



February 24, 2014

ENGROSSED SENATE BILL No. 4

DIGEST OF SB 4 (Updated February 24, 2014 1:58 pm - DI 77)

Citations Affected: IC 14-19; IC 14-22; noncode.

Synopsis: Natural resources matters. Creates the recreational trails maintenance fund. Allows the manager of a public use airport, or the manager's designee, to chase or take at any time, without a hunting license, a white-tailed deer, coyote, or migratory bird that poses a threat to aircraft within the airport operations area. Requires a manager of a public use airport, or the manager's designee, to report annually to the department of natural resources certain information concerning the animals killed on the airport's property. Requires a manager of a public use airport, or the manager's designee, to obtain a permit to chase or take a wild animal if the manager or the manager's designee does not comply with the reporting requirement. Urges the legislative council to require an appropriate study committee to study: (1) the development of a statewide policy for recreational trails and their maintenance; and (2) a method to distribute money deposited into the recreational trail maintenance fund.

Effective: July 1, 2014.

Steele, Kruse

(HOUSE SPONSORS — FRYE R, HEATON, OBER)

January 7, 2014, read first time and referred to Committee on Agriculture and Natural Resources.

January 14, 2014, reported favorably — Do Pass.

January 16, 2014, read second time, ordered engrossed. Engrossed.

January 21, 2014, returned to second reading.

January 23, 2014, amended, ordered engrossed.

January 24, 2014, engrossed.

January 27, 2014, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

February 4, 2014, read first time and referred to Committee on Natural Resources.

February 24, 2014, amended, reported — Do Pass.

ES 4—LS 6017/DI 109



February 24, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 4

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 14-19-10.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]:

4 **Chapter 10.3. Recreational Trail Maintenance Fund**

5 **Sec. 1. The following definitions apply throughout this chapter:**

6 (1) "Fund" refers to the recreational trail maintenance fund
7 established by section 2 of this chapter.

8 (2) "Recreational trail" has the meaning set forth in
9 IC 8-4.5-1-16.

10 (3) "Responsible party" has the meaning set forth in
11 IC 8-4.5-1-17.

12 **Sec. 2. (a) The recreational trail maintenance fund is established**
13 **for the purpose of receiving money from the sources listed in**
14 **subsection (b) for ultimate distribution to responsible parties to**
15 **defray the costs of maintaining recreational trails. The department**
16 **shall administer the fund.**

ES 4—LS 6017/DI 109



1 **(b) The fund consists of the following:**

2 **(1) Appropriations by the general assembly.**

3 **(2) Donations, gifts, and money received from any other**
4 **source, including transfers from other funds or accounts.**

5 **(3) Federal grants or other federal appropriations.**

6 **(c) Expenses of administering the fund shall be paid from money**
7 **in the fund.**

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

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

14 SECTION 2. IC 14-22-11-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this
16 section, "farmland" means agricultural land that is:

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

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

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

22 (1) An individual who is a resident or nonresident of Indiana
23 while participating in a field trial that has been sanctioned by the
24 director is not required to possess a license while participating in
25 the trial.

26 (2) Subject to subsection (d), an owner of farmland located in
27 Indiana who is a resident or nonresident of Indiana and the spouse
28 and children living with the owner may hunt, fish, and trap
29 without a license on the land that the owner owns.

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

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

35 (B) leased from;

36 the department.

37 (4) An individual who:

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

39 (B) does not possess a bow or firearm; and

40 (C) is accompanying an individual who:

41 (i) is at least eighteen (18) years of age; and

42 (ii) holds a valid license;



1 may chase a wild animal without having a license.

2 **(5) The manager of a public use airport (as defined by 49**
 3 **U.S.C. 47102(22)), or the manager's designee, may chase or**
 4 **take, except by trapping, at any time, without a license, a**
 5 **white-tailed deer, coyote, or migratory bird that poses a**
 6 **threat to aircraft within the airport operations area.**

7 (c) The exceptions provided in this section do not apply to a
 8 commercial license issued under this article.

9 (d) The right of a nonresident who owns farmland in Indiana (and
 10 of the spouse and children who reside with the nonresident) to hunt,
 11 fish, and trap on the farmland without a license under subsection (b)(2)
 12 is subject to the following conditions:

13 (1) The nonresident may hunt, fish, and trap on the farmland
 14 without a license only if the state in which the nonresident resides
 15 allows residents of Indiana who own land in that state to hunt,
 16 fish, and trap on their land without a license.

17 (2) While hunting, fishing, or trapping on the farmland, the
 18 nonresident must keep proof that the nonresident owns the
 19 farmland (for example, a tax receipt identifying the nonresident
 20 as owner) in a place where the proof is readily accessible by the
 21 nonresident.

22 **(e) The manager of a public use airport (as defined by 49 U.S.C.**
 23 **47102(22)), or the manager's designee, shall report annually to the**
 24 **department the following:**

25 **(1) The number of animals killed under subsection (b)(5) by**
 26 **species.**

27 **(2) The date the animal was taken.**

28 **(3) The name and address of the person who took the animal,**
 29 **other than a migratory bird.**

30 **(4) The disposition of the animal.**

31 **(5) The name and address of the person to whom the animal**
 32 **was gifted or donated (if applicable).**

33 **A copy of the report must be kept at the public use airport (as**
 34 **defined by 49 U.S.C. 47102(22)) and be available upon request to**
 35 **an employee of the department. White-tailed deer must be tagged**
 36 **or accompanied by a piece of paper that includes the name and**
 37 **address of the person who took the deer, the date the deer was**
 38 **taken, and the location where the deer was taken before processing**
 39 **of the deer begins. However, it is not a violation of this subsection**
 40 **if the manager of a public use airport (as defined by 49 U.S.C.**
 41 **47102(22)), or the manager's designee, fails to submit an annual**
 42 **report under this subsection, as long as the manager of a public use**



1 airport (as defined by 49 U.S.C. 47102(22)), or the manager's
 2 designee, provides the relevant information requested by the
 3 department not later than fourteen (14) calendar days after
 4 receiving a request from the department. If the manager of a
 5 public use airport (as defined by 49 U.S.C. 47102(22)) or the
 6 manager's designee does not provide the information requested by
 7 the department within the required fourteen (14) day period, the
 8 manager of the public use airport (as defined by 49 U.S.C.
 9 47102(22)) and any designee of the manager are required to obtain
 10 a permit from the department to chase or take a wild animal
 11 during the following calendar year.

12 SECTION 3. IC 14-22-12-7.3 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2014]: **Sec. 7.3. (a) The director may issue to**
 15 **residents of Indiana lifetime licenses to hunt, fish, or trap. Subject**
 16 **to subsection (b), the following license fees shall be charged:**

17 (1) Lifetime basic fishing license, twenty (20) times the fee
 18 charged for a resident yearly license to fish. This license
 19 replaces the resident yearly license to fish.

20 (2) Lifetime basic hunting license, twenty (20) times the fee
 21 charged for a resident yearly license to hunt. This license
 22 replaces the resident yearly license to hunt.

23 (3) Lifetime comprehensive fishing license, thirty (30) times
 24 the fee charged for a resident yearly license to fish. This
 25 license replaces the resident yearly license to fish and all other
 26 yearly licenses, stamps, or permits to fish for a specific
 27 species.

28 (4) Lifetime comprehensive hunting license, sixty (60) times
 29 the fee charged for a resident yearly license to hunt. This
 30 license replaces the resident yearly license to hunt and all
 31 other yearly licenses, stamps, or permits to hunt for a specific
 32 species or by a specific means.

33 (5) Lifetime comprehensive hunting and fishing license, the
 34 fee charged under subdivisions (3) and (4) less ten percent
 35 (10%). This license replaces the following:

36 (A) The resident yearly license to hunt.

37 (B) All other yearly licenses, stamps, or permits to hunt for
 38 a specific species or by a specific means.

39 (C) The resident yearly license to fish.

40 (D) All other yearly licenses, stamps, or permits to fish for
 41 a specific species.

42 (6) Lifetime trapping license, twenty (20) times the fee



- 1 charged for a resident yearly license to trap. This license
 2 replaces the resident yearly license to trap.
- 3 (b) This subsection applies only to individuals who are at least
 4 fifty (50) years of age. The license fees under subsection (a) shall be
 5 reduced by the amount determined under STEP THREE of the
 6 following formula:
- 7 STEP ONE: Subtract forty-nine (49) from the resident
 8 applicant's age in years.
- 9 STEP TWO: Multiply the difference determined under STEP
 10 ONE by two and one-half percent (2.5%).
- 11 STEP THREE: Multiply the percentage determined under
 12 STEP TWO by the amount of the appropriate fee under
 13 subsection (a).
- 14 (c) Each lifetime license:
- 15 (1) is nontransferable;
- 16 (2) expires on the death of the person to whom the license is
 17 issued; and
- 18 (3) may be suspended or revoked for the same causes and
 19 according to the same procedures that a resident yearly
 20 license to hunt, fish, or trap, as appropriate, may be
 21 suspended or revoked.
- 22 (d) No part of a lifetime hunting, fishing, or trapping license fee
 23 is refundable. However, the holder of:
- 24 (1) a basic license to hunt or fish may be given credit for the
 25 current cost of such a license when purchasing a
 26 comprehensive license to hunt or fish or to hunt and fish; and
- 27 (2) a comprehensive license to hunt or fish may be given credit
 28 for the current cost of such a license when purchasing a
 29 lifetime comprehensive license to hunt and fish.
- 30 (e) All money received under this section shall be deposited in
 31 the lifetime hunting, fishing, and trapping license trust fund
 32 established by IC 14-22-4-1.
- 33 SECTION 4. [EFFECTIVE JULY 1, 2014] (a) As used in this
 34 SECTION, "committee" refers to the natural resources study
 35 committee established by IC 2-5-5-1.
- 36 (b) As used in this SECTION, "legislative council" refers to the
 37 legislative council established by IC 2-5-1.1-1.
- 38 (c) The general assembly urges the legislative council to assign
 39 to the committee or another appropriate study committee the
 40 following topics:
- 41 (1) A statewide policy for recreational trails and the
 42 maintenance of recreational trails.



- 1 **(2) A method to distribute the money deposited into the**
- 2 **recreational trail maintenance fund established by**
- 3 **IC 14-19-10.3, as added by this act.**
- 4 **(d) If the committee or another appropriate study committee is**
- 5 **assigned the topics described in subsection (c), the assigned**
- 6 **committee shall issue to the legislative council a final report**
- 7 **containing the assigned committee's findings and**
- 8 **recommendations, including any recommended legislation**
- 9 **concerning the topics, in an electronic format under IC 5-14-6 not**
- 10 **later than September 1, 2014.**
- 11 **(e) This SECTION expires January 1, 2015.**



COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 4 as introduced.)

Committee Vote: Yeas 8, Nays 0

Senator Yoder, Chairperson

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 4, which is eligible for third reading, be returned to second reading for purposes of amendment.

STEELE

SENATE MOTION

Madam President: I move that Senate Bill 4 be amended to read as follows:

Page 3, line 3, after "department." insert "**If the manager of a public use airport (as defined by 49 U.S.C. 47102(22)) or the manager's designee does not provide the information requested by the department within the required fourteen (14) day period, the manager of the public use airport (as defined by 49 U.S.C. 47102(22)) and any designee of the manager are required to obtain a permit from the department to chase or take a wild animal during the following calendar year.**"

(Reference is to SB 4 as printed January 15, 2014.)

STEELE



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 4, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-19-10.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]:

Chapter 10.3. Recreational Trail Maintenance Fund

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Fund" refers to the recreational trail maintenance fund established by section 2 of this chapter.
- (2) "Recreational trail" has the meaning set forth in IC 8-4.5-1-16.
- (3) "Responsible party" has the meaning set forth in IC 8-4.5-1-17.

Sec. 2. (a) The recreational trail maintenance fund is established for the purpose of receiving money from the sources listed in subsection (b) for ultimate distribution to responsible parties to defray the costs of maintaining recreational trails. The department shall administer the fund.

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Donations, gifts, and money received from any other source, including transfers from other funds or accounts.
- (3) Federal grants or other federal appropriations.

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

(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."

Page 2, line 17, delete "take" and insert "**take, except by trapping,**".

Page 2, line 17, delete "wild animal that is" and insert "**white-tailed deer, coyote, or migratory bird that poses a threat to aircraft within the airport operations area.**".

Page 2, delete lines 18 through 19.



Page 2, line 37, delete "**number of wild animals killed under subsection**" and insert "**following**:"

- (1) **The number of animals killed under subsection (b)(5) by species.**
- (2) **The date the animal was taken.**
- (3) **The name and address of the person who took the animal, other than a migratory bird.**
- (4) **The disposition of the animal.**
- (5) **The name and address of the person to whom the animal was gifted or donated (if applicable).**

A copy of the report must be kept at the public use airport (as defined by 49 U.S.C. 47102(22)) and be available upon request to an employee of the department. White-tailed deer must be tagged or accompanied by a piece of paper that includes the name and address of the person who took the deer, the date the deer was taken, and the location where the deer was taken before processing of the deer begins."

Page 2, line 38, delete "(b)(5)."

Page 3, after line 10, begin a new paragraph and insert:

"SECTION 3. IC 14-22-12-7.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7.3. (a) The director may issue to residents of Indiana lifetime licenses to hunt, fish, or trap. Subject to subsection (b), the following license fees shall be charged:

- (1) **Lifetime basic fishing license, twenty (20) times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish.**
- (2) **Lifetime basic hunting license, twenty (20) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt.**
- (3) **Lifetime comprehensive fishing license, thirty (30) times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species.**
- (4) **Lifetime comprehensive hunting license, sixty (60) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt and all other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.**
- (5) **Lifetime comprehensive hunting and fishing license, the fee charged under subdivisions (3) and (4) less ten percent**



(10%). This license replaces the following:

- (A) The resident yearly license to hunt.**
- (B) All other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.**
- (C) The resident yearly license to fish.**
- (D) All other yearly licenses, stamps, or permits to fish for a specific species.**

(6) Lifetime trapping license, twenty (20) times the fee charged for a resident yearly license to trap. This license replaces the resident yearly license to trap.

(b) This subsection applies only to individuals who are at least fifty (50) years of age. The license fees under subsection (a) shall be reduced by the amount determined under STEP THREE of the following formula:

STEP ONE: Subtract forty-nine (49) from the resident applicant's age in years.

STEP TWO: Multiply the difference determined under STEP ONE by two and one-half percent (2.5%).

STEP THREE: Multiply the percentage determined under STEP TWO by the amount of the appropriate fee under subsection (a).

(c) Each lifetime license:

- (1) is nontransferable;**
- (2) expires on the death of the person to whom the license is issued; and**
- (3) may be suspended or revoked for the same causes and according to the same procedures that a resident yearly license to hunt, fish, or trap, as appropriate, may be suspended or revoked.**

(d) No part of a lifetime hunting, fishing, or trapping license fee is refundable. However, the holder of:

- (1) a basic license to hunt or fish may be given credit for the current cost of such a license when purchasing a comprehensive license to hunt or fish or to hunt and fish; and**
- (2) a comprehensive license to hunt or fish may be given credit for the current cost of such a license when purchasing a lifetime comprehensive license to hunt and fish.**

(e) All money received under this section shall be deposited in the lifetime hunting, fishing, and trapping license trust fund established by IC 14-22-4-1.

SECTION 4. [EFFECTIVE JULY 1, 2014] (a) As used in this SECTION, "committee" refers to the natural resources study



committee established by IC 2-5-5-1.

(b) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(c) The general assembly urges the legislative council to assign to the committee or another appropriate study committee the following topics:

(1) A statewide policy for recreational trails and the maintenance of recreational trails.

(2) A method to distribute the money deposited into the recreational trail maintenance fund established by IC 14-19-10.3, as added by this act.

(d) If the committee or another appropriate study committee is assigned the topics described in subsection (c), the assigned committee shall issue to the legislative council a final report containing the assigned committee's findings and recommendations, including any recommended legislation concerning the topics, in an electronic format under IC 5-14-6 not later than September 1, 2014.

(e) This SECTION expires January 1, 2015."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 4 as reprinted January 24, 2014.)

EBERHART, Chair

Committee Vote: yeas 9, nays 0.

