



Reprinted
February 4, 2014

SENATE BILL No. 404

DIGEST OF SB 404 (Updated February 3, 2014 4:27 pm - DI 109)

Citations Affected: IC 14-8; IC 14-22; IC 15-17; IC 15-20.

Synopsis: Hunting preserves. Provides for the licensing and operation of hunting preserves on which farm raised and released cervidae are hunted. Establishes licensing requirements, inspection requirements, and fees. Exempts licensed hunting preserves from the licensing requirements for game breeders and shooting preserves. Provides that hunters on hunting preserves are not required to have a hunting license and are not subject to bag limits. Requires that a transportation tag be purchased and fixed to the leg of each cervidae taken on a hunting preserve. Prohibits computer assisted remote hunting on hunting preserves. Provides that the law under which the county is liable for losses sustained by the owners of certain types of animals that are killed or maimed by dogs does not apply to farm raised cervidae on a hunting preserve. Provides that an owner of a hunting preserve is not entitled to indemnification from the state for cervidae that are condemned by the board of animal health or destroyed because of exposure to bovine tuberculosis. Removes a provision requiring the boundaries of a shooting preserve to be defined by fences of at least one strand of wire.

Effective: July 1, 2014.

Yoder, Banks

January 14, 2014, read first time and referred to Committee on Rules and Legislative Procedure.

January 23, 2014, reassigned to Committee on Agricultural and Natural Resources.

January 28, 2014, amended, reported favorably — Do Pass.

February 3, 2014, read second time, amended, ordered engrossed.

SB 404—LS 6649/DI 109



Reprinted
February 4, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 404

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, 2014]: 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~~. "**Cervidae**" has the
5 following meaning:
6 (1) For purposes of IC 14-22-20.5, the meaning set forth in
7 IC 14-22-20.5-1.
8 (2) For purposes of IC 14-22-20.7, the term means privately
9 owned white tail deer and elk.
10 SECTION 2. IC 14-8-2-128.3 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2014]: Sec. 128.3. "**Hunting preserve**", for
13 purposes of IC 14-22-20.7, has the meaning set forth in
14 IC 14-22-20.7-1.
15 SECTION 3. IC 14-8-2-195 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 195. "Owner" has the

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1 following meaning:

- 2 (1) For purposes of IC 14-11-4, the meaning set forth in
 3 IC 14-11-4-2.
 4 (2) For purposes of IC 14-15, a person who has the legal title to
 5 a watercraft.
 6 (3) For purposes of IC 14-16-1, the meaning set forth in
 7 IC 14-16-1-6.
 8 **(4) For purposes of IC 14-22-20.7, the meaning set forth in**
 9 **IC 14-22-20.7-2.**
 10 ~~(4)~~ (5) For purposes of IC 14-25-4, the meaning set forth in
 11 IC 14-25-4-4.
 12 ~~(5)~~ (6) For purposes of IC 14-27-7, the meaning set forth in
 13 IC 14-27-7-1.
 14 ~~(6)~~ (7) For purposes of IC 14-27-7.5, the meaning set forth in
 15 IC 14-27-7.5-4.
 16 ~~(7)~~ (8) For purposes of IC 14-36, the term includes the following:
 17 (A) Owners in fee.
 18 (B) Life tenants.
 19 (C) Tenants for years.
 20 (D) Holders of remainder of reversionary interests.
 21 (E) Holders of leaseholds or easements.
 22 (F) Holders of mineral rights.
 23 ~~(8)~~ (9) For purposes of IC 14-37, a person who has the right to
 24 drill into and produce from a pool and to appropriate the oil and
 25 gas produced from the pool for:
 26 (A) the person or others; or
 27 (B) the person and others.
 28 ~~(9)~~ (10) For the purposes of IC 14-22-10-2, the meaning set forth
 29 in IC 14-22-10-2(c).

30 SECTION 4. IC 14-8-2-200.5 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2014]: **Sec. 200.5. "Permitted animal", for**
 33 **purposes of IC 14-22-20.7, has the meaning set forth in**
 34 **IC 14-22-20.7-3.**

35 SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The department
 37 may, under rules adopted under IC 4-22-2, issue to a resident of
 38 Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:
 39 (1) propagate in captivity; and
 40 (2) possess, buy, or sell for this purpose only;
 41 game birds, game mammals, or furbearing mammals protected by
 42 Indiana law.



1 **(b) The owner of a hunting preserve licensed under**
 2 **IC 14-22-20.7 is not required to obtain a game breeders license**
 3 **under this section.**

4 SECTION 6. IC 14-22-20.7 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2014]:

7 **Chapter 20.7. Cervidae Hunting Preserves**

8 **Sec. 1. As used in this chapter, "hunting preserve" means an**
 9 **area of land where permitted animals are hunted.**

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

13 **Sec. 3. As used in this chapter, "permitted animal" means farm**
 14 **raised and released cervidae.**

15 **Sec. 4. (a) The department shall issue an initial hunting preserve**
 16 **license to a person who:**

- 17 (1) meets the requirements set forth in this chapter;
- 18 (2) pays a fee of five thousand dollars (\$5,000); and
- 19 (3) if applicable, operated at any time, a hunting preserve
- 20 during the period beginning January 1, 2005, and ending
- 21 December 31, 2013.

22 **(b) The department shall annually renew the hunting preserve**
 23 **license of a person who:**

- 24 (1) meets the requirements set forth in this chapter; and
- 25 (2) pays an annual fee of one thousand five hundred dollars
- 26 (\$1,500).

27 **Sec. 5. Permitted animals (including their products) that are:**

- 28 (1) raised on a farm in Indiana; or
- 29 (2) legally:
 - 30 (A) acquired in Indiana; or
 - 31 (B) imported into Indiana;

32 **in compliance with all rules of the Indiana state board of**
 33 **animal health concerning cervidae, including rules concerning**
 34 **chronic wasting disease (CWD).**

35 **Sec. 6. (a) A hunting preserve must provide sufficient space and**
 36 **at least forty percent (40%) escape cover to allow permitted**
 37 **animals the opportunity to elude hunters.**

38 **(b) A hunting preserve that allows hunting for cervidae must**
 39 **meet the following requirements:**

- 40 (1) A hunting preserve must contain at least one hundred sixty
- 41 (160) contiguous acres. However, a licensed owner who
- 42 operated a hunting preserve continuously from January 1,



1 2009, through January 1, 2014, may operate a hunting
 2 preserve on the acreage that the hunting preserve had in place
 3 on July 1, 2013.

4 (2) The hunting preserve must be enclosed by:

5 (A) a perimeter fence that is at least eight (8) feet in height
 6 and a secondary fence within the perimeter fence that is at
 7 least eight (8) feet in height; or

8 (B) a perimeter fence that is at least ten (10) feet in height.

9 (3) Reasonable efforts must be made to clear the hunting
 10 preserve of wild deer.

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

13 (5) The fence enclosing the preserve must be marked with
 14 signs that meet the specifications of the department.

15 (6) Hunting on the hunting preserve must be prohibited
 16 within one hundred fifty (150) yards of an artificial feeding
 17 site.

18 (7) The total number of hunters on the hunting preserve at
 19 any time may not exceed a ratio of one (1) per twenty (20)
 20 acres.

21 (8) Hunters in the hunting preserve must comply with all
 22 hunting safety requirements, including the wearing of hunter
 23 orange as required by IC 14-22-38-7.

24 (9) A permitted animal may not be hunted in the hunting
 25 preserve until at least twenty-four (24) hours after the
 26 permitted animal is released in the hunting preserve.

27 (10) The hunting preserve must either:

28 (A) remove any tree that has a four (4) inch or greater
 29 diameter that is within fifty (50) feet inside of the
 30 perimeter fence; or

31 (B) perform a daily inspection of the perimeter fence of the
 32 hunting preserve to discard any potential hazards to the
 33 perimeter fence; and

34 (C) maintain a fence alarm.

35 (11) Permitted animals may not be introduced to any drug or
 36 chemical that impedes the animal's mobility before or during
 37 a hunt on the hunting preserve.

38 (12) Before a permitted animal is released in a hunting
 39 preserve, the antlers must be scarred in a manner that will
 40 make the animal ineligible to be entered into an antler records
 41 program.

42 Sec. 7. (a) Subject to subsection (b), before a hunting preserve



1 may release permitted animals and begin operations under an
2 initial hunting preserve license, the hunting preserve site must pass
3 an inspection by the department and the Indiana board of animal
4 health.

5 (b) If an owner operated, at any time, a hunting preserve during
6 the period beginning January 1, 2005, and ending December 31,
7 2013, the owner may release permitted animals and resume the
8 hunting preserve operations when a hunting preserve license is
9 issued without a site inspection.

10 Sec. 8. If a cervidae escapes from a hunting preserve, the owner
11 must report the escape to the department within twenty-four (24)
12 hours after the escape is discovered.

13 Sec. 9. (a) The owner of a hunting preserve may not release a
14 privately owned cervidae into the wild.

15 (b) The owner of a hunting preserve may not release any animal
16 other than a permitted animal onto the site of the hunting preserve,
17 unless the licensed owner has obtained the proper permit or license
18 from the department to release the animal.

19 Sec. 10. (a) A person who takes or hunts a permitted animal on
20 a hunting preserve is not required to have a hunting license.

21 (b) The department shall provide the licensed owner of a
22 hunting preserve either a transportation tag or a cull tag for every
23 cervidae taken on the hunting preserve. The licensed owner shall
24 pay the department a fee of one hundred fifty dollars (\$150) per
25 buck and fifty dollars (\$50) per doe for each transportation tag.
26 The department shall provide cull tags to the licensed owner of a
27 hunting preserve without charge.

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

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

33 (e) The transportation tag affixed to the leg of a cervidae taken
34 on a hunting preserve under subsection (c) is considered to be the
35 bill of sale for the sale of the cervidae by the owner of the hunting
36 preserve to the hunter.

37 (f) The owner of a hunting preserve is not required to purchase
38 a transportation tag for cervidae culled by the owner from the
39 hunting preserve and transported directly for personal
40 consumption, or to a butcher or a charity. However, the owner
41 shall cause a cull tag to be affixed to a leg of each cervidae culled
42 by the owner.



1 **Sec. 11. (a) A licensed owner of a hunting preserve shall keep**
 2 **records of:**

3 **(1) the number of each permitted animal species purchased**
 4 **for the hunting preserve;**

5 **(2) the number of each species harvested in the hunting**
 6 **preserve; and**

7 **(3) the full name and address of each hunter who takes a**
 8 **permitted animal in the hunting preserve.**

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

14 **Sec. 12. (a) Permitted animals may be hunted on a hunting**
 15 **preserve licensed under this chapter between one half (1/2) hour**
 16 **before sunrise and one half (1/2) hour after sunset, but only from**
 17 **September 1 through March 1.**

18 **(b) For permitted animals taken on the hunting preserve there**
 19 **is not a bag limit, and both male and female animals may be taken.**

20 **(c) A licensed owner may charge fees for hunting on the hunting**
 21 **preserve that reflect the class of animal hunted.**

22 **Sec. 13. (a) White tail deer and elk may be hunted in a hunting**
 23 **preserve using a rifle that meets the following specifications:**

24 **(1) Uses ammunition that has a diameter of not less than 0.243**
 25 **calibers and not more than 0.458 calibers.**

26 **(2) Has a case length of not less than 1.8 inches and not more**
 27 **than 2.85 inches.**

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

30 **Sec. 14. (a) The department shall inspect each hunting preserve**
 31 **at least one (1) time per year.**

32 **(b) The department and the Indiana state board of animal**
 33 **health may inspect a hunting preserve and the cervidae within a**
 34 **hunting preserve at any time for the following reasons:**

35 **(1) To investigate a complaint.**

36 **(2) To ensure compliance with this chapter.**

37 **(3) To investigate an issue concerning animal health.**

38 **Sec. 15. (a) Except as provided in subsections (b) and (c), a**
 39 **hunting preserve for which a license has been issued under this**
 40 **chapter may not be sold or transferred to another person.**

41 **(b) A hunting preserve owner that:**

42 **(1) holds a license issued under this chapter; and**



1 (2) is a partnership, limited liability company, or corporation;
2 may sell or transfer any or all interest in the game preserve to a
3 person who was listed as a partner, member, or stockholder in the
4 hunting preserve when the initial hunting preserve license was
5 granted to the owner under this chapter.

6 (c) The owner of a hunting preserve licensed under this chapter
7 may sell or transfer, including through inheritance, the owner's
8 interest in the hunting preserve to the owner's spouse or child.

9 (d) Any sale or transfer of a hunting preserve licensed under
10 this chapter shall be reported, in writing, by the new owner to the
11 department not more than ten (10) business days after the sale or
12 transfer is complete.

13 (e) The owner of a hunting preserve licensed under this chapter
14 must own the real property where the hunting preserve is located.

15 Sec. 16. (a) A person who holds a valid license issued under this
16 chapter may operate a hunting preserve.

17 (b) If a person's hunting preserve license is revoked under this
18 chapter:

19 (1) the person may not operate a hunting preserve under this
20 chapter; and

21 (2) a hunting preserve may no longer be operated on real
22 property owned by the person.

23 Sec. 17. Each hunting preserve must be operated under a
24 separate license issued under this chapter.

25 Sec. 18. A person shall not:

26 (1) knowingly or intentionally provide the department, the
27 commission, or the Indiana state board of animal health with
28 false information; or

29 (2) resist, impede, or hinder the department, the commission,
30 or the Indiana state board of animal health in discharging
31 duties;

32 under this chapter.

33 Sec. 19. (a) A license issued under this chapter for the operation
34 of a hunting preserve:

35 (1) is a revocable privilege granted by the state; and

36 (2) is not a property right.

37 (b) A person may not own or have an ownership interest in
38 more than one (1) hunting preserve in Indiana.

39 (c) The spouse or child of a hunting preserve owner may have
40 an ownership interest in the owner's hunting preserve. However,
41 a spouse or child of a hunting preserve owner may not have an
42 ownership interest in any other hunting preserve in Indiana.



1 **Sec. 20. (a) Except as provided in subsection (b), a person who**
 2 **violates this chapter commits a Class A infraction.**

3 **(b) A person who knowing or intentionally violates this chapter**
 4 **commits a Level 6 felony.**

5 **(c) A licensed owner's hunting preserve license is automatically**
 6 **revoked upon a licensed owner's conviction under subsection (b).**

7 SECTION 7. IC 14-22-31-0.5 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2014]: **Sec. 0.5. This chapter does not apply**
 10 **to a hunting preserve licensed under IC 14-22-20.7.**

11 SECTION 8. IC 14-22-31-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Upon receipt of a
 13 license, the licensee shall post the licensed area at intervals of not more
 14 than five hundred (500) feet with signs to be prescribed by rule. ~~The~~
 15 ~~boundaries of the shooting preserve shall be clearly defined by fences~~
 16 ~~of at least one (1) strand of wire.~~

17 SECTION 9. IC 15-20-2-3, AS ADDED BY P.L.2-2008, SECTION
 18 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 19 2014]: Sec. 3. **(a) This section does not apply to farm raised**
 20 **cervidae on a hunting preserve licensed under IC 14-22-20.7.**

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

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

26 (A) Sheep.

27 (B) Cattle.

28 (C) Horses.

29 (D) Swine.

30 (E) Goats.

31 (F) Mules.

32 (G) Chickens.

33 (H) Geese.

34 (I) Turkeys.

35 (J) Ducks.

36 (K) Guineas.

37 (L) Tame rabbits.

38 (M) Game birds and game animals held in captivity under
 39 authority of a game breeder's license issued by the department
 40 of natural resources.

41 (N) Bison.

42 (O) Farm raised cervidae.



1 (P) Ratitae.

2 (Q) Camelidae.

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

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

9 SECTION 10. IC 15-20-2-4, AS AMENDED BY P.L.1-2009,
10 SECTION 114, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A county auditor shall
12 establish procedures in accordance with the requirements of sections
13 ~~3(a)~~ **3(b)** and 6 of this chapter by which a claimant may submit a claim
14 to the county auditor or a designee of the county auditor.

15 (b) A county auditor who:

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

18 (2) is satisfied that the claim meets the requirements of sections
19 ~~3(a)~~ **3(b)** and 6 of this chapter;

20 shall immediately issue a warrant or check to the claimant for the
21 verified amount of the claim. If a county option dog tax adopted under
22 IC 6-9-39 is not in effect in the county, a claim under this section may
23 be paid out of nonappropriated funds. A county auditor who is not
24 satisfied that a claim meets the requirements of sections ~~3(a)~~ **3(b)** and
25 6 of this chapter shall promptly notify the claimant.

26 (c) A person whose claim under section ~~3(a)~~ **3(b)** of this chapter is
27 denied by a county auditor may file an action in a court with
28 jurisdiction to determine whether the county auditor acted in
29 conformance with the requirements of this section and sections 3 and
30 6 of this chapter. If the court determines that the county auditor failed
31 to comply with the requirements of this section or sections 3 and 6 of
32 this chapter in evaluating the person's claim, the court may fashion an
33 appropriate remedy, including an order directed to the county auditor
34 to reconsider the person's claim.

35 SECTION 11. IC 15-20-2-5, AS ADDED BY P.L.2-2008,
36 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2014]: Sec. 5. A person requiring the treatment described in
38 section ~~3(a)(2)~~ **3(b)(2)** of this chapter may select the person's own
39 physician.

40 SECTION 12. IC 15-20-2-6, AS ADDED BY P.L.2-2008,
41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2014]: Sec. 6. (a) An owner desiring to make a claim under



1 section ~~3(a)(1)~~ **3(b)(1)** of this chapter must do the following:
 2 (1) Not more than seventy-two (72) hours after the time of the
 3 loss, notify one (1) of the following having jurisdiction in the
 4 location where the loss occurred:
 5 (A) A law enforcement officer.
 6 (B) An officer of a county or municipal animal control center,
 7 shelter, or similar impounding facility.
 8 (2) Not more than twenty (20) days after the time of the loss,
 9 report the loss to the county auditor as follows:
 10 (A) Under oath, the owner shall state:
 11 (i) the number, age, and value of the stock, fowl, or game;
 12 and
 13 (ii) the damages sustained, less compensation by insurance
 14 or otherwise.
 15 (B) In an affidavit, the owner must be joined by two (2)
 16 disinterested and reputable freeholders residing in the
 17 township in which the stock, fowl, or game were killed,
 18 maimed, or damaged. The affidavit must state that the
 19 freeholders are:
 20 (i) disinterested; and
 21 (ii) not related by blood or marriage to the claimant.
 22 (C) An appraisal of the stock, fowl, or game that were killed,
 23 maimed, or damaged may not exceed the actual cash value of
 24 the stock, fowl, or game. As it applies to ratitae, cash value
 25 may not exceed the slaughter value.
 26 (D) The owner shall provide verification of the loss by an
 27 officer described in subdivision (1).
 28 (E) Payment for a loss for property owned by a claimant on the
 29 last property tax assessment date may not be paid if the
 30 property was not reported by the owner for assessment
 31 purposes at that time.
 32 (b) In addition to the requirements of subsection (a), the claimant,
 33 if requested to do so by the county auditor or a person designated by
 34 the county auditor, must grant the right of subrogation to the county for
 35 the total amount paid on the claim to the claimant by the county on a
 36 form prescribed by the county auditor.
 37 SECTION 13. IC 15-20-2-7, AS ADDED BY P.L.2-2008,
 38 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 7. (a) An officer who receives notice under
 40 section 6(a)(1) of this chapter shall visit the scene of the loss, verify the
 41 loss in writing, and mark each killed, maimed, or damaged animal so
 42 that the animal can support only one (1) claim under this chapter.



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

5 SECTION 14. IC 15-17-7-7, AS ADDED BY P.L.2-2008,
 6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2014]: Sec. 7. (a) **This section does not apply to a licensed
 8 owner (as defined in IC 14-8-20.7-2) of a hunting preserve (as
 9 defined in IC 14-8-20.7-1).**

10 (b) Owners of cattle, goats, or cervids that are destroyed because
 11 they have:

12 (1) reacted positively to a tuberculin test administered by:

13 (A) the state veterinarian or the state veterinarian's agent; or

14 (B) an agent of the United States Department of Agriculture;

15 or

16 (2) been exposed to tubercular animals;

17 are entitled to be indemnified for the cattle, goats, or cervids under the
 18 rules of the board and the United States Department of Agriculture, as
 19 applicable.

20 ~~(b)~~ (c) Indemnification by the state may not exceed the per animal
 21 limit set in the rules of the board.

22 ~~(c)~~ (d) Joint federal-state indemnity, plus salvage, may not exceed
 23 the appraised value of each animal.

24 ~~(d)~~ (e) State indemnity may not exceed federal indemnity on each
 25 animal.

26 SECTION 15. IC 15-17-10-6, AS ADDED BY P.L.2-2008,
 27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2014]: Sec. 6. (a) Except as provided in ~~subsection~~
 29 **subsections (b) and (e)**, the owner of any animal or object condemned
 30 by the board shall be indemnified as provided in this article and
 31 regulations governing the payment of indemnity by the state or by the
 32 state in cooperation with the federal government. The length of time
 33 that a condemned animal has been in Indiana may not be considered
 34 when determining the payment of indemnity. The board or the board's
 35 agent shall determine indemnity amounts based on appraisals or other
 36 determinations of value made according to:

37 (1) rules and policies adopted by the board; or

38 (2) laws and policies of the federal government;

39 that govern indemnity payments.

40 (b) The board is not required to indemnify objects that are
 41 adulterated, misbranded, or condemned under IC 15-17-5, IC 15-18-1,
 42 or IC 16-42.



- 1 (c) The board may pay the cost of transporting, testing, treating,
- 2 euthanizing, destroying, and disposing of infected, exposed, or suspect
- 3 animals and objects.
- 4 (d) The board may pay the cost of cleaning and disinfecting for
- 5 purposes allowed under this article.
- 6 **(e) The board is not required to indemnify a licensed owner (as**
- 7 **defined in IC 14-8-20.7-1) of a hunting preserve (as defined in**
- 8 **IC 14-8-20.7-1).**



Report of the President
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 404, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Agriculture and Natural Resources.

LONG

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 404, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 15, delete "the".

Page 3, line 16, delete "following".

Page 3, line 16, delete "animals:" and insert "**cervidae.**".

Page 3, delete lines 17 through 19.

Page 3, line 27, delete "two hundred fifty dollars (\$250)." and insert "**five thousand dollars (\$5,000).**".

Page 3, line 31, delete "two hundred fifty dollars (\$250)." and insert "**one thousand five hundred dollars (\$1,500).**".

Page 3, line 37, delete "applicable Indiana board of animal health" and insert "**all rules of the Indiana state board of animal health concerning cervidae, including rules concerning chronic wasting disease (CWD).**".

Page 3, delete lines 38 through 40.

Page 3, line 42, delete "cover" and insert "**at least fifty percent (50%) escape cover**".

Page 4, delete lines 3 through 8, begin a new line block indented and insert:

"(1) A hunting preserve must contain at least one hundred sixty (160) contiguous acres. However, a licensed owner who operated a hunting preserve continuously from January 1, 2009, through January 1, 2014, may operate a hunting preserve on the acreage that the hunting preserve had in place on July 1, 2013.

(2)The hunting preserve must be enclosed by:



- (A) a perimeter fence that is at least eight (8) feet in height and a secondary fence within the perimeter fence that is at least eight (8) feet in height; or**
- (B) a perimeter fence that is at least ten (10) feet in height."**

Page 4, line 9, after "the" insert "**hunting**".

Page 4, line 11, after "The" insert "**hunting**".

Page 4, between lines 14 and 15, begin a new line block indented and insert:

"(6) Hunting on the hunting preserve must be prohibited within one hundred fifty (150) yards of an artificial feeding site.

(7) The total number of hunters on the hunting preserve at any time may not exceed a ratio of one (1) per twenty (20) acres.

(8) Any hunting stand in the hunting preserve must be facing the inside of the hunting preserve and be located at least seventy-five (75) yards from the boundary fence of the hunting preserve.

(9) Hunters in the hunting preserve must comply with all hunting safety requirements, including the wearing of hunter orange as required by IC 14-22-38-7.

(10) A permitted animal may not be hunted in the hunting preserve until at least twenty-four (24) hours after the permitted animal is released in the hunting preserve.

(11) The hunting preserve must remove any tree that has a four (4) inch or greater diameter that is within fifty (50) feet of the perimeter fence.

(12) Permitted animals may not be introduced to any drug or chemical that impedes the animal's mobility before or during a hunt on the hunting preserve.

(13) Before a permitted animal is released in a hunting preserve, the antlers must be scarred in a manner that will make the animal ineligible to be entered into an antler records program."

Page 4, line 31, delete "preserve." and insert "**preserve, unless the licensed owner has obtained the proper permit or license from the department to release the animal.**".

Page 4, line 37, delete "fifty dollars (\$50)" and insert "**one hundred fifty dollars (\$150)**".

Page 4, line 37, delete "twenty-" and insert "**fifty dollars (\$50)**".

Page 4, line 38, delete "five dollars (\$25)".



Page 5, line 32, delete "August 15 through April 15." and insert **"September 1 through March 1."**

Page 5, delete lines 37 through 39, begin a new paragraph and insert:

"Sec. 13. (a) Deer may be hunted in the hunting preserve only with weapons and ammunition that are allowed to be used to hunt deer during the statewide deer hunting season.

(b) Species of cervidae, other than deer, may be hunted in the hunting preserve using any of the following:

- (1) The weapons and ammunition allowed in subsection (a).**
- (2) A rifle that meets the following specifications:**
 - (A) Uses ammunition that has a diameter of not less than 0.284 calibers and not more than 0.458 calibers.**
 - (B) Has a case length of not less than 1.8 inches and not more than 2.85 inches."**

Page 5, between lines 41 and 42, begin a new paragraph and insert:

"Sec. 14. (a) The department shall inspect each hunting preserve at least one (1) time per year.

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

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

Sec. 15. (a) Except as provided in subsections (b) and (c), a hunting preserve for which a license has been issued under this chapter may not be sold or transferred to another person.

(b) A hunting preserve owner that:

- (1) holds a license issued under this chapter; and**
- (2) is a partnership, limited liability company, or corporation; may sell or transfer any or all interest in the game preserve to a person who was listed as a partner, member, or stockholder in the hunting preserve when the initial hunting preserve license was granted to the owner under this chapter.**

(c) The owner of a hunting preserve licensed under this chapter may sell or transfer, including through inheritance, the owner's interest in the hunting preserve to the owner's spouse or child.

(d) Any sale or transfer of a hunting preserve licensed under this chapter shall be reported, in writing, by the new owner to the department not more than ten (10) business days after the sale or transfer is complete.

Sec. 16. (a) A person who holds a valid license issued under this



chapter may operate a hunting preserve.

(b) If a person's hunting preserve license is revoked under this chapter:

- (1) the person may not operate a hunting preserve under this chapter; and
- (2) a hunting preserve may no longer be operated on real property owned by the person.

Sec. 17. Each hunting preserve must be operated under a separate license issued under this chapter.

Sec. 18. A person shall not:

- (1) knowingly or intentionally provide the department, the commission, or the Indiana state board of animal health with false information; or
- (2) resist, impede, or hinder the department, the commission, or the Indiana state board of animal health in discharging duties;

under this chapter.

Sec. 19. (a) A license issued under this chapter for the operation of a hunting preserve:

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

(b) A person may not own or have an ownership interest in more than one (1) hunting preserve in Indiana.

(c) The spouse or child of a hunting preserve owner may have an ownership interest in the owner's hunting preserve. However, a spouse or child of a hunting preserve owner may not have an ownership interest in any other hunting preserve in Indiana.

Sec. 20. (a) Except as provided in subsection (b), a person who violates this chapter commits a Class A infraction.

(b) A person who knowing or intentionally violates this chapter commits a Level 6 felony.

(c) A licensed owner's hunting preserve license is automatically revoked upon a licensed owner's conviction under subsection (b)."

Page 6, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 9. IC 14-22-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. Upon receipt of a license, the licensee shall post the licensed area at intervals of not more than five hundred (500) feet with signs to be prescribed by rule. ~~The boundaries of the shooting preserve shall be clearly defined by fences of at least one (1) strand of wire.~~"

Renumber all SECTIONS consecutively.



and when so amended that said bill do pass.

(Reference is to SB 404 as introduced.)

YODER, Chairperson

Committee Vote: Yeas 6, Nays 1.

SENATE MOTION

Madam President: I move that Senate Bill 404 be amended to read as follows:

Page 1, line 3, strike "For purposes of IC 14-22-20.5".

Page 1, line 4, delete "and IC 14-22-20.7," and insert ""**Cervidae**" has the following meaning:

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

(2) For purposes of IC 14-22-20.7, the term means privately owned white tail deer and elk."

Page 1, delete lines 5 through 11.

Page 3, line 9, delete "and Game Bird".

Page 3, delete lines 19 through 24, begin a new line block indented and insert:

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

(2) pays a fee of five thousand dollars (\$5,000); and

(3) if applicable, operated at any time, a hunting preserve during the period beginning January 1, 2005, and ending December 31, 2013."

Page 3, line 39, delete "fifty percent (50%)" and insert "**forty percent (40%)**".

Page 4, delete lines 24 through 27.

Page 4, line 28, delete "(9)" and insert "**(8)**".

Page 4, line 31, delete "(10)" and insert "**(9)**".

Page 4, line 34, delete "(11)" and insert "**(10)**".

Page 4, line 34, delete "must remove any tree that has a" and insert "**must either:**

(A) remove any tree that has a four (4) inch or greater diameter that is within fifty (50) feet inside of the perimeter fence; or

(B) perform a daily inspection of the perimeter fence of the hunting preserve to discard any potential hazards to the perimeter fence; and



(C) maintain a fence alarm."

Page 4, delete lines 35 through 36.

Page 4, line 37, delete "(12)" and insert "**(11)**".

Page 4, line 40, delete "(13)" and insert "**(12)**".

Page 5, line 35, delete "The owner of a hunting preserve shall provide each hunter".

Page 5, delete line 36.

Page 5, line 37, delete "hunting preserve."

Page 6, line 26, delete "Deer may be hunted in the hunting preserve only" and insert "**White tail deer and elk may be hunted in a hunting preserve using a rifle that meets the following specifications:**

(1) Uses ammunition that has a diameter of not less than 0.243 calibers and not more than 0.458 calibers.

(2) Has a case length of not less than 1.8 inches and not more than 2.85 inches."

Page 6, delete lines 27 through 36.

Page 7, between lines 21 and 22, begin a new paragraph and insert:

"(e) The owner of a hunting preserve licensed under this chapter must own the real property where the hunting preserve is located."

Page 8, line 27, delete "and game birds".

Page 11, after line 12, begin a new paragraph and insert:

"SECTION 15. IC 15-17-7-7, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) **This section does not apply to a licensed owner (as defined in IC 14-8-20.7-2) of a hunting preserve (as defined in IC 14-8-20.7-1).**

(b) Owners of cattle, goats, or cervids that are destroyed because they have:

(1) reacted positively to a tuberculin test administered by:

(A) the state veterinarian or the state veterinarian's agent; or

(B) an agent of the United States Department of Agriculture;

or

(2) been exposed to tubercular animals;

are entitled to be indemnified for the cattle, goats, or cervids under the rules of the board and the United States Department of Agriculture, as applicable.

~~(b)~~ **(c)** Indemnification by the state may not exceed the per animal limit set in the rules of the board.

~~(c)~~ **(d)** Joint federal-state indemnity, plus salvage, may not exceed the appraised value of each animal.

~~(d)~~ **(e)** State indemnity may not exceed federal indemnity on each animal.



SECTION 16. IC 15-17-10-6, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. (a) Except as provided in ~~subsection~~ **subsections (b) and (e)**, the owner of any animal or object condemned by the board shall be indemnified as provided in this article and regulations governing the payment of indemnity by the state or by the state in cooperation with the federal government. The length of time that a condemned animal has been in Indiana may not be considered when determining the payment of indemnity. The board or the board's agent shall determine indemnity amounts based on appraisals or other determinations of value made according to:

- (1) rules and policies adopted by the board; or
- (2) laws and policies of the federal government;

that govern indemnity payments.

(b) The board is not required to indemnify objects that are adulterated, misbranded, or condemned under IC 15-17-5, IC 15-18-1, or IC 16-42.

(c) The board may pay the cost of transporting, testing, treating, euthanizing, destroying, and disposing of infected, exposed, or suspect animals and objects.

(d) The board may pay the cost of cleaning and disinfecting for purposes allowed under this article.

(e) The board is not required to indemnify a licensed owner (as defined in IC 14-8-20.7-1) of a hunting preserve (as defined in IC 14-8-20.7-1)."

Re-number all SECTIONS consecutively.

(Reference is to SB 404 as printed January 29, 2014.)

YODER

