HOUSE BILL No. 1563

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2-167; IC 14-15; IC 14-21-1; IC 14-22; IC 25-39-5-1; IC 35-51-14-1.

Synopsis: Fish and wildlife matters. Repeals certain prohibitions against the possession or use of a silencer while in the act of hunting. Provides that a person operating a watercraft or motorboat may not tow a person unless the total number of persons on the watercraft or motorboat and those being towed is less than or equal to the capacity of the watercraft. Adds a designee of the director of the department of natural resources (department) as a member of the historic preservation review board. Allows the department to include as "minnows" only those species of fish that the department determines by rule. Allows the natural resources commission to set license fees to hunt certain birds. Establishes an expiration date for certain licenses. Removes provisions requiring nonresidents to purchase additional hunting licenses if the nonresident's state of residence requires the same of an Indiana resident. Repeals a provision that prohibits a nonresident from certain field activities with a dog if Indiana residents are not permitted to do the same in the nonresident's state. Allows the department to establish a date to submit a report of all purchases of furbearing mammals to the department. Removes certain provisions pertaining to unclaimed deer meat at a processing facility. 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 or possessing a silencer. Provides that a person who acts as a water well pump installer without a license commits a Class B misdemeanor.

Effective: July 1, 2013.

Eberhart, Arnold L

January 22, 2013, read first time and referred to Committee on Natural Resources.

C o p y

Introduced

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1563

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:

SECTION 1. IC 14-8-2-167 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 167. "Minnow", for purposes of IC 14-22, includes the ~~following:~~ **species of fish that the department determines by rule.**

~~(1) All of the fish of the minnow family (cyprinidae).~~

~~(2) The young of all species of fish that are not protected by law.~~

SECTION 2. IC 14-15-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 20. A person operating a motorboat may not tow a water ski, a watersled, an aquaplane, or a similar object, including a person on the waterski, watersled, aquaplane, or similar object, unless:

(1) the motorboat is occupied by at least one (1) other person who is giving the person's entire attention to watching the object or person towed; ~~and~~

(2) the person operating the boat is giving the person's entire attention to the operation of the boat; **and**

(3) the total number of persons on the watercraft and being

towed is not more than the capacity of the watercraft.

SECTION 3. IC 14-15-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. A personal watercraft shall not be used on public waters to tow individuals engaged in waterskiing, aquaplaning, or similar activities, unless:

(1) the personal watercraft is at least nine (9) feet long;

(2) the personal watercraft is designed to seat at least three (3) individuals; ~~and~~

(3) an individual other than the operator of the personal watercraft is aboard the personal watercraft, acting as an observer; **and**

(4) the total number of persons on the watercraft and being towed is not more than the capacity of the watercraft.

SECTION 4. IC 14-21-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 20. (a) The historic preservation review board is established.

(b) The review board consists of nine (9) members as follows:

(1) The director **or the director's designee**.

(2) At least five (5) individuals meeting minimum professional requirements established by the United States Department of the Interior in 36 CFR, Part 61, as in effect on January 1, 1984.

(3) Professionals in the following disciplines:

(A) History.

(B) Prehistoric or historic archeology.

(C) Architecture or historical architecture.

(c) The division director is a nonvoting advisor to the review board entitled to attend and participate in the proceedings of all meetings of the review board.

(d) The director shall, with the concurrence of the governor, appoint the members of the review board under subsection (b)(2) and (b)(3) for terms of three (3) years. The terms shall be staggered so that the terms of two (2) or three (3) members expire each year. A member may be reappointed.

(e) Appointments to the review board shall be made in accordance with 36 CFR, Part 60, and 36 CFR, Part 61, as in effect on January 1, 1984.

SECTION 5. IC 14-22-6-11 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 11. (a) This section does not apply to an employee of the department, employee of a federal wildlife management agency, or individual who:~~

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

~~(2) has received the express written consent of the director for the~~

C o p y

~~employee's or individual's action.~~

~~(b) An individual 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.~~

SECTION 6. IC 14-22-7-4, AS AMENDED BY P.L.151-2012, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. **(a)** An electronically generated stamp shall be issued to each hunting license applicant or holder upon request and the payment of a fee of six dollars and seventy-five cents ($6.75). Each stamp expires on March 31 of the year following issuance.

(b) The department may set a license fee to hunt a migratory waterfowl above the fee established under subsection (a).

SECTION 7. IC 14-22-8-5, AS AMENDED BY P.L.225-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. **(a)** An electronically generated stamp shall be issued to each hunting license applicant or holder upon request and the payment of a fee of six dollars and seventy-five cents ($6.75). Each stamp expires on March 31 of the year following issuance.

(b) The department may set a license fee to hunt a game bird above the fee established under subsection (a).

SECTION 8. IC 14-22-11-4, AS AMENDED BY P.L.225-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) Except as provided in IC 14-22-13-9 and IC 14-22-15-3, each yearly hunting or fishing license expires on March 31 ~~of the year~~ **immediately** following the ~~year in~~ **date on** which the license became effective.

(b) A yearly trapping license expires on March 31 ~~of the year~~ **immediately** following the ~~year in~~ **date on** which the license became effective.

SECTION 9. IC 14-22-12-1, AS AMENDED BY P.L.165-2011, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) The department may issue the following licenses individually or in combination and, except as provided in section 1.5 of this chapter and subject to subsection (b), shall charge the following minimum license fees to hunt, trap, or fish in Indiana:

(1) A resident yearly license to fish, eight dollars and seventy-five cents ($8.75).

(2) A resident yearly license to hunt, eight dollars and seventy-five cents ($8.75).

(3) A resident yearly license to hunt and fish, thirteen dollars and

C o p y

seventy-five cents ($13.75).

(4) A resident yearly license to trap, eight dollars and seventy-five cents ($8.75).

(5) A nonresident yearly license to fish, twenty-four dollars and seventy-five cents ($24.75).

(6) A nonresident yearly license to hunt, sixty dollars and seventy-five cents ($60.75).

(7) A nonresident yearly license to trap, one hundred seventeen dollars and seventy-five cents ($117.75). ~~However, a license may not be issued to a resident of another state if that state does not give reciprocity rights to Indiana residents similar to those nonresident trapping privileges extended in Indiana.~~

(8) A resident or nonresident license to fish, including for trout and salmon, for one (1) day only, four dollars and seventy-five cents ($4.75).

(9) A nonresident license to fish, excluding for trout and salmon, for seven (7) days only, twelve dollars and seventy-five cents ($12.75).

(10) A nonresident license to hunt for five (5) consecutive days only, twenty-five dollars and seventy-five cents ($25.75).

(11) A resident or nonresident yearly stamp to fish for trout and salmon, six dollars and seventy-five cents ($6.75).

(12) A resident yearly license to take a deer with a shotgun, muzzle loading gun, rifle, or handgun, thirteen dollars and seventy-five cents ($13.75).

(13) A resident yearly license to take a deer with a muzzle loading gun, thirteen dollars and seventy-five cents ($13.75).

(14) A resident yearly license to take a deer with a bow and arrow, thirteen dollars and seventy-five cents ($13.75).

(15) A nonresident yearly license to take a deer with a shotgun, muzzle loading gun, rifle, or handgun, one hundred twenty dollars and seventy-five cents ($120.75).

(16) A nonresident yearly license to take a deer with a muzzle loading gun, one hundred twenty dollars and seventy-five cents ($120.75).

(17) A nonresident yearly license to take a deer with a bow and arrow, one hundred twenty dollars and seventy-five cents ($120.75).

(18) A resident license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, five dollars ($5).

(19) A nonresident license to take an extra deer by a means, in a

C o p y

location, and under conditions established by rule adopted by the department under IC 4-22-2, ten dollars ($10).

(20) A resident yearly license to take a turkey, fourteen dollars and seventy-five cents ($14.75).

(21) A nonresident yearly license to take a turkey, one hundred fourteen dollars and seventy-five cents ($114.75). ~~However, if the state of residence of the nonresident applicant requires that before a resident of Indiana may take turkey in that state the resident of Indiana must also purchase another license in addition to a nonresident license to take turkey, the applicant must also purchase a nonresident yearly license to hunt under this section.~~

(22) A resident license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, fourteen dollars and seventy-five cents ($14.75).

(23) A nonresident license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, one hundred fourteen dollars and seventy-five cents ($114.75). ~~However, if the state of residence of the nonresident applicant requires that before a resident of Indiana may take a turkey in that state the resident of Indiana must also purchase another license in addition to a nonresident license to take a turkey, the applicant must also purchase a nonresident yearly license to hunt under this section.~~

(24) A resident youth yearly consolidated license to hunt, trap, and fish, six dollars ($6). This license is subject to the following:

(A) An applicant must be less than eighteen (18) years of age.

(B) The license is in lieu of the resident yearly license to hunt, trap, and fish and all other yearly licenses, stamps, or permits to hunt, trap, and fish for a specific species or by a specific means.

(25) A nonresident youth yearly license to hunt, seventeen dollars ($17). The applicant must be less than eighteen (18) years of age.

(26) A nonresident youth yearly license to trap, seventeen dollars ($17). The applicant must be less than eighteen (18) years of age.

(27) A nonresident youth yearly license to take a turkey, twenty-five dollars ($25). The applicant must be less than eighteen (18) years of age. ~~However, if the state of residence of the nonresident applicant requires that before a resident of Indiana may take a turkey in that state the resident of Indiana must also purchase another license in addition to a nonresident license to take a turkey, the applicant must also purchase a~~

C o p y

~~nonresident youth yearly license to hunt under this section.~~

(28) A nonresident youth license to take an extra turkey by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, twenty-five dollars ($25). The applicant must be less than eighteen (18) years of age. ~~However, if the state of residence of the nonresident applicant requires that before a resident of Indiana may take a turkey in that state the resident of Indiana must also purchase another license in addition to a nonresident license to take a turkey, the applicant must also purchase a nonresident youth yearly license to hunt under this section.~~

(29) A nonresident youth yearly license to take a deer with a shotgun, muzzle loading gun, or rifle, twenty-four dollars ($24). The applicant must be less than eighteen (18) years of age.

(30) A nonresident youth yearly license to take a deer with a muzzle loading gun, twenty-four dollars ($24). The applicant must be less than eighteen (18) years of age.

(31) A nonresident youth yearly license to take a deer with a bow and arrow, twenty-four dollars ($24). The applicant must be less than eighteen (18) years of age.

(32) A nonresident youth license to take an extra deer by a means, in a location, and under conditions established by rule adopted by the department under IC 4-22-2, twenty-four dollars ($24). The applicant must be less than eighteen (18) years of age.

(33) A resident senior yearly license to fish, three dollars ($3). This license is subject to the following:

(A) An applicant must be at least sixty-four (64) years of age and born after March 31, 1943.

(B) The license is in lieu of the resident yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species or by a specific means.

(34) A resident senior "fish for life" license, seventeen dollars ($17). This license is subject to the following:

(A) An applicant must be at least sixty-four (64) years of age and must have been born after March 31, 1943.

(B) The license applies each year for the remainder of the license holder's life.

(C) The license is in lieu of the resident senior yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species or by a specific means.

(35) A voluntary resident senior yearly license to fish, three dollars ($3). This license is subject to the following:

C o p y

(A) An applicant must have been born before April 1, 1943.

(B) The license is instead of the resident yearly license to fish and all other yearly licenses, stamps, and permits to fish for a specific species or by a specific means.

(b) The commission may set license fees to hunt, trap, or fish above the minimum fees established under subsection (a).

(c) In addition to the license fees set under this section, the department shall establish a procedure to collect voluntary donations for processing wild game when a hunting license is sold. The minimum suggested donation must be one dollar ($1). The money collected under this section shall be deposited in the Indiana sportsmen's benevolence account (IC 14-9-5-4).

SECTION 10. IC 14-22-19-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. Every licensed fur buyer ~~shall, within sixty (60) days from the last day of the open season for taking or killing furbearing mammals,~~ **shall** make a report in writing to the department of all purchases of furbearing mammals made during the preceding open season ~~and~~ **by** the ~~grace period.~~ **date established by the department.**

SECTION 11. IC 14-22-24-5 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 5. A nonresident of Indiana may not train, work, or exercise a dog in Indiana at any time that Indiana residents are not permitted to train, work, or exercise a dog in the nonresident's state.~~

SECTION 12. IC 14-22-38-4, AS AMENDED BY P.L.2-2008, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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~~ **subsection** (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 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~~

C o p y

~~(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)~~ **(c)** 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.

(d) In addition to being liable for 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) a sound suppressor designed for use with or on a firearm, commonly called a silencer; or

(2) a device used as a silencer;

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

SECTION 13. IC 14-22-38-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 4.5. A person who recklessly, knowingly, or intentionally:**

(1) violates IC 14-22-10-1(1) by hunting on privately owned land without the consent of the owner or tenant; and

(2) while committing the violation described in subdivision (1), uses or possesses:

(A) a sound suppressor designed for use with or on a firearm, commonly called a silencer; or

(B) a device used as a silencer;

commits unauthorized hunting on private land while using or possessing a silencer, a Class B misdemeanor.

SECTION 14. IC 25-39-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. A person who, **recklessly, knowingly, or intentionally** acts as a water well driller **or a water well pump installer** without a license in violation of this article commits a Class B misdemeanor.

SECTION 15. IC 35-51-14-1, AS AMENDED BY P.L.40-2012, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: 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).

IC 14-15-4-4 (Concerning watercraft accidents).

IC 14-15-9-8 (Concerning divers).

C o p y

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 14-21-1-16 (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).
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).

C o p y