
HOUSE BILL No. 1351

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-22-20.7.

Synopsis: Game preserve licenses. Allows game preserves to be licensed and operated to hunt privately owned cervidae and game birds. Provides that the owner of a game preserve is not required to possess a game breeders or shooting preserve license. Restricts the sale and transfer of ownership of any interest in a game preserve. Establishes requirements for the operation of a game preserve. Provides for the inspection of game preserves by the department of natural resources and the state board of animal health. Establishes record keeping requirements. Provides that a license that has been revoked may not be reissued. Requires game preserve owners to auction for the initial game preserve license (establishes a \$50,000 minimum bid) and pay a yearly license renewal fee. Requires the director of the Indiana office of management and budget to conduct the auction for ten game preserve licenses.

Effective: July 1, 2008.

Wolkins, Friend, Herrell, Gutwein

January 16, 2008, read first time and referred to Committee on Natural Resources.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1351



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 14-8-2-37.6, AS ADDED BY P.L.93-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 37.6. "Cervidae" **means the following:**

4 (1) For purposes of IC 14-22-20.5, has the meaning set forth in
5 IC 14-22-20.5-1.

6 (2) **For purposes of IC 14-22-20.7, has the meaning set forth**
7 **in IC 14-22-20.7-1.**

8 SECTION 2. IC 14-8-2-111.5 IS ADDED TO THE INDIANA
9 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2008]: **Sec. 111.5. "Game preserve" for**
11 **purposes of IC 14-22-20.7, has the meaning set forth in**
12 **IC 14-22-20.7-2.**

13 SECTION 3. IC 14-8-2-190 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 190. "Operator" has the
15 following meaning:

16 (1) For purposes of IC 14-16-1, the meaning set forth in
17 IC 14-16-1-5.



- 1 **(2) For purposes of IC 14-22-20.7, the meaning set forth in**
 2 **IC 14-22-20.7-3.**
- 3 ~~(2)~~ **(3)** For purposes of IC 14-34, except IC 14-34-4-8 and
 4 IC 14-34-8-4, a person, partnership, limited liability company, or
 5 corporation engaged in coal mining who removes or intends to
 6 remove more than two hundred fifty (250) tons of coal from the
 7 earth by coal mining within twelve (12) consecutive months in
 8 one (1) location.
- 9 ~~(3)~~ **(4)** For purposes of IC 14-34-4-8, the meaning set forth in
 10 IC 14-34-4-8.
- 11 ~~(4)~~ **(5)** For purposes of IC 14-34-8-4, the meaning set forth in
 12 IC 14-34-8-4.
- 13 ~~(5)~~ **(6)** For purposes of IC 14-36-1, the meaning set forth in
 14 IC 14-36-1-9.
- 15 ~~(6)~~ **(7)** For purposes of IC 14-37, a person who:
 16 (A) is issued a permit under IC 14-37; or
 17 (B) is engaging in an activity for which a permit is required
 18 under IC 14-37.
- 19 SECTION 4. IC 14-8-2-195 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 195. "Owner" has the
 21 following meaning:
- 22 (1) For purposes of IC 14-11-4, the meaning set forth in
 23 IC 14-11-4-2.
- 24 (2) For purposes of IC 14-15, a person who has the legal title to
 25 a watercraft.
- 26 (3) For purposes of IC 14-16-1, the meaning set forth in
 27 IC 14-16-1-6.
- 28 **(4) For purposes of IC 14-22-20.7, the meaning set forth in**
 29 **IC 14-22-20.7-4.**
- 30 ~~(4)~~ **(5)** For purposes of IC 14-25-4, the meaning set forth in
 31 IC 14-25-4-4.
- 32 ~~(5)~~ **(6)** For purposes of IC 14-27-7, the meaning set forth in
 33 IC 14-27-7-1.
- 34 ~~(6)~~ **(7)** For purposes of IC 14-27-7.5, the meaning set forth in
 35 IC 14-27-7.5-4.
- 36 ~~(7)~~ **(8)** For purposes of IC 14-36, the term includes the following:
 37 (A) Owners in fee.
 38 (B) Life tenants.
 39 (C) Tenants for years.
 40 (D) Holders of remainder of reversionary interests.
 41 (E) Holders of leaseholds or easements.
 42 (F) Holders of mineral rights.

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1 ~~(8)~~ **(9)** For purposes of IC 14-37, a person who has the right to
 2 drill into and produce from a pool and to appropriate the oil and
 3 gas produced from the pool for:
 4 (A) the person or others; or
 5 (B) the person and others.
 6 ~~(9)~~ **(10)** For the purposes of IC 14-22-10-2, the meaning set forth
 7 in IC 14-22-10-2(c).

8 SECTION 5. IC 14-22-20.7 IS ADDED TO THE INDIANA CODE
 9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2008]:

11 **Chapter 20.7. Cervidae Game Preserves**

12 **Sec. 1. As used in this chapter, "cervidae" means privately**
 13 **owned members of the cervidae family, including deer, elk, moose,**
 14 **reindeer, and caribou.**

15 **Sec. 2. As used in this chapter, "game preserve" means an**
 16 **enclosed facility located in Indiana where cervidae are hunted.**

17 **Sec. 3. As used in this chapter, "operator" means a person who**
 18 **operates or manages a game preserve.**

19 **Sec. 4. As used in this chapter, "owner" means a person who has**
 20 **been granted a game preserve license.**

21 **Sec. 5. The department shall do the following:**

- 22 **(1) Issue an initial game preserve license to a person who**
 23 **meets the requirements under this chapter.**
- 24 **(2) Subject to sections 17 and 20 of this chapter, renew an**
 25 **owner's game preserve license.**

26 **Sec. 6. (a) A person who holds a valid license under this chapter**
 27 **may operate a game preserve.**

28 **(b) A person whose game preserve license is revoked under this**
 29 **chapter may not be an operator or owner of a game preserve.**

30 **Sec. 7. Each game preserve must be operated under a separate**
 31 **license.**

32 **Sec. 8. The owner of a game preserve licensed under this**
 33 **chapter is not required to possess the following:**

- 34 **(1) A game breeders license (IC 14-22-20).**
- 35 **(2) A shooting preserve license (IC 14-22-31).**

36 **Sec. 9. (a) An owner or operator may not allow animals other**
 37 **than cervidae or privately owned game birds to be hunted on the**
 38 **owner's game preserve.**

39 **(b) If game birds are hunted on a game preserve, each type of**
 40 **game bird may only be hunted:**

- 41 **(1) during the statewide hunting season for that type of game**
 42 **bird; and**

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1 (2) with weapons and ammunition that are allowed to be used
2 to hunt that type of game bird during the statewide hunting
3 season for that type of game bird.

4 **Sec. 10. (a) Except as provided in subsections (b) and (c), a game**
5 **preserve license may not be sold or transferred to another person.**

6 **(b) An owner that is a partnership, limited liability company, or**
7 **corporation may sell or transfer any or all interest in the game**
8 **preserve to a person who was listed as a partner, member, or**
9 **stockholder when the initial game preserve license was granted.**

10 **(c) An owner may sell or transfer, including through**
11 **inheritance, the owner's interest in a game preserve to an owner's**
12 **spouse or child.**

13 **(d) Any sale or transfer of ownership of a game preserve must**
14 **be reported, in writing, to the department not more than ten (10)**
15 **business days after the sale or transfer is complete.**

16 **Sec. 11. Before the department issues the owner a game preserve**
17 **license, the owner shall do the following:**

18 **(1) Pay the license auction fee required under section 22 of**
19 **this chapter.**

20 **(2) Provide the department with the following information:**

21 **(A) The location, mailing address, and phone number of**
22 **the game preserve.**

23 **(B) If the owner is not an individual, the name and address**
24 **of each officer, director, partner, member, shareholder,**
25 **and operator.**

26 **(3) Provide the department with the name and location of any**
27 **game preserves in other states that the person owns or**
28 **operates.**

29 **(4) Move or chase all wild cervidae from the game preserve.**

30 **(5) Allow the game preserve to be inspected by the**
31 **department.**

32 **Sec. 12. An owner may not change the location of a game**
33 **preserve without obtaining permission from the commission.**

34 **Sec. 13. The owner and operator shall ensure that the game**
35 **preserve licensed under this chapter complies with the following**
36 **requirements:**

37 **(1) A game preserve must contain at least one hundred sixty**
38 **(160) contiguous acres of which at least sixty percent (60%)**
39 **of the area of the game preserve must consist of escape cover.**

40 **(2) A game preserve must be enclosed by a secured chain**
41 **linked fence that is at least ten (10) feet in height. A game**
42 **preserve must immediately report to the department and**

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repair any damage to the fence that could allow a cervidae to escape the game preserve.

(3) A cervidae must be released into the game preserve at least ten (10) days before it is hunted. Hunting of other cervidae is not allowed on the game preserve during this period.

(4) The number of hunters on a game preserve at any time may not exceed one (1) hunter per twenty (20) acres.

(5) A cervidae that has been taken on a game preserve must be tagged before it is removed from the game preserve.

(6) The game preserve must comply with all rules of the Indiana state board of animal health concerning cervidae, including rules concerning chronic wasting disease (CWD).

(7) The game preserve may not sell a specific cervidae to the hunter. However, the game preserve may charge either:

- (A) a basic hunting fee; or
- (B) a fee based upon the antler size of the deer or elk taken by the hunter.

(8) Hunting must be prohibited within one hundred fifty (150) yards of an artificial feeding site.

(9) Any hunting stand must be located at least seventy-five (75) yards from the boundary fence.

(10) A game preserve must immediately report to the department any incident where a cervidae escapes from or a wild deer enters the game preserve.

- (11) Cervidae may be hunted only:
- (A) during the statewide deer hunting season; and
 - (B) with weapons and ammunition that are allowed to be used to hunt deer during the statewide deer hunting season.

(12) Hunters must comply with all hunting safety requirements, including the use of hunter orange as required under IC 14-22-38-7.

(13) Comply with all federal laws related to the taking, transportation, and meat of cervidae, including 16 U.S.C. 701.

Sec. 14. (a) An owner shall keep and maintain accurate records of the following:

- (1) Records of production, purchases, or imports to establish proof of ownership.
- (2) The following transportation records:
 - (A) The origin of the shipment.
 - (B) Copies of registration or permits.

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- (C) The shipping destination.
- (3) Records of cervidae mortality.
- (4) Any other records required by the Indiana state board of animal health.

(b) Records kept under this section must be made available for inspection upon request to the department or the Indiana state board of animal health.

Sec. 15. (a) A hunting preserve transportation tag must be purchased by a hunter to hunt cervidae on the hunting preserve. There is not a limit on the number of tags a hunter may purchase. The fee for a tag is fifty dollars (\$50) for an Indiana resident and one hundred dollars (\$100) for an out-of-state resident. The department shall provide the hunting preserve transportation tags to the owner.

(b) The owner shall monthly remit the fees collected under this section to the department. The department shall deposit the fees into the fish and wildlife fund.

Sec. 16. (a) The department shall inspect each game preserve at least one (1) time per year.

(b) The department and the Indiana state board of animal health may inspect a game preserve and cervidae and any game birds at any time for the following reasons:

- (1) To investigate a complaint.
- (2) To assure compliance with this chapter.
- (3) To investigate an issue concerning animal health.

Sec. 17. (a) Beginning July 1, 2009, the owner of a game preserve must pay a license renewal fee of two thousand dollars (\$2,000) not later than July 1 of each year.

(b) Fees collected under this section shall be deposited in the fish and wildlife fund.

Sec. 18. A person may not:

- (1) knowingly or intentionally provide the department, commission, or Indiana state board of animal health with false information; or
- (2) resist, impede, or hinder the department's, commission's, or Indiana state board of animal health's duties under this chapter.

Sec. 19. A license to operate a game preserve:

- (1) is a revocable privilege granted by the state; and
- (2) is not a property right.

Sec. 20. The commission may:

- (1) refuse under IC 4-21.5-3-5 to renew; or

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1 (2) limit, suspend, or revoke under IC 4-21.5-3-6;
 2 a game preserve license if the owner does not comply with the
 3 requirements under this chapter.

4 **Sec. 21. If a game preserve license is:**

5 (1) not renewed; or

6 (2) revoked by the commission;

7 the license may not be reauctioned or reissued.

8 **Sec. 22. (a)** As used in this section, "director" refers to the
 9 director of the Indiana office of management and budget.

10 (b) Before July 1, 2009, the director shall conduct an auction for
 11 ten (10) game preserve licenses.

12 (c) The director may offer the licenses at separate auctions. The
 13 director shall give public notice of each auction in the manner
 14 required by IC 5-3-1.

15 (d) Before a person places a bid under this section, the person
 16 must register with the director and include the name and address
 17 of the bidder, including any individuals who will be co-owners of
 18 the game preserve if the bidder is the auction winner.

19 (e) The director may not accept a bid of less than fifty thousand
 20 dollars (\$50,000) per license. If the director does not receive a bid
 21 of at least fifty thousand dollars (\$50,000), the license may not be
 22 reauctioned. The highest bidder is the auction winner.

23 (f) An auction winner shall pay the department the amount of
 24 the auction winner's bid in the auction for the license within sixty
 25 (60) days after the end of the auction. The amount collected by the
 26 department must be deposited in the fish and wildlife fund.

27 (g) If the bid is not paid within sixty (60) days as required in
 28 subsection (f), the director may reauction a game preserve license.
 29 The requirements under subsection (e) apply to any reauction.
 30 However, any person who fails to pay the winning bid is ineligible
 31 to participate in the auction or be an owner of a game preserve.

32 (h) The director shall forward to the department within two (2)
 33 business days after the end of an auction the name of the winning
 34 bidder, including the information received under subsection (d),
 35 and the amount of the winning bid.

36 (i) This section expires December 31, 2009.

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