

Members

Rep. Markt Lytle, Chairperson
Rep. James Bottorff
Rep. Richard Mangus
Rep. Phyllis Pond
Sen. Potch Wheeler
Sen. Becky Skillman
Sen. Richard Young
Sen. James Lewis



NATURAL RESOURCES STUDY COMMITTEE

Legislative Services Agency
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Authority: IC 2-5-5-1

MEETING MINUTES¹

Meeting Date: August 29, 2001
Meeting Time: 11:00 A.M.
Meeting Place: Fort Harrison State Park, The Garrison
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Markt Lytle, Chairperson; Rep. James Bottorff; Rep. Richard Mangus; Rep. Phyllis Pond; Sen. Potch Wheeler; Sen. Becky Skillman.

Members Absent: Sen. Richard Young; Sen. James Lewis.

LSA Staff Present: Jeanette Knoll Adams, Bernadette Bartlett

The first meeting of the 2001 interim was called to order by Chairman Lytle. Members introduced themselves to the audience. The purpose of this meeting was to discuss charges from the Legislative Council and by statute and to hear suggestions for study topics. Adams was asked to describe the charges.

The Charge from the Legislative Council is to study the following topics:

(1) Feasibility of establishing the Indiana Forestry Advisory Council. (HR85 /Rep. Lytle and SB 154/ Sen. Lewis & Wheeler)

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

(2) Permit process for maintenance of drainage ditches. (HCR64/ Rep. Grubb)

Since the time that this charge was assigned, Representative Grubb has advised the Committee that this issue has been resolved and that further study is not needed at this time. The Committee thus decided not to pursue this topic this summer.

Statute charges the Committee with the following responsibilities:

(1) Conduct a continuing study of the laws relating to the Department of Natural Resources (DNR) to the end that legislation may be proposed to better serve the citizens of Indiana. Consult with DNR and citizens to propose legislation to accomplish repeal of outmoded and unnecessary laws, consolidate and restate existing laws, improve coordination of state and federal laws, and add or amend laws to further the purpose for which DNR was created. (IC 2-5-5-3)

(2) Advise and assist DNR in programming its activities and developing a long range plan for land acquisition, capital improvement, and development of facilities. (IC 2-5-5-3)

(3) Oversee the water resource management program under IC 14-25-7 and the needs of the people of the state. Report findings and recommendations to the legislative council. (IC 14-25-7-16)

Charges (1) and (2) are fulfilled by the Committee by holding hearings on various topics. Charge (3) will be fulfilled by the DNR reporting to the Committee at a future meeting on water resources matters.

Topics suggested for study by Members, Other Legislators, and Interested Parties:

Chairman Lytle asked for suggestions for study topics. The following topics were presented to the Committee by the persons named below:

1. Indiana forestry reinvestment. (Rep. Lytle/ SB 580-2001)
2. Flintlock rifle hunting season. (Rep. Bottorff)
DNR will advise the Committee on present laws on this subject.
3. Flood plain and floodway building regulations. (Rep. Bottorff & Senator Lewis)
A discussion is needed of current laws and regulations. There is special interest in the Ohio River area and Senator Skillman's district.
4. Humane execution of wildlife that is hunted, trapped, or snared, or must be disposed of. (Rep. Pelath/ HB 1460-2001)
5. Indiana Constitutional Amendment creating a constitutional right to hunt and fish. (Rep. Ulmer/ HJR1)
The Attorney General has advised that this right does not exist. The Committee wants input from DNR on the effect of this amendment.
6. Conservation Officers Youth Camp. (Dick Mercier, Indiana Sportsmen's Roundtable & Steve Rilenge, Central Indiana Chapter of the Safari Club)
Pursue the possibility of legislation to authorize the DNR Law Enforcement Division to assign an officer with the rank of sergeant as a permanent coordinator of the Indiana Conservation Officer's Organization (ICOO)

Youth Camp. There is established precedent for this in the Hunters' Education statute, IC 14-22-35-1 and 2.

7. Fishing license fee for persons over age 65. (Dick Mercier, Indiana Sportsmen's Roundtable)

Require purchase at a reduced fee of \$2.75 (currently no fee). This is similar to the fee charged to disabled veterans and charging a fee will enable DNR to receive a substantial amount of federal funds.

8. Remedies for the problem of persons not appearing in court for citations for game law violations. (Dick Mercier, Indiana Sportsmen's Roundtable)

Allow courts to issue warrants for nonappearance. Also allow the Bureau of Motor Vehicles (BMV) to suspend driving privileges for 30 days for nonappearance after a warrant is issued. For nonresidents, allow the Indiana BMV to notify the equivalent agency in the person's state. It is Mr. Mercier's belief that other states joining with Indiana in the "Game Law Violators Compact" will suspend the violator's driving privileges until the person appears in court.

9. Review and revise certain laws concerning off road vehicles. (Roy Garrett & Brendan Kearns, Discover Indiana Riding Trails, and Brian Rowda, Indiana Four Wheel Drive Association)

Specific details of this proposal are found in Exhibit A. Suggestions concern registration procedure, raising registration fees from \$6.00 to \$15.00, use of revenues for land acquisition, display of identification, and duties of DNR.

There are currently no public facilities in Indiana for these vehicles. A project under development named "Red Bird Project" involves 880 acres that DNR will manage as a park for motorized vehicle use only. Funds have been appropriated for this project.

10. Issues concerning boat license plates and titles and laws pertaining to out of state boaters. (Al Schnelker, Indiana Marine Trade Association)

Specific details of this proposal are found in Exhibit B.

11. Gravel extraction permits and archeology concerns. (Senator Wheeler)

A group of interested parties that has been in contact with Senator Wheeler wants to express concerns to the Committee.

12. Treatment of wild animals. (Rep. Mangus).

At a recent county fair, a person had several Bengal tigers kept in poor facilities. He charged money for persons to have photos taken with tiger kittens, and claimed that there was no Indiana control over him as he was operating under a federal permit to possess an endangered species.. Representative Mangus asked for a DNR report on nongame wild animals in Indiana and state versus federal jurisdiction over these animals.

13. Open burning laws. (Rep. Pond).

The law is good, but fire departments differ in interpretation of the law. Enforcement problems and the need for public information should be explored.

14. Severe silt build up in lakes. (Sen. Skillman)

Senator Skillman is talking now to DNR about this issue and does not want

study at this time. However, she may later want a report from DNR on the status of this problem throughout the state.

15. Historic preservation issues concerning historic sites on state owned property. (Reed Williamson and John Molitor, Historic Landmarks).

Continuing study is needed on the protection of historic sites owned by state agencies. Issues are (1) a need for an inventory of all state property and all historic property, (2) the designation of a single individual in each state agency who is in charge of the agency's historic properties, (3) continuing educational programs for persons involved with these properties, (4) a process to dispose of surplus historic properties, and (5) legal standing for the Historic Landmarks organization to defend the state's interest in its historic properties.

Senator Skillman noted that she had participated recently in a program involving the Auditor of State that was establishing an inventory of all state owned property. Mr. Williamson was asked to check with the Auditor to see if this program meets his needs for an inventory.

16. Cemeteries. (Rep. Lytle)

An annual report is needed from DNR on the progress of its inventory of cemeteries. Protective laws are now in place and can be enforced once locations are known.

Most cemetery problems now concern noncooperation of officials involved in cemetery maintenance. However, cooperation should not be mandated.

17. Museum Commission. (Rep. Lytle)

There needs to be a report and a discussion of the relationship of historic sites to the state museum.

18. Local tax replacement for land used for state parks. (Glenn Pratt)

This difficult issue was discussed last summer.

19. Commercial fishing license fees. (Paula Yeager, Indiana Wildlife Federation).

Specific fees are now set by statute. This should be changed give DNR authority to set these fees.

There was a discussion of computerized fish and game licensing. DNR reported ongoing study and planning with expectations of offering licenses online next year. DNR will provide information on this program to interested legislators.

An expression of thanks for his years of dedicated service was given to Gary Doxtater, Director of the DNR Division of Fish and Wildlife, who is retiring from public service.

Future meetings of the Committee were set for September 13 and 14, 2001, in New Harmony, and October 10 and 11, 2001 at a site to be announced. There will be at least one or two additional meetings before work concludes on October 31.

There being no further business, the meeting was adjourned.