

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 ENROLLED ACT No. 363

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 14-10-2-5, 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.
- (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.

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- ~~(+6)~~ **(17)** IC 14-28.
- ~~(+7)~~ **(18)** IC 14-29.
- ~~(+8)~~ **(19)** IC 14-35-1, IC 14-35-2, and IC 14-35-3.
- ~~(+9)~~ **(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.

SECTION 2. IC 14-22-2-10, AS ADDED BY P.L.195-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) Notwithstanding any law in this article, the commission may adjust a license and permit fee, including an application fee, in an amount that is above the minimum fee established under the following:

- (1) Section 4 of this chapter (Licenses and permits written by the director).
- (2) IC 14-22-9-10 (Aquatic vegetation control).
- (3) IC 14-22-13-1 (Commercial fishing).
- (4) IC 14-22-13-2 (Commercial fishing on the Ohio River).
- (5) IC 14-22-13-2.5 (Roe harvester or dealer).
- (6) IC 14-22-14-9 (Commercial fishing on Lake Michigan).
- (7) IC 14-22-14-10 (Commercial fishing on Lake Michigan).
- (8) IC 14-22-15-2 (Fishing guide).
- (9) IC 14-22-15.5-3 (Hunting guide).**
- ~~(9)~~ **(10)** IC 14-22-16-1 (Bait dealer).
- ~~(+10)~~ **(11)** IC 14-22-19-2 (Fur buyer).
- ~~(+11)~~ **(12)** IC 14-22-20-1 (Game breeder).
- ~~(+12)~~ **(13)** IC 14-22-21-2 (Taxidermist).
- ~~(+13)~~ **(14)** IC 14-22-22-2 (Scientific purposes).
- ~~(+14)~~ **(15)** IC 14-22-23-3 (Falconry).
- ~~(+15)~~ **(16)** IC 14-22-24-2 (Field trials).
- ~~(+16)~~ **(17)** IC 14-22-25-3 (Fish and wild animal importation).
- ~~(+17)~~ **(18)** IC 14-22-26-4 (Wild animal possession).
- ~~(+18)~~ **(19)** IC 14-22-27-2 (Fish stocking).
- ~~(+19)~~ **(20)** IC 14-22-31-2 (Private shooting preserve).

(b) Before adopting fees under this section, the commission shall consider the amount that is reasonably necessary to generate revenue sufficient to offset the costs incurred in carrying out the department's responsibilities and operating any related programs.

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

SECTION 3. IC 14-22-15.5 IS ADDED TO THE INDIANA CODE



AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 15.5. Hunting Guide License

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

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

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

- (1)** offers or advertises to transport an individual;
- (2)** transports an individual to a location;
- (3)** offers or advertises to assist, provide direction, or provide advice to an individual; or
- (4)** assists, provides direction, or provides advice to an individual;

for the purpose of hunting.

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

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

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

Sec. 4. A hunting guide license:

- (1)** is valid for one (1) year; and
- (2)** expires March 31 following the year in which the license was issued.

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

- (1)** Each day's harvest of game measured by county and township.
- (2)** Other related information that the director requires by rule.

(b) Before the fifteenth day of each month, a hunting guide shall report the previous month's record required under subsection (a) to the director on forms furnished by the director. A hunting guide shall submit the report to the director even if no animals are



harvested.

Sec. 6. The director may:

- (1) refuse under IC 4-21.5-3-5 to grant, renew, or restore; or
- (2) suspend or revoke under IC 4-21.5-3-6;

a hunting guide license of an individual who fails to keep a record or make a report required under section 5 of this chapter.

Sec. 7. An individual who acts as a hunting guide without a hunting guide license in violation of section 2 of this chapter commits a Class B infraction.

Sec. 8. An individual who:

- (1) fails to keep accurate records in violation of section 5(a) of this chapter; or
- (2) fails to report monthly to the director in violation of section 5(b) of this chapter;

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.

Sec. 9. The director shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 4. IC 14-22-38-6, AS AMENDED BY P.L.38-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) As used in this section, "guide services" means fishing or hunting guide or outfitter services that are offered or provided for money or other consideration. The term includes services by a person who for money or other consideration:

- (1) offers or advertises to transport an individual; ~~for the purpose of hunting or fishing; and~~
- (2) ~~transports an individual to a location for the purpose of hunting or fishing;~~ transports an individual to a location;
- (3) offers or advertises to assist, provide direction, or provide advice to an individual; or
- (4) assists, provides direction, or provides advice to an individual;

for the purpose of hunting or fishing.

(b) As used in this section, "sell" includes barters, purchases, and offers to sell, barter, or purchase.

(c) As used in this section, "ship" includes transporting, delivering for shipment or transport, and causing to be shipped or transported.

(d) As used in this section, "wild animal" includes the following:

- (1) A living or dead wild animal.
- (2) A part of a living or dead wild animal.

(e) A person who knowingly or intentionally **violates this article by**



unlawfully:

- (1) ~~sells~~ **selling** or ~~ships~~ **shipping** wild animals, nests, or eggs; or
- (2) ~~provides~~ **providing** guide services to take, acquire, receive, transport, or possess wild animals;

that are protected by law and have an aggregate market value of less than five hundred dollars (\$500) commits a Class C misdemeanor.

(f) A person who:

- (1) provides guide services; and
- (2) knowingly or intentionally transports an individual to private property to hunt or fish without the permission or consent of the landowner;

commits a Class A misdemeanor.

(g) A person who knowingly or intentionally **violates this article by unlawfully:**

- (1) ~~sells~~ **selling** or ~~ships~~ **shipping** wild animals, nests, or eggs; or
- (2) ~~provides~~ **providing** guide services to take, acquire, receive, transport, or possess wild animals;

that are protected by law and have an aggregate market value of at least five hundred dollars (\$500) but less than five thousand dollars (\$5,000) commits a Level 6 felony.

(h) A person who knowingly or intentionally **violates this article by unlawfully:**

- (1) ~~sells~~ **selling** or ~~ships~~ **shipping** wild animals, nests, or eggs; or
- (2) ~~provides~~ **providing** guide services to take, acquire, receive, transport, or possess wild animals;

that are protected by law and have an aggregate market value of at least five thousand dollars (\$5,000) commits a Level 5 felony.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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