



March 20, 2009

**ENGROSSED
SENATE BILL No. 545**

DIGEST OF SB 545 (Updated March 18, 2009 4:56 pm - DI 52)

Citations Affected: IC 14-22.

Synopsis: Fish and wildlife matters. Eliminates the provision under which a controlled hunt in a state park can be established only through the adoption of an emergency rule. Provides that a person less than 18 years of age does not need a license to fish. (To fish without a license under current law, a person must be less than 17 years of age.) Provides that a resident who is less than 18 years of age may participate in free hunting days for young hunters. (To participate under current law, a person must be less than 16 years of age.) Adds trapping to the activities allowed under a yearly resident youth consolidated license. Eliminates the requirement that DNR rules regulating commercial fishing in the Ohio River conform to the laws of Kentucky.

Effective: July 1, 2009.

Mishler, Walker, Lewis, Young R
(HOUSE SPONSORS — BISCHOFF, WOLKINS)

January 15, 2009, read first time and referred to Committee on Natural Resources.
February 2, 2009, amended, reported favorably — Do Pass.
February 9, 2009, read second time, ordered engrossed.
February 10, 2009, engrossed.
February 19, 2009, read third time, passed. Yeas 48, nays 2.

HOUSE ACTION

March 5, 2009, read first time and referred to Committee on Natural Resources.
March 19, 2009, reported — Do Pass.

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ES 545—LS 7353/DI 77+



March 20, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 545

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 14-22-6-13 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) If the director:
 3 (1) determines that a species of wild animal present within a state
 4 park poses an unusual hazard to the health or safety of one (1) or
 5 more individuals;
 6 (2) determines, based upon the opinion of a professional biologist,
 7 that it is likely that:
 8 (A) a species of wild animal present within a state park will
 9 cause obvious and measurable damage to the ecological
 10 balance within the state park; and
 11 (B) the ecological balance within the state park will not be
 12 maintained unless action is taken to control the population of
 13 the species within the state park; or
 14 (3) is required under a condition of a lease from the federal
 15 government to manage a particular wild animal species;
 16 the director shall ~~by emergency rule adopted under IC 4-22-2-37.1~~
 17 establish a controlled hunt for the species within the state park.

ES 545—LS 7353/DI 77+



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1 (b) An order issued by the director under this section must set forth
2 the conditions of the hunt.

3 SECTION 2. IC 14-22-11-8, AS AMENDED BY P.L.14-2007,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2009]: Sec. 8. (a) This section does not apply to the following:

- 6 (1) A person who is:
 - 7 (A) a resident of Indiana; and
 - 8 (B) an individual born before April 1, 1943.
- 9 (2) A person who is less than ~~seventeen (17)~~ **eighteen (18)** years
10 of age.
- 11 (3) A person who is legally blind.
- 12 (4) A person who is a resident patient of a state mental institution.
- 13 (5) A person who is:
 - 14 (A) a resident of a health facility (as defined in
15 IC 16-18-2-167) licensed in Indiana; and
 - 16 (B) taking part in a supervised activity of the health facility.
- 17 (6) A person who:
 - 18 (A) is a resident of Indiana; and
 - 19 (B) has a developmental disability (as defined by
20 IC 12-7-2-61).
- 21 (7) A person whose only participation in fishing is to assist an
22 individual described in subdivision (3), (4), (5), or (6).
- 23 (8) A resident of Indiana who fishes during a free sport fishing
24 day designated under IC 14-22-18.

25 (b) Every person must have a fishing license in the person's
26 possession when fishing in:

- 27 (1) waters containing state owned fish;
- 28 (2) waters of the state; or
- 29 (3) boundary waters of the state.

30 (c) Every person must have a valid trout-salmon stamp in the
31 person's possession to legally fish for or take trout or salmon in:

- 32 (1) waters containing state owned fish;
- 33 (2) waters of the state; or
- 34 (3) boundary waters of the state.

35 SECTION 3. IC 14-22-11-18, AS ADDED BY P.L.132-2006,
36 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2009]: Sec. 18. (a) The director may designate not more than
38 four (4) days each year as free hunting days for youth hunters.

39 (b) During a free hunting day for youth hunters designated under
40 subsection (a), a resident who is less than ~~sixteen (16)~~ **eighteen (18)**
41 years of age may:

- 42 (1) hunt using hunting methods that are designated by the director

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1 and that are legal for that hunting season; and
 2 (2) exercise the same privileges that a resident is entitled to under
 3 IC 14-22-12-1(24).
 4 A youth hunter is not required to pay a fee or possess a hunting license.
 5 (c) A youth hunter who hunts during a free hunting day for youth
 6 hunters under this section must:
 7 (1) comply with the conditions and rules adopted by the director;
 8 and
 9 (2) be accompanied by an individual who:
 10 (A) is at least eighteen (18) years of age; and
 11 (B) holds a valid hunting license under IC 14-22-12 or is not
 12 required to have a hunting license under this chapter.
 13 (d) The individual under subsection (c)(2) who accompanies the
 14 youth hunter:
 15 (1) must be in close enough proximity to monitor the youth
 16 hunter's activities and communicate with the youth hunter at all
 17 times; and
 18 (2) may assist the youth hunter, including calling, but may not
 19 carry a firearm or bow and arrow.
 20 SECTION 4. IC 14-22-12-1, AS AMENDED BY P.L.66-2008,
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2009]: Sec. 1. (a) The department may issue the following
 23 licenses and, except as provided in section 1.5 of this chapter and
 24 subject to subsection (b), shall charge the following minimum license
 25 fees to hunt, trap, or fish in Indiana:
 26 (1) A resident yearly license to fish, eight dollars and seventy-five
 27 cents (\$8.75).
 28 (2) A resident yearly license to hunt, eight dollars and
 29 seventy-five cents (\$8.75).
 30 (3) A resident yearly license to hunt and fish, thirteen dollars and
 31 seventy-five cents (\$13.75).
 32 (4) A resident yearly license to trap, eight dollars and seventy-five
 33 cents (\$8.75).
 34 (5) A nonresident yearly license to fish, twenty-four dollars and
 35 seventy-five cents (\$24.75).
 36 (6) A nonresident yearly license to hunt, sixty dollars and
 37 seventy-five cents (\$60.75).
 38 (7) A nonresident yearly license to trap, one hundred seventeen
 39 dollars and seventy-five cents (\$117.75). However, a license may
 40 not be issued to a resident of another state if that state does not
 41 give reciprocity rights to Indiana residents similar to those
 42 nonresident trapping privileges extended in Indiana.

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- 1 (8) A resident or nonresident license to fish, including for trout
- 2 and salmon, for one (1) day only, four dollars and seventy-five
- 3 cents (\$4.75).
- 4 (9) A nonresident license to fish, excluding for trout and salmon,
- 5 for seven (7) days only, twelve dollars and seventy-five cents
- 6 (\$12.75).
- 7 (10) A nonresident license to hunt for five (5) consecutive days
- 8 only, twenty-five dollars and seventy-five cents (\$25.75).
- 9 (11) A resident or nonresident yearly stamp to fish for trout and
- 10 salmon, six dollars and seventy-five cents (\$6.75).
- 11 (12) A resident yearly license to take a deer with a shotgun,
- 12 muzzle loading gun, rifle, or handgun, thirteen dollars and
- 13 seventy-five cents (\$13.75).
- 14 (13) A resident yearly license to take a deer with a muzzle loading
- 15 gun, thirteen dollars and seventy-five cents (\$13.75).
- 16 (14) A resident yearly license to take a deer with a bow and
- 17 arrow, thirteen dollars and seventy-five cents (\$13.75).
- 18 (15) A nonresident yearly license to take a deer with a shotgun,
- 19 muzzle loading gun, rifle, or handgun, one hundred twenty dollars
- 20 and seventy-five cents (\$120.75).
- 21 (16) A nonresident yearly license to take a deer with a muzzle
- 22 loading gun, one hundred twenty dollars and seventy-five cents
- 23 (\$120.75).
- 24 (17) A nonresident yearly license to take a deer with a bow and
- 25 arrow, one hundred twenty dollars and seventy-five cents
- 26 (\$120.75).
- 27 (18) A resident license to take an extra deer by a means, in a
- 28 location, and under conditions established by rule adopted by the
- 29 department under IC 4-22-2, five dollars (\$5).
- 30 (19) A nonresident license to take an extra deer by a means, in a
- 31 location, and under conditions established by rule adopted by the
- 32 department under IC 4-22-2, ten dollars (\$10).
- 33 (20) A resident yearly license to take a turkey, fourteen dollars
- 34 and seventy-five cents (\$14.75).
- 35 (21) A nonresident yearly license to take a turkey, one hundred
- 36 fourteen dollars and seventy-five cents (\$114.75). However, if the
- 37 state of residence of the nonresident applicant requires that before
- 38 a resident of Indiana may take turkey in that state the resident of
- 39 Indiana must also purchase another license in addition to a
- 40 nonresident license to take turkey, the applicant must also
- 41 purchase a nonresident yearly license to hunt under this section.
- 42 (22) A resident license to take an extra turkey by a means, in a

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1 location, and under conditions established by rule adopted by the
2 department under IC 4-22-2, fourteen dollars and seventy-five
3 cents (\$14.75).

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

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

- 15 (A) An applicant must be less than eighteen (18) years of age.
- 16 (B) The license is in lieu of the resident yearly license to hunt,
17 **trap**, and fish and all other yearly licenses, stamps, or permits
18 to hunt, **trap**, and fish for a specific species or by a specific
19 means.

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

- 22 (A) An applicant must be at least sixty-four (64) years of age
23 and born after March 31, 1943.
- 24 (B) The license is in lieu of the resident yearly license to fish
25 and all other yearly licenses, stamps, or permits to fish for a
26 specific species or by a specific means.

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

- 29 (A) An applicant must be at least sixty-four (64) years of age
30 and must have been born after March 31, 1943.
- 31 (B) The license applies each year for the remainder of the
32 license holder's life.
- 33 (C) The license is in lieu of the resident senior yearly license
34 to fish and all other yearly licenses, stamps, or permits to fish
35 for a specific species or by a specific means.

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

38 SECTION 5. IC 14-22-13-6 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The department shall
40 adopt rules under IC 4-22-2 regulating commercial fishing in the Ohio
41 River. ~~that conform with the laws of Kentucky regulating commercial~~
42 ~~fishing in the Ohio River.~~

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COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 545, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 3 through 18.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 545 as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 545, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CHEATHAM, Chair

Committee Vote: yeas 7, nays 0.

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