stamp with the signature, in ink, of the licensee on the
 17 hunting license on which the electronically generated form of the stamp
 18 is attached.

19 (b) The department shall determine the form of the migratory
 20 waterfowl stamp and may create and sell commemorative migratory
 21 waterfowl stamps.

22 (c) ~~The department may furnish the commemorative migratory~~
 23 ~~waterfowl stamps or the electronically generated form of the stamps to~~
 24 ~~a clerk of the circuit court or the clerk's designated depositories for~~
 25 ~~issuance or sale in the same manner as hunting licenses are issued or~~
 26 ~~sold under IC 14-22-11.~~

27 SECTION 12. IC 14-22-7-4, AS AMENDED BY P.L.225-2005,
 28 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2012]: Sec. 4. ~~A~~ **An electronically generated** stamp shall be
 30 issued to each hunting license applicant or holder upon request and the
 31 payment of a fee of six dollars and seventy-five cents (\$6.75). Each
 32 stamp expires on March 31 of the year following issuance.

33 SECTION 13. IC 14-22-8-4, AS AMENDED BY P.L.225-2005,
 34 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 4. (a) ~~A person~~ **An individual** may not hunt ~~or~~
 36 ~~take~~ a game bird within Indiana without having ~~a~~ **an electronically**
 37 **generated** game bird habitat restoration stamp issued by the
 38 department. The stamp must be in the possession of each ~~person~~
 39 **individual** hunting ~~or taking~~ a game bird. The licensee shall validate
 40 the stamp with the signature of the licensee on the hunting license on
 41 which the electronically generated form of the stamp is attached.

42 (b) The department shall ~~do the following~~:

EH 1279—LS 6945/DI 77+



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1 (†) determine the form of the stamp and may create and sell
2 commemorative game bird habitat restoration stamps.

3 (2) ~~Furnish the commemorative stamps or the electronically~~
4 ~~generated form of the stamps to a clerk of the circuit court or the~~
5 ~~clerk's designated depositories for issuance or sale in the same~~
6 ~~manner as hunting licenses are issued or sold under IC 14-22-11.~~

7 SECTION 14. IC 14-22-9-1, AS AMENDED BY P.L.165-2011,
8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2012]: Sec. 1. (a) Except as allowed by sections 3 and 11 of
10 this chapter, a **person an individual** may not take fish from waters
11 containing state owned fish, waters of the state, or boundary waters of
12 the state by the following:

13 (1) Means of:

14 (A) a weir;

15 (B) an electric current;

16 (C) dynamite or other explosive;

17 (D) a net;

18 (E) a seine;

19 (F) a trap; or

20 (G) any other substance that has a tendency to stupefy or
21 poison fish.

22 (2) Means of the following:

23 (A) A firearm.

24 ~~(B) A crossbow.~~

25 ~~(C)~~ (B) The hands alone.

26 (b) The methods or devices in this section may be possessed and
27 used:

28 (1) under special permit issued by the director under rules that the
29 director provides; or

30 (2) as otherwise provided by law.

31 SECTION 15. IC 14-22-9-11, AS ADDED BY P.L.165-2011,
32 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2012]: Sec. 11. (a) As used in this section, "motorboat" means
34 a watercraft propelled by:

35 (1) an internal combustion, steam, or electrical inboard or
36 outboard motor or engine; or

37 (2) any mechanical means.

38 The term does not include a personal watercraft.

39 (b) The department shall establish and implement a **pilot** program
40 for the purpose of containing and reducing invasive animal species in
41 the Wabash River. In ~~developing~~ **administering** this **pilot** program, the
42 department may:

EH 1279—LS 6945/DI 77+



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1 (1) allow the taking of a specific invasive animal species by a
2 means described in section ~~+(2)~~ **1(a)(2)** of this chapter;

3 (2) may require the use of ammunition described in 50 CFR
4 20.21(j); or

5 (3) require a hunting or fishing license under IC 14-22-12-1.

6 (c) 312 IAC 9-2-2(d), as in effect July 1, 2011, does not apply to this
7 section.

8 SECTION 16. IC 14-22-10-3, AS AMENDED BY P.L.165-2011,
9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not take, carry,
11 ship, transport, or accept for shipment or transportation outside Indiana
12 a wild animal protected by Indiana law, except as provided in this
13 article.

14 (b) ~~A person~~ **An individual** having a license to use a commercial
15 fishing device in Indiana may ship, carry, or transport outside Indiana
16 fish that the ~~person~~ **individual** has legally taken or caught by the
17 commercial fishing device.

18 (c) ~~A person~~ **An individual** having a license to hunt, trap, or fish in
19 Indiana may ~~do the following~~:

20 ~~(1)~~ carry, transport, or ship outside Indiana, in open season, in one
21 (1) day, a wild animal that the ~~person~~ **individual** has legally taken
22 in open season, not to exceed in number the possession limit of
23 the wild animal.

24 ~~(2) Ship, carry, or take outside Indiana in one (1) week more than~~
25 ~~two (2) times the possession limit for the wild animal.~~

26 (d) Hides and furs of furbearing animals legally taken in open
27 season may be shipped or carried outside Indiana in any number:

28 (1) during the open season; or

29 (2) after open season as allowed by rule.

30 (e) ~~A person~~ **An individual** having a breeder's license may ship,
31 carry, or transport outside Indiana a wild animal that the ~~person~~
32 **individual** has legally possessed under the breeder's license in Indiana.

33 (f) ~~A person~~ **An individual** may not ship, carry, or transport or
34 accept for transportation or shipment to a place in Indiana or outside
35 Indiana a wild animal unless the wild animal is enclosed in a package
36 or container on which there is clearly, legibly, and conspicuously
37 marked on the outside of the package or container the following
38 information:

39 (1) The name and address of the shipper and the consignee.

40 (2) An accurate statement of the number or quantities and kinds
41 of wild animals contained.

42 The shipper shall produce the license required under this article

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1 authorizing the person to take or possess the wild animal. If the wild
2 animal is carried by the licensee personally, the wild animal shall be
3 carried openly for inspection, together with the license.

4 (g) ~~A person~~ **An individual** having a mussel buyer's license may
5 ship legally taken mussels or mussel shells outside Indiana.

6 SECTION 17. IC 14-22-11-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this
8 section, "farmland" means agricultural land that is:

9 (1) devoted or best adaptable for the production of crops, fruits,
10 timber, and the raising of livestock; or

11 (2) assessed as agricultural land for property tax purposes.

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

14 (1) An individual who is a resident or nonresident of Indiana
15 while participating in a field trial that has been sanctioned by the
16 director is not required to possess a license while participating in
17 the trial.

18 (2) ~~Subject to subsection (d)~~, An owner of farmland located in
19 Indiana who is a resident ~~or nonresident~~ of Indiana and the spouse
20 and children living with the owner may hunt, fish, and trap
21 without a license on the land that the owner owns.

22 (3) A lessee of farmland who farms that land and is a resident of
23 Indiana and the spouse and children living with the lessee may
24 hunt, fish, and trap without a license on the leased land. This
25 subdivision does not apply to land that is:

26 (A) owned, leased, or controlled by; and

27 (B) leased from;

28 the department.

29 (4) An individual who:

30 (A) is less than thirteen (13) years of age;

31 (B) does not possess a bow or firearm; and

32 (C) is accompanying an individual who:

33 (i) is at least eighteen (18) years of age; and

34 (ii) holds a valid license;

35 may chase a wild animal without having a license.

36 (c) The exceptions provided in this section do not apply to a
37 commercial license issued under this article.

38 ~~(d) The right of a nonresident who owns farmland in Indiana (and~~
39 ~~of the spouse and children who reside with the nonresident) to hunt,~~
40 ~~fish, and trap on the farmland without a license under subsection (b)(2)~~
41 ~~is subject to the following conditions:~~

42 (1) The nonresident may hunt, fish, and trap on the farmland

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1 without a license only if the state in which the nonresident resides
 2 allows residents of Indiana who own land in that state to hunt;
 3 fish, and trap on their land without a license.
 4 (2) While hunting, fishing, or trapping on the farmland, the
 5 nonresident must keep proof that the nonresident owns the
 6 farmland (for example, a tax receipt identifying the nonresident
 7 as owner) in a place where the proof is readily accessible by the
 8 nonresident.

9 SECTION 18. IC 14-22-11-2 IS REPEALED [EFFECTIVE JULY
 10 1, 2012]. Sec. 2: (a) Except as provided in subsection (b), the season
 11 for taking raccoons is closed to nonresidents of Indiana.
 12 (b) The director may open the season on raccoons to the residents
 13 of another state on the same days and during the same hours that the
 14 raccoon season in the nonresident's state of residence is open to
 15 residents of the nonresident's state. However, a nonresident may not
 16 take raccoons in Indiana when the season is closed in Indiana even if
 17 the raccoon taking season is open in the nonresident's state.

18 SECTION 19. IC 14-22-11-10 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A nonresident
 20 of Indiana who is
 21 (1) on active duty with a branch or department of the armed forces
 22 of the United States while stationed in Indiana or
 23 (2) in the employment of:
 24 (A) the United States Fish and Wildlife Service; or
 25 (B) the conservation department of a state, territory, or
 26 possession of the United States; and
 27 in Indiana for the purpose of advising or consulting with the
 28 department
 29 may hunt or fish in Indiana after obtaining the proper resident license.
 30 A nonresident described in this subsection must carry on the
 31 nonresident's person, when fishing or hunting, the license and a card or
 32 other evidence that identifies the nonresident as a **person an individual**
 33 qualified to obtain a license under this subsection.

34 (b) A nonresident of Indiana who:
 35 (1) is less than eighteen (18) years of age; and
 36 (2) has a parent, grandparent, or legal guardian who is a resident
 37 of Indiana;
 38 may hunt, fish, or trap in Indiana after obtaining the proper resident
 39 license.

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

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- 1 (1) is a resident of Indiana;
 2 (2) has served in the armed forces of the United States; and
 3 (3) has a service connected disability, as evidenced by:
 4 (A) records of the United States Department of Veterans
 5 Affairs; or
 6 (B) disability retirement benefits awarded to the individual
 7 under laws administered by the United States Department of
 8 Defense.
- 9 (b) A qualified individual is entitled to reduced fee hunting and
 10 fishing licenses under this section.
- 11 (c) Each year a qualified individual may obtain:
 12 (1) both:
 13 (A) a resident yearly license to fish; and
 14 (B) a resident yearly license to hunt; or
 15 (2) a resident yearly license to hunt and fish;
 16 by paying a reduced license fee of two dollars and seventy-five cents
 17 (\$2.75) instead of the fee prescribed by section 1 of this chapter.
- 18 **(d) Each decade a qualified individual may obtain:**
 19 **(1) both:**
 20 **(A) a resident license to fish that is valid for ten (10) years;**
 21 **and**
 22 **(B) a resident license to hunt that is valid for ten (10)**
 23 **years; or**
 24 **(2) a resident license to hunt and fish that is valid for ten (10)**
 25 **years;**
 26 **by paying a reduced license fee of twenty-seven dollars and fifty**
 27 **cents (\$27.50).**
- 28 ~~(d)~~ **(e)** An applicant for a reduced fee license under this section
 29 must do the following:
 30 (1) Request the license from:
 31 (A) the department;
 32 (B) an agent appointed by the director under IC 14-22-11-3; or
 33 (C) the clerk of the circuit court who is an authorized
 34 representative of the department under IC 14-22-11-3 in the
 35 county in which the individual resides.
- 36 (2) Present evidence that the applicant is a qualified individual.
- 37 SECTION 21. IC 14-22-13-2, AS AMENDED BY P.L.165-2011,
 38 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2012]: Sec. 2. (a) This section applies to the Ohio River
 40 waters of Indiana.
- 41 (b) The department may issue to an individual who is a resident **or**
 42 **nonresident** of Indiana a license to use in, and to possess for use in, the

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1 water seines, nets, or other commercial fishing gear under rules
2 adopted under IC 4-22-2 upon payment of the following fee:

3 (1) For an Ohio River commercial fishing license and ten (10)
4 Ohio River commercial gear tags, one hundred twenty-five dollars
5 (\$125).

6 (2) For each block of ten (10) Ohio River commercial fishing gear
7 tags, fifteen dollars (\$15).

8 SECTION 22. IC 14-22-13-2.5, AS ADDED BY P.L.165-2011,
9 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2012]: Sec. 2.5. (a) This section applies to the harvest or sale
11 of the following roe bearing species:

12 (1) Shovelnose sturgeon.

13 (2) Paddlefish.

14 (3) Bowfin.

15 (b) For the purpose of this subsection, "roe" means the eggs or
16 gametes of a fish listed in subsection (a).

17 (c) An individual may not harvest, possess, or sell roe without a
18 license issued under this section.

19 (d) The department may issue to an individual who is a resident **or**
20 **nonresident** of Indiana a license to harvest, possess, and sell the roe
21 under rules adopted under IC 4-22-2. The individual must leave the roe
22 intact and inside the body of the fish ~~until sold to a licensed roe dealer.~~
23 **while on the body of water or adjacent to the water being fished,**
24 **and until processing begins in accordance with 21 CFR 123.** The
25 individual must sell the roe only to a roe dealer licensed by the
26 department. The department shall limit the number of licenses that are
27 available.

28 (e) The department may issue a person a roe dealer's license to
29 purchase, ~~and~~ process, **and** sell roe. A person may not transport roe
30 outside Indiana except according to the terms of a license issued under
31 this subsection.

32 (f) The following are the minimum application fees for these
33 licenses:

34 (1) **Resident and nonresident** roe harvester's ~~license,~~ **license for**
35 **harvesting on the Ohio River,** one thousand dollars (\$1,000).

36 (2) **Resident roe harvester's license for harvesting on inland**
37 **water of Indiana, one thousand dollars (\$1,000).**

38 ~~(2)~~ (3) Roe dealer's license, five thousand dollars (\$5,000).

39 (g) The commission may set license fees above the minimum fees
40 established under subsection (f). The amount may not be more than is
41 reasonably necessary to generate revenue sufficient to offset the costs
42 incurred by the department in carrying out its responsibilities under this

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chapter.

(h) The department shall give priority in issuing licenses under this section to applicants who are residents of Indiana.

SECTION 23. IC 14-22-16-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person engaging in or continuing to engage in the business of ~~taking, catching,~~ selling or bartering live minnows ~~and or~~ crayfish for bait shall file an application with the division for a bait dealer's license. The application and the license must be on forms prescribed by the director.

(b) The fee for a license is as follows:

- (1) Ten dollars (\$10) for residents.
- (2) Fifty dollars (\$50) for nonresidents.

SECTION 24. IC 14-22-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The director may, with the approval of the commission, designate not more than ~~two (2)~~ **four (4)** days in each year as free sport fishing days. If the director designates ~~two (2) days more than one (1) day~~ in a year as free sport fishing days, the days may be consecutive or nonconsecutive.

SECTION 25. IC 14-22-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. A license issued under this chapter authorizes the sale of nonmigratory game birds, game mammals, or furbearing mammals for breeding purposes, ~~or~~ for release, ~~and nonmigratory game birds or~~ for food purposes. ~~A person~~ **An individual** who:

- (1) acquires a ~~game bird, game mammal, or~~ furbearing mammal alive, legally in open season; or
- (2) purchases the bird or mammal from a licensed game breeder; may apply for a breeder's license within five (5) days after acquiring the animal from the licensed game breeder or within five (5) days after the last day of the open season for the animal. Otherwise, the animal shall be released.

SECTION 26. IC 14-22-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section applies to the following:

- (1) Marten.
- (2) Nutria.
- (3) Mink.
- (4) Chinchilla.
- (5) Domesticated rabbits, except cottontail.
- ~~(6) Swamp rabbits.~~

(b) The:

- (1) breeding, raising, and producing in captivity; and

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1 (2) marketing;
 2 of an animal listed in subsection (a) is considered an agricultural
 3 pursuit. All animals so raised in captivity are considered domestic
 4 animals so that a game breeding license is not required to possess such
 5 an animal.

6 (c) A person engaged in the breeding, raising, and producing in
 7 captivity and marketing of the furbearing mammals listed in subsection
 8 (a) shall, upon request, do the following:

9 (1) Register with the department.

10 (2) Make annual reports concerning the number of animals held
 11 and sold. These reports are confidential.

12 SECTION 27. IC 14-22-31-8 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a) A person~~ **An**
 14 **individual** may not take game birds and exotic mammals on a shooting
 15 preserve unless the **person individual** has a hunting license required
 16 under this article. ~~except nonresidents of Indiana who must possess a~~
 17 ~~special license to shoot on licensed shooting preserves.~~

18 ~~(b) The department:~~

19 ~~(1) shall issue special licenses; and~~

20 ~~(2) may appoint owners or managers of shooting preserves as~~
 21 ~~agents to sell special licenses.~~

22 ~~(c) A special license expires December 31 of the year issued.~~

23 ~~(d) The fee for a special license is eight dollars and seventy-five~~
 24 ~~cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.~~

25 SECTION 28. IC 14-24-4-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. All farms and
 27 premises located within a ~~part of a township that has been an area~~
 28 declared to be an infested area shall be operated and managed
 29 according to standards approved by the commission. An agricultural,
 30 a horticultural, or a sylvan product capable of producing and
 31 disseminating the pest or pathogen shall be destroyed, treated, or
 32 otherwise disposed of as the department orders.

33 SECTION 29. IC 14-24-5-3, AS AMENDED BY P.L.69-2009,
 34 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 3. (a) The division shall issue a certificate
 36 following an inspection that discloses that the nursery stock is
 37 apparently free from pests and pathogens.

38 (b) The certificate shall be prepared on a commission form and must
 39 state the following:

40 (1) That the nursery stock has been inspected by the division.

41 (2) That to the best knowledge and belief of the nurseryman, the
 42 nursery stock is free from pests and pathogens.

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1 (c) A copy of the certificate must be attached to each package of
 2 nursery stock before shipment of the stock by a nurseryman.
 3 (d) A certificate issued under this section expires ~~September 30~~
 4 **December 31** following the date of ~~issuance~~. **the certificate becomes**
 5 **effective.**
 6 (e) The division shall communicate to nurserymen that methyl
 7 bromide soil fumigation is preferred to produce pest and disease free
 8 forest seedlings. Fumigation with methyl bromide of seedling beds
 9 before seeding is an official control treatment to assure pest free
 10 nursery stock.
 11 SECTION 30. IC 14-25-1-8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a)~~ Whenever a
 13 dispute arises between the users of surface water in a watershed area,
 14 any party to the dispute may request that the commission mediate the
 15 dispute ~~Any party to the dispute may institute mediation proceedings~~
 16 ~~by filing a written request with the commission setting out all the facts~~
 17 ~~relevant to the dispute and requesting a mediation of the dispute.~~
 18 (b) ~~Upon receipt of a request for mediation, the commission shall~~
 19 ~~conduct a hearing for the consideration of the facts involved in the~~
 20 ~~dispute. The commission shall notify all interested parties to the~~
 21 ~~dispute concerning the time and place of the hearing.~~
 22 (c) ~~In the mediation of the dispute, the commission may do the~~
 23 ~~following:~~
 24 (1) ~~Conduct a survey of the water supply in the watershed~~
 25 ~~involved in the dispute.~~
 26 (2) ~~Attempt to add additional sources of water for users in the~~
 27 ~~watershed.~~
 28 (d) ~~A recommendation of the commission in a mediation~~
 29 ~~proceeding:~~
 30 (1) ~~is not binding upon the parties to the dispute; and~~
 31 (2) ~~does not preclude or defeat a remedy that the parties to the~~
 32 ~~dispute have to a court of law. **using the mediation provisions**~~
 33 ~~**under IC 4-21.5-3.5.**~~
 34 SECTION 31. IC 14-37-10-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The following shall
 36 be deposited in the fund:
 37 (1) Annual fees for oil and gas wells received under IC 14-37-5.
 38 (2) Accrued interest and other investment earnings of the fund.
 39 (3) Civil penalties collected under IC 14-37-13-3.
 40 (4) **Bonds forfeited under IC 14-37-13-2.**
 41 (5) Gifts, grants, donations, or appropriations from any source.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1279, 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 3, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 6. IC 6-6-11-12.5, AS AMENDED BY P.L.207-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12.5. (a) The lake and river enhancement fund is established and allocated for the following purposes:

- (1) One-half (1/2) of the fund shall be used to pay costs incurred by the department of natural resources in implementing the lake and river enhancement projects required by IC 14-32-7-12(b)(7).
- (2) One-half (1/2) of the fund shall be used by the department of natural resources to pay for lake or river (as defined in IC 14-32-7-12) projects, including, but not limited to, projects to:
 - (A) remove sediment;
 - (B) control exotic or invasive plants or animals; or
 - (C) remove logjams or obstructions.

For purposes of this subdivision, the fund may not be used for projects relating to a ~~manmade ditch or waterway~~. **or manmade channel.**

(b) The fund shall be administered by the director of the department of natural resources.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the revenue from the lake and river enhancement fee paid by boat owners and deposited under section 12(c)(1) of this chapter.

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

(f) With the approval of the governor and the budget agency, the money in the fund allocated under subsection (a)(1) may be used to augment and supplement the funds appropriated for the implementation of lake and river enhancement projects required by IC 14-32-7-12(b)(7)."

Page 5, line 30, delete "an individual" and insert "**a person**".

Page 5, line 31, delete "or individual's" and insert "**or a person's**".

Page 5, line 32, delete ";" and insert "**or in accordance with the conditions of a license;**".

Page 5, line 34, delete "individual's" and insert "**person's**".

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Page 6, line 10, reset in roman "an".

Page 6, line 11, delete "individual" and insert "**a person**".

Page 6, line 12, delete "or individual's" and insert "**or a person's**".

Page 6, line 13, delete ";" and insert "**or in accordance with the conditions of a license;**".

Page 9, line 31, strike "or nonresident".

Page 10, line 39, strike "for the purpose of advising or consulting with the".

Page 10, line 40, strike "department".

Page 11, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 19. IC 14-22-13-2.5, AS ADDED BY P.L.165-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section applies to the harvest or sale of the following roe bearing species:

- (1) Shovelnose sturgeon.
- (2) Paddlefish.
- (3) Bowfin.

(b) For the purpose of this subsection, "roe" means the eggs or gametes of a fish listed in subsection (a).

(c) An individual may not harvest, possess, or sell roe without a license issued under this section.

(d) The department ~~may~~ **shall** issue to an individual who is a resident **or nonresident** of Indiana a license to harvest, possess, and sell the roe under rules adopted under IC 4-22-2. The individual must leave the roe intact and inside the body of the fish until sold to a licensed roe dealer. The individual must sell the roe only to a roe dealer licensed by the department. The department shall limit the number of licenses that are available.

(e) The department may issue a person a roe dealer's license to purchase and process roe. A person may not transport roe outside Indiana except according to the terms of a license issued under this subsection.

(f) The following are the minimum application fees for these licenses:

- (1) Roe harvester's license, one thousand dollars (\$1,000).
- (2) Roe dealer's license, five thousand dollars (\$5,000).

(g) The commission may set license fees above the minimum fees established under subsection (f). The amount may not be more than is reasonably necessary to generate revenue sufficient to offset the costs incurred by the department in carrying out its responsibilities under this chapter."

Page 11, line 31, strike "game bird, game mammal, or".

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Page 14, delete lines 25 through 42.
Page 15, delete lines 1 through 16.
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1279 as introduced.)

EBERHART, Chair

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred House Bill No. 1279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 11, delete lines 40 through 42, begin a new paragraph and insert:

"SECTION 20. IC 14-22-12-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: 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:**

EH 1279—LS 6945/DI 77+



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- (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).

(d) (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 21. IC 14-22-13-2, AS AMENDED BY P.L.165-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) This section applies to the Ohio River waters of Indiana.

(b) The department may issue to an individual who is a resident **or nonresident** of Indiana a license to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear under rules adopted under IC 4-22-2 upon payment of the following fee:

- (1) For an Ohio River commercial fishing license and ten (10) Ohio River commercial gear tags, one hundred twenty-five dollars (\$125).
- (2) For each block of ten (10) Ohio River commercial fishing gear tags, fifteen dollars (\$15).

SECTION 22. IC 14-22-13-2.5, AS ADDED BY P.L.165-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) This section applies to the harvest or sale of the following roe bearing species:

- (1) Shovelnose sturgeon.
- (2) Paddlefish.
- (3) Bowfin.

(b) For the purpose of this subsection, "roe" means the eggs or gametes of a fish listed in subsection (a).

(c) An individual may not harvest, possess, or sell roe without a license issued under this section.

(d) The department may issue to an individual who is a resident **or**

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nonresident of Indiana a license to harvest, possess, and sell the roe under rules adopted under IC 4-22-2. The individual must leave the roe intact and inside the body of the fish ~~until sold to a licensed roe dealer.~~ **while on the body of water or adjacent to the water being fished, and until processing begins in accordance with 21 CFR 123.** The individual must sell the roe only to a roe dealer licensed by the department. The department shall limit the number of licenses that are available.

(e) The department may issue a person a roe dealer's license to purchase, ~~and~~ process, **and sell** roe. A person may not transport roe outside Indiana except according to the terms of a license issued under this subsection.

(f) The following are the minimum application fees for these licenses:

(1) **Resident and nonresident** roe harvester's ~~license, license for harvesting on the Ohio River,~~ one thousand dollars (\$1,000).

(2) **Resident roe harvester's license for harvesting on inland water of Indiana, one thousand dollars (\$1,000).**

~~(2)~~ (3) Roe dealer's license, five thousand dollars (\$5,000).

(g) The commission may set license fees above the minimum fees established under subsection (f). The amount may not be more than is reasonably necessary to generate revenue sufficient to offset the costs incurred by the department in carrying out its responsibilities under this chapter.

(h) The department shall give priority in issuing licenses under this section to applicants who are residents of Indiana."

Page 12, delete lines 1 through 28.

Page 14, delete lines 8 through 34.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1279 as printed January 27, 2012.)

MISHLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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