April 5, 2013

ENGROSSED
SENATE BILL No. 487

DIGEST OF SB 487 (Updated April 1, 2013 2:43 pm - DI 77)

Citations Affected: IC 14-8; IC 14-22; IC 15-20.

Synopsis: Shooting and hunting preserves. Requires a nonresident of Indiana to acquire a special license to shoot on licensed shooting preserves in Indiana. Makes the fee for a special license equal to the fee for a resident annual hunting license. Requires the department of natural resources to issue special licenses. Provides that fees from special licenses to shoot on a shooting preserve are not required to be used by the department of natural resources to increase the upland game bird population. Provides that animals regulated under shooting preserve regulations are exempt from importation permit requirements. Provides for the licensing and operation of cervidae hunting preserves on which farm raised and released cervidae are hunted. Establishes licensing requirements, duties, and fees. Exempts licensed hunting preserves from the licensing requirements for game breeders and shooting preserves. Provides that hunters on hunting preserves are required to have a deer hunting license and are not subject to bag limits. Requires that a transportation tag be purchased and fixed to the leg of each cervid taken on a hunting preserve. Prohibits: (1) computer assisted remote hunting on hunting preserves; and (2) drugging or baiting to affect the outcome of a hunt. Allows the Indiana board of animal health and department of natural resources to adopt certain rules. Restricts cervidae on hunting preserves from qualifying for certain livestock indemnification programs.

Effective: July 1, 2013.

Steele, Waterman, Young R

(HOUSE SPONSORS — LEHE, UBELHOR, MORRIS, HEATON)

January 14, 2013, read first time and referred to Committee on Agriculture and Natural Resources.
February 4, 2013, amended, reported favorably — Do Pass.
February 12, 2013, read second time, amended, ordered engrossed.
February 13, 2013, engrossed.
February 14, 2013, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2013, read first time and referred to Committee on Natural Resources.
April 4, 2013, amended, reported — Do Pass.

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April 5, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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ENGROSSED
SENATE BILL No. 487

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:

SECTION 1. IC 14-8-2-37.6, AS ADDED BY P.L.93-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 37.6. "Cervidae", for purposes of IC 14-22-20.5 ~~has the meaning set forth in IC 14-22-20.5-1.~~ **and IC 14-22-31.3, means privately owned members of the cervidae family, including deer, elk, moose, reindeer, and caribou.**

SECTION 2. IC 14-8-2-128.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 128.3. "Hunting preserve", for purposes of IC 14-22-31.3, has the meaning set forth in IC 14-22-31.3-1.**

SECTION 3. IC 14-8-2-152.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 152.2. "Licensed owner", for purposes of IC 14-22-31.3, has the meaning set forth in IC 14-22-31.3-2.**

SECTION 4. IC 14-22-12-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. **Except for a license sold under IC 14-22-31-8,** the department shall use the following to increase the upland game bird population in Indiana:

(1) Four dollars ($4) from the cost of every nonresident license to hunt any game for any period in any manner.

(2) Forty dollars ($40) from the cost of every nonresident license to hunt deer for any period in any manner.

SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a)** The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars ($15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell for this purpose only;

game birds, game mammals, or furbearing mammals protected by Indiana law.

(b) The owner of a hunting preserve licensed under IC 14-22-31.3 is not required to obtain a game breeders license under this section.

SECTION 6. IC 14-22-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter does not apply to the following:

(1) Animals imported into Indiana for the purpose of being confined and exhibited in a zoo or other public display of animals.

(2) Other animals that the department designates.

(3) Animals regulated under IC 14-22-31-7.

SECTION 7. IC 14-22-31-8, AS AMENDED BY P.L.151-2012, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. **(a)** An individual may not take game birds and exotic mammals on a shooting preserve unless the individual has a hunting license required under this ~~article.~~ **article, except nonresidents of Indiana who must possess a special license issued by the department under this section to shoot on licensed shooting preserves.**

(b) The department:

(1) shall issue special licenses; and

(2) may appoint owners or managers of shooting preserves as agents to sell special licenses.

(c) A special license expires April 30 immediately following the date the license is effective.

(d) The fee for a special license is equal to the fee for a resident annual hunting license under IC 14-22-12-1(a)(2). All fees collected under this section shall be deposited in the fish and wildlife fund.

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SECTION 8. IC 14-22-31-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. This chapter does not apply to a hunting preserve licensed under IC 14-22-31.3.**

SECTION 9. IC 14-22-31.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 31.3. Cervidae Hunting Preserves

Sec. 1. As used in this chapter, "hunting preserve" means an area of land where cervidae are hunted.

Sec. 2. As used in this chapter, "licensed owner" means an owner of a hunting preserve who holds a license issued under this chapter.

Sec. 3. (a) The department shall issue an initial hunting preserve license to a person who:

(1) continually operated a hunting preserve during the period beginning January 1, 2005, and ending December 31, 2012; and

(2) pays a fee of one thousand dollars ($1,000).

(b) A person who applies for an initial license must provide the department with documentation that establishes that the hunting preserve continually operated during the period required in subsection (a)(1).

(c) The department shall annually renew the hunting preserve license of a person who:

(1) meets the requirements set forth in this chapter; and

(2) pays an annual fee of one thousand dollars ($1,000).

Sec. 4. Cervidae (including their products) that are:

(1) raised on a farm in Indiana; or

(2) legally:

(A) acquired in Indiana; or

(B) imported into Indiana;

in compliance with applicable Indiana board of animal health laws and rules;

are the property of the licensed owner of the hunting preserve containing the cervidae.

Sec. 5. A hunting preserve that allows hunting for cervidae must meet the following requirements:

(1) The hunting preserve must contain at least one hundred (100) contiguous acres.

(2) The hunting preserve must be enclosed by a fence that is at least eight (8) feet in height and not more than six (6) inches

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above the ground.

(3) The hunting preserve may not be bisected by a public road or fencing.

Sec. 6. If a cervid escapes from a hunting preserve or a breach occurs in the fence enclosing the hunting preserve, the owner of the hunting preserve must report the escape or breach to a conservation officer within twenty-four (24) hours after the escape or breach is discovered.

Sec. 7. (a) The owner of a hunting preserve may not release a privately owned cervid into the wild.

(b) The owner of a hunting preserve may not release any animal other than cervidae onto the site of the hunting preserve.

Sec. 8. (a) A person who takes or hunts cervidae on a hunting preserve is required to have a resident or nonresident deer hunting license.

(b) The department shall provide the licensed owner of a hunting preserve a transportation tag for every cervid taken on the hunting preserve. The licensed owner shall pay the department a fee of fifty dollars ($50) per cervidae for each transportation tag.

(c) The owner of a hunting preserve shall cause a transportation tag to be affixed to a leg of each cervid taken on the hunting preserve.

(d) An individual may not transport or possess a cervid taken from a hunting preserve without a transportation tag.

Sec. 9. (a) A licensed owner of a hunting preserve must keep records of:

(1) the daily number of cervidae imported to the hunting preserve;

(2) the daily number of each species of cervidae released in the hunting preserve;

(3) the daily number of each species of cervidae harvested or found dead in the hunting preserve;

(4) the daily number of cervidae exported from the hunting preserve; and

(5) the full name and address of each person who hunts, takes, or receives a cervid in the hunting preserve.

(b) All information required by this chapter must be recorded on forms supplied by the department. The records must be maintained for a period of two (2) years and must be open for inspection by employees of the department and the Indiana board of animal health during regular business hours.

Sec. 10. (a) Cervidae may be hunted on a hunting preserve

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licensed under this chapter between one half (1/2) hour before sunrise and one half (1/2) hour after sunset.

(b) Cervidae may be hunted on a hunting preserve only from August 15 through February 15.

(c) For cervidae taken on a hunting preserve, there is not a bag limit, and both male and female cervidae may be taken.

(d) A licensed owner may charge fees for hunting on the hunting preserve that reflect the class of cervid hunted.

Sec. 11. (a) Subject to section 10 of this chapter, any legal hunting weapon may be used at any time and during any hunting season to hunt cervidae on a hunting preserve.

(b) A hunting preserve may not allow computer assisted remote hunting.

(c) A hunting preserve may not bait or allow a cervid to be drugged for the purpose of affecting the outcome of a hunt.

Sec. 12. (a) The department may suspend a hunting preserve license for a violation of this chapter, including failure to keep records required under this chapter.

(b) The department shall reinstate a suspended hunting preserve license after the violations that caused the suspension have been corrected.

Sec. 13. (a) A hunting preserve shall test each cervid that dies on the hunting preserve for tuberculosis and chronic wasting disease.

(b) A hunting preserve may not import a cervid from a facility that has had a positive test for tuberculosis, chronic wasting disease, or any other disease determined by the Indiana board of animal health.

Sec. 14. A licensed owner is required to erect and maintain a second fence that is at least eight (8) feet in height around the perimeter of the hunting preserve if cervidae on the hunting preserve test positive for chronic wasting disease.

Sec. 15. (a) Subject to subsection (b), cervidae or objects on a hunting preserve do not qualify for any indemnification allowed under IC 15-17-10-6.

(b) A hunting preserve may qualify for indemnification allowed under IC 15-17-10-6 if:

(1) chronic wasting disease has been positively identified in cervidae in the hunting preserve;

(2) before chronic wasting disease has been positively identified in cervidae in the hunting preserve, chronic wasting disease has been positively identified in wild deer in Indiana; and

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(3) the chronic wasting disease in the hunting preserve's cervidae has not been positively linked with cervidae that the hunting preserve acquired or imported.

Sec. 16. The Indiana board of animal health may adopt rules under IC 4-22-2 concerning the health of cervidae, including record keeping requirements and requirements concerning importation, testing, and transfer of cervidae on hunting preserves.

Sec. 17. The department may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 10. IC 15-20-2-3, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) This section does not apply to farm raised cervidae and game birds on a hunting preserve licensed under IC 14-22-31.3.**

~~(a)~~ **(b)** The following losses and expenses are chargeable to the county in which an attack or exposure occurs:

(1) Damages, less compensation by insurance or otherwise, sustained by the owner of the following stock, fowl, or game killed, maimed, or damaged by a dog:

(A) Sheep.
(B) Cattle.
(C) Horses.
(D) Swine.
(E) Goats.
(F) Mules.
(G) Chickens.
(H) Geese.
(I) Turkeys.
(J) Ducks.
(K) Guineas.
(L) Tame rabbits.
(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.
(N) Bison.
(O) Farm raised cervidae.
(P) Ratitae.
(Q) Camelidae.

(2) The expense of rabies post exposure prophylaxis that is incurred by any person who is bitten by or exposed to a dog known to have rabies.

~~(b)~~ **(c)** Damages are not chargeable to a county under this section for

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sheep except those claims in which individual damage exists or is shown.

SECTION 11. IC 15-20-2-4, AS AMENDED BY P.L.1-2009, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A county auditor shall establish procedures in accordance with the requirements of sections ~~3(a)~~ **3(b)** and 6 of this chapter by which a claimant may submit a claim to the county auditor or a designee of the county auditor.

(b) A county auditor who:

(1) receives a verified claim under section ~~3(a)~~ **3(b)** of this chapter from a claimant; and

(2) is satisfied that the claim meets the requirements of sections ~~3(a)~~ **3(b)** and 6 of this chapter;

shall immediately issue a warrant or check to the claimant for the verified amount of the claim. If a county option dog tax adopted under IC 6-9-39 is not in effect in the county, a claim under this section may be paid out of nonappropriated funds. A county auditor who is not satisfied that a claim meets the requirements of sections ~~3(a)~~ **3(b)** and 6 of this chapter shall promptly notify the claimant.

(c) A person whose claim under section ~~3(a)~~ **3(b)** of this chapter is denied by a county auditor may file an action in a court with jurisdiction to determine whether the county auditor acted in conformance with the requirements of this section and sections 3 and 6 of this chapter. If the court determines that the county auditor failed to comply with the requirements of this section or sections 3 and 6 of this chapter in evaluating the person's claim, the court may fashion an appropriate remedy, including an order directed to the county auditor to reconsider the person's claim.

SECTION 12. IC 15-20-2-5, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. A person requiring the treatment described in section ~~3(a)(2)~~ **3(b)(2)** of this chapter may select the person's own physician.

SECTION 13. IC 15-20-2-6, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) An owner desiring to make a claim under section ~~3(a)(1)~~ **3(b)(1)** of this chapter must do the following:

(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

(A) A law enforcement officer.

(B) An officer of a county or municipal animal control center,

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shelter, or similar impounding facility.

(2) Not more than twenty (20) days after the time of the loss, report the loss to the county auditor as follows:

(A) Under oath, the owner shall state:

(i) the number, age, and value of the stock, fowl, or game; and

(ii) the damages sustained, less compensation by insurance or otherwise.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) An appraisal of the stock, fowl, or game that were killed, maimed, or damaged may not exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value may not exceed the slaughter value.

(D) The owner shall provide verification of the loss by an officer described in subdivision (1).

(E) Payment for a loss for property owned by a claimant on the last property tax assessment date may not be paid if the property was not reported by the owner for assessment purposes at that time.

(b) In addition to the requirements of subsection (a), the claimant, if requested to do so by the county auditor or a person designated by the county auditor, must grant the right of subrogation to the county for the total amount paid on the claim to the claimant by the county on a form prescribed by the county auditor.

SECTION 14. IC 15-20-2-7, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) An officer who receives notice under section 6(a)(1) of this chapter shall visit the scene of the loss, verify the loss in writing, and mark each killed, maimed, or damaged animal so that the animal can support only one (1) claim under this chapter.

(b) A person desiring to make a claim under section ~~3(a)(2)~~ **3(b)(2)** of this chapter must provide the county auditor with documentation that the person, or a person for whom the claimant is financially responsible, underwent rabies post exposure prophylaxis.

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COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 487, 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 1, line 3, delete "section 2.5 of this chapter," and insert "**IC 14-22-31-8,**".

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 14-22-31-8, AS AMENDED BY P.L.151-2012, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. **(a)** An individual may not take game birds and exotic mammals on a shooting preserve unless the individual has a hunting license required under this ~~article.~~ **article, except nonresidents of Indiana who must possess a special license issued by the department under this section to shoot on licensed shooting preserves.**

(b) The department:

(1) shall issue special licenses; and

(2) may appoint owners or managers of shooting preserves as agents to sell special licenses.

(c) A special license expires April 30 immediately following the date the license is effective.

(d) The fee for a special license is equal to the fee for a resident annual hunting license under IC 14-22-12-1(a)(2). All fees collected under this section shall be deposited in the fish and wildlife fund.".

Page 1, delete lines 9 through 17.

Page 2, delete line 1.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 487 as introduced.)

YODER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 487 be amended to read as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 14-22-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter does not apply to the following:

(1) Animals imported into Indiana for the purpose of being confined and exhibited in a zoo or other public display of animals.

(2) Other animals that the department designates.

(3) Animals regulated under IC 14-22-31-7.".

Renumber all SECTIONS consecutively.

(Reference is to SB 487 as printed February 5, 2013.)

STEELE

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 487, 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 14-8-2-37.6, AS ADDED BY P.L.93-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 37.6. "Cervidae", for purposes of IC 14-22-20.5 ~~has the meaning set forth in IC 14-22-20.5-1.~~ **and IC 14-22-31.3, means privately owned members of the cervidae family, including deer, elk, moose, reindeer, and caribou.**

SECTION 2. IC 14-8-2-128.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 128.3. "Hunting preserve", for purposes of IC 14-22-31.3, has the meaning set forth in IC 14-22-31.3-1.**

SECTION 3. IC 14-8-2-152.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 152.2. "Licensed owner", for purposes of IC 14-22-31.3, has the meaning set forth in IC 14-22-31.3-2.**".

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Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. **(a)** The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars ($15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell for this purpose only;

game birds, game mammals, or furbearing mammals protected by Indiana law.

(b) The owner of a hunting preserve licensed under IC 14-22-31.3 is not required to obtain a game breeders license under this section.".

Page 2, after line 15, begin a new paragraph and insert:

"SECTION 7. IC 14-22-31-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 0.5. This chapter does not apply to a hunting preserve licensed under IC 14-22-31.3.**

SECTION 8. IC 14-22-31.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 31.3. Cervidae Hunting Preserves

Sec. 1. As used in this chapter, "hunting preserve" means an area of land where cervidae are hunted.

Sec. 2. As used in this chapter, "licensed owner" means an owner of a hunting preserve who holds a license issued under this chapter.

Sec. 3. (a) The department shall issue an initial hunting preserve license to a person who:

(1) continually operated a hunting preserve during the period beginning January 1, 2005, and ending December 31, 2012; and

(2) pays a fee of one thousand dollars ($1,000).

(b) A person who applies for an initial license must provide the department with documentation that establishes that the hunting preserve continually operated during the period required in subsection (a)(1).

(c) The department shall annually renew the hunting preserve license of a person who:

(1) meets the requirements set forth in this chapter; and

(2) pays an annual fee of one thousand dollars ($1,000).

Sec. 4. Cervidae (including their products) that are:

(1) raised on a farm in Indiana; or

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(2) legally:

(A) acquired in Indiana; or

(B) imported into Indiana;

in compliance with applicable Indiana board of animal health laws and rules;

are the property of the licensed owner of the hunting preserve containing the cervidae.

Sec. 5. A hunting preserve that allows hunting for cervidae must meet the following requirements:

(1) The hunting preserve must contain at least one hundred (100) contiguous acres.

(2) The hunting preserve must be enclosed by a fence that is at least eight (8) feet in height and not more than six (6) inches above the ground.

(3) The hunting preserve may not be bisected by a public road or fencing.

Sec. 6. If a cervid escapes from a hunting preserve or a breach occurs in the fence enclosing the hunting preserve, the owner of the hunting preserve must report the escape or breach to a conservation officer within twenty-four (24) hours after the escape or breach is discovered.

Sec. 7. (a) The owner of a hunting preserve may not release a privately owned cervid into the wild.

(b) The owner of a hunting preserve may not release any animal other than cervidae onto the site of the hunting preserve.

Sec. 8. (a) A person who takes or hunts cervidae on a hunting preserve is required to have a resident or nonresident deer hunting license.

(b) The department shall provide the licensed owner of a hunting preserve a transportation tag for every cervid taken on the hunting preserve. The licensed owner shall pay the department a fee of fifty dollars ($50) per cervidae for each transportation tag.

(c) The owner of a hunting preserve shall cause a transportation tag to be affixed to a leg of each cervid taken on the hunting preserve.

(d) An individual may not transport or possess a cervid taken from a hunting preserve without a transportation tag.

Sec. 9. (a) A licensed owner of a hunting preserve must keep records of:

(1) the daily number of cervidae imported to the hunting preserve;

(2) the daily number of each species of cervidae released in the

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hunting preserve;

(3) the daily number of each species of cervidae harvested or found dead in the hunting preserve;

(4) the daily number of cervidae exported from the hunting preserve; and

(5) the full name and address of each person who hunts, takes, or receives a cervid in the hunting preserve.

(b) All information required by this chapter must be recorded on forms supplied by the department. The records must be maintained for a period of two (2) years and must be open for inspection by employees of the department and the Indiana board of animal health during regular business hours.

Sec. 10. (a) Cervidae may be hunted on a hunting preserve licensed under this chapter between one half (1/2) hour before sunrise and one half (1/2) hour after sunset.

(b) Cervidae may be hunted on a hunting preserve only from August 15 through February 15.

(c) For cervidae taken on a hunting preserve, there is not a bag limit, and both male and female cervidae may be taken.

(d) A licensed owner may charge fees for hunting on the hunting preserve that reflect the class of cervid hunted.

Sec. 11. (a) Subject to section 10 of this chapter, any legal hunting weapon may be used at any time and during any hunting season to hunt cervidae on a hunting preserve.

(b) A hunting preserve may not allow computer assisted remote hunting.

(c) A hunting preserve may not bait or allow a cervid to be drugged for the purpose of affecting the outcome of a hunt.

Sec. 12. (a) The department may suspend a hunting preserve license for a violation of this chapter, including failure to keep records required under this chapter.

(b) The department shall reinstate a suspended hunting preserve license after the violations that caused the suspension have been corrected.

Sec. 13. (a) A hunting preserve shall test each cervid that dies on the hunting preserve for tuberculosis and chronic wasting disease.

(b) A hunting preserve may not import a cervid from a facility that has had a positive test for tuberculosis, chronic wasting disease, or any other disease determined by the Indiana board of animal health.

Sec. 14. A licensed owner is required to erect and maintain a second fence that is at least eight (8) feet in height around the

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perimeter of the hunting preserve if cervidae on the hunting preserve test positive for chronic wasting disease.

Sec. 15. (a) Subject to subsection (b), cervidae or objects on a hunting preserve do not qualify for any indemnification allowed under IC 15-17-10-6.

(b) A hunting preserve may qualify for indemnification allowed under IC 15-17-10-6 if:

(1) chronic wasting disease has been positively identified in cervidae in the hunting preserve;

(2) before chronic wasting disease has been positively identified in cervidae in the hunting preserve, chronic wasting disease has been positively identified in wild deer in Indiana; and

(3) the chronic wasting disease in the hunting preserve's cervidae has not been positively linked with cervidae that the hunting preserve acquired or imported.

Sec. 16. The Indiana board of animal health may adopt rules under IC 4-22-2 concerning the health of cervidae, including record keeping requirements and requirements concerning importation, testing, and transfer of cervidae on hunting preserves.

Sec. 17. The department may adopt rules under IC 4-22-2 to administer this chapter.

SECTION 9. IC 15-20-2-3, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. **(a) This section does not apply to farm raised cervidae and game birds on a hunting preserve licensed under IC 14-22-31.3.**

~~(a)~~ **(b)** The following losses and expenses are chargeable to the county in which an attack or exposure occurs:

(1) Damages, less compensation by insurance or otherwise, sustained by the owner of the following stock, fowl, or game killed, maimed, or damaged by a dog:

(A) Sheep.
(B) Cattle.
(C) Horses.
(D) Swine.
(E) Goats.
(F) Mules.
(G) Chickens.
(H) Geese.
(I) Turkeys.
(J) Ducks.

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(K) Guineas.
(L) Tame rabbits.
(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.
(N) Bison.
(O) Farm raised cervidae.
(P) Ratitae.
(Q) Camelidae.

(2) The expense of rabies post exposure prophylaxis that is incurred by any person who is bitten by or exposed to a dog known to have rabies.

~~(b)~~ **(c)** Damages are not chargeable to a county under this section for sheep except those claims in which individual damage exists or is shown.

SECTION 10. IC 15-20-2-4, AS AMENDED BY P.L.1-2009, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A county auditor shall establish procedures in accordance with the requirements of sections ~~3(a)~~ **3(b)** and 6 of this chapter by which a claimant may submit a claim to the county auditor or a designee of the county auditor.

(b) A county auditor who:

(1) receives a verified claim under section ~~3(a)~~ **3(b)** of this chapter from a claimant; and

(2) is satisfied that the claim meets the requirements of sections ~~3(a)~~ **3(b)** and 6 of this chapter;

shall immediately issue a warrant or check to the claimant for the verified amount of the claim. If a county option dog tax adopted under IC 6-9-39 is not in effect in the county, a claim under this section may be paid out of nonappropriated funds. A county auditor who is not satisfied that a claim meets the requirements of sections ~~3(a)~~ **3(b)** and 6 of this chapter shall promptly notify the claimant.

(c) A person whose claim under section ~~3(a)~~ **3(b)** of this chapter is denied by a county auditor may file an action in a court with jurisdiction to determine whether the county auditor acted in conformance with the requirements of this section and sections 3 and 6 of this chapter. If the court determines that the county auditor failed to comply with the requirements of this section or sections 3 and 6 of this chapter in evaluating the person's claim, the court may fashion an appropriate remedy, including an order directed to the county auditor to reconsider the person's claim.

SECTION 11. IC 15-20-2-5, AS ADDED BY P.L.2-2008,

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SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. A person requiring the treatment described in section ~~3(a)(2)~~ **3(b)(2)** of this chapter may select the person's own physician.

SECTION 12. IC 15-20-2-6, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) An owner desiring to make a claim under section ~~3(a)(1)~~ **3(b)(1)** of this chapter must do the following:

(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

(A) A law enforcement officer.

(B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Not more than twenty (20) days after the time of the loss, report the loss to the county auditor as follows:

(A) Under oath, the owner shall state:

(i) the number, age, and value of the stock, fowl, or game; and

(ii) the damages sustained, less compensation by insurance or otherwise.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) An appraisal of the stock, fowl, or game that were killed, maimed, or damaged may not exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value may not exceed the slaughter value.

(D) The owner shall provide verification of the loss by an officer described in subdivision (1).

(E) Payment for a loss for property owned by a claimant on the last property tax assessment date may not be paid if the property was not reported by the owner for assessment purposes at that time.

(b) In addition to the requirements of subsection (a), the claimant, if requested to do so by the county auditor or a person designated by the county auditor, must grant the right of subrogation to the county for the total amount paid on the claim to the claimant by the county on a

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form prescribed by the county auditor.

SECTION 13. IC 15-20-2-7, AS ADDED BY P.L.2-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) An officer who receives notice under section 6(a)(1) of this chapter shall visit the scene of the loss, verify the loss in writing, and mark each killed, maimed, or damaged animal so that the animal can support only one (1) claim under this chapter.

(b) A person desiring to make a claim under section ~~3(a)(2)~~ **3(b)(2)** of this chapter must provide the county auditor with documentation that the person, or a person for whom the claimant is financially responsible, underwent rabies post exposure prophylaxis.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 487 as reprinted February 13, 2013.)

EBERHART, Chair

Committee Vote: yeas 6, nays 2.

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