

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1279

Citations Affected: IC 4-13-1-3; IC 4-20.5; IC 5-13-6-1; IC 6-1.1-6-19; IC 6-6-11-12.5; IC 14-8-2-131.7; IC 14-9-4-1; IC 14-18-1.5; IC 14-22; IC 14-24; IC 14-25-1-8; IC 14-37-10-3.

Synopsis: Various natural resources matters. Conference committee report for EHB 1279. Conference committee report for EHB 1279. Moves the state land office from the department of administration to the department of natural resources (DNR). Increases the amount that an office of DNR or the department of state revenue must deposit on the business day following receipt from \$100 to \$500. Provides that certain regulations related to using a spotlight or firearm silencer in the hunting of birds and mammals do not apply to a person acting in accordance with the conditions of a license held by the person. Increases the inspection period for each parcel of land classified as native forest land, a forest plantation, or wildlands from five to seven years. Allows the director of DNR to give certain individuals permission to spotlight wild animals or use a silencer. Requires that hunting license stamps be electronically generated. Removes the requirement that commemorative stamps be furnished to the circuit court. Allows fishing by means of a crossbow. Removes the authority for an individual with a hunting, trapping, or fishing license to ship, carry, or take outside Indiana in one week more 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. **(This conference committee report deletes language from SB 243 concerning the following: (1) the taking or possessing of a deer or wild turkey unlawfully with illegal devices while using or possessing a silencer; and (2) making hunting on private land without the permission of the owner a Class B misdemeanor if the person does so while using a silencer. This conference committee report adds language from the introduced version of HB 1279 concerning the use of a silencer.)**

Effective: July 1, 2012.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1279 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 4-13-1-3 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The department consists of
4 the following divisions:
5 (1) General services.
6 (2) Property management.
7 (3) Information services.
8 (4) Public works.
9 ~~(5) State land office.~~
10 (b) The commissioner may do the following:
11 (1) Organize the department and its divisions.
12 (2) Transfer or merge functions between divisions in the interest
13 of economy and efficiency.
14 (3) Terminate certain divisions within the department whenever
15 possible.
16 (c) The commissioner may exercise direction and supervision over
17 the divisions in the performance of their respective functions, subject
18 to the approval of the governor.
19 SECTION 2. IC 4-20.5-1-9 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. "Land office" refers
21 to the state land office division of the department **of natural resources**

1 established by ~~IC 4-20.5-2-1~~. **IC 14-18-1.5-1.**

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

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

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

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

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

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

36 (e) All local investment officers shall reconcile at least monthly the
37 balance of public funds, as disclosed by the records of the local
38 officers, with the balance statements provided by the respective
39 depositories.

40 (f) An office of:

- 41 (1) the department of natural resources; or
42 (2) the department of state revenue;

43 that is detached from the main office of the department is not required
44 to deposit funds on the business day following receipt if the funds on
45 hand do not exceed ~~one hundred dollars (\$100)~~. **five hundred dollars**
46 **(\$500)**. However, the office must deposit the funds on hand not later
47 than the business day following the day that the funds exceed ~~one~~
48 ~~hundred dollars (\$100)~~. **five hundred dollars (\$500)**.

49 (g) An office of the legislative branch of state government is not
50 required to deposit funds on the business day following receipt if the

1 funds on hand do not exceed one hundred dollars (\$100). However, the
 2 office must deposit the funds on hand not later than the business day
 3 following the day that the funds exceed one hundred dollars (\$100).

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

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

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

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

26 (A) remove sediment;

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

28 (C) remove logjams or obstructions.

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

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

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

36 (d) The fund consists of the revenue from the lake and river
 37 enhancement fee paid by boat owners and deposited under section
 38 12(c)(1) of this chapter.

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

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

46 SECTION 7. IC 14-8-2-131.7 IS ADDED TO THE INDIANA
 47 CODE AS A NEW SECTION TO READ AS FOLLOWS
 48 [EFFECTIVE JULY 1, 2012]: **Sec. 131.7. "Inland water" for**
 49 **purposes of IC 14-22-13, includes:**

50 **(1) the waters of the state; and**

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

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

- 7 (1) Accounting.
- 8 (2) Administrative support services.
- 9 (3) Budget.
- 10 (4) Engineering.
- 11 (5) Entomology and plant pathology.
- 12 (6) Fish and wildlife.
- 13 (7) Forestry.
- 14 (8) Historic preservation and archeology.
- 15 (9) Human resources.
- 16 (10) Internal audit.
- 17 (11) Land acquisition.
- 18 (12) Law enforcement.
- 19 (13) Management information systems.
- 20 (14) Nature preserves.
- 21 (15) Oil and gas.
- 22 (16) Outdoor recreation.
- 23 (17) Public information and education.
- 24 (18) Reclamation.
- 25 (19) Reservoir management.
- 26 (20) Safety and training.
- 27 (21) State parks.
- 28 (22) Water.

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

30 SECTION 9. IC 14-18-1.5 IS ADDED TO THE INDIANA CODE
 31 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2012]:

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

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

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

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

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

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

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

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

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

- 51 **(1) Maps showing each county and the boundaries of each**

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

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

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

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

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

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

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

22 Sec. 7. (a) The rules adopted by the Indiana department of
 23 administration before July 1, 2012, concerning the state land office
 24 are considered, after June 30, 2012, rules of the commission. A
 25 reference to the state land office within the Indiana department of
 26 administration in a statute, rule, or other document before July 1,
 27 2012, is considered a reference to the state land office within the
 28 department.

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

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

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

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

- 44 (1) not required by law on a motor vehicle; and
 45 (2) in search of or upon any wild bird or wild animal;
 46 from a vehicle while the person possesses a firearm, bow, or crossbow,
 47 if by throwing or casting the rays a wild bird or wild animal could be
 48 killed. This subsection applies even though the animal is not killed,
 49 injured, shot at, or otherwise pursued.

50 (c) ~~A person~~ **An individual** may not take any wildlife, except
 51 furbearing mammals, with the aid of illumination of any spotlight,

1 searchlight, or other artificial light.

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

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

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

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

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

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

17 (2) use or possess a device used as a silencer;

18 in Indiana while in the act of hunting.

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

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

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

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

43 SECTION 14. IC 14-22-8-4, AS AMENDED BY P.L.225-2005,
44 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
45 JULY 1, 2012]: Sec. 4. (a) ~~A person~~ **An individual** may not hunt ~~or~~
46 ~~take~~ a game bird within Indiana without having ~~a~~ **an electronically**
47 **generated** game bird habitat restoration stamp issued by the
48 department. The stamp must be in the possession of each ~~person~~
49 **individual** hunting ~~or taking~~ a game bird. The licensee shall validate
50 the stamp with the signature of the licensee on the hunting license on

1 which the electronically generated form of the stamp is attached.

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

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

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

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

15 (1) Means of:

16 (A) a weir;

17 (B) an electric current;

18 (C) dynamite or other explosive;

19 (D) a net;

20 (E) a seine;

21 (F) a trap; or

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

24 (2) Means of the following:

25 (A) A firearm.

26 ~~(B) A crossbow.~~

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

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

30 (1) under special permit issued by the director under rules that the
31 director provides; or

32 (2) as otherwise provided by law.

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

37 (1) an internal combustion, steam, or electrical inboard or
38 outboard motor or engine; or

39 (2) any mechanical means.

40 The term does not include a personal watercraft.

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

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

47 (2) may require the use of ammunition described in 50 CFR
48 20.21(j); or

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

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

1 section.

2 SECTION 17. IC 14-22-10-3, AS AMENDED BY P.L.165-2011,
3 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 3. (a) ~~A person~~ **An individual** may not take, carry,
5 ship, transport, or accept for shipment or transportation outside Indiana
6 a wild animal protected by Indiana law, except as provided in this
7 article.

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

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

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

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

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

22 (1) during the open season; or

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

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

27 (f) ~~A person~~ **An individual** may not ship, carry, or transport or
28 accept for transportation or shipment to a place in Indiana or outside
29 Indiana a wild animal unless the wild animal is enclosed in a package
30 or container on which there is clearly, legibly, and conspicuously
31 marked on the outside of the package or container the following
32 information:

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

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

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

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

42 SECTION 18. IC 14-22-11-2 IS REPEALED [EFFECTIVE JULY
43 1, 2012]. Sec. 2: (a) ~~Except as provided in subsection (b); the season~~
44 ~~for taking raccoons is closed to nonresidents of Indiana.~~

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

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

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

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

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

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

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

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

17 (b) A nonresident of Indiana who:

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

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

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

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

26 (1) is a resident of Indiana;

27 (2) has served in the armed forces of the United States; and

28 (3) has a service connected disability, as evidenced by:

29 (A) records of the United States Department of Veterans
 30 Affairs; or

31 (B) disability retirement benefits awarded to the individual
 32 under laws administered by the United States Department of
 33 Defense.

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

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

37 (1) both:

38 (A) a resident yearly license to fish; and

39 (B) a resident yearly license to hunt; or

40 (2) a resident yearly license to hunt and fish;

41 by paying a reduced license fee of two dollars and seventy-five cents
 42 (\$2.75) instead of the fee prescribed by section 1 of this chapter.

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

44 **(1) both:**

45 **(A) a resident license to fish that is valid for ten (10) years;**
 46 **and**

47 **(B) a resident license to hunt that is valid for ten (10)**
 48 **years; or**

49 **(2) a resident license to hunt and fish that is valid for ten (10)**
 50 **years;**

51 **by paying a reduced license fee of twenty-seven dollars and fifty**

- 1 **cents (\$27.50).**
- 2 ~~(d)~~ (e) An applicant for a reduced fee license under this section
- 3 must do the following:
- 4 (1) Request the license from:
- 5 (A) the department;
- 6 (B) an agent appointed by the director under IC 14-22-11-3; or
- 7 (C) the clerk of the circuit court who is an authorized
- 8 representative of the department under IC 14-22-11-3 in the
- 9 county in which the individual resides.
- 10 (2) Present evidence that the applicant is a qualified individual.
- 11 SECTION 21. IC 14-22-13-2, AS AMENDED BY P.L.165-2011,
- 12 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 13 JULY 1, 2012]: Sec. 2. (a) This section applies to the Ohio River
- 14 waters of Indiana.
- 15 (b) The department may issue to an individual who is a resident **or**
- 16 **nonresident** of Indiana a license to use in, and to possess for use in, the
- 17 water seines, nets, or other commercial fishing gear under rules
- 18 adopted under IC 4-22-2 upon payment of the following fee:
- 19 (1) For an Ohio River commercial fishing license and ten (10)
- 20 Ohio River commercial gear tags, one hundred twenty-five dollars
- 21 (\$125).
- 22 (2) For each block of ten (10) Ohio River commercial fishing gear
- 23 tags, fifteen dollars (\$15).
- 24 SECTION 22. IC 14-22-13-2.5, AS ADDED BY P.L.165-2011,
- 25 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2012]: Sec. 2.5. (a) This section applies to the harvest or sale
- 27 of the following roe bearing species:
- 28 (1) Shovelnose sturgeon.
- 29 (2) Paddlefish.
- 30 (3) Bowfin.
- 31 (b) For the purpose of this subsection, "roe" means the eggs or
- 32 gametes of a fish listed in subsection (a).
- 33 (c) An individual may not harvest, possess, or sell roe without a
- 34 license issued under this section.
- 35 (d) The department may issue to an individual who is a resident **or**
- 36 **nonresident** of Indiana a license to harvest, possess, and sell the roe
- 37 under rules adopted under IC 4-22-2. The individual must leave the roe
- 38 intact and inside the body of the fish ~~until sold to a licensed roe dealer.~~
- 39 **while on the body of water or adjacent to the water being fished,**
- 40 **and until processing begins in accordance with 21 CFR 123.** The
- 41 individual must sell the roe only to a roe dealer licensed by the
- 42 department. The department shall limit the number of licenses that are
- 43 available.
- 44 (e) The department may issue a person a roe dealer's license to
- 45 purchase, ~~and~~ process, **and sell** roe. A person may not transport roe
- 46 outside Indiana except according to the terms of a license issued under
- 47 this subsection.
- 48 (f) The following are the minimum application fees for these
- 49 licenses:
- 50 (1) **Resident and nonresident** roe harvester's ~~license;~~ **license for**

1 **harvesting on the Ohio River, one thousand dollars (\$1,000).**

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

4 ~~(2)~~ **(3) Roe dealer's license, five thousand dollars (\$5,000).**

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

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

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

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

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

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

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

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

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

35 (2) purchases the bird or mammal from a licensed game breeder;
36 may apply for a breeder's license within five (5) days after acquiring
37 the animal from the licensed game breeder or within five (5) days after
38 the last day of the open season for the animal. Otherwise, the animal
39 shall be released.

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

43 (1) Marten.

44 ~~(2) Nutria.~~

45 ~~(3)~~ **(2) Mink.**

46 ~~(4)~~ **(3) Chinchilla.**

47 ~~(5)~~ **(4) Domesticated rabbits, except cottontail.**

48 ~~(6) Swamp rabbits.~~

49 (b) The:

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

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

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

- 9 (1) Register with the department.
 10 (2) Make annual reports concerning the number of animals held
 11 and sold. These reports are confidential.

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

- 18 ~~(b) The department:~~
 19 ~~(1) shall issue special licenses; and~~
 20 ~~(2) may appoint owners or managers of shooting preserves as~~
 21 ~~agents to sell special licenses.~~

- 22 ~~(c) A special license expires December 31 of the year issued.~~
 23 ~~(d) The fee for a special license is eight dollars and seventy-five~~
 24 ~~cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.~~

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

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

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

- 40 (1) That the nursery stock has been inspected by the division.
 41 (2) That to the best knowledge and belief of the nurseryman, the
 42 nursery stock is free from pests and pathogens.

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

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

48 (e) The division shall communicate to nurserymen that methyl
 49 bromide soil fumigation is preferred to produce pest and disease free
 50 forest seedlings. Fumigation with methyl bromide of seedling beds

1 before seeding is an official control treatment to assure pest free
2 nursery stock.

3 SECTION 30. IC 14-25-1-8 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. ~~(a)~~ Whenever a
5 dispute arises between the users of surface water in a watershed area,
6 any party to the dispute may request that the commission mediate the
7 dispute ~~Any party to the dispute may institute mediation proceedings~~
8 ~~by filing a written request with the commission setting out all the facts~~
9 ~~relevant to the dispute and requesting a mediation of the dispute.~~

10 (b) ~~Upon receipt of a request for mediation, the commission shall~~
11 ~~conduct a hearing for the consideration of the facts involved in the~~
12 ~~dispute. The commission shall notify all interested parties to the~~
13 ~~dispute concerning the time and place of the hearing.~~

14 (c) ~~In the mediation of the dispute, the commission may do the~~
15 ~~following:~~

16 (1) ~~Conduct a survey of the water supply in the watershed~~
17 ~~involved in the dispute.~~

18 (2) ~~Attempt to add additional sources of water for users in the~~
19 ~~watershed.~~

20 (d) ~~A recommendation of the commission in a mediation~~
21 ~~proceeding:~~

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

23 (2) ~~does not preclude or defeat a remedy that the parties to the~~
24 ~~dispute have to a court of law: **using the mediation provisions**~~
25 ~~**under IC 4-21.5-3.5.**~~

26 SECTION 31. IC 14-37-10-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The following shall
28 be deposited in the fund:

29 (1) Annual fees for oil and gas wells received under IC 14-37-5.

30 (2) Accrued interest and other investment earnings of the fund.

31 (3) Civil penalties collected under IC 14-37-13-3.

32 (4) **Bonds forfeited under IC 14-37-13-2.**

33 (5) Gifts, grants, donations, or appropriations from any source.

(Reference is to EHB 1279 as reprinted February 22, 2012.)

Conference Committee Report
on
Engrossed House Bill 1279

Signed by:

Representative Eberhart
Chairperson

Senator Mishler

Representative Cheatham

Senator Young R

House Conferees

Senate Conferees