



Reprinted
February 20, 2019

SENATE BILL No. 363

DIGEST OF SB 363 (Updated February 19, 2019 6:02 pm - DI 129)

Citations Affected: IC 14-22.

Synopsis: Department of natural resources matters. Provides that an individual may not provide hunting guide services without a hunting guide license issued by the director of the department of natural resources. Authorizes the department of natural resources (department) to adopt emergency rules to carry out the duties of the department under the entomology and plant pathology laws.

Effective: July 1, 2019.

Raatz, Doriot, Garten

January 10, 2019, read first time and referred to Committee on Natural Resources.
February 12, 2019, amended, reported favorably — Do Pass.
February 19, 2019, read second time, amended, ordered engrossed.

SB 363—LS 7019/DI 109



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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 363

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 14-10-2-5, AS AMENDED BY P.L.195-2017,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 5. (a) The department may adopt emergency rules
4 under IC 4-22-2-37.1 to carry out the duties of the department under
5 the following:
6 (1) IC 14-9.
7 (2) This article.
8 (3) IC 14-11.
9 (4) IC 14-12-2.
10 (5) IC 14-14.
11 (6) IC 14-15.
12 (7) IC 14-17-3.
13 (8) IC 14-18, except IC 14-18-6 and IC 14-18-8.
14 (9) IC 14-19-1 and IC 14-19-8.
15 (10) IC 14-21.
16 (11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
17 (12) IC 14-23-1.

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- 1 **(13) IC 14-24.**
 2 ~~(14)~~ **(14)** IC 14-25, except IC 14-25-8-3 and IC 14-25-13.
 3 ~~(15)~~ **(15)** IC 14-26.
 4 ~~(16)~~ **(16)** IC 14-27.
 5 ~~(17)~~ **(17)** IC 14-28.
 6 ~~(18)~~ **(18)** IC 14-29.
 7 ~~(19)~~ **(19)** IC 14-35-1, IC 14-35-2, and IC 14-35-3.
 8 ~~(20)~~ **(20)** IC 14-37.
 9 ~~(21)~~ **(21)** IC 14-38, except IC 14-38-3.
 10 (b) A rule adopted under subsection (a) expires not later than one
 11 (1) year after the rule is accepted for filing by the publisher of the
 12 Indiana Register.
 13 SECTION 2. IC 14-22-2-10, AS ADDED BY P.L.195-2017,
 14 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 10. (a) Notwithstanding any law in this article, the
 16 commission may adjust a license and permit fee, including an
 17 application fee, in an amount that is above the minimum fee
 18 established under the following:
 19 (1) Section 4 of this chapter (Licenses and permits written by the
 20 director).
 21 (2) IC 14-22-9-10 (Aquatic vegetation control).
 22 (3) IC 14-22-13-1 (Commercial fishing).
 23 (4) IC 14-22-13-2 (Commercial fishing on the Ohio River).
 24 (5) IC 14-22-13-2.5 (Roe harvester or dealer).
 25 (6) IC 14-22-14-9 (Commercial fishing on Lake Michigan).
 26 (7) IC 14-22-14-10 (Commercial fishing on Lake Michigan).
 27 (8) IC 14-22-15-2 (Fishing guide).
 28 **(9) IC 14-22-15.5-3 (Hunting guide).**
 29 ~~(10)~~ **(10)** IC 14-22-16-1 (Bait dealer).
 30 ~~(11)~~ **(11)** IC 14-22-19-2 (Fur buyer).
 31 ~~(12)~~ **(12)** IC 14-22-20-1 (Game breeder).
 32 ~~(13)~~ **(13)** IC 14-22-21-2 (Taxidermist).
 33 ~~(14)~~ **(14)** IC 14-22-22-2 (Scientific purposes).
 34 ~~(15)~~ **(15)** IC 14-22-23-3 (Falconry).
 35 ~~(16)~~ **(16)** IC 14-22-24-2 (Field trials).
 36 ~~(17)~~ **(17)** IC 14-22-25-3 (Fish and wild animal importation).
 37 ~~(18)~~ **(18)** IC 14-22-26-4 (Wild animal possession).
 38 ~~(19)~~ **(19)** IC 14-22-27-2 (Fish stocking).
 39 ~~(20)~~ **(20)** IC 14-22-31-2 (Private shooting preserve).
 40 (b) Before adopting fees under this section, the commission shall
 41 consider the amount that is reasonably necessary to generate revenue
 42 sufficient to offset the costs incurred in carrying out the department's



1 responsibilities and operating any related programs.

2 (c) A fee that is submitted with an application for a license or permit
3 listed under subsection (a) is not refundable.

4 SECTION 3. IC 14-22-15.5 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2019]:

7 **Chapter 15.5. Hunting Guide License**

8 **Sec. 1. (a) As used in this chapter, "hunting guide" refers to an**
9 **individual who holds a license under this chapter to provide**
10 **hunting guide services.**

11 **(b) As used in this chapter, "hunting guide license" means a**
12 **license issued under this chapter.**

13 **(c) As used in this chapter, "hunting guide services" means**
14 **hunting guide or outfitter services that are offered or provided for**
15 **money or other consideration. The term includes services by a**
16 **person who for money or other consideration:**

17 **(1) offers or advertises to transport an individual for the**
18 **purpose of hunting; and**

19 **(2) transports an individual to a location for the purpose of**
20 **hunting.**

21 **The term includes services by a person who for money or other**
22 **consideration offers or advertises to assist, provide direction, or**
23 **provide advice to an individual for the purpose of hunting; or**
24 **assists, provides direction, or provides advice to an individual for**
25 **the purpose of hunting.**

26 **Sec. 2. (a) An individual may not provide hunting guide services**
27 **without a hunting guide license issued under this chapter.**

28 **(b) The director shall issue a hunting guide license to an**
29 **applicant upon the applicant's submission of an application that**
30 **includes all information required by the director and payment of**
31 **the fee described in section 3 of this chapter.**

32 **Sec. 3. Subject to IC 14-22-2-10, the minimum annual fee for a**
33 **hunting guide license for a resident or a nonresident is one hundred**
34 **dollars (\$100).**

35 **Sec. 4. A hunting guide license:**

36 **(1) is valid for one (1) year; and**

37 **(2) expires March 31 the following year on which the license**
38 **was issued.**

39 **Sec. 5. (a) A hunting guide shall keep an accurate record of the**
40 **following:**

41 **(1) Each day's harvest of game measured by county and**
42 **township.**



1 **(2) Other related information that the director requires by**
2 **rule.**
3 **(b) Before the fifteenth day of each month, a hunting guide shall**
4 **report the previous month's record required under subsection (a)**
5 **to the director on forms furnished by the director. A hunting guide**
6 **shall submit the report to the director even if no animals are**
7 **harvested.**
8 **Sec. 6. The director may:**
9 **(1) refuse under IC 4-21.5-3-5 to grant, renew, or restore; or**
10 **(2) suspend or revoke under IC 4-21.5-3-6;**
11 **a hunting guide license of an individual who fails to keep a record**
12 **or make a report required under section 5 of this chapter.**
13 **Sec. 7. An individual who acts as a hunting guide without a**
14 **hunting guide license in violation of section 2 of this chapter**
15 **commits a Class B infraction.**
16 **Sec. 8. An individual who:**
17 **(1) fails to keep accurate records in violation of section 5(a) of**
18 **this chapter; or**
19 **(2) fails to report monthly to the director in violation of**
20 **section 5(b) of this chapter;**
21 **shall have the individual's hunting guide license suspended by the**
22 **director for one (1) year. The individual may reapply for a hunting**
23 **guide license at the discretion of the director.**
24 **Sec. 9. The director shall adopt rules under IC 4-22-2 to**
25 **implement this chapter.**



COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 363, 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 3, line 24, delete "who recklessly, knowingly, or" and insert "who:".

Page 3, delete line 25.

Page 3, line 30, delete "commits a Class C misdemeanor." and insert "**shall have the individual's hunting guide license suspended by the director for one (1) year. The individual may reapply for a hunting guide license at the discretion of the director.**".

Page 3, delete lines 33 through 36.

and when so amended that said bill do pass.

(Reference is to SB 363 as introduced.)

GLICK, Chairperson

Committee Vote: Yeas 7, Nays 1.

 SENATE MOTION

Madam President: I move that Senate Bill 363 be amended to read as follows:

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

"SECTION 1. IC 14-10-2-5, AS AMENDED BY P.L.195-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

- (1) IC 14-9.
- (2) This article.
- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-15.
- (7) IC 14-17-3.

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(8) IC 14-18, except IC 14-18-6 and IC 14-18-8.

(9) IC 14-19-1 and IC 14-19-8.

(10) IC 14-21.

(11) IC 14-22-3, IC 14-22-4, and IC 14-22-5.

(12) IC 14-23-1.

(13) IC 14-24.

~~(13)~~ **(14)** IC 14-25, except IC 14-25-8-3 and IC 14-25-13.

~~(14)~~ **(15)** IC 14-26.

~~(15)~~ **(16)** IC 14-27.

~~(16)~~ **(17)** IC 14-28.

~~(17)~~ **(18)** IC 14-29.

~~(18)~~ **(19)** IC 14-35-1, IC 14-35-2, and IC 14-35-3.

~~(19)~~ **(20)** IC 14-37.

~~(20)~~ **(21)** IC 14-38, except IC 14-38-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the publisher of the Indiana Register."

Renumber all SECTIONS consecutively.

(Reference is to SB 363 as printed February 13, 2019.)

RAATZ

SENATE MOTION

Madam President: I move that Senate Bill 363 be amended to read as follows:

Page 2, between lines 33 and 34, begin a new line blocked left and insert:

"The term includes services by a person who for money or other consideration offers or advertises to assist, provide direction, or provide advice to an individual for the purpose of hunting; or assists, provides direction, or provides advice to an individual for the purpose of hunting."

(Reference is to SB 363 as printed February 13, 2019.)

RAATZ

