



Reprinted  
April 9, 2013

---

---

# ENGROSSED SENATE BILL No. 487

---

DIGEST OF SB 487 (Updated April 8, 2013 5:07 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 legally farm raised and released cervidae are hunted.  
(Continued next page)

**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.

April 8, 2013, read second time, amended, ordered engrossed.

---

---

C  
o  
p  
y

ES 487—LS 7244/DI 77+



Digest Continued

Establishes licensing requirements, duties, and fees. Except for a person who exports certain animals, 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. Exempts cervidae hunting preserves from certain exotic mammal hunting requirements. Restricts cervidae on hunting preserves from qualifying for certain livestock indemnification programs.

C  
o  
p  
y



Reprinted  
April 9, 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.

## 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:*

- 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, 2013]: Sec. 37.6. "Cervidae", for purposes of IC 14-22-20.5  
4 ~~has the meaning set forth in IC 14-22-20.5-1.~~ **and IC 14-22-31.3,**  
5 **means privately owned members of the cervidae family, including**  
6 **deer, elk, moose, reindeer, and caribou.**  
7 SECTION 2. IC 14-8-2-128.3 IS ADDED TO THE INDIANA  
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2013]: **Sec. 128.3. "Hunting preserve", for**  
10 **purposes of IC 14-22-31.3, has the meaning set forth in**  
11 **IC 14-22-31.3-1.**  
12 SECTION 3. IC 14-8-2-152.2 IS ADDED TO THE INDIANA  
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2013]: **Sec. 152.2. "Licensed owner", for**  
15 **purposes of IC 14-22-31.3, has the meaning set forth in**  
16 **IC 14-22-31.3-2.**  
17 SECTION 4. IC 14-22-12-2 IS AMENDED TO READ AS

ES 487—LS 7244/DI 77+



C  
O  
P  
Y

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

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

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

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

12 (1) propagate in captivity; and

13 (2) possess, buy, or sell for this purpose only;  
 14 game birds, game mammals, or furbearing mammals protected by  
 15 Indiana law.

16 (b) **Except for a person who exports live cervidae or other**  
 17 **species for which a game breeders license is required under this**  
 18 **chapter, the owner of a hunting preserve licensed under**  
 19 **IC 14-22-31.3 is not required to obtain a game breeders license**  
 20 **under this section.**

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

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

26 (2) Other animals that the department designates.

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

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

36 (b) **The department:**

37 (1) **shall issue special licenses; and**

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

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

42 (d) **The fee for a special license is equal to the fee for a resident**

C  
O  
P  
Y



1 **annual hunting license under IC 14-22-12-1(a)(2). All fees collected**  
 2 **under this section shall be deposited in the fish and wildlife fund.**

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

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

10 **Chapter 31.3. Cervidae Hunting Preserves**

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

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

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

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

21 (2) pays a fee of two thousand five hundred dollars (\$2,500).

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

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

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

29 (2) pays an annual fee of one thousand dollars (\$1,000); and

30 (3) has not committed a pattern of violations of this chapter  
 31 under the person's current license.

32 (d) The department shall use the fees collected in this section to  
 33 administer this chapter.

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

35 (1) legally raised on a farm in Indiana; or

36 (2) legally:

37 (A) acquired in Indiana; or

38 (B) imported into Indiana;

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

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

C  
O  
P  
Y



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

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

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

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

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

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

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

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

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

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

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

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

33           **(1) the daily number of cervidae imported to the hunting**  
 34 **preserve, including information concerning where the**  
 35 **cervidae were acquired;**

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

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

40           **(4) the daily number of cervidae exported from the hunting**  
 41 **preserve, including information concerning where the**  
 42 **cervidae were exported; and**

C  
O  
P  
Y



1           (5) the full name and address of each person who hunts, takes,  
2           or receives a cervid in the hunting preserve.  
3           (b) All information required by this chapter must be recorded  
4 on forms supplied by the department. The records must be  
5 maintained for a period of two (2) years and must be open for  
6 inspection by employees of the department and the Indiana board  
7 of animal health during regular business hours.  
8           (c) The licensed owner shall annually submit copies of the  
9 records required under this section to the department.  
10          Sec. 10. (a) Cervidae may be hunted on a hunting preserve  
11 licensed under this chapter between one half (1/2) hour before  
12 sunrise and one half (1/2) hour after sunset.  
13          (b) Cervidae may be hunted on a hunting preserve only from  
14 August 15 through February 15.  
15          (c) For cervidae taken on a hunting preserve, there is not a bag  
16 limit, and both male and female cervidae may be taken.  
17          (d) A licensed owner may charge fees for hunting on the hunting  
18 preserve that reflect the class of cervid hunted.  
19          Sec. 11. (a) Subject to section 10 of this chapter, any legal  
20 hunting weapon that is allowed to be used to hunt deer, under rules  
21 adopted by the department, may be used at any time and during  
22 any hunting season to hunt cervidae on a hunting preserve.  
23          (b) A hunting preserve may not allow computer assisted remote  
24 hunting.  
25          (c) A hunting preserve may not bait or allow a cervid to be  
26 drugged for the purpose of affecting the outcome of a hunt.  
27          Sec. 12. (a) The department may suspend a hunting preserve  
28 license for a violation of this chapter, including failure to keep  
29 records required under this chapter.  
30          (b) Except as provided in subsection (c), the department shall  
31 reinstate a suspended hunting preserve license after the violations  
32 that caused the suspension have been corrected.  
33          (c) A licensed owner who knowingly or intentionally commits a  
34 flagrant violation of this chapter is not eligible for reinstatement  
35 under subsection (b).  
36          Sec. 13. (a) A hunting preserve shall test each cervid that dies on  
37 the hunting preserve for chronic wasting disease.  
38          (b) A hunting preserve may not import a cervid from a facility  
39 that has had a positive test for chronic wasting disease or any other  
40 disease determined by the Indiana board of animal health.  
41          Sec. 14. (a) Except as provided in subsection (b), cervidae or  
42 objects on a hunting preserve may qualify for indemnification

COPY



1 allowed under IC 15-17-10-6.

2 (b) A hunting preserve may qualify for indemnification for  
3 chronic wasting disease allowed under IC 15-17-10-6 only if:

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

6 (2) before chronic wasting disease has been positively  
7 identified in cervidae in the hunting preserve, chronic wasting  
8 disease has been positively identified in wild deer in an area  
9 within a one hundred (100) mile radius of the hunting  
10 preserve; and

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

14 Sec. 15. (a) Nothing in this chapter limits the Indiana board of  
15 animal health's duties, responsibilities, or authority under  
16 IC 15-17.

17 (b) The Indiana board of animal health may adopt rules under  
18 IC 4-22-2 concerning the health of cervidae, including record  
19 keeping requirements and requirements concerning importation,  
20 testing, and transfer of cervidae on hunting preserves.

21 Sec. 16. The department may adopt rules under IC 4-22-2 to  
22 administer this chapter.

23 SECTION 10. IC 14-22-32-1 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter does not  
25 apply to the following:

26 (1) Conservation officers or other law enforcement officers.

27 (2) Game birds or exotic mammals in shooting preserves licensed  
28 under IC 14-22-31.

29 (3) A person who takes a feral exotic mammal when the feral  
30 exotic mammal is causing damage to property that is owned or  
31 leased by the person.

32 (4) A person who is authorized by the department under  
33 extraordinary circumstances to take an exotic mammal.

34 (5) Cervidae in a hunting preserve licensed under  
35 IC 14-22-31.3.

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

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

C  
O  
P  
Y



- 1 (1) Damages, less compensation by insurance or otherwise,  
 2 sustained by the owner of the following stock, fowl, or game  
 3 killed, maimed, or damaged by a dog:  
 4 (A) Sheep.  
 5 (B) Cattle.  
 6 (C) Horses.  
 7 (D) Swine.  
 8 (E) Goats.  
 9 (F) Mules.  
 10 (G) Chickens.  
 11 (H) Geese.  
 12 (I) Turkeys.  
 13 (J) Ducks.  
 14 (K) Guineas.  
 15 (L) Tame rabbits.  
 16 (M) Game birds and game animals held in captivity under  
 17 authority of a game breeder's license issued by the department  
 18 of natural resources.  
 19 (N) Bison.  
 20 (O) Farm raised cervidae.  
 21 (P) Ratitae.  
 22 (Q) Camelidae.
- 23 (2) The expense of rabies post exposure prophylaxis that is  
 24 incurred by any person who is bitten by or exposed to a dog  
 25 known to have rabies.
- 26 ~~(b)~~ (c) Damages are not chargeable to a county under this section for  
 27 sheep except those claims in which individual damage exists or is  
 28 shown.
- 29 SECTION 12. IC 15-20-2-4, AS AMENDED BY P.L.1-2009,  
 30 SECTION 114, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) A county auditor shall  
 32 establish procedures in accordance with the requirements of sections  
 33 ~~3(a)~~ **3(b)** and 6 of this chapter by which a claimant may submit a claim  
 34 to the county auditor or a designee of the county auditor.
- 35 (b) A county auditor who:  
 36 (1) receives a verified claim under section ~~3(a)~~ **3(b)** of this  
 37 chapter from a claimant; and  
 38 (2) is satisfied that the claim meets the requirements of sections  
 39 ~~3(a)~~ **3(b)** and 6 of this chapter;  
 40 shall immediately issue a warrant or check to the claimant for the  
 41 verified amount of the claim. If a county option dog tax adopted under  
 42 IC 6-9-39 is not in effect in the county, a claim under this section may

C  
O  
P  
Y

1 be paid out of nonappropriated funds. A county auditor who is not  
 2 satisfied that a claim meets the requirements of sections ~~3(a)~~ **3(b)** and  
 3 6 of this chapter shall promptly notify the claimant.

4 (c) A person whose claim under section ~~3(a)~~ **3(b)** of this chapter is  
 5 denied by a county auditor may file an action in a court with  
 6 jurisdiction to determine whether the county auditor acted in  
 7 conformance with the requirements of this section and sections 3 and  
 8 6 of this chapter. If the court determines that the county auditor failed  
 9 to comply with the requirements of this section or sections 3 and 6 of  
 10 this chapter in evaluating the person's claim, the court may fashion an  
 11 appropriate remedy, including an order directed to the county auditor  
 12 to reconsider the person's claim.

13 SECTION 13. IC 15-20-2-5, AS ADDED BY P.L.2-2008,  
 14 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2013]: Sec. 5. A person requiring the treatment described in  
 16 section ~~3(a)(2)~~ **3(b)(2)** of this chapter may select the person's own  
 17 physician.

18 SECTION 14. IC 15-20-2-6, AS ADDED BY P.L.2-2008,  
 19 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2013]: Sec. 6. (a) An owner desiring to make a claim under  
 21 section ~~3(a)(1)~~ **3(b)(1)** of this chapter must do the following:

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

25 (A) A law enforcement officer.

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

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

30 (A) Under oath, the owner shall state:

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

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

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

40 (i) disinterested; and

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

42 (C) An appraisal of the stock, fowl, or game that were killed,

C  
o  
p  
y



1 maimed, or damaged may not exceed the actual cash value of  
 2 the stock, fowl, or game. As it applies to ratitae, cash value  
 3 may not exceed the slaughter value.  
 4 (D) The owner shall provide verification of the loss by an  
 5 officer described in subdivision (1).  
 6 (E) Payment for a loss for property owned by a claimant on the  
 7 last property tax assessment date may not be paid if the  
 8 property was not reported by the owner for assessment  
 9 purposes at that time.  
 10 (b) In addition to the requirements of subsection (a), the claimant,  
 11 if requested to do so by the county auditor or a person designated by  
 12 the county auditor, must grant the right of subrogation to the county for  
 13 the total amount paid on the claim to the claimant by the county on a  
 14 form prescribed by the county auditor.  
 15 SECTION 15. IC 15-20-2-7, AS ADDED BY P.L.2-2008,  
 16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2013]: Sec. 7. (a) An officer who receives notice under  
 18 section 6(a)(1) of this chapter shall visit the scene of the loss, verify the  
 19 loss in writing, and mark each killed, maimed, or damaged animal so  
 20 that the animal can support only one (1) claim under this chapter.  
 21 (b) A person desiring to make a claim under section ~~3(a)(2)~~ **3(b)(2)**  
 22 of this chapter must provide the county auditor with documentation that  
 23 the person, or a person for whom the claimant is financially  
 24 responsible, underwent rabies post exposure prophylaxis.

C  
o  
p  
y



## 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.

C  
O  
P  
Y



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."**

Re-number all SECTIONS consecutively.

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

STEELE

COPY

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."**

ES 487—LS 7244/DI 77+



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

C  
o  
p  
y



**(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**

C  
O  
P  
Y



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

C  
O  
P  
Y



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.**



C  
O  
P  
Y

(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,

ES 487—LS 7244/DI 77+



C  
O  
P  
Y

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

C  
O  
P  
Y



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.

---

#### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 487 be amended to read as follows:

Page 2, line 16, delete "The" and insert "**Except for a person who exports live cervidae or other species for which a game breeders license is required under this chapter, the**".

Page 3, line 19, delete "one thousand dollars (\$1,000)." and insert "**two thousand five hundred dollars (\$2,500).**".

Page 3, line 21, after "with" insert "**satisfactory**".

Page 3, line 26, delete "and".

Page 3, line 27, delete "(\$1,000)." and insert "**(\$1,000); and**".

Page 3, between lines 27 and 28, begin a new line block indented and insert:

**"(3) has not committed a pattern of violations of this chapter under the person's current license.**

**(d) The department shall use the fees collected in this section to administer this chapter."**

Page 3, line 29, after "(1)" insert "**legally**".

Page 4, line 28, delete "preserve;" and insert "**preserve, including information concerning where the cervidae were acquired;**".



C  
O  
P  
Y

Page 4, line 34, delete "preserve;" and insert "**preserve, including information concerning where the cervidae were exported;**".

Page 4, between lines 41 and 42, begin a new paragraph and insert:  
**"(c) The licensed owner shall annually submit copies of the records required under this section to the department."**

Page 5, line 10, after "weapon" insert "**that is allowed to be used to hunt deer, under rules adopted by the department,**".

Page 5, line 19, delete "The" and insert "**Except as provided in subsection (c), the**".

Page 5, between lines 21 and 22, begin a new paragraph and insert:  
**"(c) A licensed owner who knowingly or intentionally commits a flagrant violation of this chapter is not eligible for reinstatement under subsection (b)."**

Page 5, line 23, delete "tuberculosis and".

Page 5, line 25, delete "tuberculosis,".

Page 5, line 26, delete "disease," and insert "**disease**".

Page 5, delete lines 28 through 31.

Page 5, line 32, delete "15. (a) Subject to" and insert "**14. (a) Except as provided in**".

Page 5, line 33, delete "do not" and insert "**may**".

Page 5, line 33, delete "any".

Page 5, line 35, after "indemnification" insert "**for chronic wasting disease**".

Page 5, line 36, after "IC 15-17-10-6" insert "**only**".

Page 5, line 41, delete "Indiana;" and insert "**an area within a one hundred (100) mile radius of the hunting preserve;**".

Page 6, line 4, delete "16." and insert "**15. (a) Nothing in this chapter limits the Indiana board of animal health's duties, responsibilities, or authority under IC 15-17.**

**(b)**".

Page 6, line 8, delete "17." and insert "**16.**".

Page 6, between lines 9 and 10, begin a new paragraph and insert:  
**"SECTION 10. IC 14-22-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter does not apply to the following:**

- (1) Conservation officers or other law enforcement officers.
- (2) Game birds or exotic mammals in shooting preserves licensed under IC 14-22-31.
- (3) A person who takes a feral exotic mammal when the feral exotic mammal is causing damage to property that is owned or leased by the person.

C  
O  
P  
Y



(4) A person who is authorized by the department under extraordinary circumstances to take an exotic mammal.

**(5) Cervidae in a hunting preserve licensed under IC 14-22-31.3."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 487 as printed April 5, 2013.)

EBERHART

C  
o  
p  
y

