



Reprinted
February 22, 2012

ENGROSSED HOUSE BILL No. 1279

DIGEST OF HB 1279 (Updated February 21, 2012 3:52 pm - DI 109)

Citations Affected: IC 4-13; IC 4-20.5; IC 5-13; IC 6-1.1; IC 6-6; IC 14-8; IC 14-9; IC 14-18; IC 14-22; IC 14-24; IC 14-25; IC 14-37; IC 35-51.

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
(Continued next page)

Effective: July 1, 2012.

Eberhart, Cheatham

(SENATE SPONSORS — MISHLER, YOUNG R, HOLDMAN, GROOMS,
BANKS, KRUSE, HEAD, WALKER)

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.
February 21, 2012, read second time, amended, ordered engrossed.

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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. Repeals the law that prohibits the possession or use of a silencer while in the act of hunting. Provides that a person who takes or possesses a deer or wild turkey: (1) unlawfully; (2) by illegal methods; or (3) with illegal devices; while using or possessing a silencer commits a Class C misdemeanor. Makes hunting on private land without the permission of the owner a Class B misdemeanor if the person does so while using a silencer. Removes the authority for an individual with a hunting, trapping, or fishing license to ship, carry, or take outside Indiana in one week more than two times the possession limit for the wild animal. Makes the invasive species pilot program a permanent program. Repeals the prohibition on racoon 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 and nutrias 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 22, 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

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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 14-8-2-131.7 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 19 **[EFFECTIVE JULY 1, 2012]: Sec. 131.7. "Inland water" for**
 20 **purposes of IC 14-22-13, includes:**

- 21 **(1) the waters of the state; and**
 22 **(2) the boundary waters of the state, except Lake Michigan**
 23 **and the Ohio River.**

24 SECTION 8. IC 14-9-4-1, AS AMENDED BY P.L.167-2011,
 25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2012]: Sec. 1. The following divisions are established within
 27 the department:

- 28 (1) Accounting.
 29 (2) Administrative support services.
 30 (3) Budget.
 31 (4) Engineering.
 32 (5) Entomology and plant pathology.
 33 (6) Fish and wildlife.
 34 (7) Forestry.
 35 (8) Historic preservation and archeology.
 36 (9) Human resources.
 37 (10) Internal audit.
 38 (11) Land acquisition.
 39 (12) Law enforcement.
 40 (13) Management information systems.
 41 (14) Nature preserves.
 42 (15) Oil and gas.



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- 1 (16) Outdoor recreation.
- 2 (17) Public information and education.
- 3 (18) Reclamation.
- 4 (19) Reservoir management.
- 5 (20) Safety and training.
- 6 (21) State parks.
- 7 (22) Water.
- 8 **(23) State land office.**
- 9 SECTION 9. IC 14-18-1.5 IS ADDED TO THE INDIANA CODE
- 10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2012]:
- 12 **Chapter 1.5. The State Land Office**
- 13 **Sec. 1. The state land office is established as a division of the**
- 14 **department.**
- 15 **Sec. 2. The director shall provide for the organization and**
- 16 **management of the state land office.**
- 17 **Sec. 3. (a) This section does not apply to the following:**
- 18 **(1) An instrument or a document of either of the following:**
- 19 **(A) The Indiana department of transportation.**
- 20 **(B) A state educational institution.**
- 21 **(2) A lease of property for a term of four (4) years or less.**
- 22 **(b) The state land office shall serve as the repository for any**
- 23 **instrument relating to past or current ownership or possession of**
- 24 **property by the state.**
- 25 **Sec. 4. (a) The state land office shall prepare and maintain**
- 26 **property record maps and plats of property owned by the state,**
- 27 **whether owned in the past or currently owned.**
- 28 **(b) The maps and plats maintained by the state land office must**
- 29 **include the following information:**
- 30 **(1) Maps showing each county and the boundaries of each**
- 31 **county.**
- 32 **(2) Plats of each parcel of property owned by the state,**
- 33 **showing the metes and bounds of the parcel.**
- 34 **The maps and plats must show the appropriate townships, ranges,**
- 35 **sections, parts of sections, and other appropriate geographic**
- 36 **information.**
- 37 **(c) The state land office may maintain appropriate materials to**
- 38 **assist the state land office in developing and maintaining the**
- 39 **property records required by this section, including the following:**
- 40 **(1) Aerial photography.**
- 41 **(2) United States Geographical Survey maps.**
- 42 **(3) Commercial and governmental plat books.**

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1 (4) Survey plats and notes prepared for agencies by registered
2 land surveyors.

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

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

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

10 Sec. 7. (a) The rules adopted by the Indiana department of
11 administration before July 1, 2012, concerning the state land office
12 are considered, after June 30, 2012, rules of the commission. A
13 reference to the state land office within the Indiana department of
14 administration in a statute, rule, or other document before July 1,
15 2012, is considered a reference to the state land office within the
16 department.

17 (b) All powers, duties, assets, liabilities, records, property,
18 appropriations, and employees of the state land office within the
19 Indiana department of administration on June 30, 2012, are
20 transferred to the state land office within the department.

21 SECTION 10. IC 14-22-6-7, AS AMENDED BY P.L.13-2007,
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2012]: Sec. 7. (a) This section does not apply to an employee
24 of the department, or an employee of a federal wildlife management
25 agency, or a person who:

- 26 (1) is acting in the performance of the employee's or a person's
27 duties or in accordance with the conditions of a license; and
28 (2) has received the express written consent of the director for the
29 employee's or person's action.

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

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

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

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

41 (d) ~~A person~~ **An individual** may not shine a spotlight, searchlight,
42 or other artificial light for the purpose of taking, attempting to take, or

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1 assisting another person to take a deer.

2 SECTION 11. IC 14-22-6-11 IS REPEALED [EFFECTIVE JULY
3 1, 2012]. Sec. 11: (a) This section does not apply to an employee of the
4 department or an employee of a federal wildlife management agency
5 who:

- 6 (1) is acting in the performance of the employee's duties; and
7 (2) has received the express written consent of the director for the
8 employee's action.

9 (b) A person may not:

- 10 (1) use or possess an apparatus designed for use with or on a
11 firearm commonly called a silencer; or
12 (2) use or possess a device used as a silencer;

13 in Indiana while in the act of hunting.

14 SECTION 12. IC 14-22-7-3, AS AMENDED BY P.L.225-2005,
15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not hunt or
17 take a migratory waterfowl within Indiana without having a **an**
18 **electronically generated** migratory waterfowl stamp issued by the
19 department. The stamp must be in the possession of each ~~person~~
20 **individual** hunting or taking a migratory waterfowl. The licensee shall
21 validate the stamp with the signature, in ink, 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 migratory
25 waterfowl stamp and may create and sell commemorative migratory
26 waterfowl stamps.

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

32 SECTION 13. IC 14-22-7-4, AS AMENDED BY P.L.225-2005,
33 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2012]: Sec. 4. ~~A~~ **An electronically generated** stamp shall be
35 issued to each hunting license applicant or holder upon request and the
36 payment of a fee of six dollars and seventy-five cents (\$6.75). Each
37 stamp expires on March 31 of the year following issuance.

38 SECTION 14. IC 14-22-8-4, AS AMENDED BY P.L.225-2005,
39 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2012]: Sec. 4. (a) ~~A person~~ **An individual** may not hunt or
41 take a game bird within Indiana without having a **an electronically**
42 **generated** game bird habitat restoration stamp issued by the

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1 department. The stamp must be in the possession of each **person**
 2 **individual** hunting ~~or taking~~ a game bird. The licensee shall validate
 3 the stamp with the signature of the licensee on the hunting license on
 4 which the electronically generated form of the stamp is attached.

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

6 ~~(1)~~ determine the form of the stamp and may create and sell
 7 commemorative game bird habitat restoration stamps.

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

12 SECTION 15. IC 14-22-9-1, AS AMENDED BY P.L.165-2011,
 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2012]: Sec. 1. (a) Except as allowed by sections 3 and 11 of
 15 this chapter, a **person an individual** may not take fish from waters
 16 containing state owned fish, waters of the state, or boundary waters of
 17 the state by the following:

18 (1) Means of:

19 (A) a weir;

20 (B) an electric current;

21 (C) dynamite or other explosive;

22 (D) a net;

23 (E) a seine;

24 (F) a trap; or

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

27 (2) Means of the following:

28 (A) A firearm.

29 ~~(B) A crossbow.~~

30 ~~(C)~~ **(B)** The hands alone.

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

33 (1) under special permit issued by the director under rules that the
 34 director provides; or

35 (2) as otherwise provided by law.

36 SECTION 16. IC 14-22-9-11, AS ADDED BY P.L.165-2011,
 37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2012]: Sec. 11. (a) As used in this section, "motorboat" means
 39 a watercraft propelled by:

40 (1) an internal combustion, steam, or electrical inboard or
 41 outboard motor or engine; or

42 (2) any mechanical means.

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- 1 The term does not include a personal watercraft.
- 2 (b) The department shall establish and implement a ~~pilot~~ program
- 3 for the purpose of containing and reducing invasive animal species in
- 4 the Wabash River. In ~~developing~~ **administering** this ~~pilot~~ program, the
- 5 department may:
- 6 (1) allow the taking of a specific invasive animal species by a
- 7 means described in section ~~1(2)~~ **1(a)(2)** of this chapter;
- 8 (2) may require the use of ammunition described in 50 CFR
- 9 20.21(j); or
- 10 (3) require a hunting or fishing license under IC 14-22-12-1.
- 11 (c) 312 IAC 9-2-2(d), as in effect July 1, 2011, does not apply to this
- 12 section.
- 13 SECTION 17. IC 14-22-10-3, AS AMENDED BY P.L.165-2011,
- 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not take, carry,
- 16 ship, transport, or accept for shipment or transportation outside Indiana
- 17 a wild animal protected by Indiana law, except as provided in this
- 18 article.
- 19 (b) ~~A person~~ **An individual** having a license to use a commercial
- 20 fishing device in Indiana may ship, carry, or transport outside Indiana
- 21 fish that the ~~person~~ **individual** has legally taken or caught by the
- 22 commercial fishing device.
- 23 (c) ~~A person~~ **An individual** having a license to hunt, trap, or fish in
- 24 Indiana may ~~do the following~~:
- 25 ~~(1)~~ carry, transport, or ship outside Indiana, in open season, in one
- 26 (1) day, a wild animal that the ~~person~~ **individual** has legally taken
- 27 in open season, not to exceed in number the possession limit of
- 28 the wild animal.
- 29 ~~(2) Ship, carry, or take outside Indiana in one (1) week more than~~
- 30 ~~two (2) times the possession limit for the wild animal.~~
- 31 (d) Hides and furs of furbearing animals legally taken in open
- 32 season may be shipped or carried outside Indiana in any number:
- 33 (1) during the open season; or
- 34 (2) after open season as allowed by rule.
- 35 (e) ~~A person~~ **An individual** having a breeder's license may ship,
- 36 carry, or transport outside Indiana a wild animal that the ~~person~~
- 37 **individual** has legally possessed under the breeder's license in Indiana.
- 38 (f) ~~A person~~ **An individual** may not ship, carry, or transport or
- 39 accept for transportation or shipment to a place in Indiana or outside
- 40 Indiana a wild animal unless the wild animal is enclosed in a package
- 41 or container on which there is clearly, legibly, and conspicuously
- 42 marked on the outside of the package or container the following

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information:

- (1) The name and address of the shipper and the consignee.
- (2) An accurate statement of the number or quantities and kinds of wild animals contained.

The shipper shall produce the license required under this article authorizing the person to take or possess the wild animal. If the wild animal is carried by the licensee personally, the wild animal shall be carried openly for inspection, together with the license.

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

SECTION 18. IC 14-22-11-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 2: (a) ~~Except as provided in subsection (b), the season for taking raccoons is closed to nonresidents of Indiana.~~

(b) ~~The director may open the season on raccoons to the residents of another state on the same days and during the same hours that the raccoon season in the nonresident's state of residence is open to residents of the nonresident's state. However, a nonresident may not take raccoons in Indiana when the season is closed in Indiana even if the raccoon taking season is open in the nonresident's state.~~

SECTION 19. IC 14-22-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A nonresident of Indiana who is

(1) ~~on active duty with a branch or department of the armed forces of the United States while stationed in Indiana or~~

(2) ~~in the employment of:~~

(A) ~~the United States Fish and Wildlife Service; or~~

(B) ~~the conservation department of a state, territory, or possession of the United States; and~~

~~in Indiana for the purpose of advising or consulting with the department~~

may hunt or fish in Indiana after obtaining the proper resident license. A nonresident described in this subsection must carry on the nonresident's person, when fishing or hunting, the license and a card or other evidence that identifies the nonresident as ~~a person~~ **an individual** qualified to obtain a license under this subsection.

(b) A nonresident of Indiana who:

(1) is less than eighteen (18) years of age; and

(2) has a parent, grandparent, or legal guardian who is a resident of Indiana;

may hunt, fish, or trap in Indiana after obtaining the proper resident license.

SECTION 20. IC 14-22-12-1.5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.5. (a) As used in this
2 section, "qualified individual" means an individual who:

- 3 (1) is a resident of Indiana;
4 (2) has served in the armed forces of the United States; and
5 (3) has a service connected disability, as evidenced by:
6 (A) records of the United States Department of Veterans
7 Affairs; or
8 (B) disability retirement benefits awarded to the individual
9 under laws administered by the United States Department of
10 Defense.

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

13 (c) Each year a qualified individual may obtain:

- 14 (1) both:
15 (A) a resident yearly license to fish; and
16 (B) a resident yearly license to hunt; or
17 (2) a resident yearly license to hunt and fish;

18 by paying a reduced license fee of two dollars and seventy-five cents
19 (\$2.75) instead of the fee prescribed by section 1 of this chapter.

20 **(d) Each decade a qualified individual may obtain:**

- 21 **(1) both:**
22 **(A) a resident license to fish that is valid for ten (10) years;**
23 **and**
24 **(B) a resident license to hunt that is valid for ten (10)**
25 **years; or**
26 **(2) a resident license to hunt and fish that is valid for ten (10)**
27 **years;**

28 **by paying a reduced license fee of twenty-seven dollars and fifty**
29 **cents (\$27.50).**

30 ~~(d)~~ **(e)** An applicant for a reduced fee license under this section
31 must do the following:

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

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

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

5 (1) For an Ohio River commercial fishing license and ten (10)
 6 Ohio River commercial gear tags, one hundred twenty-five dollars
 7 (\$125).

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

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

14 (1) Shovelnose sturgeon.

15 (2) Paddlefish.

16 (3) Bowfin.

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

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

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

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

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

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

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

40 (3) ~~(2)~~ **(3) Roe dealer's license**, five thousand dollars (\$5,000).

41 (g) The commission may set license fees above the minimum fees
 42 established under subsection (f). The amount may not be more than is

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1 reasonably necessary to generate revenue sufficient to offset the costs
 2 incurred by the department in carrying out its responsibilities under this
 3 chapter.

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

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

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

13 (1) Ten dollars (\$10) for residents.

14 (2) Fifty dollars (\$50) for nonresidents.

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

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

27 (1) acquires a ~~game bird, game mammal, or~~ furbearing mammal
 28 alive, legally in open season; or

29 (2) purchases the bird or mammal from a licensed game breeder;
 30 may apply for a breeder's license within five (5) days after acquiring
 31 the animal from the licensed game breeder or within five (5) days after
 32 the last day of the open season for the animal. Otherwise, the animal
 33 shall be released.

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

37 (1) Marten.

38 ~~(2) Nutria.~~

39 ~~(3) (2) Mink.~~

40 ~~(4) (3) Chinchilla.~~

41 ~~(5) (4) Domesticated rabbits, except cottontail.~~

42 ~~(6) Swamp rabbits.~~

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1 (b) The:
 2 (1) breeding, raising, and producing in captivity; and
 3 (2) marketing;
 4 of an animal listed in subsection (a) is considered an agricultural
 5 pursuit. All animals so raised in captivity are considered domestic
 6 animals so that a game breeding license is not required to possess such
 7 an animal.
 8 (c) A person engaged in the breeding, raising, and producing in
 9 captivity and marketing of the furbearing mammals listed in subsection
 10 (a) shall, upon request, do the following:
 11 (1) Register with the department.
 12 (2) Make annual reports concerning the number of animals held
 13 and sold. These reports are confidential.
 14 SECTION 27. IC 14-22-31-8 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) ~~A person An~~
 16 **individual** may not take game birds and exotic mammals on a shooting
 17 preserve unless the **person individual** has a hunting license required
 18 under this article. ~~except nonresidents of Indiana who must possess a~~
 19 ~~special license to shoot on licensed shooting preserves:~~
 20 (b) ~~The department:~~
 21 (1) ~~shall issue special licenses; and~~
 22 (2) ~~may appoint owners or managers of shooting preserves as~~
 23 ~~agents to sell special licenses:~~
 24 (c) ~~A special license expires December 31 of the year issued:~~
 25 (d) ~~The fee for a special license is eight dollars and seventy-five~~
 26 ~~cents (\$8.75). All fees shall be deposited in the fish and wildlife fund:~~
 27 SECTION 28. IC 14-22-38-4, AS AMENDED BY P.L.2-2008,
 28 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2012]: Sec. 4. (a) A person who:
 30 (1) unlawfully takes or possesses a deer or wild turkey;
 31 (2) takes or possesses a deer or wild turkey by illegal methods or
 32 with illegal devices; or
 33 (3) except as provided in subsections (c) and (d), sells, offers to
 34 sell, purchases, or offers to purchase a deer or wild turkey or a
 35 part of a deer or wild turkey;
 36 shall reimburse the state five hundred dollars (\$500) for the first
 37 violation and one thousand dollars (\$1,000) for each subsequent
 38 violation.
 39 (b) The money shall be deposited in the conservation officers fish
 40 and wildlife fund. This penalty is in addition to any other penalty under
 41 the law.
 42 (c) Notwithstanding section 6 of this chapter, if a properly tagged

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1 deer is brought to a meat processing facility and the owner of the deer:
 2 (1) fails to pick up the processed deer within a reasonable time;
 3 or
 4 (2) notifies the meat processing facility that the owner does not
 5 want the processed deer;

6 the deer meat may be given away by the meat processing facility to
 7 another person. The meat processing facility may charge the person
 8 receiving the deer meat a reasonable and customary processing fee.

9 (d) Notwithstanding section 6 of this chapter, deer meat and
 10 products from farm raised deer that meet the requirements under
 11 IC 15-17 may be sold to the public.

12 (e) **In addition to the reimbursement required under subsection**
 13 **(a), a person who recklessly, knowingly, or intentionally violates**
 14 **subsection (a)(1) or (a)(2) while using or possessing:**

15 (1) **an apparatus commonly called a silencer that is designed**
 16 **for use with or on a firearm; or**

17 (2) **a device used as a silencer;**
 18 **commits unlawful hunting while using a silencer, a Class C**
 19 **misdemeanor.**

20 SECTION 29. IC 14-22-38-4.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. A person who recklessly,**
 23 **knowingly, or intentionally violates IC 14-22-10-1(1) by hunting on**
 24 **privately owned land without the consent of the owner or tenant**
 25 **while using or possessing:**

26 (1) **an apparatus commonly called a silencer that is designed**
 27 **for use with or on a firearm; or**

28 (2) **a device used as a silencer;**
 29 **commits unauthorized hunting on private land with a silencer, a**
 30 **Class B misdemeanor.**

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

39 SECTION 31. IC 14-24-5-3, AS AMENDED BY P.L.69-2009,
 40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 3. (a) The division shall issue a certificate
 42 following an inspection that discloses that the nursery stock is

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

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- 1 (1) Annual fees for oil and gas wells received under IC 14-37-5.
 2 (2) Accrued interest and other investment earnings of the fund.
 3 (3) Civil penalties collected under IC 14-37-13-3.
 4 (4) **Bonds forfeited under IC 14-37-13-2.**
 5 (5) Gifts, grants, donations, or appropriations from any source.
 6 SECTION 34. IC 35-51-14-1, AS ADDED BY P.L.70-2011,
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 14:
 9 IC 14-9-8-19 (Concerning the department of natural resources).
 10 IC 14-15-3-31 (Concerning watercraft).
 11 IC 14-15-4-4 (Concerning watercraft accidents).
 12 IC 14-15-8-8 (Concerning operating a watercraft while
 13 intoxicated).
 14 IC 14-15-8-9 (Concerning operating a watercraft while
 15 intoxicated).
 16 IC 14-15-9-8 (Concerning divers).
 17 IC 14-15-11-11 (Concerning motorboat operators).
 18 IC 14-15-12-13 (Concerning personal watercraft).
 19 IC 14-16-1-29 (Concerning off-road vehicles).
 20 IC 14-17-4-8 (Concerning property acquisition).
 21 ~~IC 14-20-1-25 (Concerning state museums and historic sites).~~
 22 IC 14-21-1-16 (Concerning historic preservation and archeology).
 23 IC 14-21-1-26 (Concerning historic preservation and archeology).
 24 IC 14-21-1-26.5 (Concerning historic preservation and
 25 archeology).
 26 IC 14-21-1-27 (Concerning historic preservation and archeology).
 27 IC 14-21-1-28 (Concerning historic preservation and archeology).
 28 IC 14-21-1-36 (Concerning historic preservation and archeology).
 29 IC 14-21-2-5 (Concerning historic preservation and archeology).
 30 **IC 14-22-13-10 (Concerning commercial fishing licenses).**
 31 IC 14-22-17-4 (Concerning fish and wildlife).
 32 IC 14-22-32-3 (Concerning fish and wildlife).
 33 IC 14-22-34-12 (Concerning fish and wildlife).
 34 IC 14-22-37-2 (Concerning fish and wildlife).
 35 IC 14-22-37-3 (Concerning fish and wildlife).
 36 IC 14-22-38-1 (Concerning fish and wildlife).
 37 IC 14-22-38-3 (Concerning fish and wildlife).
 38 **IC 14-22-38-4 (Concerning fish and wildlife).**
 39 **IC 14-22-38-4.5 (Concerning fish and wildlife).**
 40 IC 14-22-38-6 (Concerning fish and wildlife).
 41 IC 14-22-40-6 (Concerning fish and wildlife).
 42 IC 14-23-7-5 (Concerning forestry).

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- 1 IC 14-24-11-4 (Concerning entomology and plant pathology).
- 2 IC 14-26-7-8 (Concerning lakes and reservoirs).
- 3 IC 14-27-6-52 (Concerning levees, dams, and drainage).
- 4 IC 14-29-8-5 (Concerning rivers, streams, and waterways).
- 5 IC 14-31-3-15 (Concerning nature preserves).
- 6 IC 14-31-3-16 (Concerning nature preserves).
- 7 IC 14-31-3-17 (Concerning nature preserves).
- 8 IC 14-31-3-19 (Concerning nature preserves).
- 9 IC 14-31-3-20 (Concerning nature preserves).
- 10 IC 14-31-3-21 (Concerning nature preserves).
- 11 IC 14-34-2-6 (Concerning surface coal mining and reclamation).
- 12 IC 14-34-16-6 (Concerning surface coal mining and reclamation).
- 13 IC 14-34-16-7 (Concerning surface coal mining and reclamation).
- 14 IC 14-37-13-6 (Concerning oil and gas).

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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:**

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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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SENATE MOTION

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 10, delete lines 6 through 42.

Page 11, delete lines 1 through 8.

Re-number all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 15, 2012.)

MISHLER

SENATE MOTION

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 6, delete lines 37 through 42, begin a new paragraph and insert:

"SECTION 10. IC 14-22-6-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 11: (a) This section does not apply to an employee of the department or an employee of a federal wildlife management agency who:

- (1) is acting in the performance of the employee's duties; and
- (2) has received the express written consent of the director for the employee's action.

(b) A person may not:

- (1) use or possess an apparatus designed for use with or on a firearm commonly called a silencer; or
- (2) use or possess a device used as a silencer;

in Indiana while in the act of hunting."

Page 7, delete lines 1 through 8.

Page 15, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 29. IC 14-22-38-4, AS AMENDED BY P.L.2-2008, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who:

- (1) unlawfully takes or possesses a deer or wild turkey;
- (2) takes or possesses a deer or wild turkey by illegal methods or with illegal devices; or
- (3) except as provided in subsections (c) and (d), sells, offers to sell, purchases, or offers to purchase a deer or wild turkey or a part of a deer or wild turkey;

shall reimburse the state five hundred dollars (\$500) for the first

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violation and one thousand dollars (\$1,000) for each subsequent violation.

(b) The money shall be deposited in the conservation officers fish and wildlife fund. This penalty is in addition to any other penalty under the law.

(c) Notwithstanding section 6 of this chapter, if a properly tagged deer is brought to a meat processing facility and the owner of the deer:

- (1) fails to pick up the processed deer within a reasonable time; or
- (2) notifies the meat processing facility that the owner does not want the processed deer;

the deer meat may be given away by the meat processing facility to another person. The meat processing facility may charge the person receiving the deer meat a reasonable and customary processing fee.

(d) Notwithstanding section 6 of this chapter, deer meat and products from farm raised deer that meet the requirements under IC 15-17 may be sold to the public.

(e) In addition to the reimbursement required under subsection (a), a person who recklessly, knowingly, or intentionally violates subsection (a)(1) or (a)(2) while using or possessing:

- (1) an apparatus commonly called a silencer that is designed for use with or on a firearm; or**
- (2) a device used as a silencer;**

commits unlawful hunting while using a silencer, a Class C misdemeanor.

SECTION 30. IC 14-22-38-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. A person who recklessly, knowingly, or intentionally violates IC 14-22-10-1(1) by hunting on privately owned land without the consent of the owner or tenant while using or possessing:**

- (1) an apparatus commonly called a silencer that is designed for use with or on a firearm; or**
- (2) a device used as a silencer;**

commits unauthorized hunting on private land with a silencer, a Class B misdemeanor."

Page 16, after line 41, begin a new paragraph and insert:

"SECTION 35. IC 35-51-14-1, AS ADDED BY P.L.70-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 14:

IC 14-9-8-19 (Concerning the department of natural resources).

IC 14-15-3-31 (Concerning watercraft).



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IC 14-15-4-4 (Concerning watercraft accidents).
 IC 14-15-8-8 (Concerning operating a watercraft while intoxicated).
 IC 14-15-8-9 (Concerning operating a watercraft while intoxicated).
 IC 14-15-9-8 (Concerning divers).
 IC 14-15-11-11 (Concerning motorboat operators).
 IC 14-15-12-13 (Concerning personal watercraft).
 IC 14-16-1-29 (Concerning off-road vehicles).
 IC 14-17-4-8 (Concerning property acquisition).
~~IC 14-20-1-25 (Concerning state museums and historic sites).~~
 IC 14-21-1-16 (Concerning historic preservation and archeology).
 IC 14-21-1-26 (Concerning historic preservation and archeology).
 IC 14-21-1-26.5 (Concerning historic preservation and archeology).
 IC 14-21-1-27 (Concerning historic preservation and archeology).
 IC 14-21-1-28 (Concerning historic preservation and archeology).
 IC 14-21-1-36 (Concerning historic preservation and archeology).
 IC 14-21-2-5 (Concerning historic preservation and archeology).
IC 14-22-13-10 (Concerning commercial fishing licenses).
 IC 14-22-17-4 (Concerning fish and wildlife).
 IC 14-22-32-3 (Concerning fish and wildlife).
 IC 14-22-34-12 (Concerning fish and wildlife).
 IC 14-22-37-2 (Concerning fish and wildlife).
 IC 14-22-37-3 (Concerning fish and wildlife).
 IC 14-22-38-1 (Concerning fish and wildlife).
 IC 14-22-38-3 (Concerning fish and wildlife).
IC 14-22-38-4 (Concerning fish and wildlife).
IC 14-22-38-4.5 (Concerning fish and wildlife).
 IC 14-22-38-6 (Concerning fish and wildlife).
 IC 14-22-40-6 (Concerning fish and wildlife).
 IC 14-23-7-5 (Concerning forestry).
 IC 14-24-11-4 (Concerning entomology and plant pathology).
 IC 14-26-7-8 (Concerning lakes and reservoirs).
 IC 14-27-6-52 (Concerning levees, dams, and drainage).
 IC 14-29-8-5 (Concerning rivers, streams, and waterways).
 IC 14-31-3-15 (Concerning nature preserves).
 IC 14-31-3-16 (Concerning nature preserves).
 IC 14-31-3-17 (Concerning nature preserves).
 IC 14-31-3-19 (Concerning nature preserves).
 IC 14-31-3-20 (Concerning nature preserves).
 IC 14-31-3-21 (Concerning nature preserves).

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IC 14-34-2-6 (Concerning surface coal mining and reclamation).
IC 14-34-16-6 (Concerning surface coal mining and reclamation).
IC 14-34-16-7 (Concerning surface coal mining and reclamation).
IC 14-37-13-6 (Concerning oil and gas)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 15, 2012.)

HOLDMAN

SENATE MOTION

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 4, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 7. IC 14-8-2-131.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 131.7. "Inland water" for purposes of IC 14-22-13, includes:**

- (1) the waters of the state; and**
- (2) the boundary waters of the state, except Lake Michigan and the Ohio River."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 15, 2012.)

YOUNG R

SENATE MOTION

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

- Page 14, line 36, strike "(2) Nutria."
- Page 14, line 37, strike "(3)" and insert "**(2)**".
- Page 14, line 38, strike "(4)" and insert "**(3)**".
- Page 14, line 39, strike "(5)" and insert "**(4)**".

(Reference is to EHB 1279 as printed February 15, 2012.)

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