
HOUSE BILL No. 1279

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13-1-3; IC 4-20.5; IC 5-13-6-1; IC 6-1.1-6-19; IC 14-9-4-1; IC 14-18-1.5; IC 14-22; IC 14-24; IC 14-25-1-8; IC 14-34-6-15; IC 14-37-10-3.

Synopsis: Various natural resources matters. Moves the state land office from the Indiana 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. Increases the time period within which each parcel of land classified as native forest land, a forest plantation, or wildlands must be inspected from five years 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 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. 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. 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,
(Continued next page)

Effective: July 1, 2012.

Eberhart

January 11, 2012, read first time and referred to Committee on Natural Resources.



C
O
P
Y

Digest Continued

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. Removes authority of a meat processing facility to give properly tagged deer meat that is not claimed to another person. 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.

C
o
p
y



Introduced

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.

C
O
P
Y

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



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

C
o
p
y



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 14-9-4-1, AS AMENDED BY P.L.167-2011,
30 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2012]: Sec. 1. The following divisions are established within
32 the department:

- 33 (1) Accounting.
34 (2) Administrative support services.
35 (3) Budget.
36 (4) Engineering.
37 (5) Entomology and plant pathology.
38 (6) Fish and wildlife.
39 (7) Forestry.
40 (8) Historic preservation and archeology.
41 (9) Human resources.
42 (10) Internal audit.

C
o
p
y



- 1 (11) Land acquisition.
- 2 (12) Law enforcement.
- 3 (13) Management information systems.
- 4 (14) Nature preserves.
- 5 (15) Oil and gas.
- 6 (16) Outdoor recreation.
- 7 (17) Public information and education.
- 8 (18) Reclamation.
- 9 (19) Reservoir management.
- 10 (20) Safety and training.
- 11 (21) State parks.
- 12 (22) Water.

13 **(23) State land office.**

14 SECTION 7. IC 14-18-1.5 IS ADDED TO THE INDIANA CODE
 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2012]:

17 **Chapter 1.5. The State Land Office**

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

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

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

23 **(1) An instrument or a document of either of the following:**

24 **(A) The Indiana department of transportation.**

25 **(B) A state educational institution.**

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

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

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

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

35 **(1) Maps showing each county and the boundaries of each**
 36 **county.**

37 **(2) Plats of each parcel of property owned by the state,**
 38 **showing the metes and bounds of the parcel.**

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

42 **(c) The state land office may maintain appropriate materials to**

C
o
p
y



1 assist the state land office in developing and maintaining the
2 property records required by this section, including the following:

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

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

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

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

15 Sec. 7. (a) The rules adopted by the Indiana department of
16 administration before July 1, 2012, concerning the state land office
17 are considered, after June 30, 2012, rules of the commission. A
18 reference to the state land office within the Indiana department of
19 administration in a statute, rule, or other document before July 1,
20 2012, is considered a reference to the state land office within the
21 department.

22 (b) All powers, duties, assets, liabilities, records, property,
23 appropriations, and employees of the state land office within the
24 Indiana department of administration on June 30, 2012, are
25 transferred to the state land office within the department.

26 SECTION 8. IC 14-22-6-7, AS AMENDED BY P.L.13-2007,
27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2012]: Sec. 7. (a) This section does not apply to an employee
29 of the department, or an employee of a federal wildlife management
30 agency, or an individual who:

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

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

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

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

C
o
p
y



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

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

7 SECTION 9. IC 14-22-6-11, AS AMENDED BY P.L.13-2007,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 11. (a) This section does not apply to an employee
 10 of the department, ~~or an~~ employee of a federal wildlife management
 11 agency, **or individual** who:

12 (1) is acting in the performance of the employee's **or individual's**
 13 duties; and

14 (2) has received the express written consent of the director for the
 15 employee's **or individual's** action.

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

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

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

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

31 (b) The department shall determine the form of the migratory
 32 waterfowl stamp and may create and sell commemorative migratory
 33 waterfowl stamps.

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

39 SECTION 11. IC 14-22-7-4, AS AMENDED BY P.L.225-2005,
 40 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2012]: Sec. 4. ~~A~~ **An electronically generated** stamp shall be
 42 issued to each hunting license applicant or holder upon request and the

C
O
P
Y



1 payment of a fee of six dollars and seventy-five cents (\$6.75). Each
2 stamp expires on March 31 of the year following issuance.

3 SECTION 12. IC 14-22-8-4, AS AMENDED BY P.L.225-2005,
4 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 4. (a) ~~A person~~ **An individual** may not hunt ~~or~~
6 ~~take~~ a game bird within Indiana without having ~~a~~ **an electronically**
7 **generated** game bird habitat restoration stamp issued by the
8 department. The stamp must be in the possession of each ~~person~~
9 **individual** hunting ~~or taking~~ a game bird. The licensee shall validate
10 the stamp with the signature of the licensee on the hunting license on
11 which the electronically generated form of the stamp is attached.

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

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

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

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

25 (1) Means of:

26 (A) a weir;

27 (B) an electric current;

28 (C) dynamite or other explosive;

29 (D) a net;

30 (E) a seine;

31 (F) a trap; or

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

34 (2) Means of the following:

35 (A) A firearm.

36 ~~(B) A crossbow.~~

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

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

40 (1) under special permit issued by the director under rules that the
41 director provides; or

42 (2) as otherwise provided by law.

C
o
p
y



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

- 5 (1) an internal combustion, steam, or electrical inboard or
 6 outboard motor or engine; or
 7 (2) any mechanical means.

8 The term does not include a personal watercraft.

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

- 13 (1) allow the taking of a specific invasive animal species by a
 14 means described in section ~~1(2)~~ **1(a)(2)** of this chapter;
 15 (2) may require the use of ammunition described in 50 CFR
 16 20.21(j); or
 17 (3) require a hunting or fishing license under IC 14-22-12-1.

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

20 SECTION 15. IC 14-22-10-3, AS AMENDED BY P.L.165-2011,
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not take, carry,
 23 ship, transport, or accept for shipment or transportation outside Indiana
 24 a wild animal protected by Indiana law, except as provided in this
 25 article.

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

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

- 32 ~~(1)~~ carry, transport, or ship outside Indiana, in open season, in one
 33 (1) day, a wild animal that the ~~person~~ **individual** has legally taken
 34 in open season, not to exceed in number the possession limit of
 35 the wild animal.
 36 ~~(2) Ship, carry, or take outside Indiana in one (1) week more than~~
 37 ~~two (2) times the possession limit for the wild animal.~~

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

- 40 (1) during the open season; or
 41 (2) after open season as allowed by rule.

42 (e) ~~A person~~ **An individual** having a breeder's license may ship,

C
o
p
y



1 carry, or transport outside Indiana a wild animal that the ~~person~~
 2 **individual** has legally possessed under the breeder's license in Indiana.

3 (f) ~~A person~~ **An individual** may not ship, carry, or transport or
 4 accept for transportation or shipment to a place in Indiana or outside
 5 Indiana a wild animal unless the wild animal is enclosed in a package
 6 or container on which there is clearly, legibly, and conspicuously
 7 marked on the outside of the package or container the following
 8 information:

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

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

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

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

18 SECTION 16. IC 14-22-11-1 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) As used in this
 20 section, "farmland" means agricultural land that is:

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

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

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

26 (1) An individual who is a resident or nonresident of Indiana
 27 while participating in a field trial that has been sanctioned by the
 28 director is not required to possess a license while participating in
 29 the trial.

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

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

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

39 (B) leased from;

40 the department.

41 (4) An individual who:

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

C
O
P
Y



1 (B) does not possess a bow or firearm; and
 2 (C) is accompanying an individual who:
 3 (i) is at least eighteen (18) years of age; and
 4 (ii) holds a valid license;
 5 may chase a wild animal without having a license.
 6 (c) The exceptions provided in this section do not apply to a
 7 commercial license issued under this article.
 8 (d) The right of a nonresident who owns farmland in Indiana (and
 9 of the spouse and children who reside with the nonresident) to hunt,
 10 fish, and trap on the farmland without a license under subsection (b)(2)
 11 is subject to the following conditions:
 12 (1) The nonresident may hunt, fish, and trap on the farmland
 13 without a license only if the state in which the nonresident resides
 14 allows residents of Indiana who own land in that state to hunt,
 15 fish, and trap on their land without a license.
 16 (2) While hunting, fishing, or trapping on the farmland, the
 17 nonresident must keep proof that the nonresident owns the
 18 farmland (for example, a tax receipt identifying the nonresident
 19 as owner) in a place where the proof is readily accessible by the
 20 nonresident.
 21 SECTION 17. IC 14-22-11-2 IS REPEALED [EFFECTIVE JULY
 22 1, 2012]. Sec. 2: (a) Except as provided in subsection (b), the season
 23 for taking raccoons is closed to nonresidents of Indiana.
 24 (b) The director may open the season on raccoons to the residents
 25 of another state on the same days and during the same hours that the
 26 raccoon season in the nonresident's state of residence is open to
 27 residents of the nonresident's state. However, a nonresident may not
 28 take raccoons in Indiana when the season is closed in Indiana even if
 29 the raccoon taking season is open in the nonresident's state.
 30 SECTION 18. IC 14-22-11-10 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) A nonresident
 32 of Indiana who is
 33 (1) on active duty with a branch or department of the armed forces
 34 of the United States while stationed in Indiana or
 35 (2) in the employment of:
 36 (A) the United States Fish and Wildlife Service; or
 37 (B) the conservation department of a state, territory, or
 38 possession of the United States; and
 39 in Indiana for the purpose of advising or consulting with the
 40 department
 41 may hunt or fish in Indiana after obtaining the proper resident license.
 42 A nonresident described in this subsection must carry on the

COPY



1 nonresident's person, when fishing or hunting, the license and a card or
2 other evidence that identifies the nonresident as ~~a person~~ **an individual**
3 qualified to obtain a license under this subsection.

4 (b) A nonresident of Indiana who:
5 (1) is less than eighteen (18) years of age; and
6 (2) has a parent, grandparent, or legal guardian who is a resident
7 of Indiana;
8 may hunt, fish, or trap in Indiana after obtaining the proper resident
9 license.

10 SECTION 19. IC 14-22-16-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) A person
12 engaging in or continuing to engage in the business of ~~taking, catching,~~
13 selling or bartering live minnows ~~and or~~ crayfish for bait shall file an
14 application with the division for a bait dealer's license. The application
15 and the license must be on forms prescribed by the director.

16 (b) The fee for a license is as follows:
17 (1) Ten dollars (\$10) for residents.
18 (2) Fifty dollars (\$50) for nonresidents.

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

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

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

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

41 (1) Marten.
42 (2) Nutria.

C
o
p
y



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

5 (b) The:

- 6 (1) breeding, raising, and producing in captivity; and
 7 (2) marketing;

8 of an animal listed in subsection (a) is considered an agricultural
 9 pursuit. All animals so raised in captivity are considered domestic
 10 animals so that a game breeding license is not required to possess such
 11 an animal.

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

- 15 (1) Register with the department.
 16 (2) Make annual reports concerning the number of animals held
 17 and sold. These reports are confidential.

18 SECTION 23. IC 14-22-31-8 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a) A person~~ **An**
 20 **individual** may not take game birds and exotic mammals on a shooting
 21 preserve unless the ~~person individual~~ **individual** has a hunting license required
 22 under this article. ~~except nonresidents of Indiana who must possess a~~
 23 ~~special license to shoot on licensed shooting preserves.~~

24 ~~(b) The department:~~

- 25 ~~(1) shall issue special licenses; and~~
 26 ~~(2) may appoint owners or managers of shooting preserves as~~
 27 ~~agents to sell special licenses.~~

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

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

31 SECTION 24. IC 14-22-38-4, AS AMENDED BY P.L.2-2008,
 32 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2012]: Sec. 4. (a) ~~A person~~ **An individual** who:

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

40 shall reimburse the state five hundred dollars (\$500) for the first
 41 violation and one thousand dollars (\$1,000) for each subsequent
 42 violation.



C
O
P
Y

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

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

6 (1) ~~fails to pick up the processed deer within a reasonable time;~~

7 ~~or~~

8 (2) ~~notifies the meat processing facility that the owner does not
9 want the processed deer;~~

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

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

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

24 SECTION 26. IC 14-24-5-3, AS AMENDED BY P.L.69-2009,
25 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2012]: Sec. 3. (a) The division shall issue a certificate
27 following an inspection that discloses that the nursery stock is
28 apparently free from pests and pathogens.

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

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

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

34 (c) A copy of the certificate must be attached to each package of
35 nursery stock before shipment of the stock by a nurseryman.

36 (d) A certificate issued under this section expires ~~September 30~~
37 **December 31** following the date of issuance. **the certificate becomes**
38 **effective.**

39 (e) The division shall communicate to nurserymen that methyl
40 bromide soil fumigation is preferred to produce pest and disease free
41 forest seedlings. Fumigation with methyl bromide of seedling beds
42 before seeding is an official control treatment to assure pest free

C
o
p
y



1 nursery stock.

2 SECTION 27. IC 14-25-1-8 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Whenever a

4 dispute arises between the users of surface water in a watershed area,

5 any party to the dispute may request that the commission mediate the

6 dispute. ~~Any party to the dispute may institute mediation proceedings~~

7 ~~by filing a written request with the commission setting out all the facts~~

8 ~~relevant to the dispute and requesting a mediation of the dispute.~~

9 (b) ~~Upon receipt of a request for mediation, the commission shall~~

10 ~~conduct a hearing for the consideration of the facts involved in the~~

11 ~~dispute. The commission shall notify all interested parties to the~~

12 ~~dispute concerning the time and place of the hearing.~~

13 (c) ~~In the mediation of the dispute, the commission may do the~~

14 ~~following:~~

15 (1) ~~Conduct a survey of the water supply in the watershed~~

16 ~~involved in the dispute.~~

17 (2) ~~Attempt to add additional sources of water for users in the~~

18 ~~watershed.~~

19 (d) ~~A recommendation of the commission in a mediation~~

20 ~~proceeding:~~

21 (1) ~~is not binding upon the parties to the dispute; and~~

22 (2) ~~does not preclude or defeat a remedy that the parties to the~~

23 ~~dispute have to a court of law. **using the mediation provisions**~~

24 ~~**under IC 4-21.5-3.5.**~~

25 SECTION 28. IC 14-34-6-15 IS AMENDED TO READ AS

26 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) As used in this

27 section, "fund" refers to the post-1977 abandoned mine reclamation

28 fund established by this section.

29 (b) The post-1977 abandoned mine reclamation fund is established.

30 The fund consists of bond forfeiture money collected under section 16

31 of this chapter and the civil penalties described in IC 14-34-16-9. The

32 fund may be used as follows:

33 (1) To effect the restoration of land not otherwise eligible for

34 federal funding on which there has been surface mining activity

35 after August 3, 1977.

36 (2) To replace domestic water supplies disrupted or affected by a

37 surface coal mining and reclamation operation, including the

38 disposal of coal combustion waste (as defined in IC 13-19-3-3),

39 where the surface coal mining and reclamation operation has been

40 completed and is no longer subject to IC 14-34.

41 The money held for this purpose may not exceed an amount established

42 by the department that is sufficient to enable the director to cover the

COPY



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

anticipated cost of restoration.

(c) At least five hundred thousand dollars (\$500,000) in the fund is dedicated as collateral for the bond pool under IC 14-34-8 and may not be used for the restoration of land or replacement of water described in subsection (b):

(c) The reclamation cash bond account is established within the fund and consists of bond forfeiture money collected under section 16 of this chapter. The account must be maintained in a manner that complies with the regulations of the federal Office of Surface Mining.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

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

SECTION 29. IC 14-37-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The following shall be deposited in the fund:

- (1) Annual fees for oil and gas wells received under IC 14-37-5.
- (2) Accrued interest and other investment earnings of the fund.
- (3) Civil penalties collected under IC 14-37-13-3.
- (4) **Bonds forfeited under IC 14-37-13-2.**
- (5) Gifts, grants, donations, or appropriations from any source.

C
o
p
y

